

AGENDA

LICENSING ACT 2003 SUB-COMMITTEE MEETING



Date: Monday 31 March 2014

Time: 11.30 a.m.

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Mrs Gibson, Mrs Joy and Newton

Legal Representative: Mrs Jayne Bolas

Page No.

1. Disclosures by Members and Officers
2. Disclosures of Lobbying
3. To consider whether any items should be taken in private because of the possible disclosure of exempt information
4. Application for a Premises Licence to be Varied Under the Licensing Act 2003 - Solar Collective Ltd, 1 Boughton Bottom Cottages, Lower Farm Road, Boughton Monchelsea, Maidstone, Kent, ME17 4DD. 1 - 61

Issued on 20 March 2014

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**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

Agenda Item 4

Agenda Item No: 1 - Summary of Report

Licence Reference 13/01724/LAPRE

Report To: LICENSING SUB – COMMITTEE
(UNDER THE LICENSING ACT 2003)

Date: 17 MARCH 2014

Report Title: SOLAR COLLECTIVE LTD
1 BOUGHTON BOTTOM COTTAGES
LOWER FARM ROAD
BOUGHTON MONCHELSEA
MAIDSTONE
KENT
ME17 4DD

Application for: A premises licence to be varied under the
Licensing Act 2003

Report Author: Lorraine Neale

Summary:

1. The Applicant – Solar Collective Ltd
2. Type of authorisation applied for: To vary a premises licence under the Licensing Act 2003. (Appendix A).
3. To vary the conditions in relation to noise monitoring
4. There are no changes to the Licensable Activities and hours:

| | |
|-------------------------------------|--|
| Affected Wards: | Boughton Monchelsea and Chart Sutton |
| Recommendations: | The Committee is asked to determine the application and decide whether to vary the premises licence. |
| Policy Overview: | The decision should be made with regard to the Secretary of State's Guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from Policy or Guidance the departure must be directed solely at the attainment of the licensing objectives, and that such departure be supported by proper reasons. |
| Financial Implications: | Costs associated with processing the application are taken from licensing fee income. |
| Other Material Implications: | <p>HUMAN RIGHTS: In considering this application it is appropriate to consider the rights of both the applicant and other parties, such as “responsible authorities” and/or “other persons” (objectors). The procedure for determining licences has a prescribed format to ensure fair representation of the relevant facts by all parties.</p> <p>LEGAL: Under the Licensing Act 2003 the Licensing Authority has a duty to exercise licensing control of relevant premises.</p> |
| Background Papers: | <p>Licensing Act 2003</p> <p>DCMS Guidance Documents issued under section 182 of the Licensing Act 2003 as amended</p> <p>Maidstone Borough Council Statement of Licensing Policy</p> |
| Contacts: | Mrs Lorraine Neale at: lorraineneale@maidstone.gov.uk – tel: 01622 602028 |

Agenda Item No. 1

Report Title: SOLAR COLLECTIVE LTD, 1 BOUGHTON BOTTOM COTTAGES
LOWER FARM ROAD, BOUGHTON MONCHELSEA,
MAIDSTONE, KENT, ME17 4DD

Application to: Vary a premises licence under the Licensing Act 2003. (Appendix A).

Purpose of the Report

The report advises Members of an application to vary a Premises Licence under the Licensing Act 2003, made by Solar Collective Ltd, in respect of the premises Grid ref : TQ76730 48721, open grass field-land, with attached woodland, off lower farm lane, Boughton Monchelsea. (Appendix B) in respect of which 8 objections have been received from other persons (Appendix C).

Issue to be Decided

Members are asked to determine whether to grant or reject the application

Background

1. The relevant sections are Part 3 S13 and 34 – 36 of The Licensing Act 2003 and section 4 of The Licensing Act 2003 in particular the Licensing Objectives:
 - The prevention of crime and disorder;
 - Public Safety
 - The prevention of public nuisance; and
 - The protection of children from harm
2. The application has been correctly advertised in the local press and a notice displayed on the premises for the required period.
3. There were no representations received from responsible authorities.
4. 8 representations were received from other persons.

The table below illustrates the relevant representations which have been received

| Responsible Authority /Interested Party | Licensing Objective | Associated Documents | Appendix |
|--|----------------------------|-----------------------------|-----------------|
| Andrew & Emma Walker | Public Nuisance | E mail | C |
| Sarah Evans | Public Nuisance | E mail | C |
| Marice and Dominic Kendrick | Public Nuisance | E mail | C |
| Boughton Monchelsea Parish Council | Public Nuisance | E mail | C |
| Andrew Evans | Public Nuisance | E mail | C |
| Mr & Mrs D McDonald | Public Nuisance | E mail | C |
| Rowland Roome & Mrs AP Roome | Public Nuisance | E mail | C |
| Sue Batt and Jonathan Gershon | Public Nuisance | E mail | C |

The general objection is that there has only been one event staged so far by Solar Collective and that one event has not provided enough evidence to justify the relaxing or removal of the noise monitoring conditions attached to the licence. It is believed that the relaxation of the noise monitoring conditions would have a detrimental effect on the local residents.

5. The premises has a current licence, Appendix D. The current licence holder is the applicant, and the DPS is Mr Oliver Barlow.
6. The current licence hours are as per the licence attached at appendix D and those licensable activities and hours are not proposed to change.
7. The application to vary the licence relates to the relaxation of certain noise monitoring conditions attached to the current licence.
8. These are:-
 1. The Music Noise Level ("MNL"), as described in section 3 of the Noise Council Code of Practice on Environmental Noise Control at Concerts, should not exceed 65dB(A) (Laeq 15min) at the façade of the nearest noise sensitive properties for any 3 day events. The MNL for 1 day events to be considered by EHOs against the Noise Council Code of Practice where these are concert/music events and set at a level appropriate for the events in that year which may be lower, but not to exceed 65 dB(A) (Laeq 15min) at the façade of the nearest noise sensitive properties.
 2. Monitoring will be carried out at the following locations and levels will be recorded and supplied to Maidstone Borough Council officers if requested:-

Peens Lane - East of the dip in the road
Stilebridge Lane - outside the kennels
Church Hill - at the Peens Lane Junction and near the Church
Lower Farm Road
Staplehurst Road at the entrance to Hertsfield Farm
East Hall Hill near East Hall
Wierton Hill near Wierton Oast

3. All locations must be monitored at least 3 times during each day of an event.

and replace with:-

1. The Music Noise Level ("MNL"), as described in section 3 of the Noise Council Code of Practice on Environmental Noise Control at Concerts, should not exceed 65dB(A) (Laeq 5min) at the façade of the nearest noise sensitive properties for any 3 day events. The MNL for 1 day events to be considered by EHOs against the Noise Council Code of Practice where these are concert/music events and set at a level appropriate for the events in that year which may be lower, but not to exceed 65 dB(A) (Laeq 5min) at the façade of the nearest noise sensitive properties.
2. Monitoring will be carried out at the following locations and levels will be recorded and supplied to Maidstone Borough Council officers if requested:-

Stilebridge Lane - outside the kennels
Church Hill - at the Peens Lane Junction and near the Church
Staplehurst Road at the entrance to Hertsfield Farm
Eel House Farm entrance

3. All locations must be monitored at least once during an event.

The application does not relate to any other conditions which would remain the same.

9. **Members are advised that applications cannot be refused in whole or in part, or conditions attached to the licence unless it is appropriate to do so to promote the licensing objectives.;**
10. Relevant sections of **The Guidance issued under section 182 of The Licensing Act 2003;**

Chapters 8 (8.43 onwards) & 9 Premises Licences & Determining Applications

Chapter 10 Conditions NB: There is Home Office Supporting Guidance on Pools of Conditions but this is not statutory guidance.

Relevant policy statements contained in the Licensing Authority's Statement of Licensing Policy:

Relevant policy statements contained in **the Licensing Authority's Statement of Licensing Policy:**

22. Prevention of Public Nuisance

Licensed premises can cause adverse impacts on communities through public nuisance. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from any nuisance caused by the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

The Licensing Authority will interpret 'public nuisance' in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

Concerns

When addressing the issue of prevention of public nuisance, the applicant should consider those factors arising from the premises or the activities of their customers within the vicinity of the premises that may impact on the likelihood of public nuisance. These may include:-

- The location of the premises and their proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship.
- The hours of operation, particularly if between 23.00 and 07.00.
- The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises.
- The design and layout of premises and in particular the presence of noise limiting features.
- The occupancy capacity of the premises.
- Last admission time.
- The steps the applicant has taken or proposes to take to ensure that staff leave the premises quietly.
- The steps the applicant has taken or proposes to take to prevent disturbance by patrons arriving or leaving the premises.
- Whether routes to and from the premises, on foot or by car or service or delivery vehicles, pass residential premises within the vicinity of the Premises.
- Whether other measures have been taken or are proposed such as the use of CCTV or the employment of registered door supervisors.
- The arrangements made or proposed for parking by patrons, and the effect of this parking on local residents.
- The likelihood of any violence, disorder or policing problems arising if a licence were granted.
- Whether taxis and private hire vehicles serving the premises are likely to disturb local residents.
- The siting of external lighting, including security lighting that is installed inappropriately.
- Whether the operation of the premises would result in increased refuse storage or disposal problems or additional litter in the vicinity of the premises and any measures or proposed measures to deal with this.
- The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licensees.

Additional Steps

The following examples of additional steps are given as examples for applicants to consider in the preparation of their Operating Schedule, having regard to their particular type of premises or activities:-

- Effective and responsible management of premises.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance.
- Control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries.
- Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics).
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises.
- The incorporation of measures for ensuring the safe and swift dispersal of patrons away from premises and events without causing nuisance or public safety concerns to local residents.
- Effective ventilation systems to prevent nuisance from odour.

N.B. Where relevant representations are received which the Licensing Sub Committee consider material particular consideration will be given to the impact on residential amenity of proposals for the provision of late night refreshment where these are either located in, or encourage people to move through, residential areas.

11. **Options**

Legal options open to members -

- a) MODIFY the conditions of the licence.
- b) REJECT the whole or part of the application

Members of the Licensing Act 2003 – Licensing Sub – Committee are reminded of their duty under section 17 of the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the Licensing Authority's responsibility to co – operate in the reduction of crime and disorder in the Borough

Section 17 of the Crime and Disorder Act 1988 states:

"Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can prevent, crime and disorder in its area".

12. **Implications Assessment**

The decision should be made with regard to the Secretary of State's Guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from either the Guidance or the policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal/challenge is increased.

13. **Human Rights**

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 – Right to respect for private and family life
- Article 1 of the First Protocol – Protection of Property
- Article 6(1) – Right to Fair Hearing
- Article 10 – Freedom of Expression

The full text of each Article is given in the attached Appendices

14. **Conclusion**

Members must ensure that the application is considered on its merits, as well as against the relevant guidance, policy and statutory framework.

15. **List of Appendices**

| | |
|------------|--------------------------------|
| Appendix A | Application Form |
| Appendix B | Plan of Premises |
| Appendix C | Representations –Other persons |
| Appendix D | Existing Premises Licence |
| Appendix E | Plan of area |

16. Appeals

The applicant or any other person(objector) may appeal the Licensing Act 2003 Sub Committee's decision within 21 days beginning with the day on which the Appellant is notified. All/any appeals must be lodged with the Magistrates' Court. Parties should be aware that they MAY incur an Adverse Costs Order should they bring an appeal.

| | |
|--------------------|---|
| Contact: Email: | Senior Licensing Officer lorraineneale@maidstone.gov.uk |
|--------------------|---|

14/00375/LAPRE.

APPENDIX A

P100 paid.

01m8c 18557

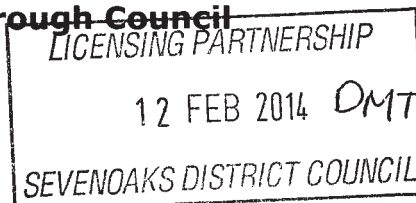
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SN.

7/2/14.

Maidstone Borough Council

The Licensing Partnership
PO Box 182
Sevenoaks
TN13 1GP

**Application to vary a premises licence under the Licensing Act 2003****PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Solar Collective LTD

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

13/01724 / LAPRE

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

Grid Ref :- TQ 76730 48721
open grass field-land, with attached woodland
glade

Post town

Maidstone

Post code

ME 17 4DD

Telephone number at premises (if any)

Non-domestic rateable value of premises

£

Part 2 – Applicant detailsDaytime contact
telephone number

E-mail address (optional)

| | | | |
|---|-----------|--|----------|
| Current postal address if different from premises address | | 1 BOUGHTON BOTTOM COTTAGES LOWER FARM ROAD BOUGHTON MONCHELSEA | |
| Post Town | MAIDSTONE | Postcode | ME17 4DD |

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?



If not do you want the variation to take effect from

| Day | Month | Year |
|-----|-------|------|
| | | |

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

We solar collective wish to make Variation to the conditions in relation to the noise monitoring.

namely ① the way we monitor ie LAEQ 15 min.

② the locations to be monitored.

③ how often the readings are to be taken

and to replace with

① replace with LAEQ 5 min

② set the locations to surround the site

Ⓐ church hill / peens Lane Junction

Ⓑ stilebridge Lane (out side the kennels)

Ⓒ Staplehurst road (as before)

Ⓓ Entrance to Yard of EEL HOUSE FARM

③ to monitor all locations once in the afternoon of a noise sensitive Event

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- | | |
|--|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)

☐

Sale by retail of alcohol (if ticking yes, fill in box M)

☐

In all cases complete boxes N, O and P

A

| | | | | | | |
|---|-------|--------|--|--|----------|--------------------------|
| Plays Standard days and timings (please read guidance note 6) | | | Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2) | | Indoors | <input type="checkbox"/> |
| | | | | | Outdoors | <input type="checkbox"/> |
| | | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 3) Existing conditions to remain save for those removed via variation | | | |
| Mon | | | | | | |
| Tue | | | State any seasonal variations for performing plays (please read guidance note 4) | | | |
| Wed | | | | | | |
| Thur | | | Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5) | | | |
| Fri | | | | | | |
| Sat | | | | | | |
| Sun | | | | | | |

B

| | | | | | |
|---|-------|--------|---|----------|--------------------------|
| Films Standard days and timings (please read guidance note 6) | | | Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 3) Existing conditions to remain save for those removed via Variations | | |
| Mon | | | | | |
| Tue | | | State any seasonal variations for the exhibition of films (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

C

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|--|-------|--------|---|
| Indoor sporting events Standard days and timings (please read guidance note 6) | | | <u>Please give further details</u> (please read guidance note 3) |
| Day | Start | Finish | |
| Mon | | | |
| Tue | | | <u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4) Existing conditions to remain save for those removed via variation |
| Wed | | | |
| Thur | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5) |
| Sat | | | |
| Sun | | | |
| | | | |

D

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|--|-------|--------|---|--|----------|--------------------------|
| Boxing or wrestling entertainments Standard days and timings (please read guidance note 6) | | | Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2) | | Indoors | <input type="checkbox"/> |
| | | | | | Outdoors | <input type="checkbox"/> |
| | | | | | Both | <input type="checkbox"/> |
| | | | | | | |
| Day | Start | Finish | Please give further details here (please read guidance note 3) | | | |
| Mon | | | Existing conditions to remain save for those removed via Variation | | | |
| Tue | | | | | | |
| Wed | | | State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4) | | | |
| Thur | | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) | | | |
| Sat | | | | | | |
| Sun | | | | | | |
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E

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|--|-------|--------|---|----------|--------------------------|
| Live music Standard days and timings (please read guidance note 6) | | | Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 3) Existing conditions to remain same for those removed via Variation | | |
| Mon | | | | | |
| Tue | | | State any seasonal variations for the performance of live music (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

F

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|--|-------|--------|---|----------|--------------------------|
| Recorded music Standard days and timings (please read guidance note 6) | | | Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 3) Existing conditions to remain save for those removed via Variation | | |
| Mon | | | | | |
| Tue | | | State any seasonal variations for the playing of recorded music (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

G

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|---|-------|--------|--|----------|--------------------------|
| Performances of dance Standard days and timings (please read guidance note 6) | | | Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | Please give further details here (please read guidance note 3) Existing conditions to remain save for those removed via Variation | | |
| Tue | | | | | |
| Wed | | | State any seasonal variations for the performance of dance (please read guidance note 4) | | |
| Thur | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Sat | | | | | |
| Sun | | | | | |

H

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|--|-------|--------|--|----------|--------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6) | | | <u>Please give a description of the type of entertainment you will be providing</u> | | |
| Day | Start | Finish | <u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| Mon | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | | | <u>Please give further details here</u> (please read guidance note 3) Existing conditions to remain save for those removed via variation | | |
| Wed | | | | | |
| Thur | | | <u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4) | | |
| Fri | | | | | |
| Sat | | | <u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| Sun | | | | | |

| | | | | |
|--|-------|--------|---|--------------------------|
| Provision of facilities for making music Standard days and timings (please read guidance note 6) | | | <u>Please give a description of the facilities for making music you will be providing</u> | |
| | | | <u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2) | |
| | | | Indoors | <input type="checkbox"/> |
| | | | Outdoors | <input type="checkbox"/> |
| Day | Start | Finish | Both | <input type="checkbox"/> |
| Mon | | | <u>Please give further details here</u> (please read guidance note 3) Existing conditions to remain save for these removed via variation | |
| Tue | | | | |
| Wed | | | <u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4) | |
| Thur | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | |
| Sat | | | | |
| Sun | | | | |

J

| | | | | | |
|---|-------|--------|--|----------|--------------------------|
| Provision of facilities for dancing Standard days and timings (please read guidance note 6) | | | <u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| | | | <u>Please give a description of the facilities for dancing you will be providing</u> | | |
| Day | Start | Finish | | | |
| Mon | | | <u>Please give further details here</u> (please read guidance note 3) Existing conditions to remain save for those removed via variation | | |
| Tue | | | | | |
| Wed | | | <u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4) | | |
| Thur | | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| Sat | | | | | |
| Sun | | | | | |

K

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|--|-------|--------|---|----------|--------------------------|
| Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6) | | | <u>Please give a description of the type of entertainment facility you will be providing</u> | | |
| Day | Start | Finish | <u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| Mon | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | | | <u>Please give further details here</u> (please read guidance note 3) Existing conditions to remain save for those removed via variation | | |
| Wed | | | | | |
| Thur | | | <u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4) | | |
| Fri | | | | | |
| Sat | | | <u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| Sun | | | | | |

L

| | | | | | | |
|--|-------|--------|---|--|----------|--------------------------|
| Late night refreshment Standard days and timings (please read guidance note 6) | | | <u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | | Indoors | <input type="checkbox"/> |
| | | | | | Outdoors | <input type="checkbox"/> |
| | | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 3) Existing conditions to remain same for those removed via variations | | | |
| Mon | | | | | | |
| Tue | | | | | | |
| Wed | | | <u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4) | | | |
| Thur | | | | | | |
| Fri | | | | | | |
| Sat | | | <u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5) | | | |
| Sun | | | | | | |
| | | | | | | |

M

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|---|-------|--------|--|------------------|--------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7) | On the premises | <input type="checkbox"/> |
| | | | | Off the premises | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) Existing conditions to remain save for those removed via variation | | |
| Mon | | | | | |
| Tue | | | | | |
| Wed | | | | | |
| Thur | | | | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | <u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| | | | | | |

N

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|--|
| <p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)</p> |
|--|

O

| | | | |
|---|-------|--------|--|
| Hours premises are open to the public Standard days and timings (please read guidance note 6) | | | <u>State any seasonal variations</u> (please read guidance note 4) |
| Day | Start | Finish | |
| Mon | | | |
| Tue | | | |
| Wed | | | <u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5) |
| Thur | | | |
| Fri | | | |
| Sat | | | |
| Sun | | | |

Existing Conditions to remain save for those removed via Variation

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

☒
☐

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

Existing conditions to Remain save for those removed
Via Variation

b) The prevention of crime and disorder

Existing conditions to Remain save for those removed
Via Variation

c) Public safety

Existing conditions to remain save for those removed
Via Variations

d) The prevention of public nuisance

Existing conditions to remain save for those removed
Via Variations

e) The protection of children from harm

Existing conditions to remain save for those removed
Via Variation

Please tick yes

- I have made or enclosed payment of the fee ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I understand that I must now advertise my application ☒
- I have enclosed the premises licence or relevant part of it or explanation ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

| | |
|-----------|--------------------------------------|
| Signature | <i>R. Thomas</i> |
| Date | <i>7/2/2014</i> |
| Capacity | <i>Solar Collective LTD Director</i> |

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

| | |
|-----------|--|
| Signature | |
| Date | |
| Capacity | |

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

| | | | |
|--|--|-----------|--|
| | | | |
| Post town | | Post code | |
| Telephone number (if any) | | | |
| If you would prefer us to correspond with you by e-mail your e-mail address (optional) | | | |

Confirmation of Application of Advertisement

Name of Applicant: Solar collective LTD

Name of Premises: Grid reg :- TQ 76730 48721

I /We confirm that we have submitted for publication an advertisement of our application for a Premises Licence in (name of newspaper/newsletter/circular or similar document)

Downs MAIL

which is due for release on

17th Feb 2014

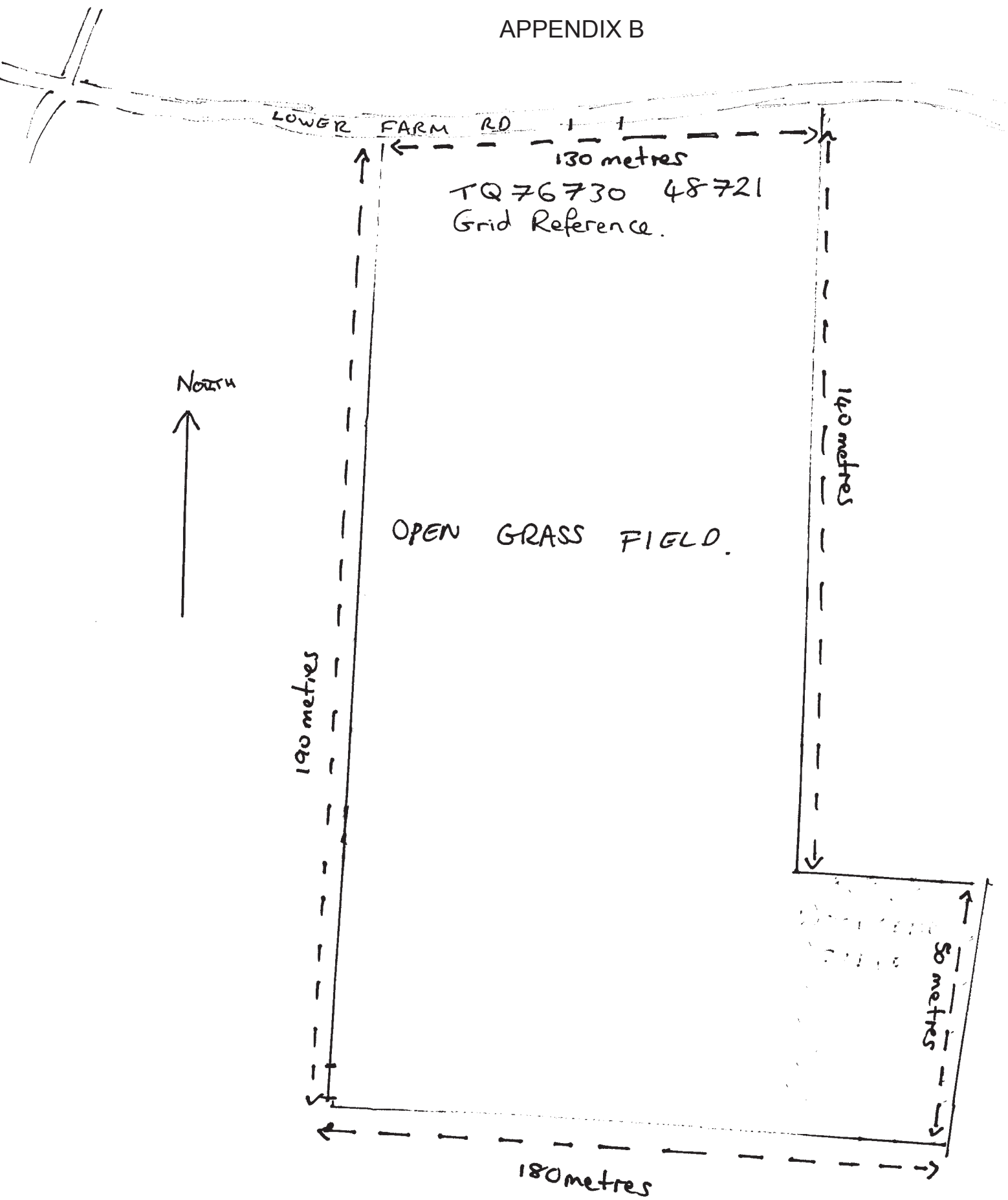
Signed



Dated

7/2/14

COPY OF ADVERTISEMENT ATTACHED YES/NO



Area Plan ref: Solar Collective Ltd.

From: emma walker [mailto:emma.walker@lapre.co.uk]
 Sent: 06 March 2014 15:05
 To: Licensing
 Subject: Objection to 14/00375/LAPRE

Dear Sir/Madam

14/00375/LAPRE

We are writing to object to Solar Collective's request to alter its licence conditions, so as to reduce both the number of sites it monitors, the duration of each monitoring session, and the number of times it monitors them.

We attended the licensing sub-committee hearing at Maidstone Town Hall and what was apparent to us was, with their decision, the committee and officers had tried to reach as fair a compromise as they could between the wishes of Solar Collective (SC) and those of nearby residents.

We feel that since only one event has been held since the restrictions have been put in place it is **far too early** for SC to ask for a review - and that they have asked for far too great reductions in their responsibilities. It is unacceptable to us that they wish to use the experience of only one event under the new conditions to determine all future events for years to come.

We frankly believe that SC is trying to disrupt the balance struck by the committee at last year's hearing, and to ride roughshod over the very genuine concerns of local residents. It is very disappointing that they have decided to take a one-sided approach.

We also understand that SC have refused to enter into a cooperative discussion with the parish council, despite complaints about their failure to do so last time. After the discussions during last year's event, we were hopeful that a mutually-beneficial and cooperative dialogue would be possible but that hope seems to have been dashed by SC.

Number of monitoring sites

Although we understand that SC did meet the requirements asked of them in relation to monitoring at locations outside the site, the noise was still at such a level that on the Saturday evening that we could still hear it inside, at the back of our house, with all our windows closed. A neighbour of ours also called us at this stage, to ask us if we were suffering as much as they were.

Following that call, and a discussion with a representative of the parish council, my husband went down to the site to speak with them, and had a long discussion with them. During that discussion, he understood from Richard Thompson that SC had taken some measures to try to reduce the impact, but that they recognised that these had not worked, and that they understood from having carried out the monitoring why local residents had been concerned.

He appreciated that a key problem seemed to be that sound simply travelled over the trees, and unimpeded right up the hill - a point that we tried to make at the hearing. In fact, for last year's event the main stage was pointing directly towards

Church Hill (this may also, at the same time, have contributed to a lower impact on Wierton residents, given the lie of the land between the site and Wierton?).

Mr Thompson repeated to my husband what he had said earlier to the parish council representative - that they were looking at altering the direction of the main stage in future, as a further measure to try to reduce the impact (see below).

My husband was told that SC were meeting their limits within the site. One reason for going down was to ask about this, to see how loud it actually was on site, and to ask them to come up and experience what we were experiencing. They were not willing to do so, on the basis that they had no obligation to do so, and believed that they were within their on site noise limits.

My husband's impression was that the sound level at the edge of the site was not that different from the level on our terrace. This shows the importance of monitoring sites that are near the greensand ridge, rather than mainly those that are closer the bottom.

As things stand at the moment, we already have to deal with the fact that there is no monitoring at a site which could give a sound reading that actually reflects the experience of those properties exposed on the ridge - Church Hill itself is a deep cutting between the flatter areas at the bottom and beyond the church - when a key problem seems to be sound travelling above the trees and up the hill.

The Noise Council guidelines confirm the lie of the land can have a significant effect on the impact on neighbouring properties, and this was clearly taken into account by the licensing committee - reflected by their adding position nearer to the ridge to the monitoring list. We would therefore be loathe to see them removed from it.

The fact that the sound faded in and out during daylight hours also shows the influence of environmental factors on residents' experience of the sound level.

Orientation of stage/sound consultant

We understand that there is clear guidance on how a responsible promoter would use an independent noise consultant to help arrange the event for minimum impact and proactively/continuously monitor to ensure sound levels are not exceeded. At the moment, this is not a condition, and we are not aware that they have chosen to employ such a consultant voluntarily. If such a consultant were in place, then that might give all concerned (including the licensing authority) greater comfort that appropriate measures were being identified and put in place to reduce the impacts.

A particular disappointment is that the application for revision does not include any reference to the direction of the main stage, as mentioned above. This was SC's own idea at the end of last year's event. It was also a suggestion made by one of the licensing committee members at the hearing last year. At the time, we were concerned that whilst this might help us, it could just make it worse for others (particularly those at Monk Lakes). Having thought about the suggestion made by Richard Thompson to my husband and to the parish council, and having looked at this on the ground, we can now see that it might, in fact, be possible to orientate the main stage(s) in such a way to reduce the impact of an event on all local residents.

We understand that if the main stage were directed towards the main road (and far enough around to avoid pointing at the properties up Loddington Lane), then a combination of the ambient sound levels, the lower (but slightly rising) lie of the land, and the lack of residential properties in that direction, could mean a much improved impact on us all - certainly compared with pointing the main stage directly up at the properties on Church Hill, as was done last year.

If a different condition were imposed requiring the direction of any amplified music to be towards the main road, then we can see that this might mean that the number of monitoring site well away from that direction could be reduced, whilst still maintaining the balance struck by the committee in the current licence conditions. We suggest that the authority should consider this as a *quid pro quo* if they agree to reducing the number of monitoring sites. We cannot say whether it would actually work - any more than we could (or still can) say that the sound levels would reduce, given the lie of the land - but it would seem intuitively likely to help.

This would not, however, be a substitute for keeping the existing NUMBER of times sound levels are recorded at retained monitoring sites. This should remain as per the original conditions.

Timing of monitoring

Regarding the timing of the monitoring, we would be very concerned if this were only done in the afternoon.

Clearly, at night time when there is far less ambient noise, the sound coming from SC's events is likely to be far more intrusive. Witness last year, when the impact was much greater on the Saturday night, after the last of the evening monitoring visits. Retaining monitoring in the evening is therefore particularly important.

Considering that SC's events are of such a long continuous duration, we feel that monitoring three times a day strikes a reasonable balance, particularly given the limited experience so far.

Sound level methodology

We do not understand why SC wishes to change the technical criteria for sound level monitoring. The committee fixed this based on the Noise Council guidelines, and we are not aware of any reason having been given to change this.

Lack of complaints

We understand that the council may be taking account of a lack of formal complaints made to it during last year's event. We believe that this would be wrong.

None of us are the sort to make complaints when there are other means of trying to resolve issues. My husband went down to the site to discuss the situation with SC direct on Saturday night, having discussed the situation over the telephone with other local residents, rather than take more formal measures. In addition, SC were in breach of the condition in relation to have a 'wind down' period, because we could still hear music on our terrace (the saxophone was the most obvious). The level was not such as to disturb us, though, hence no reason to complain and - had this application to vary the conditions not been made - there would be no reason to raise it, particularly in the light of the hoped-for cooperation indicated by Mr Thompson.

The fact that this happened, though, and that SC are now looking to water down their conditions, reinforces our concerns.

In any event, we anticipated (rightly or wrongly) that the council's attitude was likely to be that if they are complying with their licence conditions, then no action will be taken. If we are wrong about that, then it may assist for the future to know this.

To be fair - yet again - to SC, the sound level was generally less intrusive during the day last year than it had been the year before. That may in part be explained not just by the sound limit restriction but also that the type of music during most of the festival was of a less intrusive sort than the year before - i.e. of a less repetitive in nature and with a less strong base - apart from on Saturday night. This does, though, emphasise to us the importance of maintaining sound level limits and monitoring which can cover all types of event which the licence permits (which we understand to be very broad).

However, we were still able to hear all of the music consistently throughout the event, and there is no reason to believe that this will be any different for any other event (unless additional measures were to be taken to reduce the impact).

We would have hoped that SC would have decided to take the impact on residents more seriously, particularly after last year's hearing and Richard Thompson's discussions during the event. It is a real shame that they have chosen again to ignore them.

It would also have shown a little respect if they had discussed their proposals - and the reasons for them - with local residents (and at least with the parish council) before this application was made. They didn't even try. Nor did they notify us of their application.

We would appreciate confirmation that you have received this email.

Kind regards,

Andrew & Emma Walker

From: Sara Hollingworth [mailto: [REDACTED]]
Sent: 06 March 2014 16:02
To: Licensing
Subject: 14/00375/LAPRE Licence - Events Boughton Monchelsea

Dear Sirs

I would like to object to an application which has been made to vary the conditions attached to a licence which governs the holding of events in a field in Boughton Monchelsea.

As the conditions were imposed only very recently and as there has been one event only since they were imposed, now is not the right time to consider any relaxation of the conditions. I would therefore ask that the conditions be maintained, unchanged, until such time as the applicant is able to demonstrate that they are superfluous, by reference to a track record which clearly shows that there has been little or no disturbance to people living in the surrounding area.

Would you please confirm that this email will be made available to those considering the application.

Regards
Sara Evans

[REDACTED]
[REDACTED]
Boughton Monchelsea
Kent [REDACTED]

From: Marice Kendrick [mailto: [REDACTED]]
Sent: 06 March 2014 16:42
To: Licensing
Subject: Application 14/00375/LAPRE from Solar Collective. Objection.

Dear Sirs

We write in reference to the above request from Solar Collective to alter the conditions of its existing Licensed Premises licence, whereby Solar Collective seek to reduce the number of locations monitored for acceptable noise levels and the duration and frequency of monitoring sessions.

We live at Boughton Monchelsea Place, on Church Hill, which is itself a licensed premises. We host a limited number of events over the course of the year, most of which finish by 5pm although we do host two weekends of open-air theatre in the summer. In the spirit of 'live and let live' we were not unhappy with the idea of Solar Collective using their site for events. Although the position of our property and that of near neighbours seems peculiarly vulnerable in terms of noise transmission from sites to the South, as Solar Collective's site is, we felt that last year a reasonable agreement had been reached with the imposition of such noise-monitoring conditions on Solar Collective's licence as currently apply.

In the event, although we could clearly hear noise from the festival throughout the weekend, it was not terribly obtrusive until the Saturday night, when the noise level within our house from the festival was quite disturbing for a time. Following discussion with other neighbours, Andrew Walker of Church Farm Oast went to speak to the organisers; Andrew reported that, surprisingly, during his visit the noise level down at the site was not very different from that audible to us halfway up Church Hill, some distance away. **This is why it is very important to retain all previously agreed monitoring sites, particularly those nearer to the ridge of the Greensand Way, as the volume of audible noise is not directly proportionate to the distance of the monitoring site from the licensed premises.**

It causes us great concern that Solar Collective are seeking to reduce the number and duration of times that the monitoring sessions take place as the sound levels can vary greatly throughout the course of the day, depending on environmental conditions, as we experienced last year.

We would add that, in a rural community such as ours, neighbour relations are particularly important. We ourselves unwittingly caused concern to neighbours when we used to host a classic car show some years ago. One of the attractions which the organisers of the show offered was a short helicopter ride over the surrounding area. We received two complaints from near neighbours over the resulting noise and as a result we refused the organisers permission for helicopter rides in the future. This led to the organisers' decision not to use our site in future years as the helicopter rides had greatly added to the profitability of the event for them. While this was a blow financially for us we accepted the fact that happy neighbours are often as important as happy bank balances. Solar Collective would do well to adopt this approach. It is particularly sad to note that Richard Thompson of Solar Collective always seems a very reasonable man, willing to look for compromises such as changing the orientation of the stage in order to ameliorate the noise. Yet does not seem inclined to carry through any such compromise.

In summary, we strongly object to any reduction in the level of noise monitoring required from Solar Collective, whether in terms of the number of locations monitored, the frequency of the monitoring sessions or the duration of the monitoring sessions.

Please confirm receipt of this objection.

Yours faithfully

Marice and Dominic Kendrick

From: Jonathan Gershon [mailto: [REDACTED]]
Sent: 06 March 2014 18:29
To: Licensing
Cc: Lesley Windless; Doug Smith
Subject: Parish Council Submission for 14/00375/LAPRE variance application

Boughton Monchelsea Parish Council's response to

Consultation on 14/00375/LAPRE Premises License Variation

Eel House Farms, Boughton Bottom Farm, Lower Farm Road, Boughton Monchelsea. ME17 4DD

In setting the conditions on granting this license, MBC's Licensing Committee correctly took notice of the national guidance from **The Code of Practice on Environmental Noise Control at Concerts** when setting the noise limits for a rural settings based concert festival

Boughton Monchelsea Parish Council would like the application for variance of monitoring as it stands to be rejected for the following reasons.

1. The Licensing Committee took full note of these guidelines when they set these conditions, nothing has changed and therefore these conditions should not be altered, although the use of an external independent noise control consultant should be considered for inclusion as in bullet 6 below from Appendix III of the guidance.
2. The applicant's first request is to reduce the LAeq from the 15min period to 5min. **The Noise Council's guidelines (The Code of Practice on Environmental Noise Control at Concerts)** are very clear so that where there are *between 1 and 3 events a year - that the Mean Noise Level (MNL) as shown through the LAeq should not exceed 65dB(A) over a 15 minute period.*

Where there are more than 3 but less than 12 events per year, the MNL should not exceed the back ground level by more than 15dB(A) over a 15 minute period. There are further recommendations for more frequent and longer events.

The Guidelines go on to suggest that it may be appropriate to reduce the length of time for sampling but this is so 'useful control can be exercised by monitoring LAeq over one minute periods. This enables an early warning to be obtained of possible breaches in the 15 minute limit.'

Consequently reduction to LAeq is not intended for there to be a reduction of the LAeq for the Monitoring & Recording purposes, but as a tool that the event promoter to ensure that they are proactively ensuring the noise level does not accidentally exceed the LAeq 15 limit.

3. The reduction of the number of sampling sites outside the site from 7 to 4 is of concern as it cannot be said to comply with the guidance of appropriate issues with the local topography. Again this is recognised as an issue within the code of practice and especially in relation to different frequencies causing a greater reading over distance further away from the event. Whilst recognising that the furthest site (East Hall Hill) did not show high readings, the Parish Council does not consider after just one event under this license that it is possible to have properly established any pattern and no case has been made in the application to justify changing the site locations.
4. The third request - was to reduce the frequency of monitoring. The guidance on page 12 goes on to say - '*Carry out noise monitoring within the venue at the noise monitoring positions and at sample locations outside the venue throughout the event.*' Therefore a single afternoon sampling session is far from adequate.

Additionally it is recognised that evening and night time noise has more impact than that during the day due to reduced local ambient noise and therefore a single afternoon sampling will not be sufficient. The guidance also recognises the need for events to increase sound levels as the event or a set progresses and makes clear guidance concerning the best way to achieve this without exceeding the 65 dB(A) 15 minute LAeq.

Without a proper monitoring regime a breach is recognised as being a real risk in the guidance and consequently the Parish Council cannot see any justification has been made for changing this condition.

5. The issue of complaints from past concerts / events. This was the first event under this license and there was a lot of talk and concerns in the parish, with calls between parishioners and Parish Councillors and especially along the ridge and at least one did contact the promoters during the event. Whilst we understand that no one actually phoned to complain to MBC or to the Police, this is not to say that there were not concerns and complaints that were dealt with at Parish level. We would not want to see an escalation in complaints as a result of a failure to properly and proactively monitor levels.
6. Independent expertise: The guidance in Appendix III also goes onto outline how the promoter appoints an independent suitably qualified and experienced noise control consultant to

the approval of the local authority. They undertake work on all noise related work prior to and during the event.

The intention is that this independent expert will enable to promoters to be proactive in ensuring that the festival does not accidentally exceed the 15minute LAeq. We understand Solar Collective have undertaken this work on their own and have found this quite an onerous task. The employment of an Independent Noise Consultant is however something that national guidelines clarify as a reasonable and encourages Local Authorities to make use of Licensing Conditions and Statutory Powers to implement the procedures outlined in Appendix II, including the Licensees appointment of a suitably qualified and experienced noise control consultant, approved by the Local Authority. Additionally the independent noise consultant will assist the promoter in identifying the best layout to reduce the impact on the surrounding area.

In discussions during and after last years event the organisers did suggest changing the direction of the main stage, away from pointing at Church Hill, to the less inhabited and flatter South West. Under the guidance of an independent Noise Consultant, this change could go some way to reduce the impact on the more vulnerable up slope areas and may require a review of appropriate locations BUT the Parish Council would want to ensure that the existing most vulnerable sites were included in the monitoring regime until it can be clearly demonstrated to the Licensing Committee that there are no unreasonable noise concerns.

To reiterate, Boughton Monchelsea Parish Council believes that the original conditions are essential / reasonable and that such a dramatic reduction of monitoring would be contrary to the appropriate monitoring expected in the code of practice and that a conscientious promoter would be carrying out as a matter of course.

The Parish Council would wish this variance application to be rejected, but to consider including the requirement of an Independent Noise Consultant in setting stage direction to minimise impact and ensuring early warnings of potential

breaches, so enabling the promoters own interventions to prevent actual breaches taking place.

Parish Cllr Jonathan Gershon
on behalf of Boughton Monchelsea Parish Council and the Clerk of Boughton Monchelsea Parish Council.

Please reply to The Clerk, Boughton Monchelsea Parish Council.
& Parish Cllr Jonathan Gershon.

From: Evans, Andrew [mailto:████████████████████]
Sent: 06 March 2014 18:42
To: Licensing
Subject: 14/00375/LAPRE Licence - Events Boughton Monchelsea

Dear Sirs

I wish to object to an application which has been made to vary the conditions attached to a licence which governs the holding of events in a field in Boughton Monchelsea.

As the conditions were imposed only very recently and as there has been one event only since they were imposed, in my view it is far too early to consider any relaxation of the conditions. I would therefore ask that the conditions be maintained, unchanged, until such time as the applicant is able to demonstrate that they are not appropriate, by reference to a track record which clearly shows that there has been little or no disturbance to people living in the surrounding area. This is currently not the case.

Would you please confirm that this email will be made available to those considering the application.

Regards

Andrew Evans

████████████████████
████████████████████
Boughton Monchelsea
Maldstone
Kent ████████████████████

Consider the environment - please think before you print.

██
██
██

██
██

From: James McDonald [mailto:]
Sent: 06 March 2014 21:07
To: Licensing
Subject: Objection to 14/00375/LAPRE

Please find attached an objection to the above application.

Regards,

Mr. McDonald

Mr. & Mrs. D. McDonald,

[REDACTED]
[REDACTED]
[REDACTED]
Boughton Monchelsea,
Maidstone,
Kent.
[REDACTED]

6th March 2014

Dear Sir/Madam,

It is with concern that we note a request by Solar Collective Ltd to vary their premises licence to make alterations to the conditions relating to noise monitoring. The original licence application was granted based on the conditions which were agreed upon as a result of a public meeting and for alterations to be requested less than 12 months after being agreed, seems totally unreasonable. These conditions were put in place on the grounds of the prevention of public nuisance to safeguard residents from noise and therefore should be upheld.

Condition 11 of the Premises Licence stipulates that the Music Noise Level should not exceed 65dB(L_{Aeq,15min}) at the façade of the nearest noise sensitive properties. This condition is based on Guidance contained within the Code of Practice on Environmental Noise Control at Concerts, which looks to minimise the disturbance or annoyance caused by events.

A reduction in the time reference from 15 minutes to 5 minutes in effect shortens the measurement period, and this would not provide the same level of protection for residents. In essence, measurements may not take account of the fluctuations in the noise level and in the worst case could be timed to take place during these lulls.

This is further exacerbated with the proposal to reduce the number of measurements to one 5 minute period in the afternoon. These variations would not be representative of the noise climate, which will vary during the event. In addition, the variation would remove the checks and balances that multiple monitoring periods provide i.e., the noise level could be monitored in the afternoon and achieve condition 11, the noise level could then increase during the event, but no further monitoring would take place to bring the noise levels back in line with the condition.

We appreciate that there are some advantages to monitoring over a shortened averaging period of 5 minutes as it provides an early warning of a breach of condition 11. However, if this method was to be adopted, condition 11 would need to

be altered to ensure that the noise levels are measured over a suitable time period
[REDACTED] consecutive 5 minute measurements at each location, at least 3 times during
[REDACTED] However, the Music Noise Level of 65dB(L_{Aeq,15min}) at the
[REDACTED] most noise sensitive properties, as specified in condition 11, should
remain.

The monitoring positions are also defined in the Licence and we would not wish to
[REDACTED] any changes to the locations, which were identified by the Environmental Health
Officer to take account of the noise sensitive properties.

All these requests seem to undermine the controls that the Licensing Authority put in
place to address the licensing objectives. They are proposed before those controls
have been properly tested. In short, they seem to be for the convenience and
advantage of the applicants rather than safeguarding residents and for this reason
we strongly oppose the variation application.

Yours faithfully,

Mr. & Mrs. D. McDonald

From: Rowland Roome [REDACTED]
Sent: 07 March 2014 13:14
To: Licensing
Subject: Ref: 14/00375/LAPRE: licensing variance application

Dear Sir / Madam.

The above referenced licensing variance application requests several major modifications to conditions agreed as part of approval of licensing given only recently. I request refusal of this variance application in full for reasons given below.

I write as a neighbour to the concert site, my address being Spring Farm, East Hall Hill, Boughton Monchelsea, ME17 4JX, and also on behalf of my mother who lives next door at East Hall on the same hill, same post code.

- 1) The conditions agreed to the licensing approval last year were the result of a great deal of coordinated effort by residents who live locally to the concert site. The details of those conditions were closely referenced to the Code of Practice on Environmental Noise at Concerts. If these conditions are now waived or modified after only one concert having happened, this demonstrates both clear disrespect to the well considered and substantiated opinions of local residents who approached last year's application with openness and a clear sense of social responsibility, and contravenes the referenced Code of Practice. At the very least it requires more than a single test case before conclusions can be drawn about noise levels in the locality.
- 2) The variance application proposes to drop the monitoring sites from seven to four, including Wierton and East Hall Hill among the dropped sites. I do not know the decibel levels during the last concert, but I can vouch, for living on East Hall Hill, that the music was persistently audible and frankly infuriating. For myself personally, there is no worse intrusion than having to listen to someone else's music that I don't wish to listen to - most especially on a quiet summer's afternoon and evening in my own house and garden. The condition for a monitoring post on East Hall Hill should be maintained as agreed as it is necessary that the condition is not abused. If the condition was agreed by the licensing authority as reasonable in the first place, how can it become not so, so soon and after only one concert?
- 3) Similarly, the variance application requests dropping the number of times that monitoring occurs from three times per day to once only, in the afternoon. This cannot be acceptable as it is the evening, when ambient noise is less, that the concert will be even more audible in the locality.
- 4) Furthermore, the variance application gives no recognition to the fact that sound travels more clearly uphill. Again, for this reason, all the monitoring stations on the slope above should be retained.
- 5) Apart from contravening the Code of Practice, the variance application to reduce the monitoring from 15 minutes to 5 minutes at each point should not be approved for the same reason that overturning a condition that was reasonably agreed by the licensing authority after due thought and so recently would not now be reasonable. The applicant may say that the monitoring is onerous. I can only say that the applicant agreed to these conditions, and they do not reduce the value of his concert. If the monitoring requires effort, local residents have also put much effort into making the conditions reasonable to all parties, and for them the concert noise is onerous too.
- 6) Mention is made that no complaints were received by the police, MBC or licensing authority during the last concert. This is a non-point. Of course not. All local residents, having been so much involved in negotiating for the conditions, were trusting in the monitoring system to provide the data before making any further comment. This was a test case. I understand that the decibels were within the agreed limits, so we had nothing to complain about. However, now to disassemble the system that gave us that reassurance might indeed give us cause to complain at the next concert as

we could have no faith that the decibels are within agreed limits - there would be no way of knowing.

Yours faithfully,

Rowland Roome, [REDACTED]
and Mrs AP Roome, [REDACTED]

8

From: Sue Batt [REDACTED]
Sent: 07 March 2014 15:28
To: Licensing
Subject: : Licensing variance application - Festival monitoring

Solar Collective have requested that the frequency and number of monitoring sessions be adjusted and they have proposed the details below

1. Replace LAEQ 15 with LAEQ 5
2. Set the locations to surround the site
 1. Church Hill / Peens Lane Junction
 2. Stilebridge Lane (outside the Kennels)
 3. Staplehurst Road (as before)
 4. Entrance to yard of Eel House Farm (as before)
3. To monitor all locations once in the afternoon of a noise sensitive event

We believe that this proposal should be rejected. Since they have been granted a license there has only been the one event and that it is far too early to even consider reduced monitoring. A conscientious promoter would be evaluating over a number of events and the changing weather conditions the impact of monitoring noise levels to the surrounding area Boughton Monchelsea Parish Council believes that the original conditions are essential / reasonable and that such a dramatic reduction of monitoring would be contrary to the appropriate monitoring expected in the code of practice. We agree with the Parish Council and wish this application to be rejected.

Sue Batt and Jonathan Gershon
[REDACTED]

Sent from my iPad

PREMISES LICENCE

The Licensing Act 2003
Schedule 12, Part A



| | |
|--------------------------------|-----------------------|
| Premises Licence Number | 13/01724/LAPRE |
|--------------------------------|-----------------------|

Part 1 – Premises Details

Postal address of premises , or if none, ordnance survey map reference or description, including Post Town & Post Code

Field At Eel House Farm
Grid ref: TQ76730 48721
Eel House Farms Boughton Bottom Farm
Lower Farm Road
Boughton Monchelsea
Maidstone
Kent
ME17 4DD

Telephone number None provided

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Plays
Films
Live music
Recorded music
Performances of dance
Anything similar to E, F, or G
Sale or Supply of Alcohol
Late Night Refreshment

Times the licence authorises the carrying out of licensable activities

Plays (Both Indoors and Outdoors)

| | |
|---------------------|---------------|
| Saturday and Sunday | 00:00 - 02:00 |
| Saturday and Sunday | 12:00 - 23:59 |
| Monday | 00:00 - 02:00 |
| Monday | 12:00 - 23:59 |
| Friday | 12:00 - 23:59 |

Films (Both Indoors and Outdoors)

| | |
|--------|---------------|
| Monday | 00:00 - 02:00 |
|--------|---------------|

Licence Number: 13/01724/LAPRE
Issue Date: 02/08/2013

Page 1 of 8

Licence issued by:

The Licensing Partnership P.O. Box 182 Sevenoaks Kent TN13 1GP
Telephone number: 01732 227004

| | |
|----------|---------------|
| Friday | 12:00 - 23:59 |
| Saturday | 00:00 - 04:00 |
| Saturday | 12:00 - 23:59 |
| Sunday | 00:00 - 02:00 |
| Sunday | 12:00 - 23:59 |

Live music (Both Indoors and Outdoors)

| | |
|------------------|---------------|
| Monday to Friday | 12:00 - 23:59 |
| Saturday | 00:00 - 02:00 |
| Saturday | 12:00 - 23:59 |
| Sunday | 00:00 - 02:00 |
| Sunday | 12:00 - 23:59 |

Recorded music (Both Indoors and Outdoors)

| | |
|------------------|---------------|
| Monday to Friday | 12:00 - 23:59 |
| Saturday | 00:00 - 02:00 |
| Saturday | 12:00 - 23:59 |
| Sunday | 00:00 - 02:00 |
| Sunday | 12:00 - 23:59 |

Performances of dance (Both Indoors and Outdoors)

| | |
|-----------|---------------|
| Every Day | 00:00 - 00:00 |
|-----------|---------------|

Anything similar to E, F, or G (Both Indoors and Outdoors)

| | |
|-----------|---------------|
| Every Day | 00:00 - 00:00 |
|-----------|---------------|

Sale or Supply of Alcohol

| | |
|------------------|---------------|
| Monday to Friday | 12:00 - 23:59 |
| Saturday | 00:00 - 02:00 |
| Saturday | 12:00 - 23:59 |
| Sunday | 00:00 - 02:00 |
| Sunday | 12:00 - 23:59 |

Late Night Refreshment (Both Indoors and Outdoors)

| | |
|-----------|---------------|
| Every Day | 23:00 - 05:00 |
|-----------|---------------|

The opening hours of the premises

| | |
|-----------|---------------|
| Every day | 00:00 - 00:00 |
|-----------|---------------|

Not applicable

Alcohol is supplied for consumption on the premises.

Name, (registered) address, telephone number and email address (where relevant) of holder of premises licence

Premises Address
Solar Collective Ltd
1 Boughton Bottom Cottages
Lower Farm Road
Boughton Monchelsea
Maidstone
Kent
ME17 4DD

Email address solarcollective@yahoo.co.uk

Registered Business Number 08431976

**Mr Oliver Barlow
Burrs Hill
Staplehurst Road
Marden
Kent
TN12 9BS**

Licence Number: 13/00905/LAPER
Licence Authority: Maidstone Borough Council

John Littlemore
Head of Housing and Community Services
Maidstone Borough Council

Annex 1 – Mandatory conditions

The supply of alcohol

No supply of alcohol may be made under the premises licence -

- (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Conditions in force from 06 April 2010

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

Irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Door supervision

Any premises which includes a condition that door supervisors must be at the premises to carry out a security activity, shall ensure that each such person is licensed to conduct such activities by the Security Industry Authority.

Exhibition of films

- Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where -

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section -

"children" means person aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Annex 2 – Embedded conditions

Not applicable

Annex 3 – Conditions consistent with the Operating Schedule

Any required security contractor's staff used, (at levels determined by agreement with Kent Police and Licensing Authority), to provide perimeter and/or internal security will be SIA registered.

Security will be equipped with multi-channel radio communication.

If deemed appropriate, there shall be a search procedure carried out on vehicles/persons prior to entry, to detect and prevent unauthorised generators or sound systems, persons without tickets, alcohol, illicit substances, illegal, prohibited or offensive items being taken on site.

Any sound systems or 'venues' within the licensed area that do not form part of the licensed event will be shut down.

Any staff involved in working with children or staffing an area where they will be required to have contact with children will be CRB/DBS checked.

There shall be a lost children policy in place which shall be submitted with any Event Management Plan.

Annex 4 – Conditions attached after a hearing by the licensing authority

An event management plan is to be drawn up for each event. This plan will be based upon the Purple Guide and cover each heading as listed in the guide.

A maximum number of persons attending each event will be determined in advance of the event.

Any event which is expected to attract between 500 and 750 people is to be brought to the attention of Kent Police and Maidstone Borough Council's Safety Advisory Group at least 3 months before the event.

The Challenge 25 scheme is to be in operation at all bars where alcohol is sold and appropriate signage on display.

Liquid refreshment including alcohol is only to be sold or supplied in polycarbonate containers, plastic or waxed paper cups except when previously agreed by Kent Police.

Kent Police (Licensing Dept) shall be notified at least 7 weeks in advance of any event where alcohol is to be sold. If an event is booked within 7 weeks of the proposed start date then the provision to sell alcohol will be agreed by Kent Police prior to the event.

Kent Police (Licensing Dept) shall be notified as soon as practicable of any event at which overnight camping is anticipated.

A personal licence holder will be present on site at all times that alcohol is being offered for sale.

The Premises Licence Holder will inform local residents of noise sensitive premises on a list supplied by EHOs, in writing, at least 3 months prior to a 3 day event and 6 weeks before a 1 day event, notify Boughton Monchelsea Parish Council at the same time for them to publish as they wish and include a telephone number or numbers, staffed continually throughout the duration of events, (this person to be on located on site), for members of the public to contact, in order for concerns relating directly to the event to be addressed immediately, the public contact number to be included in promotional material on the event website.

Assessments of sound levels with details and proposals for monitoring and controlling noise will be agreed with Maidstone Borough Council prior to each event. A generic plan being agreed for 3 day and 1 day events and being confirmed, together with any changes prior to each event.

The Music Noise Level ("MNL"), as described in section 3 of the Noise Council Code of Practice on Environmental Noise Control at Concerts, should not exceed 65dB(A) (Laeq 15min) at the façade of the nearest noise sensitive properties for any 3 day events. The MNL for 1 day events to be considered by EHOs against the Noise Council Code of Practice where these are concert/music events

and set at a level appropriate for the events in that year which may be lower, but not to exceed 65 dB(A) (Laeq 15min) at the façade of the nearest noise sensitive properties.

At least one contact telephone number must be provided to Maidstone Borough Council's Environmental Enforcement Team in advance of the event so that if complaints of noise nuisance, including those outside normal office hours, are received during any stage of the event, including the installation, appropriate instructions can be given to reduce noise levels to that at or below the music noise level described above.

A Noise Management Plan (incorporated within the Event Management Plan) will be drawn up for all events by the Premises Licence Holder and submitted to the Safety Advisory Group. If up to 500 people then will be submitted 6 weeks prior to the event and over 500 3 months prior to the event.

Any lighting associated with this event should be installed and operated in such a manner so as not to cause a nuisance to residents.

Provision/maintenance of adequate toilet facilities will be detailed in the Event Management Plan and shown on the Event Site Plan and supplied and maintained throughout the event.

The camping area will be staffed when in use and all amplified music equipment will be banned within the camping area. The ban of amplified music equipment will be made clear in the T&Cs literature when tickets are purchased.

Any noise associated with the event will be inaudible at the façade of noise sensitive dwellings after 23:00 hours.

Monitoring will be carried out at the following locations and levels will be recorded and supplied to Maidstone Borough Council officers if requested:-

Peens Lane - East of the dip in the road
Stilebridge Lane - outside the kennels
Church Hill - at the Peens Lane Junction and near the Church
Lower Farm Road
Staplehurst Road at the entrance to Hertsfield Farm
East Hall Hill near East Hall
Wierton Hill near Wierton Oast

All locations must be monitored at least 3 times during each day of an event.

A waste management plan will be adopted which will include litter clearances during and after each event. A waste contractor who is registered with the Environment Agency to handle waste will be used to remove the waste off the site. Appropriate waste containers will be provided for people attending the events.

Any litter produced from the event left in the vicinity of the event site to be collected and appropriately disposed of within 3 days of the close of the event

All tickets and the promotional website for the events should encourage attendees to respect the SSSI and keep away from the river

Adequate parking for all attendees vehicles to be provided and maintained on site for the period of events and there should be no event parking in nearby lanes

No generators to be used on site without prior agreement with Environment Health at Maidstone Borough Council

No sales of alcohol or music, live or recorded, shall commence before midday on each event day

The 1 day events to be spaced at no more than one per month in the permitted period and no two consecutive weekends

Annex 5 – Plans

Please see attached

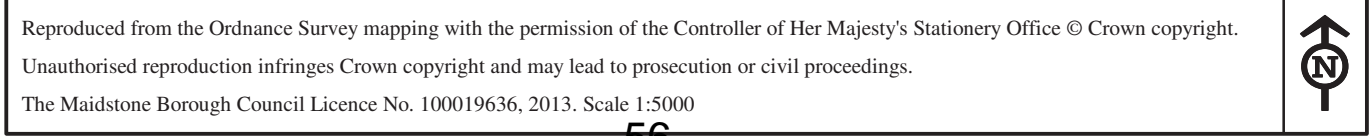
SOLAR COLLECTIVE LTD. LOWER FARM ROAD, BOUGHTON MONCHELSEA.

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HUMAN RIGHTS

Article 8

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Article 6(1)

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

Article 10

3. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
4. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.



LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

Licensing Act 2003 Sub-Committee Hearing Procedure of Applications for New Premises Licences/Club Premises Certificates and Variations to existing licences and certificates

Introduction and Procedure

i) Introductions

The Chairman will request all those persons participating in the hearing to identify themselves, starting with the:

- ✕ Members of the sub-committee (who will, if applicable, declare any personal or prejudicial interests)
- ✕ Legal advisor
- ✕ Committee clerk
- ✕ Maidstone Borough Council licensing officers/managers
- ✕ Applicant (and any representative)
- ✕ Each responsible authority (and any representative)
- ✕ Each interested party (and any spokesperson or representative)

ii) Procedural Matters

- **Procedure**

The Chairman will:

- ✕ Confirm that all parties are aware of the sub-committee hearing procedure and that each party has a copy of the hearing procedure document.

- **Submissions**

The Chairman will:

- ✕ Explain that the sub-committee will allow all parties to put their case fully and make full submissions, within a reasonable time frame.

- **Discussion and cross-examination**

The Chairman will:

- ⌘ Explain that the sub-committee procedure shall take the form of a discussion led by the sub-committee.
- ⌘ Explain that the sub-committee will usually permit cross examination (conducted within a reasonable time frame).

- **Disruptive Behaviour**

The Chairman will:

- ⌘ Explain that where any person attending the hearing behaves in a disruptive manner, the sub-committee may direct that person to leave the hearing (including temporarily) and thereafter the person may submit to the sub-committee in writing any information which the person would have been entitled to give orally had the person not been required to leave the hearing.

- **Reading of Papers**

The Chairman will:

- ⌘ Confirm that all sub-committee members have pre-read all the papers and any other documents contained in the report regarding the hearing.

- **Draft Conditions**

The Chairman will:

- ⌘ Enquire whether draft conditions have been agreed between the applicant and any of the other parties for the sub-committee to consider.

- **Witnesses**

The Chairman will:

- ⌘ Enquire whether any parties request to have any witnesses give evidence at the hearing; and if so grant the request unless the request is unreasonable.
- ⌘ Invite the parties, where appropriate, to appoint a spokesperson.

The Hearing

Outline of the Application and Representations

- ✘ The Chairman will ask the legal advisor or community services manager to briefly outline the application and all representations regarding the application.

i) The Applicant

- ✘ Opening remarks by the applicant (or their representative).
- ✘ Evidence of the applicant and any witnesses.
- ✘ After each person has given evidence the person may be questioned by each responsible authority, interested party and sub-committee member.
- ✘ If necessary, the applicant (or their representative) may clarify any matter that arose during questioning.

ii) Responsible Authorities (where applicable)

| RESPONSIBLE AUTHORITY | Tick if applicable |
|------------------------------------|---------------------------|
| Police | |
| Trading standards | |
| Environmental Health | |
| Child Protection (Social Services) | |
| Planning | |
| Fire and Rescue | |

- ✘ Opening remarks by the officer representing the responsible authority (or their representative).
- ✘ Evidence of the responsible authority officer and any witnesses.
- ✘ After each person has given evidence the person may be questioned by the applicant, each other responsible authority, interested party and sub-committee member.
- ✘ If necessary, the officer (or representative) may clarify any matter that arose during questioning.

iii) Interested Parties

- ✘ Opening remarks by the interested party (or spokesperson/representative).
- ✘ Evidence of the interested party and any witnesses.
- ✘ After each person has given evidence the person may be questioned by the applicant, responsible authorities, each other interested party and sub-committee member.
- ✘ If necessary, the interested party (or spokesperson/representative) may clarify any matter that arose during questioning.

Closing Speeches

In the following order:

- ✕ **Each Responsible Authority**
- ✕ **Each Interested Party**
- ✕ **The Applicant**

End of Hearing

- ✕ The Chairman will ask the members of the sub-committee if they have any final questions for any party to the hearing.
- ✕ The Chairman will ask the legal advisor whether there are any further matters to be raised or resolved before the hearing is closed.
- ✕ The Chairman will bring the hearing to a close and shall declare that the sub-committee will retire, to private session, to consider the application, all relevant representations, evidence, the relevant extracts of Licensing Authority's Statement of Licensing Policy, the relevant extracts of the National Guidance issued under section 182 of The Licensing Act 2003 and the licensing objectives under the Licensing Act 2003.
- ✕ The Chairman shall invite the legal advisor to remain with the sub-committee during its deliberations and ask all other persons to withdraw from the room.

The Decision

The Chairman shall declare in public session:

- ✕ The sub-committee's determination.
- ✕ All parties to the hearing will receive a copy of the written Determination Notice regarding the sub-committee's determination.
- ✕ All parties may appeal against the sub-committee's decision within 21 days beginning with the day on which the appellant is notified of the Licensing Authority's written determination. Appeals must be lodged with the Magistrates' Court. Parties should be aware that the Magistrates Court may make an order with respect to costs on any appeal.
- ✕ The hearing is formally closed.