

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 7th June, 2019

Present: Cllr D Keers (Chairman), Cllr R V Roud and Cllr N G Stapleton

Together with representatives of the Licensing Authority; Mr J Rankin (Counsel to the Applicant); Ms R Thomas (Solicitor to the Applicant); Mr M Weston, SBE Live Ltd (Applicant); Mr C Barratt, SBE Live Ltd; Mr H Feigen and Mr B Whur, Proud Events; Mr T Smith, Right Guard Security; Mr S Leeland, Noise Management Consultant, on behalf of Mr S Joynes; Mr G McCaffrey and Mr A Biggs, SEP Events; Ms E Shaw, Ms R Ballard, Mr C Eade and Ms L Whitehead of Kent Police, Mr P Thomason, Mr C Kennard, Ms M Henbest and Ms L Hibbs of Environmental Health, Tonbridge and Malling Borough Council and Mr N Chapman and Mr C Alden of Environmental Health, Sevenoaks District Council (Responsible Authorities); Councillor R Betts (on behalf of Councillor M Coffin), Councillor M Taylor (on behalf of Councillor W Palmer), Ms M Gray (Solicitor to Wrotham Parish Council), County Councillor H Rayner on behalf of Wrotham Parish Council, Mrs P Falconer (Vice-Chairman of Stansted Parish Council), Mr G Haywood, Mr D Sefer, Mr J Postlethwaite, Ms S Goodworth, Mr S Broszek, Mr A Ayiotis and Ms L Ayiotis (interested parties).

PART 1 - PUBLIC

LAP 19/1 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

LAP 19/2 APPLICATION FOR A NEW PREMISES LICENCE FOR SOUTHBEATS FESTIVAL, WINGS OF THE MORNING FIELD, WROTHAM HILL, WROTHAM

The Panel gave consideration to an application for a Premises Licence made by Mr Max Weston, Director of SBE Live Ltd, under Section 17 of the Licensing Act 2003 in respect of premises at Wings of the Morning Field, Wrotham Hill, Wrotham, Kent. The application related to the provision of Films, Live Music, Recorded Music, Dance, Late Night Refreshment and Supply of Alcohol.

The Panel gave careful consideration to the written report of the Director of Central Services and Deputy Chief Executive, the application set out at Annex 1, the site plans set out at Annexes 2 to 5, the Noise Management Plan at Annex 6, the Traffic Management Plan at Annex 7, and the maps of Conservation Areas and Ancient Woodland, District Council and Parish Council areas at Annexes 8, 9 and 10 together with the written representations received during the statutory consultation period as set out at Annexes 11 and 12 to the report. It also considered the oral representations made to it by the applicant and other interested parties during the Hearing.

The Panel was mindful of its obligations under Section 18(3) of the Licensing Act 2003, which stated that, having regard to the relevant representations, the Licensing Authority must take such of the steps set out in Section 18(4) (if any) as it considers appropriate for the promotion of the licensing objectives. Additionally, the Panel had particular regard to the provisions of Chapter 9 of the amended guidance issued under Section 182 of the 2003 Act and the Council's Statement of Licensing Policy.

The Panel heard no objections to the provision of late night refreshment.

Both Sevenoaks District Council Environmental Health and Tonbridge and Malling Borough Council Environmental Protection made representations concerning noise, as did a number of other people who made representations. The Environmental Health bodies were both satisfied that, through the imposition of conditions, their concerns would be addressed, were it to be a "one-off" event. The Panel was satisfied that the licensing objective of the prevention of public nuisance would be promoted through the imposition of conditions, including limiting the licence to the duration of one year, and for a single event.

Representations were also made concerning public nuisance from litter. The Panel was satisfied that the objective of the prevention of public nuisance could be promoted through the imposition of conditions concerning waste management.

Kent Police made representations concerning each of the licensing objectives. However, they were satisfied that their concerns would be addressed by the imposition of conditions, which the Panel decided to impose in order to promote the licensing objectives.

A number of representations were made concerning crime and disorder and the use of drugs on site. The Panel was satisfied that the licensing objective of the prevention of crime and disorder would be promoted through the imposition of conditions regarding security staff, event management, conditions of entry and confiscation provisions.

A number of representations were raised concerning traffic volumes, local roads, the suitability of the intended parking areas and risks to

public safety around the possibility of collisions with members of the public. The Panel considered that the imposition of conditions, including requirements for an Event Management and Safety Plan, which would include robust traffic management measures. The Panel was satisfied that the licensing objective of public safety would be promoted through the imposition of conditions. Other concerns were also raised, such as planning matters and environmental matters, which did not fall within the remit of the Panel.

In all, 98 written representations were received, and a number of people spoke to those representations at the Hearing. The Panel gave all relevant representations, written and oral, equal consideration in coming to its decision and the Panel was satisfied that the licensing objectives could be satisfied with the imposition of the mandatory conditions, conditions consistent with the operating schedule, those conditions agreed by the applicant with the Responsible Authorities (Kent Police and Tonbridge and Malling Borough Council and Sevenoaks District Council Environmental Protection Officers) and a number of additional conditions.

RESOLVED: That the Premises Licence be granted for only one event, to take place this year, starting on Friday 20 September 2019 and ending on Monday 23 September 2019, subject to the mandatory conditions as set out in the Licensing Act 2003, such conditions as are consistent with the operating schedule accompanying the application and to the stated conditions detailed below:-

Section 7 of 21	<p>Provision of Films - (indoors and outdoors)</p> <p>Friday from 15:00 hours until 02:00 hours the following morning</p> <p>Saturday from 11:00 hours until 02:00 hours the following morning</p> <p>Sunday from 11:00 hours until 01:00 hours the following morning</p>
Section 10 of 21	<p>Provision of Live Music - (indoors and outdoors)</p> <p><i>Friday - No live music from the Main Arena or the 2 Big tops</i></p> <p>Saturday - Main stage - from 11:00 hours until 23:00 hours</p> <p>Saturday – Big tops - from 11:00 hours until 00:00 hours</p> <p>Sunday - Main stage - from 11:00 hours until 22:30 hours</p> <p>Sunday – Big tops - from 11:00 hours until 23:00 hours</p>
Section 11 of 21	<p>Provision of Recorded Music - (indoors and outdoors)</p> <p><i>Friday - No recorded music from the Main Arena or the 2 Big tops</i></p> <p>Friday – Campsite - from 11:00 hours until 02:00 hours the following morning</p>

	<p>Saturday - Main stage - from 11:00 hours until 23:00 hours</p> <p>Saturday – Big tops - from 11:00 hours until 00:00 hours</p> <p>Saturday – Camp site - from 11:00 hours until 02:00 hours the following morning</p> <p>Sunday - Main stage - from 11:00 hours until 22:30 hours</p> <p>Sunday – Big tops - from 11:00 hours until 23:00 hours</p> <p>Sunday - Camp site - from 11:00 hours until 01:00 hours the following morning</p>
Section 12 of 21	<p>Provision of Dance - (indoors and outdoors)</p> <p>Friday from 15:00 hours until 00:00 hours</p> <p>Saturday from 11:00 hours until 00:00 hours</p> <p>Sunday from 11:00 hours until 01:00 hours the following morning</p>
Section 14 of 21	<p>Provision of late night refreshment - (indoors and outdoors)</p> <p>Friday to Saturday from 23:00 hours until 03:00 hours the following morning</p> <p>Sunday from 23:00 hours until 02:00 hours the following morning</p>
Section 15 of 21	<p>Supply of alcohol (for consumption both on and off the premises)</p> <p>Friday from 15:00 hours until 02:00 hours the following morning</p> <p>Saturday from 11:00 hours until 02:00 hours the following morning</p> <p>Sunday from 11:00 hours until 01:00 hours the following morning</p>

Conditions:

a) General – all four licensing objectives

1. The premises licence will permit only one event of any size to be held under it within a calendar year.
2. The licence-holder, in conjunction with their health and safety advisor and specialist suppliers will prepare and distribute an Event Management & Safety Plan. The plan will be drafted in consultation with the responsible authorities. The Plan will provide details of the premises, hours of operation, control of access and the relevant operating policies and processes, management plans, and emergency management plans and major incidents plans and a first substantive draft provided to the Safety Advisory Group no later than 6 months in advance of the event each year.

3. The Premises Licence Holder shall comply with the provisions of the Event Management Plan at all times during the event to which it relates.
4. The licence-holder will undertake appropriate risk assessments for delivery and management of the premises and event and include these and associated mitigations into the Event Management & Safety Plan and associated documentation.
5. The licence-holder will employ the services of experienced and competent advisors and suppliers to assist them in the planning, delivery and management of the event. This will include but not limited to: Event management, site management and production; health and safety; security and stewarding; medical; welfare; traffic management; noise management; waste management.
6. The licence-holder shall notify the Safety Advisory Group and Police directly of the proposed dates of the event no less than 8 months prior to the first proposed date within that calendar year.
7. The licence-holder shall engage fully with the Tonbridge and Malling Safety Advisory Group and attend their meetings when the event is on the agenda, and relevant sub groups, and shall incorporate any reasonable requirements and requests into the Event Management & Safety Plan.
8. The Premises Licence Holder shall provide on the request of Kent Police, EHO Tonbridge & Malling or the Licensing Authority figures for pre-event ticket allocation, such information to be supplied within 24 hours of any such request so far as possible.
9. The Premises Licence Holder shall ensure that a means of counting the public entering the premises through any of the entries 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 organisers will provide details of the line up to Kent Police three months prior to the start of the event.
11. Relevant and appropriate insurance will be secured prior to the event.
12. The total capacity for the premises licensed area will be 14,999 people excluding staff.
13. The event organiser shall advertise there are no tickets available to purchase onsite when the event has started.

14. The licensed premises will be held within a contained, fenced site and access will be controlled by physical means and security and stewarding personnel.
15. The licensed premises will be made up of three distinct areas: Arena; campsite, including a provision for parking for campers; and a coach and shuttle transport hub. In addition, the premises will contain provision for back of house, production and equipment storage areas that will all be subject to controlled and restricted access.
16. Access to both the arena and the campsite will be controlled and shall only be granted to customers who hold a valid event ticket and staff and contractors with valid accreditation.
17. All areas off limits to the general public shall be identified, marked and controlled by security and stewarding personnel. A suitable means of identifying authorised persons shall be detailed in the Event Management & Safety Plan.
18. A closure will be requested, by the premises licence holder, of the public right of way that crosses the site from the A20 to a bridge over the M20 within the necessary time limits.
19. An Event Control will be operational for the duration of the live show days with all accidents, incidents, complaints and near misses logged and tracked by the Event Control team.
20. An event liaison team will be established from key members of the management team, local agencies and local authority as required and will meet at regular intervals and as required during the operation of the event.
21. All event management communications shall be carried out via a two way radio system in accordance with a communications plan that includes, but it is not limited to, communications protocol, key contact details, radio provision and procedures for what to do in the event on communications failure.
22. The licence-holder will ensure that all volunteers, staff, contractors, stewards and security receive a written statement of their duties and are briefed on key safety systems and emergency and evacuation procedures in place for the event.
23. All sales of alcohol will take place from designated bars, managed by a personal licence holder who will be present at all times.
24. All personal licence holders will only operate under the permission and authority of the Designated Premises Supervisor.

25. All bar staff will be subject to licence training, including refusals due to proof of age or intoxication prior to the start of the event or their shift and records of training maintained for inspection by the licensing authorities.
26. Notification of food traders and required supporting documentation will be provided to the local authority no later than 28 days in advance of the event.

b) The prevention of crime and disorder

27. An experienced security and stewarding provider will be contracted to deliver a robust crowd management plan detailing the approach to the prevention of crime and disorder to be included as an Appendix to the Event Management & Safety Plan.
28. The crowd management plan will provide details of the responsibilities within and outside the event site detailing required experience, qualification, training, duties, resource levels, locations, schedules and shifts along with details of the management and reporting arrangements.
29. The licence holder will liaise with the local police and appointed security and stewarding provider in all matters relating to the event including but not limited to prevention of crime and disorder, crowd management, conditions of entry and access control.
30. The Event Management & Safety Plan will contain details of the procedures for dealing with antisocial behaviour, crime and disorder including procedures agreed with the police for the reporting and management of crime within the premises.
31. An ejection policy and procedure shall be contained within the crowd management plan that will include details of how ejections are managed in the event vicinity. A record of all ejections will be maintained within Event Control.
32. All Security Staff shall wear distinctive clothing to clearly identify them as Security Staff.
33. 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
34. 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 operation, 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.
35. Appropriate CCTV will be in operation throughout the event site and controlled by a trained operative from Event Control. Information observed will be relayed to Event Control and security personnel, with signage alerting customers to this.
 36. Conditions of entry to the licensed premises will be advertised to all guests prior to the event taking place and at all entrance points, including a list of items not allowed into the premises such as illegal drugs, glass and items that can be construed as weapons. The Conditions of entry shall state clearly that the Police will be informed if anyone is found in possession of controlled substances or weapons.
 37. A clear message shall be placed on the event web site that the premises operates a zero tolerance policy towards drugs whether it be in relation to possession, dealing or using and this shall be communicated to customers directly pre-event.
 38. All customers and vendors are subject to a search process, either on their person or vehicle, including the use of detection dogs and wands as defined in the crowd management plan and contained within the Event Management & Safety Plan.
 39. Secure amnesty and confiscation bins will be in operation at public entrance points for the secure retention and disposal of all prohibited items including illegal drugs, glass, needles and weapons. Placement and number of receptacles must be agreed with Kent Police prior to any member of the public admitted to the event.
 40. Search dogs will be provided by the premises licence holder and will be utilised at all public entry points into the site.
 41. 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 or PCSO.
 42. Training shall be provided to all staff engaged in the sale of alcohol in relation to the prevention of sales to persons under the age of 18 years and to persons who are, or appear intoxicated with alcohol. A written record shall be made of such training and be made available to the Licensing Authority or Police upon request.
 43. No irresponsible drinks promotions will be allowed onsite in relation to the sale of alcohol.

44. Customers in possession of a valid ticket for camping will be allowed a limit of 12 cans and a litre of spirit or wine, contained within a 'sealed' plastic bottle, per person, into the campsite at the point of entry of the licensed premises. Customers will be advised of this in the terms and conditions of their ticket purchase.
45. Adequate lighting, including emergency lighting, will be provided within and around the premises to allow for the safe movement of customers, staff and contractors and to ensure vulnerable locations are visible.

c) Public safety

46. The maximum capacity for the premises licensed area will be 14,999 people excluding staff. Procedures detailed in the Crowd Management Plan will ensure this capacity is monitored, centrally logged and adhered to.
47. A plan detailing major incidents and emergencies procedures will be developed in consultation with the responsible bodies and included within the Appendices of the Event Management & Safety Plan.
48. Rendezvous points will be agreed with the emergency services, blue routes will be maintained throughout the event site and details will be contained within the Event Management & Safety Plan and held within Event Control.
49. 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 are received and include what action has been taken, the log is to be available for inspection by authorised officers upon request. The number of this telephone line shall be publicised at least two weeks prior to the start of the event to residents likely to be disturbed by the activities at the event.
50. Customers are prohibited from bringing glass on to site and no food or beverages will be served in glass except in restricted and controlled areas on site within staff and artist compounds and in food and drink preparation areas.
51. Where a customer is deemed to be intoxicated and pose a potential risk to themselves or others they will be managed by the welfare and/or medical team on site and subject to the vulnerable person's procedures contained within the Event Management & Safety Plan.

52. An appropriately qualified, skilled and experienced event medical provider will be contracted to plan and deliver a robust on site medical and first aid service when the event is open to the public. These plans will be based upon a clear risk assessment and defined in a medical plan contained within the Event Management & Safety Plan.
53. An appropriately skilled and experienced event welfare provider will be contracted to plan and deliver an event welfare service working alongside the event medical, security and event management teams. Event welfare services will operate throughout the period the event is open to the public.
54. An appropriately qualified, skilled and experienced event traffic management provider will be contracted to plan and deliver a robust traffic management plan based on an assessment of the requirements for the event and to minimise the disruption to surrounding roads. The plan will be contained within the Event Management & Safety Plan.
55. The traffic management plan will include, as required, the application, implementation and enforcement of temporary traffic orders including, but not limited to the installation of signage, road closures, speed restrictions and parking suspensions.
56. The fire management plan will include the location and provision of fire marshals and firefighting equipment. A location plan will be kept within Event Control.
57. All LPG gas appliances will carry a valid safety inspection certificate. LPG gas cylinders will be stored securely away from areas accessible to customers and a record of their location kept within Event Control. Customers are not allowed to bring gas canisters on site.
58. Combustible materials within the premises will be kept to a minimum and all fabric of event structures, marquees, drapes, linings and any floor covering will be flame retardant to current standards as applicable.
59. Smoking will not be permitted within enclosed areas and signage will be displayed.
60. A suitable and sufficient number of emergency exits shall be located around the perimeter of the premises. These will be clearly marked and be stewarded during the operation of the event.
61. Any enclosed structure within the event site will be operated and occupied in accordance with the stated capacity and exits clearly marked.

62. Suitable and sufficient emergency signage and lighting will be located across the site where appropriate and details contained within the Event Management & Safety Plan.
63. All guy ropes and stakes near exits to be maintained clear of pedestrian routes and shall be clearly marked and/or protected to avoid tripping.
64. Vehicle access to the site outside public opening will be controlled through gates managed by security personnel.
65. There will be no vehicle movement within the front of house arena areas during opening times, except in an emergency and with the agreement of Event Control. Any vehicle movement within the arena during opening times will be subject to marshalling.
66. An adverse weather plan, including a wind management plan will be developed by the event safety advisor and contained within the Event Management and Safety Plan.
67. All temporary electrical installations will be planned, installed and tested by an appropriately qualified, competent and experience electrician. Installations will be tested and copy of the test certificates will be held in Event Control.
68. All temporary demountable structures will be installed by a suitably competent and experienced supplier and completed installation documentation will be held within the Site Office.
69. Free potable water and soft drinks will be available to all event guests onsite.

d) The prevention of public nuisance

70. All staff will receive event specific briefings to ensure they understand the premises, emergency procedures and all operating procedures relevant to their roles and responsibilities.
71. A programme of resident engagement will occur prior to the event each year, including engagement with local residents directly and through bodies such as Parish Councillors.
72. Local residents will be provided with a contact number for the event during live show days and an email address throughout the event process to report issues. Contact details for the festival will be provided for local residents to report any issues that may arise. This will include an email address and a contact number specifically for live show days.

73. An appropriately competent and experienced noise management consultant will be contracted to prepare and implement a noise management plan in consultation with the local authority. Implementation will include the active monitoring, management and recording of noise levels during the event.
 74. The licence-holder will prepare and implement a transport plan detailing the arrangements for coach, car, staff and disabled parking, shuttle and taxi collection and drop off that will be contained within the Event Management and Safety Plan.
 75. A waste management plan will be provided and operated by a suitably competent and experienced waste management provider to include management of waste within the premises and the vicinity of the premises. The waste management plan will be included within the Event Management & Safety Plan.
 76. There will be proper and adequate control of litter generated by the premises which will be stored securely in a designated area.
 77. The licence-holder shall ensure that the premises and vicinity of the premises is clear of litter after site breakdown.
 78. Sanitation will be calculated based on the anticipated number of attendees and have a balance of single, multiple, urinal, accessible and high dependency units as assessed as being required and located throughout the premises.
- e) The prevention of children from harm**
79. No persons under the age of 18 years will be permitted within the licensed premises during the period the event is operational.
 80. A Challenge 25 scheme shall be implemented to the satisfaction of the Licensing Authority and Kent Police with signage displayed at all points where alcohol is to be sold and at entrances to the event.
 81. A vulnerable person's procedure shall be in place throughout the event and contained within the Event Management and Safety Plan
 82. A designated area shall be identified and made known to all necessary staff for lost vulnerable adults.
 83. The premises shall comply with the regulations of the Licensing Act 2003 with regards of the sale of alcohol to underage persons.
 84. Nudity will not be permitted within any performance

Noise conditions

85. During operation of the main arena (subject to agreed timings) the music noise level shall aim to achieve a level of 65dBLAeq,15min and at no time shall not exceed a level of 70dBLAeq,15min as measured at any noise sensitive receptor.
86. During operation of the campsite (subject to agreed timings) the music noise level shall not exceed 45dBLAeq,15min as measured at any noise sensitive receptors.
87. Up to 23.00 hours music noise levels in 63Hz or 125Hz octave frequency bands shall not exceed 70dB in any 15-minute period at 2km and beyond. The monitoring points will be agreed with the Environmental Enforcement Team prior to an event. Beyond 23.00hrs levels will be actively managed to minimise impact on the Local Community.
88. Ambient music (recorded/DJ) in the campsite area shall not be played after 02.00 hours on Saturday morning or Sunday morning, and 01.00 hours on Monday morning.

LAP 19/3 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 3.58 pm
having commenced at 9.30 am