

Agenda Item No: 1 - Summary of Report

Licence Reference: 18/00498/LAPRE

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

Date: 3 APRIL 2018

Report Title: PARTS OF MOTE PARK, MAIDSTONE

Application for: A premises licence under the Licensing Act 2003

Report Author: Lorraine Neale

- Summary:**
1. The Applicant – Spirit Of Rock Ltd for Ramblin Man Fair
 2. Type of authorisation applied for: A premises licence under the Licensing Act 2003 for the period Friday 29 June to Sunday 1 July 2018.
 3. Proposed Licensable Activities and hours: (Appendix A)

			Main Arena	Glamping Area	VIP Area
B	Films (Indoors & Outdoors)	Fri Sat Sun	----- 11:00 - 23:00 11:00 – 22:30	12:00 – 01:00 12:00 – 01:00 12:00 – 00:00	
D	Boxing & Wrestling (Indoors & Outdoors)	Sat Sun	11:00 – 23:00 11:00 – 22:30	----- -----	
E	Live Music (Indoors & Outdoors)	Sat Sun	11:00 – 23:00 11:00 – 22:30	12:00 – 00:30 12:00 – 00:00	
F	Recorded Music (Indoors & Outdoors)	Fri Sat Sun	----- 11:00 – 23:00 11:00 – 00:00	12:00 – 00:30 11:00 – 00:30 11:00 – 00:00	----- 23:00 – 00:30 22:30 – 00:00
G	Performance of Dance (Indoors & Outdoors)	Sat Sun	11:00 – 23:00 11:00 – 00:00	----- -----	23:00 – 00:30 22:30 – 00:00
I	Late Night Refreshment (Indoors & Outdoors)	Fri Sat Sun	----- ----- -----	22:00 – 00:30 23:00 – 00:30 22:30 – 00:00	22:00 – 00:30 23:00 – 00:30 22:30 – 00:00
J	Supply of Alcohol	Fri Sat Sun	----- 11:00 – 23:00 11:00 – 00:00	12:00 – 00:30 11:00 – 00:30 11:00 – 00:00	----- 23:00 – 00:30 22:30 – 00:00
L	Opening Hours (Whole Premises)	Fri Sat Sun	12:00 – 00:30 11:00 – 00:30 11:00 – 00:00	----- ----- -----	----- ----- -----

Affected Wards: High Street – East & Shepway North
The park is also bounded by the wards of Boxley, Detling & Thurnham, Bearsted & Downswood & Otham

Recommendations: The Committee is asked to determine the application and decide whether to grant 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: **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.

LEGAL: Under the Licensing Act 2003 the **Licensing Authority** has a duty to exercise licensing control of relevant premises.

Background Papers: Licensing Act 2003
DCMS Guidance Documents issued under section 182 of the Licensing Act 2003 as amended
Maidstone Borough Council Statement of Licensing Policy

Contacts: Mrs Lorraine Neale at: lorraineneale@maidstone.gov.uk – tel: 01622 602028

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

Purpose of the Report

The report advises Members of an application for a Premises Licence to be granted under the Licensing Act 2003, made by Spirit Of Rock Ltd for Ramblin Man Fair, in respect of the premises Parts of Mote Park, Maidstone, (Appendix B) in respect of which 3 objections have been received from other persons (Appendix C).

Issue to be Decided

1. Members are asked to determine whether to:
 - 1) grant as applied for
 - 2) grant with conditions
 - 3) exclude any licensable activity

4) reject the DPS

Responsible Authority /Interested Party	Licensing Objective	Associated Documents	Appendix
Mr Robin Giles	Public Nuisance	E-Mail	C
Mr Brian Chapman	Public Nuisance	Letter	C
E. Moira Thompson (Dr.) Edward J. Thompson (Prof.)	Public Nuisance	E-Mail	C

5) or reject the application

Background

- 2 The relevant sections are Part 3 S16 -24 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
3. The application has been correctly advertised in the local press and notices displayed at the premises for the required period.
4. There are no representations received from responsible authorities.
5. There are 3 representations from other parties.
6. The table below illustrates the relevant representations which have been received

The objections are that the granting of a premise licence would lead to an increased disruption to local residents. The event causes considerable noise nuisance to residents in the nearby vicinity and to households some distance away, it is believed that insufficient measures have been applied previously which have not alleviated the level of noise coming from the event.

- 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. The Operating Schedule submitted by the Applicant has addressed the licensing objectives in the following manner:**

a) General – all four licensing objectives:

1. Fence the event off from non-ticket holders.
2. Design a safe site for guests.
3. Put in place comprehensive security and stewarding operations.
4. Ensure we have trained bar staff and operate a Challenge 25 policy
5. Have on site medical facilities.
6. Put in place a detailed traffic management plan.
7. Put in place a noise management system.
8. Operate the event with a clear structure and experienced team..

b) The prevention of crime and disorder:

1. Put in place comprehensive security and stewarding operation with a reputable and licensed company.
2. Put in place a crowd management plan.
3. Ensure we have trained bar staff
- 4) Publish premises terms of entry and prohibited items at entrance

c) Public Safety:

For non attendees we will fence off the premises with security and an ID system in place at any entry point so they cannot access.

For attendees we will:

1. Design and risk assess the site for safe use.
2. Put in a security and stewarding system.
3. Operate the event with a clear structure and experienced team.
4. Provide on site medical facilities.
5. Ensure safe, free water is available.

d) The prevention of public nuisance:

1. Leaflet the local residents in advance with event info and an on the day telephone number for any issues.
2. Put in place a noise management system.
3. Clean the site every morning and through the day.
4. Put in place a traffic management plan.
5. Manage the medium sized campsites and make sure noise is kept to a minimum post 11 pm.

e) The Protection of children from harm:

There is no age restriction at the festival. Tickets are free to under-12's.
16's and under must be accompanied by a parent or guardian.
Security will be briefed to watch out for children in distress or alone.
We will have a lost/found child system in place.
We will design the site with children's size in mind.
We will have free and safe water on site.

The Community Protection Team submitted a representation on 7.3.2018 requesting the following additional conditions be added to the licence. (Appendix E)

- A noise management plan including procedures for monitoring levels during the event, the locations to be monitored, management authority for reducing sound levels and procedures for dealing with complaints will be sent to Licensing authority and the responsible authorities for inspection and comment at least 2 months in advance of the licensed event. Signs will request that departing customers respect the local area and neighbours.
- External lighting will be positioned so as to not cause nuisance to neighbouring or adjoining properties.
- The Licensee shall ensure that waste and refuse are removed in timely manner to a licensed waste facility.
- Up to 2300 hours music noise levels in 63Hz or 125Hz octave frequency bands shall not exceed 70dB in any 15 minute period at 2km and beyond. The monitoring points will be agreed with the Environmental Enforcement Team prior to an event.
- The Premises Licence Holder will make available a telephone number or numbers, staffed continually throughout the duration of the event, for members of the public to contact, in order for concerns relating directly to the event to be addressed immediately. This person will be located either on site or nearby i.e. in Mote Park.
- 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.
- Music noise levels after 2300 hours shall be inaudible at the designated monitoring points agreed with the Environmental Enforcement Team. This includes music noise levels from the camping and glamping areas.
- Sound level monitoring equipment to monitor compliance with these conditions must be an IEC Type 1 Standard capable of providing a read-out in dB(A) in 60 seconds to 15 minute dB(A) Leq values. Measurements to be taken in compliance with BS744-1:2003 - Description and measurement of environmental noise.
- Where requested Noise measurements data shall be submitted to the Environmental Enforcement Team within 28 days of the end of each music event. This should be provided in 15 minute periods as per the requirements in the previous conditions.
- Suitable competent person(s) will be used to monitor and produce a post event report.
- 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) (Leq 15min) at the agreed monitoring points set by the Environmental Enforcement Team.
- Both the camping and glamping areas will be staffed at all times by a SIA trained security who will manage noise emitting from these areas to reduce the risk of affecting neighbour properties.
- The use of personal stereos will be prohibited in the camping and glamping areas.

On the 19.3.2018 the applicant confirmed that they agreed to the additional conditions being attached to the licence and The Community Protection Team confirmed the withdrawal of their representation on 3.4..2018 (Appendix F)

11. Relevant sections of The Guidance issued under section 182 of The Licensing Act 2003;

Chapters 8 (8.42 onwards) & 9 Premises Licences & Determining Applications

Chapter 10 Conditions

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:**

17.19 – 17.22 Prevention of Public Nuisance

Prevention of Public Nuisance

The applicant will be expected to detail any appropriate and proportionate steps to prevent nuisance and disturbance arising from the licensable activities at the premises and from the customers using the premises.

The applicant will be expected to demonstrate that they have considered the following and included steps to prevent public nuisance:

- (i) Proximity of local residents to the premises
- (ii) Licensable activities proposed and customer base
- (iii) Hours and nature of operation
- (iv) Risk and Prevention of noise leakage from the premises from equipment, customers and machinery
- (v) Prevention of noise from customers leaving the premises and customer pick up points outside premises and from the Car Park.
- (vi) Availability of public transport to and from the premises
- (vii) Delivery and collection times and locations
- (viii) Impact of external security or general lighting on residents.
- (ix) History of management of and complaints about the premises.
- (x) Applicant's previous success in preventing Public Nuisance.
- (xi) Outcomes of discussions with the relevant Responsible Authorities.
- (xii) Impact of location, noise and contamination from outside smoking areas on neighbours and other customers

(xiii) Collection of litter arising from the premises

Steps to prevent public nuisance may include a range of options including noise limiting devices, sound insulation, wind down periods, acoustic lobbies, management of smoking areas etc.

Steps will differ depending on the individual premises and activities and it is for the applicant to ensure that reasonable, effective and appropriate steps are included within the operating schedule.

12. Options

Legal options open to members -

- 1) Grant the licence subject to such conditions as are consistent with the operating schedule accompanying the application.
- 2) grant the licence with MODIFIED conditions.
- 3) exclude any licensable activity applied for
- 4) refuse to specify a person in the licence as designated premises supervisor
- 5) 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".

11. 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.

12. 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

13. Conclusion

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

14. List of Appendices

Appendix A	Application Form
Appendix B	Plan of Premises
Appendix C	Other persons representation
Appendix D	Plan of area
Appendix E	CPT representation
Appendix F	Applicants agreement to CPT reps & CPT Withdrawal of rep
Appendix G	Human Rights Articles
Appendix H	Order of Proceedings

15. 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.

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