

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 17th May, 2013

Present: Cllr C Brown (Chairman), Cllr Mrs F A Kemp and Cllr D J Trice.

Together with representatives of the Licensing Authority and Environmental Health Services and Mr J Ratchford, Mr K Morgan, Mr R Grant and Mr B McGregor on behalf of Kent Entertainment Limited. Councillor H Rogers, Ms A Blackmore (Maidstone Borough Council) and Mr D Knowles represented the views of local residents. Councillor Mrs E Holland and Ms C Newman (Interested parties) were also present.

PART 1 - PUBLIC

**LA
13/033** **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
13/034** **APPLICATION FOR A NEW PREMISES LICENCE FOR
THE HOP FARM COUNTRY PARK - "CORE", BELTRING,
PADDOCK WOOD, TONBRIDGE**

The Panel gave consideration to an application for a Premises Licence made by Kent Entertainment Limited under Section 17 of the Licensing Act 2003 in respect of the 'Core' area at the Hop Farm Country Park.

The application sought to licence the performance of plays; exhibition of films; Indoor sporting events; boxing or wrestling; performance of live music; playing of recorded music; performance of dance; anything of a similar description to that falling within live music, recorded music or performance of dance; provision of late night refreshment and supply of alcohol. Attention was drawn to the specific application regarding New Year's Eve that, in respect of each of the above, a variation of hours from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day had been applied for. A copy of the existing Premises Licence was set out at Annex 5 and it was noted that, should the new application be approved, the current licence would be surrendered.

Details of the representations received from interested parties and the Responsible Authority (Environmental Protection) during the statutory

consultation period were set out in Annex 2 to the report. The Panel noted that no objections or comments had been made by Kent Police.

Mr J Ratchford of Licensing Consultancy Ltd presented the case on behalf of the applicant and advised that it related primarily to indoor areas. Mr Ratchford confirmed to the Panel that the applicant was agreeable to Sections E (Live Music) and F (Recorded Music) being amended so as to restrict these activities to indoors only.

The Panel had regard to the policy considerations set out at paragraph 1.5 of the report of the Director of Central Services and Monitoring Officer and heard from Mr A Stanfield, on behalf of Environmental Health Services for Tonbridge and Malling Borough Council, who drew attention to the significant discussions between all parties to alleviate concerns of residents related to noise disturbance.

Local residents expressed concern about noise disturbance arising from live and recorded music and from the use of the PA System. The applicant and responsible authorities were confident that the noise concerns would be addressed by the proposed conditions and the incorporation of the 'Core' area into the Noise Management Plan.

The Panel, after giving full and careful consideration to the representations made by all parties, was satisfied that the concerns raised would be addressed through the proposed Noise Management Plan and conditions. The Panel was encouraged by the applicant's comment that it intended to be a better neighbour to local residents by minimising noise and disturbance. The Panel emphasised the importance of the applicant working with its noise consultant and the Environmental Health Services to robustly address the nuisance caused by PA systems.

The Panel acknowledged the applicant's acceptance of previous failures in its operation of the site and trusted that the list of conditions would be abided by. The applicant was reminded that should any further failures occur the licence could be reviewed at any time in the future.

RESOLVED: That the Premises Licence in respect of the 'Core' area be granted in accordance with the licensable activities and hours as set out in the application subject to the following modifications and further conditions:-

Live Music and Recorded Music (Sections E & F of the application) shall be restricted to indoors only.

Security and People Management

1. The Premises Licence Holder shall ensure that all Security Staff and stewards receive a written statement of their duties.

2. Stewards will be easily distinguishable from members of the public and other SIA or police personnel and shall wear reflective clothing clearly marked "Steward" or other appropriate word signifying their duties.

3. For any events where Stewards are employed the Premises Licence Holder shall ensure that such Stewards are trained in their duties prior to allowing members of the public onto the premises to ensure they have a full understanding of the operational, safety and emergency procedures applicable to the event. All training records will be kept by a responsible person and be available for inspection upon reasonable notice being given.

Sales of Alcohol

4. A challenge 25 proof of age scheme will be operated at any bar or any alcohol outlet and will be adhered to by all staff. There will be sufficient signage to notify all members of the public of the operation of the scheme.

5. A written refusals book will be maintained at each bar or outlet where alcohol is provided or sold on the licence premises. This book will be bound and clearly marked. The following information will be recorded for every refusal:

- (1) The time of refusal;
- (2) The item refused;
- (3) Name or description of person refused the sale;
- (4) Reason for refusal;
- (5) Name of staff member making the refusal;

6. The supervisor on duty will sign or countersign all entries in the refusal book at the end of each shift

7. All refusal books will be made available for inspection to any police officer, local authority, licensing officer or Trading Standards Officer at any reasonable time.

8. No person under the age of 18 is permitted to sell alcohol.

Documentation to be submitted in advance of events

9. The Premises Licence Holder or their authorised representative shall supply to the Environmental Health Department details of food vendors to be present on the premises during any specified event. This shall consist of a list of the names of the food businesses, the name, address and telephone number of the food business operator and the name of the local authority with which the food business is registered.

Water

10. The Premises Licence Holder must demonstrate that all water provided in the Core Area is wholesome and sufficient in accordance with appropriate water byelaws and statutory quality standards. Water

Safety Plan (WSP), to be completed by a competent person, including details under the following sections as a minimum; Description of supply; clear and detailed schematic; Water supply protection procedure; Sterilisation and cleaning; Water connections and repairs; Sampling; Action to be taken if supply is unwholesome or insufficient; Emergency Water Supply; Records of key checks and maintenance of the system; Stock process for any chemicals used (COSHH regulations); Chlorine and temperature levels; Management of unauthorised connections on site; Method of securing adequate pressure for the supply at all outlets; Volumes of water to be supplied; Power and emergency power procedure; Details of properties supplied by the system; Security ; List of key people; Waste Water management; Quality assurance protocols.

Noise

11. The Hop Farm Country Park's noise management plan is to include the "Core" area activities.

MATTERS FOR CONSIDERATION IN PRIVATE

**LA
13/035**

EXCLUSION OF PRESS AND PUBLIC

No items were considered in private.

The meeting ended at 1416 hours
having commenced at 1330 hours