

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 17th May, 2013

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

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), Mrs C Currah, Mr J Currah and Mr D Knowles represented the views of local residents. Mr C Eckley, Mrs M Eckley, Ms K Hall, Councillor Mrs E Holland, Ms C Newman, Mr D Routley, Mrs M Routley and Mrs R Tanner (Interested parties) were also present.

PART 1 - PUBLIC

**LA
13/030** **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
13/031** **APPLICATION FOR A NEW PREMISES LICENCE FOR
THE HOP FARM COUNTRY PARK - "EVENTS", 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 'Events' area at the Hop Farm Country Park.

The application sought to licence the performance of plays Monday until Sunday 1200 hours until 2300 hours; exhibition of films Monday until Sunday 0700 hours until 0200 hours; Indoor sporting events Monday until Sunday 0700 hours until 0200 hours; boxing or wrestling Monday until Sunday 1200 hours until 0200 hours; performance of live music Monday until Sunday 0700 hours until 0200 hours; playing of recorded music Monday until Sunday 0700 hours until 0200 hours; performance of dance Monday until Sunday 0700 hours until 0200 hours; anything of a similar description to that falling within live music, recorded music or performance of dance Monday until Sunday 0700 hours until 0200 hours; provision of late night refreshment Monday until Sunday 2300 hours until 0500 hours and supply of alcohol Monday until Sunday 0700 hours until 0200 hours. 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, setting out the business context behind the application and indicating that a successful business could benefit the local community by attracting significant economic income and employment to the area.

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 and its cumulative effect. Particular attention was drawn to the limited number of days on which music events could be held and to the longer period between such events.

Local residents expressed concern on a variety of issues ranging from lack of communication with the local community, the adequacy of the complaints hotline operated by the applicant, noise disturbance arising from live and recorded music and from the use of the PA System, the ability of the local road and rail network to cope with increased demand arising from large events, the danger to pedestrians using the road network and the problem of anti-social behaviour by people who had attended events.

The applicant and responsible authorities were confident that the noise concerns would be addressed by the proposed conditions and particularly 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 had been addressed through the proposed large number of 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 during the 'set-up and breakdown' of events. 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 events and trusted that the extensive 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 'Events' area be granted in accordance with the licensable activities and hours as set out in the application, subject to the following conditions:-

1. The conditions will attach to all licensable activities carried on at the premises unless expressly stated otherwise.

2. The use of the premises for one or more licensable activities shall constitute an 'event' for the purposes of this licence. A 'music event' is defined as an event where one of the principal licensable activities is the provision of live or recorded music.

3. This premises licence cannot run in conjunction with any other premises licence issued for the premises (or any part thereof) and Premises Licence number 13/00267/PREM shall be surrendered by the Premises Licence Holder within 28 days of the grant of this premises licence.

4. The duration of an event shall not exceed 3 days in respect of any music event (these periods exclude any period for camping and set up or break down periods). Music events shall not exceed a cumulative total of

- (i) 7 days during the calendar year of 2013; and
- (ii) 10 days during each calendar year thereafter

There shall be a minimum period of 14 clear days between music events PROVIDED THAT the Premises Licence Holder is permitted to hold a maximum of 3 music events over a single period of 3 consecutive days within any 28 day period.

5. The Premises Licence Holder or their authorised representative shall attend Safety Advisory Group (SAG) meetings whenever an event to be held at the premises is on the agenda.

6. The Premises Licence Holder shall identify a competent event safety officer ("the Event Safety Officer") for all events and circulate their name to the Licensing Authority and Kent Police in order to provide a specific point of contact in relation to all matters pertaining to safety, before, during and after events. The Event Safety Officer must have the authorisation and an ability to act unhindered on any issues relating to safety.

7. Notice of Events

(a) The Premises Licence Holder shall submit to Kent Police, the Licensing Authority and Local Parish Councils a proposed calendar of events at the premises including any events outside the scope of the Licensing Act 2003. This calendar shall be submitted annually in

January detailing the events planned for the following 12 months. Any additions, amendments, or alterations to the calendar of events shall be notified to Kent Police, the Licensing Authority and Local Parish Councils (set out in Condition 52) in writing (by letter, e-mail or fax) as soon as practicable.

(b) For all events the period of notice to be given shall be three months prior to the proposed event unless the event is booked to take place less than 3 months ahead in which case such additions shall be notified under condition 7(a) above as soon as practicable.

Transport

8. No helicopter landings or take offs, other than any required in response to an emergency, shall take place at the premises for the duration of any event without consultation and written permission by e-mail, letter or fax from the Environmental Health Department of Tonbridge & Malling Borough Council ('The Environmental Health Department') and The Licensing Authority.

Security and People Management

9. The Premises Licence Holder shall ensure that a means of counting the public entering and leaving the premises through any of the entries or exits is in place. The nature of the systems of counting will be agreed with the Kent Police and the Licensing Authority. The Premises Licence Holder shall comply with the agreed system.

10. The Premises Licence Holder shall on request provide to Kent Police and/or the Licensing Authority figures for pre-event ticket allocation, such information to be supplied within 24 hours of any such request.

11. The Premises Licence Holder shall maintain and provide on request to Kent Police and the Licensing Authority a daily list of those personnel working on premises prior to premises opening to the public for the event.

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

13. The Premises Licence Holder shall at all times during the event maintain the minimum number of stewards as recommended in the events safety guide and as determined through the Event Management Plan or Specific Event Management Plan as appropriate.

14. 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.

15. For all events all Stewards will be 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.

16. For relevant events identified by Kent Police the Premises Licence Holder will provide suitable receptacles to dispose of glass, drugs, needles and weapons on entry to such an event and such provision must be made at all entrances to the event unless previously agreed with the police that this will not be necessary.

17. Searching as a condition of entry will be mandatory when directed by Police following consultation with the Premises Licence Holder based on audience profile and police intelligence prior to any event.

18. The Premises Licence Holder shall ensure authorised officers of Kent Police shall have free access to all parts of the licensed premises at all reasonable times for the purposes of supervision and enforcing the observance of the licensing objectives under the Licensing Act 2003.

19. The Premises Licence Holder shall maintain a register of all drugs found or seized within the premises and notify Kent Police of any such items as soon as practicable. Drugs will be kept within a secure storage facility and will only be removed on collection by a Police Officer.

20. The Premises Licence Holder will make arrangements for maintaining public rights of way on the premises or for closure or dealing with the manner in which the members of the public will be escorted through or around the premises, such arrangements to be confirmed or notified to the licensing authority.

Sales of Alcohol

21. The Premises Licence Holder shall prepare and submit to the Licensing Authority and Kent Police no later than 1 month after the grant of the licence an Alcohol Management Plan ('the Alcohol Management Plan'). This plan shall include:

(a) Details of staff training, recording of such training and arrangements to provide such records to Kent Police and Trading Standards.

(b) The manner in which the stewards will monitor the bars and the personal licence holder will enforce compliance with the Licensing Act 2003.

(c) Proposals to comply with the requirement that no person under the age of 16 will be admitted in any structure utilised for the sale of alcohol unless accompanied by an adult.

(d) Confiscation of alcohol in respect of anyone who appears to be under the age of 18.

(e) In respect of any open air field event or marquee used in conjunction with such an event the sale of liquid refreshments,

including alcohol, only being made in polycarbonate containers, plastic bottles, plastic or waxed paper cups except any form of liquid refreshment within the campsite for consumption in that area only by campsite users.

(f) A requirement that any glass receptacle found in the possession of any person at any open air event or marquee used in conjunction with such an event will be confiscated.

(g) For any event with more than 2 bars the Premises Licence Holder shall ensure that there is a personal licence holder for each bar in operation in addition to the designated premises supervisor. Each personal licence holder shall have responsibility for a designated area specified for the sale of alcohol and the plan will detail how they will manage alcohol sales and arrange storage in a safe and legal manner for the duration of the event.

(h) For any events deemed appropriate by the Kent Police or Trading Standards no persons under the age of sixteen to be allowed on to the premises unless accompanied by a person of the age of eighteen years or over.

22. The Premises Licence Holder shall at all times comply with the provisions of the Alcohol Management Plan (either as submitted to or modified by the Licensing Authority and Kent Police in consultation with the Premises Licence Holder).

23. 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.

24. 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.

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

26. 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.

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

Documentation to be submitted in advance of events

28. The Premises Licence Holder shall prepare and submit to the Licensing Authority Kent Police and Kent Highways no later than 2 months after the grant of the licence an Event Management Plan ('the Event Management Plan'). Save for those events where a Specific Event Management Plan is requested by the Licensing Authority and/or Kent Police in accordance with condition 29 (in which case the provisions of conditions 29 to 31 inclusive shall apply), the Premises Licence Holder shall comply with the requirements of the Event Management Plan during all events. The Event Management Plan shall deal with the following issues:

- (a) Premises profile and overview;
- (b) Management structure, chain of command, event management responsibilities, emergency liaison team;
- (c) If zones are to be identified – clearly marked within each zone: an arena operation where appropriate facilities and attractions including main stages, sterile areas, ingress conditions including weapons and drug search and crowd control;
- (d) Public and worker safety including security and crowd management within the premises;
- (e) Major incident plan including emergency vehicle routes, evacuation procedures and places of safety;
- (f) Premises information detailing by zone, including, but not limited to, fire safety, temporary structures, barriers, fencing, sanitary/washing and welfare facilities, lighting and electrical provision, fuel storage and use;
- (g) Health and safety policy and specific risk assessments for activities undertaken pre-event, during and post-event;
- (h) First aid and medical services plan;
- (i) Arrangements for cleansing the premises and the welfare activities to be provided pre-event, during and post event;
- (j) Lighting (which shall include a plan detailing suitable and sufficient security, safety and amenity lighting in respect of all events);
- (k) Camping Plan;
- (l) Signage (including details of signage to be displayed at the entrance and exits of the premises, drinking water points signage and crime prevention measures e.g. location of secure property lockers);
- (m) Traffic management (including a public transport plan and traffic impact assessment);
- (n) Flood Risk Assessment/evacuation plan (which shall include forward control facilities)
- (o) 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; List of key people; Waste Water management; Quality assurance protocols.

29. The Licensing Authority and/or Kent Police may in their absolute discretion require the Premises Licence Holder to produce a specific Event Management Plan for any event at the premises ('the Specific Event Management Plan'). In addition to the matters set out in condition 28 above, the Specific Event Management Plan shall also include such further matters as the Licensing Authority and or Police may reasonably require.

30. Any Specific Event Management Plan required in accordance with condition 29 shall be submitted to the Licensing Authority and Kent Police no later than 12 weeks prior to the event in question or such other period as may be agreed between the Premises Licence Holder Licensing Authority and Kent Police as appropriate.

31. The Premises Licence Holder shall comply with the provisions of the Specific Event Management Plan at all times during the event to which it relates.

32. The Premises Licence Holder or their authorised representative shall on request 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.

33. The Premises Licence Holder shall co-operate with any request of an officer of Tonbridge and Malling Borough Council to close down or remove from the premises any vendors failing to meet critical safety or hygiene legal requirements.

Noise Management

General conditions relating to noise applicable to all events

34. Up to 23:00hrs, music noise levels (LAeq, 15min) shall not exceed 15dB(A) above agreed background noise levels (LAeq, 15min) in any 15 minute period at designated monitoring points agreed with the Environmental Health Department. The Premises Licence Holder shall review the background noise levels on a minimum 3 yearly basis.

35. Up to 19:00 hours music noise levels in the 63Hz and 125Hz octave bands shall not exceed LAeq, 15 min 70 dB in any 15 minute period at designated monitoring points agreed with the Environmental Health Department.

36. Between 19:00 and 23:00 hours music noise levels in the 63Hz and 125Hz octave bands shall not exceed LAeq, 15 min 65 dB in any 15 minute period at designated monitoring points agreed with the Environmental Health Department.

37. Between 23:00hrs and 10.00 hrs, the LAeq (15 min) measured at any of the agreed monitoring locations shall not exceed the stated LAeq (15 min) for each respective location by more than 3dB(A).

38. Sound level monitoring equipment to monitor compliance with these conditions must be to a IEC Type 1 Standard capable of providing a read-out in dB(A) in 60 seconds to 15 minute dB(A) LAeq values. Measurements to be taken in compliance with BS 7445-1:2003 – Description and measurement of environmental noise.

39. Where requested noise measurement data shall be submitted to the Environmental Health Department within 28 days of the end of each music event. This shall include permanent and roving data. This should be provided as 15 minute periods as per the requirements of conditions 34 to 37 above.

40. The Premises Licence Holder will have ultimate responsibility via their noise consultants for meeting these licence conditions and will override the event organiser/promoter in the event of any of these conditions being breached.

Noise Management Plan

41. The Premises Licence Holder shall prepare and submit to the Licensing Authority and the Environmental Health Department no later than 2 months after the grant of this licence a noise management plan ('the Noise Management Plan'). The Noise Management Plan shall take into consideration the range of events held at the Hop Farm and shall deal with:

(a) The arrangements between the Premises Licence Holder and their appointed competent noise specialist to minimise the impact of events on the local community and the procedures for responding to any noise in excess of the specified limits in conditions 34 to 37 above;

(b) The arrangements by which the competent noise specialist will liaise with the Environmental Health Department before, during and post events;

(c) The arrangements by which the competent noise specialist will continuously monitor noise levels at the sound mixer desk and ensure the sound engineer implements all the adjustments required to comply with the specified noise levels. This should include details of the line responsibility for 'pulling the plug' in conjunction with the Chief Police Officer if it became necessary to ensure compliance with the licence conditions;

(d) The arrangements by which the competent noise specialist will undertake the monitoring of noise levels at locations agreed with the Environmental Health Department whilst the event is in progress;

- (e) How noise arising from events shall be effectively controlled so as to prevent public nuisance;
- (f) The control of noise from PA systems or other specific noise sources;
- (g) The control of noise levels including the notification of and the appointment of relevant personnel as set out in the plan;
- (h) The agreed methodology by which sound propagation test(s) shall be undertaken prior to any music events in order to set appropriate control limits at the sound mixer position;
- (i) The arrangements for responding to any excess of the specified noise limits;
- (j) Details of the arrangements to ensure that security staff patrol the premises, including the camping areas, at all times throughout the day and night and take appropriate action in respect of excessive noise emissions;
- (k) The setting up, publicising and staffing of a dedicated telephone number to receive and respond to complaints by members of the public. This shall be staffed for the duration of the event and all calls received and any response recorded. These records shall be provided to the Licensing Authority on completion of the event;
- (l) The arrangements for controlling noise, including music noise, from traders, third party organisations and members of the public attending the premises for the purpose of the event.

42. The Noise Management Plan shall not be altered or varied without the agreement of the Environmental Health Department. Save for those events where a Specific Noise Management Plan is requested by the Environmental Health Department in accordance with condition 43 (in which case the provisions of conditions 43 to 45 inclusive shall apply) the Premises Licence Holder shall comply with the provisions of the Noise Management Plan at all times during all events.

43. The Environmental Health Department may in their absolute discretion require the Premises Licence Holder to produce a Specific Noise Management Plan for any event at the premises ('the Specific Noise Management Plan'). In addition to the matters set out in condition 41 above, the Specific Noise Management Plan shall also include:

- (a) Arrangements for controlling noise from traders, third party organisations and members of the public attending the premises for the purposes of the event;
- (b) Any additional noise monitoring points reasonably required by the Environmental Health Department;
- (c) Details of all the stages to be constructed for the event, including their location, orientation, the type of music to be played, and any mitigation measures to be implemented. If music is to be amplified details of the number, type and orientation of speakers; and
- (d) Such other matters as the Environmental Health Department may reasonably require.

44. Any Specific Noise Management Plan required in accordance with Condition 43 shall be submitted to the Environmental Health Department no later than 4 weeks prior to the event in question or such other period as may be agreed between the Premises Licence Holder and the Environmental Health Department. The Specific Noise Management Plan shall not be altered or varied without the agreement of the Environmental Health Department.

45. The Premises Licence Holder shall comply with the provisions of the Specific Noise Management Plan at all times during the event to which it relates.

Water

46. The Premises Licence Holder must ensure that all water provided to the site for each event must be demonstrated to be wholesome and sufficient in accordance with appropriate water byelaws and statutory quality standards.

47. The Environmental Health Department may in their absolute discretion require the Premises Licence Holder to produce a specific Water Plan for any event at the premises ('the Specific Water Plan').

48. Any Specific Water Plan required in accordance with Condition 47 must be submitted to the Environmental Health Department no later than 12 weeks prior to the event in question or such other period as may be agreed between the Premises Licence Holder and the Environmental Health Department as appropriate.

49. The Premises Licence Holder must comply with the provisions of the Specific Water Plan.

50. Where a Specific Water Plan is requested by the Environmental Health Department in accordance with condition 47, the Premises Licence Holder must ensure the Specific Water Plan is completed by a competent person and includes, but is not limited to, the following:

(a) Clear, detailed schematics of the intended set-up of the distribution system showing as a minimum; Public water drinking points, Public hand washing units and their waste water storage units (if appropriate), Caterers and bar water points, Static water storage units (e.g pillows, rigid tankers), Location of effluent pipes and effluent storage points; Waste water units for caterers and campervans, Intended waste company standpoint (if appropriate), Fuel stores (if present).

(b) Distribution system operational period. The system must be ready for inspection and sampling no less than 2 days prior to its use.

(c) Volume of water (and derivation calculation shown) and its source. Pressure of water to ensure sufficient and wholesome supply to all outlets.

(d) Contractor/personnel managing the distribution system. Provide their competency records and contact details.

- (e) Waste water management. Including as a minimum the contractor responsible and their contact details; number of waste water storage units; their type and size, quality assurance protocols (with clear demonstration that this is adequate). Waste transfer note to be provided to Environmental Health Department no later than 28 days after the event.
- (f) Details of high risk areas and intended management.
- (g) Security and protection arrangements.
- (h) Fixtures and fittings to be used and demonstration of their accordance with the appropriate water byelaws and statutory quality standards.
- (i) Quality assurance protocols.
- (j) Disinfection certificates of any storage units to be provided to the Environmental Health Department at least 2 days prior to their use for human consumption. Intended disinfection method of distribution system prior to use for human consumption. Provide details of appropriate COSSH procedures for any chemicals used.
- (k) Monitoring checks to be completed during and prior to the event. Sampling to be completed by a competent person and analysis of samples to be compliant with appropriate water byelaws and statutory quality standards.
- (l) Monitoring checks that fail to meet the appropriate legal requirements must be communicated to the on-site Event Liaison Team within 1 hour of being received by the distribution system manager (as identified in 50(d)). A log of all monitoring results and all sample analysis certificates must be provided to the Environmental Health Department no later than 28 days post event.
- (m) Protocol in the event of unwholesome or insufficient water, including the intended emergency liaison team and their contact details. Details of power required for any pumps and emergency power procedure.
- (n) Emergency supply arrangements.
- (o) Complaint handling procedure. Record of all complaints to be provided to the Environmental Health Department no later than 28 days after the event.
- (p) Water related signage to be used.
- (q) Arrangements by which the competent water contractor/ personnel will liaise with the Environmental Health Department before, during and post event.

51. The Premises Licence Holder must co-operate with any request of an officer of Tonbridge and Malling Borough Council regarding provision of a wholesome and sufficient water supply.

Local Residents

52. A dedicated telephone line shall be set up and staffed by the Premises Licence Holder at all times during any event when reasonably required by the Licensing Authority so that members of the public can contact the Premises Licence Holder with any problems they may have. The Premises Licence Holder is to log all calls which log is

to be available for Inspection by Environmental Health Officers upon request. The number of this telephone line shall be publicised at least two weeks prior to the start of the event to all residents likely to be disturbed by the activities at the event. This number will also be provided to the Clerks of East Peckham Parish Council, Capel Parish Council, Yalding Parish Council, Nettlestead Parish Council, Paddock Wood Town Council and Hadlow Parish Council.

MATTERS FOR CONSIDERATION IN PRIVATE

**LA
13/032**

EXCLUSION OF PRESS AND PUBLIC

No items were considered in private.

The meeting ended at 1223 hours
having commenced at 1000 hours