

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Monday, 14th March, 2011

Present: Cllr A W Allison (Chairman), Cllr J R H Clements and Cllr Mrs F A Kemp.

An apology for absence was received from Cllr Mrs E M Holland.

PART 1 - PUBLIC

**LA
11/025** **DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**DECISIONS TAKEN UNDER DELEGATED POWERS IN
ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE
CONSTITUTION**

**LA
11/026** **APPLICATION FOR A NEW PREMISES LICENCE - MUSIC ON THE
HILL, KINGS HILL, WEST MALLING**

The Panel gave consideration to an application for a premises licence made by Mr C Thacker of Location 3 Properties Limited for a three day music event on 24 to 26 June 2011 to be held on land adjacent to Tower View, Kings Hill.

Notice of the application had been displayed at the site and in a local newspaper and the Panel was advised that representations had been received from a local resident (detailed in Annex 3 to the report) and from Environmental Health and Housing Services, Planning Services and Kent Police (as Responsible Authorities).

The Panel heard from the Estates Manager, representing the Licensing Authority, Ms J Heeley, Chief Environmental Health Officer and Ms E Shaw on behalf of Kent Police.

The Panel heard from the applicant, Mr C Thacker who was supported by Mr R Moon of Location 3 Properties, Ms L Burton of Music on the Hill and Ms S Marsh of Demelza House.

Having considered very carefully the application and the representations made by the applicant, a local resident and the responsible authorities in accordance with the objectives contained in the Licensing Act 2003 and taken into account the issues set out in the report and the objectives contained in the Licensing Policy of Tonbridge and Malling Borough Council, the Licensing and Appeals Committee, sitting as a Panel

RESOLVED: That the Premises Licence, as applied for, be granted subject to:-

(1) the mandatory conditions set out in the Licensing Act 2003;

(2) the following conditions

1. Traffic Management plan to include, but not be limited to:

- Traffic access and egress to Kings Hill site and the venue
- Shuttle services/park & ride
- Signage schedule
- Parking facilities
- Bad weather contingency

Final version of Traffic Management plan to be submitted to Kent Police, Kent Highways and Tonbridge & Malling Licensing Team no later than 4 April 2011.

2. Final version of the Emergency Plan, including contingency and incident plan, to be submitted to Kent Police and Tonbridge & Malling Licensing Team no later than 4 April 2011.

3. Security and Stewarding plan to be submitted to Kent Police and Tonbridge & Malling Licensing Team. Plan to include details of:

- Number of security personnel including SIA, non-SIA and volunteers
- Searching ratio and protocols for dealing with anything found/confiscated
- Details of identification of security personnel i.e clothing etc.

4. All Security staff and volunteers will receive a written statement of their duties.

5. Up to date details of ticket sales to be provided at every Safety Advisory Group meeting and within twenty-four hours upon request of Kent Police or Tonbridge & Malling Licensing Team.

6. No liquid refreshments, alcohol or otherwise, to be sold/provided in glass receptacles within the entertainment venue on Saturday 25 and Sunday 26 June 2011.

7. Challenge 21 to be in operation at all alcohol outlets on site with sufficient signage to enable all customers to be aware.

8. Refusals register to be maintained at all alcohol outlets and completed when challenges have been made.

9. Method of counting numbers on site during the times when the venue is open to the public to be agreed in advance with Kent Police and once agreed the method will be adopted for the duration of the premises licence. Confirmation of audience numbers to be supplied to

both Kent Police and TMBC Licensing Section by an agreed date.

10. No alcohol permitted to be brought onto the site during the times when the venue is open to the public on Saturday 25 and Sunday 26 June 2011.

11. Final version of the Event Plan to be submitted to TMBC Licensing Services by an agreed date (4 April 2011); for the avoidance of doubt the Event Plan to include information on, but not limited to:

- Capacity
- Unauthorised entry to the site
- Footpaths crossing the site.

12. The organisers are requested to supply TMBC Licensing Services with 6 copies of a scaled site plan by 4 April 2011.

13. Final Versions of the risk assessments to include but not limited to:

- Fire
- Fire risk assessments for marquees/dressing rooms
- Pyrotechnics

To be submitted to TMBC Licensing Services by an agreed date (4 April 2011).

14. Details of the competent health and safety adviser for the event plus details of their qualification and experience to be provided to TMBC Licensing Services by an agreed date (4 April 2011).

15. Clarification of the number of officials (including volunteers) planned to be present on the site, their age, and experience and training to be provided to TMBC Licensing Services by an agreed date (4 April 2011).

16. An emergency evacuation/ incident plan to be provided to TMBC Licensing Services and Kent Police by an agreed date (4 April 2011).

17. Details to be provided to TMBC Licensing Services by an agreed date (4 April 2011) of the facilities to be provided on site. This should include but not limited to:

- First Aid provision
- Toilet Provision (and arrangements for cleanliness, maintenance and hygiene of these facilities).

18. A Lighting plan including car parking areas to be supplied to TMBC Licensing Services by an agreed date (4 April 2011).

19. Catering. Caterers will need to provide the following information to TMBC Licensing Services by an agreed date.

- Confirmation that they are food registered
- Copy of vendor's food/hygiene and health and safety reports

- Copy of latest electrical inspection
- Copy of gas safety certificate.

20. A programme for the event shall be provided to the Chief Environmental Health Officer at least 4 weeks prior to the event and any changes notified in writing within 24 hours.

21. Construction for and breakdown of the event shall be permitted between the hours of 08:00 to 18:00 hours, on days not within the licence of 24 to 26 June 2011.

22. No additional vehicles will be allowed on site for the collection of site materials after 23:00 on 24 & 25 June 2011 and after 22:00 hours on 26 June.

23. Breakdown of the event on Sunday 26 June shall finish at 22:00 hours.

24. System checks on the sound system installed shall take place between 13:00 hours and 17:00 hours on Thursday 23 June and during licensable hours on Friday 24 June, Saturday 25 June and Sunday 26 June. The Chief Environmental Health Officer shall be given at least 48 hours prior notification of the tests.

25. In conjunction with the SMP guest engineers will be provided with sound guidelines for the event and their compliance with these guidelines will be enforced by the events production manager, who will ultimately determine the level of noise to ensure compliance with the SMP.

26. Up to 23:00 hours music noise levels (LAeq,15min) shall not exceed 65dB(A) over any 15 minute period, when measured 1m from the facade of any representative noise sensitive properties.

27. Noise generated from the site between the hours of 23:00 hours and 10:00 hours shall be no more than barely audible outside the nearest noise sensitive properties, in the opinion of a competent local authority officer.

28. A written report detailing the monitoring undertaken during the event shall be submitted to the Chief Environmental Health Officer within 21 days of event ending. This will include details of all complaints recorded during the event.

29. A noise management plan will be drawn up and agreed with Tonbridge Malling Borough Council at least 4 weeks prior to the event. The plan shall identify how noise arising from the event will be effectively controlled so as to minimise the risk of causing public nuisance. The plan shall include provision for the notification of a

contact telephone number for local residents during the set up and break down, as well as the event itself. The plan shall demonstrate consideration to local residents and include build up and break down phases of the events. This plan will show how the following criteria will be met:

- Arrangements to ensure that up to 23:00hrs, music noise levels (LAeq,15min) shall not exceed 65dB(A) over any 15 minute period , when measured 1m from the facade of any representative noise sensitive properties;
- An assessment to demonstrate that low frequency noise, during the event, shall not result in a public nuisance in the opinion of a competent local authority officer. If the acts scheduled to perform at the event change, the Chief Environmental Health Officer may require a new low frequency assessment to be completed;
- Arrangements to ensure that post 23:00 hours noise, including music, from the event shall be no more than barely audible outside noise sensitive properties;
- Arrangements to ensure that post 23:00 hours generators will not cause a public nuisance at any noise sensitive properties;
- Arrangements for sound propagation tests;
- The arrangements by which the noise consultant will continuously monitor noise levels at the sound mixer position and advise the sound engineer of any adjustments required to comply with the specified noise limits;
- The arrangements by which the noise consultant will undertake monitoring of noise levels in the vicinity of the site at all times while the event is in progress;
- The arrangements for responding to any exceedence of the music noise levels during the event and responding to and recording details of complaints.

(3) all plans referred to in the agreed conditions will be subject to the requirement that the applicant shall comply with the requirements thereof.

MATTERS FOR CONSIDERATION IN PRIVATE

**LA
11/027** **EXCLUSION OF PRESS AND PUBLIC**

There were no matters considered in private.

The meeting ended at 1924 hours
having commenced at 1830 hours