

REPORT TO LICENSING SUB-COMMITTEE - LICENSING ACT 2003 VARIATION APPLICATION - CAMP WILDFIRE, THE PINETUM, ST CLERE, KEMSING TN15 6NL

Licensing Sub Committee - 4 May 2021

Report of: Chief Officer Planning & Regulatory Services

Status: For Decision

Key Decision: No

Portfolio Holder: Cllr. McArthur

Contact Officer: Susan Lindsey Ext. 7491

Recommendation to Licensing Sub-Committee:

The Sub Committee is asked to determine the variation application in accordance with the Licensing Act 2003 (as amended), Sevenoaks District Council Statement of Licensing Policy, and the Home Office Guidance issued per Section 182 of the Licensing Act 2003, whilst having due regard to the applicant's submissions and relevant representations.

Reason for recommendation:

A variation application has been received for a Premises Licence pursuant to Section 34 Licensing Act 2003. Three representations against the application have been made by local residents, and one representation by Environmental Health.

Introduction and Background

- 1 An application has been made to Sevenoaks District Council to vary a Premises Licence for Camp Wildfire, The Pinetum, St Clere, Kemsing TN15 6NL. The applicant is 'Adventure Camp Limited'.
- 2 The Premises is already licensed under the Licensing Act 2003 and a copy of the current Premises Licence issued in 2020 (ref 20/01376/LAPRE) with associated plans is at **Appendix 1**, and **Appendix 2**
- 3 A further, more detailed, site plan of the area surrounding the licensed premises is at **Appendix 3** for the attention of the Sub Committee
- 4 The nature of the proposed variation which is the subject of the application is to:
 - a) increase the number of permitted annual events from one to four
 - b) increase the capacity of each event from 2500 to 3000

- 5 A copy of the variation application, and the proposed Operating Schedule are at **Appendix 4** and **Appendix 5** (Note: the parts of the proposed Operating Schedule which are amended due to this variation application have been highlighted in Appendix 5)
- 6 Since the issue of Premises Licence 20/01376/LAPRE in July 2020, no event has taken place : with last year's event having to be cancelled due to the covid pandemic restrictions.
- 7 Prior to 2020 and the issue of Premises Licence 20/01376/LAPRE - the applicant held similar smaller events each year under the authorisation of Temporary Event Notifications and a time limited Premises Licence:
 - 19-21 June 2015 at The Pinetum, St Cleres (TEN)
 - 17-20 June 2016 at The Pinetum, St Cleres (TEN)
 - 16-19 June 2017 at The Pinetum, St Cleres (TEN)
 - 31 Aug-3 Sept 2018 at Heritage Pine Forest, Sevenoaks (TEN)
 - 30 Aug-2 Sept 2019 at The Pine Forest, St Cleres (time limited Premises Licence for 1500 audience members and 500 staff and entertainers)
- 8 The applicant was required to advertise the variation application at 50m intervals along the external perimeter of the licensed premises abutting a highway, and also in a local newspaper to inform the public of the application.
- 9 A consultation period took place between 12th March and 8th April 2021. Responsible Authorities (listed below at 2.2) were consulted as part of the process. The applicant conformed with all requirements in accordance with The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.

Representation received from Responsible Authorities:

- 10 The following Statutory Bodies (described as Responsible Authorities by the Licensing Act 2003) were consulted about this application
- 11

<ul style="list-style-type: none"> Kent Police Environmental Health Kent Fire Child Protection Trading Standards Health & Safety Planning Public Health Home Office Immigration 	<ul style="list-style-type: none"> Response received : no objection Objection received at Appendix 6 No comment made No comment made No comment made No comment made Response received : no objection No comment made No comment made
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- 12 As the event site falls directly adjacent to Tonbridge & Malling District boundary : they were also included in this consultation. A response was received that no objection will be made against this variation application.

Representations received from others

- 13 Representations objecting to this application have been received from local residents Barbara Richmond, Judy Maitland and Mark Martin. The relevant grounds of objection in the representations relate to noise, traffic and security which are relevant to the licensing objectives of the prevention of public nuisance, public safety, and the prevention of crime and disorder. Copies of the representations are at **Appendix 7, Appendix 8, and Appendix 9**

Mediation

- 14 On the basis of the representations received, it is considered unlikely that this application will be successfully mediated before the Sub Committee Hearing.

Licensing Sub Committee Considerations

- 15 In determining the application with a view to promoting the licensing objectives, the Sub Committee must give appropriate weight to:

The steps that are appropriate to promote the licensing objectives
The representations presented by all parties
The Home Office Guidance issued under section 182 Licensing Act 2003
The Sevenoaks District Council Statement of Licensing Policy
Any other relevant legislation

- 16 The Licensing Act 2003 requires representations to address the four Licensing Objectives:

Prevention of crime and disorder
Public safety
Prevention of public nuisance
Protection of children from harm

A representation is a 'relevant representation' if it is about the likely effect of the grant of the licence on the promotion of the licensing objectives. The objector must establish that such a consequence is a *likely* effect of the grant (ie. more probable than not).

- 17 Sevenoaks District Council has produced a Statement of Licensing Policy in order to comply with its duties and powers under the Licensing Act 2003. A link to this Policy is in the Background Papers section at the end of this report.

18 The aims of the Policy are:

To minimise nuisance and disturbance to the public through the licensing process

To help build a fair and prosperous society that properly balances the rights of people and their communities

To integrate its aims and objectives with other initiatives, policies plus strategies that will reduce crime and disorder, encourage tourism, encourage an early evening and night time economy which is viable, sustainable and socially responsible, reduce alcohol misuse, encourage employment, encourage the self-sufficiency of local communities, reduce the burden of unnecessary regulation on business, and encourage and promote, live music, dancing and theatre for the wider cultural benefit of communities generally.

19 The Licensing Sub Committee should be mindful of requirements and responsibilities placed on them by other legislation, in addition to those contained within the Licensing Act 2003. These include, but are not limited to, having due regard to the Equality Act 2010 and the Human rights Act 1998.

20 The Sub Committee is asked to note the procedures relating to this hearing which are contained within The Licensing Act 2003 (Hearing Regulations) 2005 (as amended). A link to these Regulations are in the Background Papers section at the end of this report.

Options

21 When considering this variation for a premises licence, the following options are available to the Sub Committee:

- Grant the variation in the same terms as it was applied for
- Grant the variation, but modify the conditions as appropriate for the promotion of the licensing objectives.
- Grant the variation, but modify the hours of licensable activity as appropriate for the promotion of the licensing objectives.
- Reject the variation application.

Right of Appeal

22 Under Section 181 and Schedule 5 of the Licensing Act 2003, there is a right of appeal to the Magistrates Court in respect of variation applications to Premises Licences. This right of appeal is open to both the applicant and to any person who has made relevant representation. The appeal application must be made within 21 days of the written notification of the Sub Committee's decision.

Key Implications

Financial

A decision made by the Sub Committee may be appealed by any party to the proceedings of a Magistrates Court. Costs associated with this matter and incurred by any party, may in certain circumstances be awarded against the Council

Legal Implications and Risk Assessment Statement.

This Hearing is regulated by the Licensing Act 2003 (Hearings) Regulations 2005.

The decision is to be made with regard to the Licensing Act 2003, Secretary of State's Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy. Where decision departs from the Police or Guidance, the departure must be directed solely at the attainment of the licensing objectives, and such departure must be supported by clear and cogent reasons.

Equality Assessment (Compulsory heading - do not delete)

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users

Appendices

Appendix 1 - Current Premises Licence (20/01376/LAPRE)

Appendix 2 - Plans associated with current Premises Licence

Appendix 3 - More detailed site plan

Appendix 4 - Variation Application

Appendix 5 - Operating Schedule associated with variation application

Appendix 6 - Representation : Environmental Health

Appendix 7 - Representation : Richmond

Appendix 8 - Representation : Maitland

Appendix 9 - Representation : Martin

Background Papers

[Licensing Act 2003](#)

[Revised Guidance issued under Section 182 Licensing Act 2003](#)

[Sevenoaks District Council Statement of Licensing Policy](#)

[The Licensing Act 2003 \(Hearings\) Regulation 2005](#)

Richard Morris
Chief Officer Planning & Regulatory Services