

LICENSING HEARING

Minutes of the meeting held on 12 May 2021 commencing at 2.00 pm

Present: Cllr. Clack (Chairman)

Cllrs. Carroll and Esler (in place of Parkin)

Also

Present:	Lee Denny	Applicant
	Robert Miller	Applicant's Acoustic Consultant
	John Richmond	Respondent
	Judy Maitland	Respondent
	Colin Alden	Environmental Health Officer (SDC)
	Jessica Foley	Licensing Officer (SDC)
	David Lagzdins	Legal Advisor (SDC)
	Charlotte Sinclair	Democratic Services Officer (SDC)
	Emilia Peters	Democratic Services Officer (SDC)

4. Report to Licensing Sub-Committee - Variation Application - Camp Wildfire, The Pinetum, St Clere, Kemsing, TN15 6NL

The Chairman welcomed everyone to the meeting.

The meeting was adjourned to allow the Environmental Health Officer, Applicant and Acoustic Consultant to discuss the amendments included in the supplementary papers relating to noise.

Meeting adjourned 2.07pm

Meeting reconvened 2.25pm

The Hearing gave consideration to the report by the Senior Licensing Officer giving details of an application for a variation of a premises license for Camp Wildfire, The Pinetum, St Clere, Kemsing, TN15 6NL.

The Applicant gave a [presentation](#). Following the success of the adult only festival, they had planned to introduce festival for families for two weekends as well as a second adult only festival. The Applicant set out measures taken in response to the consultation such as the appointment of an independent Acoustic Consultant, reduction of requested music noise levels, and ensuring lighting would not intrude on properties.

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Members questioned the measures taken to avoid disturbing local residents. They were advised that music stages would close slowly to avoid large crowds walking to the campsite at one time. The Acoustics Consultant advised that the main stage would be far from residents and face away from them. For the adult events, the main stage would close at 1am while at the family events the main stage would close at 11pm. The Applicant advised that they would be willing to accept two different set of conditions to reflect the type of events taking place. Following queries on damage to property, the Applicant advised that any damage caused by a supplier would be covered by them.

The Legal Advisor reminded the Hearing that the conditions of the premises licence already granted could not be further restricted.

A Resident asked for clarification on the times of the family event. The Applicant advised that the main stage would close at 11pm but recorded music would continue until 1am in a smaller space.

The Environmental Health Officer expressed that their primary concern was the monitoring of noise levels at the events. It was suggested that monitoring periods ought to be reduced from 15 minutes to 5 minutes to allow a quicker response to any noise issues. Further concerns were expressed over noise disturbance with events take place across four weekends back to back. However, in the knowledge that the two family events would be inaudible from 11pm, this was considered less of a concern.

The Applicant expressed that they would be willing to move to a 5 minute monitoring period.

The Hearing heard from the residents present who expressed their concerns with noise disturbance and the number of people on the premises at the events. Further concerns were raised over damage to property as a result of an increase in traffic.

The meeting was adjourned for a brief comfort break.

Meeting adjourned 3.50pm

Meeting reconvened 4.00pm

In response to the noise concerns, the Acoustic Consultant referred to the proposed changes to the conditions as set out the letter in the supplementary agenda. A complaints telephone line would be maintained throughout the events and noise measurements would be taken frequently from 6pm to 1am with any complaints from a specific area directly addressed. In response to concerns over the number of people on site, the Applicant advised that they would have a maximum of 3000 people for the family events, but would be willing to keep the maximum number of people at 2500 for the adult events. The Applicant advised that as the four events may take place back to back across four weekends, there

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would not be a large increase in suppliers vehicles. It was anticipated that there would be less traffic from attendees at the family events.

It was emphasised by the Applicant that they intended to ensure the music was inaudible at the agreed hours. They wished to continue to work with the Environmental Health team and local residents.

At 4.37pm, the Sub-Committee ended the Hearing and the Chairman confirmed that a decision would be made within 5 working days and provided to the parties thereafter.

Notice of Determination

THE MEETING WAS CONCLUDED AT 4.37 PM

CHAIRMAN

LICENSING ACT 2003 - Section 35 and 36

Notice of determination of application for variation of premises licence

To: Adventure Camp Limited

of: Camp Wildfire, The Pine Forest, St Clere, Kemsing, Kent, TN15 6NL

Ref: 20/01376/LAPRE

Sevenoaks District Council being the licensing authority, on the 8 March 2021 received an application for a variation to a premises licence in respect of premises known as Camp Wildfire, The Pinetum, St Clere, Kemsing, TN15 6NL.

On the 12 May 2021 (adjourned from 4 May 2021) there being valid representations which were received but had not been withdrawn, a Hearing was held to consider these representations, and having considered them the Licensing Sub-Committee determined as follows:

To grant the variation of the Premises Licence for two events (“Events A”):

Section A To allow the performance of a play both indoors and outdoors on
Thursday to Saturday 08:00 to 03:00 (the following morning)
Sunday 08:00 to 02:00 (the following morning)

Section B To allow the exhibition of films both indoors and outdoors on
Thursday to Saturday 08:00 to 03:00 (the following morning)
Sunday 08:00 to 02:00 (the following morning)

Section C To allow indoor sporting events on
Thursday to Saturday 08:00 to 03:00 (the following morning)
Sunday 08:00 to 02:00 (the following morning)

Section D To allow boxing or wrestling entertainments both indoors and outdoors on
Thursday to Saturday 08:00 to 03:00 (the following morning)
Sunday 08:00 to 02:00 (the following morning)

Sections E To allow live music both indoors and outdoors on
Thursday to Saturday 08:00 to 03:00 (the following morning)
Sunday 08:00 to 02:00 (the following morning)

Section F To allow recorded music both indoors and outdoors on
Thursday to Saturday 08:00 to 03:00 (the following morning)
Sunday 08:00 to 02:00 (the following morning)

Section G To allow the performance of dance (both indoors and outdoors) on
Thursday to Saturday 08:00 to 03:00 (the following morning)
Sunday 08:00 to 02:00 (the following morning)

Section H To allow anything of a similar description to the activities of live music, recorded music, or the performance of dance (both indoors and outdoors)
Thursday to Saturday 08:00 to 03:00 (the following morning)
Sunday 08:00 to 02:00 (the following morning)

Section L To allow late night refreshment both indoors and outdoors
Thursday to Saturday 01:00 to 05:00 (the following morning)
Sunday 11:00 to 02:00 (the following morning)

Section M To allow the supply of alcohol both on and off the premises on
Thursday to Saturday 08:00 to 03:00 (the following morning)
Sunday 08:00 to 02:00 (the following morning)

To grant the variation of the Premises Licence for two events (“Events B”):

Section A To allow the performance of a play both indoors and outdoors on
Thursday to Saturday 08:00 to 01:00 (the following morning)
Sunday 08:00 to 01:00 (the following morning)

Section B To allow the exhibition of films both indoors and outdoors on
Thursday to Saturday 08:00 to 01:00 (the following morning)
Sunday 08:00 to 01:00 (the following morning)

Section C To allow indoor sporting events on
Thursday to Saturday 08:00 to 01:00 (the following morning)
Sunday 08:00 to 01:00 (the following morning)

Section D To allow boxing or wrestling entertainments both indoors and outdoors on
Thursday to Saturday 08:00 to 01:00 (the following morning)
Sunday 08:00 to 01:00 (the following morning)

Section E To allow live music both indoors and outdoors on
Thursday to Saturday 08:00 to 01:00 (the following morning)
Sunday 08:00 to 01:00 (the following morning)

Section F To allow recorded music both indoors and outdoors on
Thursday to Saturday 08:00 to 01:00 (the following morning)
Sunday 08:00 to 01:00 (the following morning)

Section G To allow the performance of dance (both indoors and outdoors) on
Thursday to Saturday 08:00 to 01:00 (the following morning)
Sunday 08:00 to 01:00 (the following morning)

Section H To allow anything of a similar description to the activities of live music, recorded music, or the performance of dance (both indoors and outdoors)
Thursday to Saturday 08:00 to 01:00 (the following morning)
Sunday 08:00 to 01:00 (the following morning)

- Section L To allow late night refreshment both indoors and outdoors
Thursday to Saturday 11:00 to 01:00 (the following morning)
Sunday 11:00 to 01:00 (the following morning)
- Section M To allow the supply of alcohol both on and off the premises on
Thursday to Saturday 08:00 to 01:00 (the following morning)
Sunday 08:00 to 01:00 (the following morning)

To add the conditions on the Licence as follows:

Mandatory Conditions

The supply of alcohol

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

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 28 May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) "permitted price" is the price found by applying the formula— $P = D + (D \times V)$

where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory Conditions in force from 01 October 2014

1.

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an 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—

(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 in a manner which carries a significant risk of undermining a licensing objective;
- (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 in a manner which carries a significant risk of undermining a licensing objective;
- (d) 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;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) 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 either—

(a) a holographic mark, or

(b) an ultraviolet feature.

4. The responsible person must 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;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

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

Operating Schedule Conditions

1. This licence authorises four events (two "Events A" and two "Events B") per calendar year taking place in the months of June, July, August or September.
2. Each event can be open to the public for a maximum of five consecutive days.
3. The maximum number of people permitted on the premises at any time during two events ("Events B") shall not exceed three thousand. The maximum number of people permitted on the premises at any time during the other two events ("Events A") shall not exceed two thousand five hundred.
4. The holder of the premises licence, or an agent on behalf of and with the authority of the licence holder, will produce an Event Management Plan for each event addressing methods by which the licence holder proposes to manage the following matters in accordance with the licensing objectives:

- a. Event Safety Management
 - b. Health and Safety Policies
 - c. Health and Safety Risk Assessments
 - d. Noise Management
 - e. Trader management Including Food Safety
 - f. Crowd Management including security and stewarding
 - g. Medical Cover
 - h. Fire Prevention and Response
 - i. Emergency and Evacuation Plans
 - j. Water and Sanitation Management
 - k. Safeguarding Policies for Vulnerable Persons
 - l. Site Build and Break Schedules
 - m. Live Event Schedules
 - n. Environmental Policies
 - o. Refuse and Recycling Management
 - p. Adverse Weather Plans
 - q. Staff Welfare Policies
 - r. Reporting Procedures Including Incidents, Accidents and Complaints
 - s. Temporary Structures Information
 - t. Traffic Management
 - u. Accessibility Policies and Provisions
 - v. Operational Management Structures Including Event Liaison Team
 - w. Full Schedule of Activities and Entertainment
 - x. Site Maps
5. The Event Management Plan will highlight the methods by which the licence holder proposes to manage the 4 licensing objectives
 - a) The prevention of crime and disorder
 - b) The prevention of public nuisance
 - c) The protection of children from harm
 - d) Public safety
 6. A draft version of the Event Management Plan will be sent to the licensing authority so that it is received by them not later than 56 days before the start of the event.
 7. Following the delivery of the Event Management Plan, the licence holder, or an agent on behalf of and under the authority of the licence holder, will consult with all responsible authorities and take due account of any guidance provided by a responsible authority regarding the content of the Event Management Plan.
 8. Following the consultation with responsible authorities, a revised and final version of the Event Management Plan will be sent to the licensing authority so that it is received by them not later than 28 days before the start of the event to which it relates. Following this the event management plan will not be changed except for:

- a) Where, prior to the commencement of the event, the licence holder considers it necessary to make any adjustments to the Event Management Plan, the proposed adjustment will be notified to the licensing authority who will notify the responsible authorities and provide written agreement to the change if it is acceptable.
 - b) Where during the course of the event the licence holder considers it necessary to deviate from any provision with the Event Management Plan, the matter will be brought to the attention of representatives of the relevant responsible authorities and the Event Liaison Team. Any such decision must be approved and documented by the Event Liaison Team.
 - c) The licence holder will at any time prior to an event provide appropriate information to accompany the Event Management Plan. This may include appendices to the Event Management Plan detailing such matters as the names and contact details of person engaged at the site. Nothing in the conditions of this licence shall prevent the continued flow of information, especially where such information could not reasonably have been known to the licence holder prior to 28 days before the event.
9. The designated premises supervisor or his nominated deputy, who must be the holder of a personal licence, will be present on the premise whenever licensable activities are taking place.
10. The boundary of the licensed area is show in red on the attached site map.
- 11.
- The following Music Noise Levels shall apply to two events “Events A”:

Day	Time Period	Music Noise Level ¹
Thursday	8:00 to 00:00	Inaudible ²
Friday	00:00 to 03:00	Inaudible ²
	08:00 to 23:00	Representative background Sound Level ³ (L _{A90})+ 15dB measured as an L _{Aeq,5min}
	23:00 to 01:00	L _{Aeq,5min} 45dB
	01:00 to 03:00	Inaudible ²
Saturday	08:00 to 23:00	Representative background Sound Level ³ (L _{A90})+ 15dB measured as an L _{Aeq,5min}

	23:00 to 01:00	L _{Aeq,5min} 45dB
	01:00 to 03:00	Inaudible ²
Sunday	08:00 to 23:00	Representative background Sound Level ³ (L _{A90}) + 15dB measured as an L _{Aeq,5min}
	23:00 to 00:00	L _{Aeq,5min} 45dB
	00:00 to 02:00	Inaudible ²

The following Music Noise Levels shall apply to the other two events (“Events B”):

Day	Time Period	Music Noise Level ¹
Thursday	8:00 to 01:00	Inaudible ²
Friday	08:00 to 23:00	Representative background Sound Level ³ (L _{A90}) + 15dB measured as an L _{Aeq,5min}
	23:00 to 03:00	Inaudible ²
Saturday	08:00 to 23:00	Representative background Sound Level ³ (L _{A90}) + 15dB measured as an L _{Aeq,5min}
	23:00 to 03:00	Inaudible ²
Sunday	08:00 to 23:00	Representative background Sound Level ³ (L _{A90}) + 15dB measured as an L _{Aeq,5min}
	23:00 to 02:00	Inaudible ²

¹ At monitoring locations representative of the nearest noise sensitive receptors as agreed with Environmental Protection.

² Inaudible inside the nearest noise sensitive receptors. Definition of inaudibility as discussed in ‘NANR 92 Noise from Pubs and Clubs’ [Department for Environment, Food and Rural Affairs. 2005]:
 “Noise is considered to be inaudible when it is at a sufficiently low level such that is not recognizable as emanating from the source in question and it does not alter the perception of the ambient noise environment that would prevail in the absence of the source in question.”

The 'Code of Practice on Environmental Noise Control at Concerts' [The Noise Council, 1995] states between the hours 23.00 and 09.00 the music noise should not be audible within noise-sensitive premises with windows open in a typical manner for ventilation. It goes on to say the use of inaudibility as a guideline is not universally accepted as an appropriate method of control and that control can be exercised in this situation by limiting the music noise so that it is just audible outside the noise sensitive premises.

³ Background sound level measured and calculated as per the 'Code of Practise on Environmental Noise Control at Concerts' (the arithmetic average of the LA_{90,1hour} for the final four hours of the period to be determined).

12. The licensee shall nominate, in writing, a sound engineer or other appropriate person (as agreed with Environmental Protection) who throughout the course of the event shall be in control of the MNL. This individual shall operate independently of any DJ, or artiste in all music areas within the licensed site and will be responsible for ensuring the MNL levels in Condition 11 are met throughout the event.
13. The nominated individual in Condition 12 shall take noise measurements from a minimum of three locations to be agreed with Environmental Health during the period of 20:00 to 03:00 to ensure compliance with the MNL in Condition 11. The Results of this monitoring shall be recorded and a written record provided to the Environmental Health Team within two weeks of the event or at any time if requested. Monitoring locations shall be sited so as to be representative of the worst-case residential exposure to the MNL from the event.
14. The Licensee shall in ensure that adequate communications methods (site radios with designated channel / mobile phone) are in place to enable the individual in Condition 12 to communication quickly and effectively with relevant sound engineers from all off-site monitoring locations.
15. Prior to the event the sound propagation test(s) shall be undertaken, method to be agreed with Environmental Protection. Such testing shall include all sound stages and shall take place prior to any regulated entertainment taking place.
16. The Licensee shall maintain a complaint telephone line throughout the event. The Licensee shall ensure that where a mobile telephone is to be used, that an appropriate network provider is selected to ensure good network service during the course of the event. This telephone number shall be provided to Environmental Health at least two weeks in advance of the event.
17. During the event the licensee shall ensure that calls are answered and a response initiated within 15 minutes. A schedule of persons responsible for monitoring the complaint telephone will be supplied to the licensing authority at least two weeks in advance of an event.

18. Where anonymous complaints are received, the licensee shall make reasonable effort to investigate the details of the complaint and take action as appropriate. Callers may be asked to provide a postcode in order to locate complaints, however they will not be required to supply names or telephone numbers if they do not wish to do so, however this may impede the ability of the licensee to investigate the complaint.
19. All calls to the complaint telephone line shall be logged. Environmental protection shall be provided with a copy of this log within two weeks of the event or at any time upon request.
20. Where complaints are received in respect of the MNL, the licensee's appointed person (as per Condition 12) shall visit the area in focus and undertake a noise measurement to ascertain the validity of the complaint. Where the MNL is found to exceed Condition 11, immediate steps will be taken to reduce the MNL to the levels agreed.
21. No special effects, fireworks, strobes, lasers or pyrotechnic effects are to be used or take place within the licensed premises area without the written approval of the licensing authority, which shall not be unreasonably withheld.
22. All lighting shall be designed to ensure it does not result in unreasonable light trespass, intrusion or glare at nearby residential properties.
23. At least one week prior to the event the licensee shall send a letter to all residents within 0.5km of the event site. The wording of the letter shall be provided to Environmental protection and will be at a minimum contain the following:
 - a) Details of event timings
 - b) Information on agreed noise levels
 - c) Details of complaints procedure (including complaint telephone line)
 - d) Steps that will be taken to rectify complaints

This licence granted at the Hearing is effective from the 14 May 2021.

Dated: 14 May 2021.

Please address any communications to:

Licensing Partnership

Sevenoaks District Council

Council Offices
PO Box 182
Argyle Road
Sevenoaks
Kent TN13 1GP

Note: Pursuant to Part 1 of Schedule 5 of the Licensing Act 2003 as amended, any party eligible to appeal must appeal to a magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.