

Mr I. Barwick
 Kentfield Farm, Tower Hill, Offham, ME19 5NH ,

Licensing Services,
 Tonbridge and Malling Borough Council,
 Gibson Drive, Kings Hill,
 West Malling,
 Kent ME19 4LZ,

24th January 2018.

Dear Sir,

Response to Letters of Representation – African Lodge and Marquee

My solicitor forwarded letters of representation to me on Monday. I am deeply concerned that my application has been misunderstood and apologise to my neighbours for any worries this has caused.

My immediate neighbours at Blaise Farm have not objected to this application and advise that they have not been affected by use of the site. I feel there have been misunderstandings and write this letter to clarify matters.

PLANNING AND LICENSING

1. It is intended that there will an application for Planning Consent as well as this application for a Premises Licence.
2. Different issues arise with regard to the two applications, traffic, amenity and other planning issues will be addressed when the Application is lodged in February.
3. Marion Geary an officer in the planning department has been advised of the Consultant I have instructed and she has advised of the details of the officer who will be dealing with the application..

ACTIONS IN 2017

1. I have given consideration to various options for use of the land to make it viable. I concluded that if I could use this as a beautiful wedding venue with maximum capacity of 200 customers this would have least impact on the community.
2. I obtained a licence to conduct weddings at the site
3. I applied for Planning Consent
4. I trialled the proposal by holding several private events using the Lodge and Marquee. I received no complaints until August 2017
5. I held a charity event on the Bank Holiday where all proceeds were donated to Spade Work and Youth Cancer A Temporary Events Notice was granted to cover licensable activities. An outside DJ was hired. The event finished at 20.00.
6. There were complaints about the noise from this event
7. I withdrew my planning application.

8. I instructed a licensing solicitor who put me in touch with a noise consultant who was requested to provide an independent report as to the viability of my proposal
9. Everything was put on hold as I had two private parties planned for 11th and 18th November,
10. The Party on 18th November was for 140 guests, access was permitted from the Kentfield Farm access point on Teston Road
11. A full noise survey was carried out on 18th November
12. I took and passed my Personal Licence Holder's exam and obtained my personal licence.
13. Provided certain conditions were complied with the consultant advised no noise nuisance would be created
14. At the end of November I acquired Ashtree Farm which adjoins my land.
15. The addition of this facility provided an access point to the Lodge outside the village perimeter. A further advantage is that this entrance has its own post code which will avoid Satellite Navigation error.
16. There were material changes supported by hard evidence that there would be no adverse impact on the community.
17. The original intention was to lodge both planning and licensing applications at the same time but for various reasons this did not come to fruition.

CLARIFICATION OF APPLICATION

1. During the consultation phase the licensing department was advised that the number of events will be limited to 28 in any given year (See conditions below).
2. I do not envisage that events will take place through the entirety of the hours applied for but within the window of hours requested. Each event will depend on what is requested.
3. I have checked the application, there is no mention by me of any event comprising 5,000 customers. The maximum number of guests I would ever have will be 200 but this will vary from anything between 50 and 200. (See conditions below)
4. The event held on 18th November was my daughter's 18th birthday party in which there was a "full on" disco. (See conditions below)
5. All events will be pre-booked. A deposit paid and if there is unruly behaviour the deposit will not be refunded
6. Only an approved DJ will be engaged. There will be a designated list of 3 trusted DJ's.
7. All literature will advise of the new post code for entrance to the premises
8. The marquee will be tabled up during the event when food will be served.
9. If dancing is requested then after the meal the movable bar and food servery will be relocated within the marquee as shown on plan submitted by my solicitor within on 23rd January. Alternatively dancing will take place at the front of the marquee near to the African Lodge.
10. There is no intention that persons should take alcohol off site. On sales occur within the African Lodge and Marquee, off sales permit consumption within the land immediately outside the Marquee as shown on the ordinance survey plan lodged with the application.
11. Food will be available throughout the trading period.
12. CCTV is in operation at the site.

13. Health and Safety risk assessments as prescribed by other legislation have been prepared.
14. Challenge 25 will be in place to ensure no underage sales take place
15. I have partnered with a local restaurant in West Malling to provide catering facilities who will also provide trained staff.
16. I am happy to accept all conditions proposed by the police.
17. No fireworks have ever been let off at any of the private events referred to above during the course of last year.

CONDITIONS

Serious consequences flow from breach of conditions. Having read the letters of objection to address concerns raised in addition to the proposals set out in my operating schedule and the police conditions I propose that the following conditions attach to the Licence:

1. There will be no more than 28 events in any given year as per the Police Condition
2. The maximum number of customers will be 200 for any given event
3. No fireworks will be let off during any pre-booked event where licensable activities occur.
4. Performance loud speaker systems that have any bass component are located in the African Lodge and not in the Marquee
5. Loudspeakers and the related performances are directed to the south across the lake towards the Quarry and not into the Marquee
6. Whenever entertainment is provided bass baffles are fitted to the north open aspect of the African Lodge and behind any loudspeaker installation
7. A noise limiter is used to ensure that noise levels in the lodge do not exceed 95dB(Aeq(15) as recommended by the Code of Practice.
8. Performances in the Marquee must be restricted to acoustic instruments. Use of amplified equipment is acceptable but must be limited to background music or only spoken word.

I propose Conditions 4 – 8 be added into the licence in place of the condition proposed in my application that requires compliance with the recommendations of the noise report.

LICENSING OBJECTIVES

Noise Nuisance

Expert opinion is that if conditions 4-8 are complied with no noise nuisance will be created. Access from Teston Road through Ashtree Farm which has its own dedicated post code will prevent use of Tower Hill. When events are booked all guests will be advised of the route into the site. This was done on 18th November and no problem caused to local residents.

Prevention of Crime and Disorder

Events have been held at the site over the course of the year. These are private events. No alcohol is sold but given away. There have been no issues with regard to crime and disorder at these events. By continuing the theme of private pre-booked functions where food is available that slows the absorption rate of alcohol the essential elements are in place to ensure this objective will be met .CCTV is in place and the added conditions proposed by the Police will assist meet this objective. Good management and a friendly atmosphere are all conducive to ensuring no issues occur and a good time is had by all.

Protection of Children from harm

Challenge 25 will be in place to ensure that there is no underage sale of alcohol.

Public Safety

Risk assessments are in place that are prescribed by other legislation to ensure the safety of users of the site during the course of the event. There have been no issues in any of the parties held where the fears raised by residents have occurred because of the systems I have in place.

Planning issues will be addressed when the application for planning is lodged. I recognise that if the application is granted I cannot use the site until Planning consent is obtained.

I have no wish to cause problems to my neighbours. I recognise their fears. I have trialled matters to tease out any potential problems in the hope that I can achieve my ambition without causing any issues.

With the acquisition of Ash Tree Farm and the implementation of the recommendations of the Noise expert I can use my land in a way that will not conflict with any issues the local residents have. I have learnt lessons as the year has gone by.

I hope this letter will alleviate some of my neighbours' concerns and clarify any misunderstandings that have arisen.

Please could you kindly arrange for a copy of this letter to be forwarded to the committee and placed with the council report when it is prepared and forwarded to those who have raised concerns.



Ian Barwick