

## LICENSING HEARING

Minutes of the meeting of the Licensing Hearing  
held on 22 August 2012 commencing at 2.00 pm

Present: Cllrs. Pett, Raikes and Walshe

Also present    Mr A. Campbell    -    Applicant  
                  Mr C. Laver        -    Applicant's Representative  
                  Mr M. Tobin        -    Applicant's Representative  
                  PC M. Beresford    -    Objector, Kent Police  
                  Mrs A. Dawson     -    Objector, Environmental Health  
                  Mr L. Roberts      -    Legal Services Manager  
                  Mrs P. Gibbs       -    Democratic Services Manager

### 1. APPOINTMENT OF CHAIRMAN

Resolved: that Councillor Pett be appointed Chairman.

### 2. DECLARATIONS OF INTEREST.

There were no declarations of interest.

### 3. EDEN PARK, DEN CROSS, ROMAN ROAD, MARSH GREEN, KENT.

Prior to the start of the Hearing, the Chairman asked all parties to confirm that they had received the additional paperwork that had been submitted to the Council.

The Hearing gave consideration to a report by the Community and Planning Services Director giving details of an application under SECTION 105 (2) of the Licensing Act 2003 for a Temporary Event Notice (TEN) for Eden Park, Den Cross, Roman Road, Marsh Green, Kent. TN8 5PW. It was noted that objections had been received and that accordingly the application had been referred to the Sub-Committee for determination.

The Hearing heard from the Applicants who provided the background to the proposed event. It was intended to be a small scale music event with a line up of classic tribute bands and some local bands in order to raise funds for local charities. The organisers were prepared to ensure that no live music would be played after 11 p.m. Promotion of the event had mostly been through word-of-mouth, although a website had been set up for ticket sales and a newspaper article had been published. All attendees at the event were known to Members of the Organising Committee. Entry to the event would be controlled by pre-issued wrist bands and the two points of entry to the Park would be manned throughout the event. The event had a strict anti-drugs policy and there would be no under-aged sales of alcohol as wrist bands would identify under 18s.

The Applicants reported that they had experienced some difficulties with the Licensing process. They had initially applied for a premises license in April 2012 however, for some reason the electronic application had not been received by the licensing team. A second application had been submitted however the same problems were experienced. Following these problems it had become apparent that the only way to go ahead with the event was to obtain a temporary event notice (TEN).

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In response to questions from the Sub-committee, the Applicant reported that Bar Staff would be fully trained to identify under-aged drinkers and if necessary ID would be requested. The organisers were reliant on parents being honest about the age of their children, however as families were known to the organisers under age drinkers could be identified. The anti-drugs policy would be enforced through the Marshalls briefing and overt drug users would be escorted off the premises. The security staff were a mixture of adults and teenagers and were volunteers who had worked with members of the organising committee at previous events. The car parking area (including the over flow area) outlined on the map provided could accommodate up to 150 cars.

The Hearing then heard from PC Beresford who explained that the Police had concerns surrounding breaches of the licensing objectives. A TEN was not an appropriate way to deal with this type of festival and the short timescales meant that the plans could not be fully scrutinised. In addition some local residents had expressed concerns about the scale of the event. There were also concerns about the level of experience of the organisers. An article of the "This is Kent" website advertised where to buy tickets and a website also advertised ticket sales. The Police asserted that the article that had appeared on the front page of the "Kent and Sussex Courier" could attract applications for tickets from people who were not known to the organisers. It was also not known how effective the organisers would be in dealing with any issues that may arise during the event.

The Hearing also heard from an Environmental Health representative who outlined concerns surrounding noise nuisance caused by the proposed event. It was unclear how the noise measurements taken by the Applicant were recorded meaning it was impossible to comment on accuracy. Whilst Environmental Health were pleased that the Applicant had taken on board comments made in respects of live bands playing after 11pm, a number of concerns remained and as a result of this Officers had no choice but to maintain the objection.

At 15:20 the Hearing Members withdrew to consider the issues raised. (The Council's Legal Advisor and the Democratic Services Officer retired with the Members)

At 15:22 Councillor Roger Walshe left the meeting.

At 15.45 the remaining Hearing Members returned to the Council Chamber (with the Council's Legal Advisor and the Democratic Services Officer).

Following detailed consideration of all the representations it was

Resolved: That a counter notice be issued under Section 105 (2) of the Licensing Act 2003 because the Sub-Committee felt that there was insufficient evidence that the relevant licensing objectives ( the prevention of crime and disorder, the promotion of public safety and the prevention of public nuisance) had been met.

THE MEETING WAS CONCLUDED AT 3.50 pm

Chairman