

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 SUB COMMITTEE

MINUTES OF THE MEETING HELD ON FRIDAY 13 APRIL 2018

Present: Councillor Newton (Chairman), and
Councillors Garten, Joy and Newton

Also Present: Councillor Mrs Springett (observing)

53. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

54. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

55. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

56. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR RAMBLIN MAN FAIR, PARTS OF MOTE PARK, MAIDSTONE

The Chairman requested that all those participating in the hearing identified themselves as follows:-

Councillor Gordon Newton – Chairman
Councillor Patrik Garten – Committee Member
Councillor Mrs Denise Joy – Committee Member

Robin Harris, Legal Advisor
Caroline Matthews, Democratic Services Officer

On behalf of the Applicants (Spirit of Rock Ltd) – Steve Forster, Festival Director and Gemma Sharmah, Operations Manager

Objectors – Dr Moira Thompson, Professor Edward Thompson, Mr Robin Giles and Mr Brian Chapman

Councillor Mrs Springett was present as an observer.

The Chairman asked all parties to confirm that they were aware of the hearing procedure and that each had a copy of the procedure document.

The Committee Members confirmed that they had pre-read all the papers and any other documents contained in the report regarding the hearing.

The Legal Advisor briefly outlined the application for a premises licence from 29th June to 1st July 2018 which had been received from Spirit of Rock Ltd on 16 February 2018 for a Ramblin Man Fair.

The Sub-Committee noted that a representation had been received from a member of the Community Safety Team but had been subsequently withdrawn. However, three representations had been received in regard to the prevention of public nuisance.

It was also noted that draft conditions had been proposed and the applicant had agreed them but the objectors had not.

The Applicant was invited to give his opening remarks.

Mr Forster advised that:-

- He had been brought in as Festival Director this year, so was new to this event. He was also Managing Director of MS Live Venues and Operations which provided 30/40 events per year.
- He had reviewed the application to ensure that it complied with best practice and had tried to ensure that event protocols were in place. In addition the event had now been contained to the Saturday and Sunday.
- He felt that the procedures that had been put in place this year would, he believed, reduce the potential noise element by one third. New noise consultants (Jones Nash) had been appointed and new changes and equipment had been brought in to reduce noise levels.
- The number of stages had been reduced from 4 to 3, with the main stage being in a huge marquee. Some of the stages would be moved to face different directions as well.
- In summary he felt that the company had taken on board previous concerns about the noise from residents and had put in measures to contain the noise levels to be within the Park.

The objectors were asked if they wished to ask questions of the Applicant.

Mr Chapman asked where the stages were to be set. Miss Sharmah (Rock Festival Ltd) advised one would face east, one would face north and one would be contained inside the large marquee which would be the main stage.

Professor Thompson asked whether the frequencies could be turned down from 63 to 55 dbs. Mr Forster, in response, stated that the noise levels had not exceeded the maximum levels at any point on previous occasions but new equipment this year would ensure that the noise levels were directed downwards towards the people surrounding the stages.

Dr Thompson produced a document for the Sub-Committee to view which had noise level readings on it from the previous event. Mr Forster in response reiterated his comment that the noise levels had been complied with at all times.

Mr Forster, in a spirit of cooperation offered to put in some noise monitoring boxes at Mote House which the objectors felt was a good idea.

Mr Giles asked how in Mr Forster's view the wind direction would affect the event. Mr Forster responded by saying that the prevailing wind would deal with the high frequencies. However the levels would be closely monitored.

The Legal Officer advised that any breach of a licence condition was a criminal offence. However, there needed to be suitable evidence that satisfied the public interest to proceed with prosecution. For instance, a shift in the wind direction may not be in the public interest but flagrant breaches of licence conditions would be more likely to result in prosecution. The breaches are spikes in the sound, over 15 mins over 65dbs.

In response to a question from a Member, Ms Sharmah advised that when someone called the hotline the operator has a series of questions to go through with them. The noise monitor would go to the nearest point to the complainant and if a breach has occurred then this would be relayed to the team so they could deal with it.

Having considered all the evidence the Sub-Committee adjourned to reach a decision.

Notice of Determination

This is an application for a Premises Licence

Determination

The Sub-Committee determined that the premises licence should be granted.

This is an application for:

✓ New application

A: Representations, evidence and submissions:

The Committee considered the representations, evidence and submissions of the following parties:

Applicant

Spirit of Rock Ltd

***Spokesperson: Mr Steve Forster - Festival Director
Accompanied by Ms Gemma Shamah- DPS***

Responsible Authorities

NIA

Other Persons -

Mr. Robin Giles

Mr. Brian Chapman

Dr. E. Moira Thompson

Prof. Edward J. Thompson

**Representations considered in the
absence of a party to the hearing: None.**

**B: Consideration of the Licensing Act 2003, the
Guidance under s. 182 of the Act and the Statement
of Licensing Policy of Maidstone Borough Council**

***The Committee has taken into account the following
provisions of the Licensing Act 2003 and the
Regulations thereto:***

***Section 4 which relates to the licensing objectives
Sections 16-24 which relate to the grant of premises
licence***

The Committee has taken into account the following provisions of the Guidance under Section 182 of the Act:

***Chapter 2 which relates to the licensing objectives
Chapter 8 & 9 which relates to premises
licences & determinations Chapter 10
which relates to conditions attached to
licences;***

The Committee has taken into account the following provisions of its Statement of Licensing Policy:

***Chapter 17 which relates to the 4 licensing objectives;
Chapter 17.9 - 17.15 which relates to the
prevention of crime and disorder; Chapter 17.16
- 17.18 which relates to public safety;
Chapter 17.19 -17.22 which relates to the prevention of
nuisance.***

The Committee has decided to depart from the guidance under section 182 of the Act and or the statement of licensing policy for the following reasons:

NIA

C: Determination:

The Sub-Committee has decided to:

Grant the application subject to modified conditions appropriate for the promotion of the licensing objectives:

Conditions:-

- All consistent with the operating schedule and relevant mandatory conditions and the conditions agreed in advance of the hearing noted at Appendix E of the report.

Conditions imposed by Members:-

- 1) The applicant will have noise monitoring in the vicinity of Mr Giles premises, as agreed prior to the hearing.
- 2) The applicant will have noise monitoring in the vicinity of the walled garden, as agreed during the hearing.

Informatives:-

The applicant agreed that information leaflets would be provided to Mote House and residents of Audley House.

Reasons for determination:

Prevention of Public Nuisance

The Sub-Committee had regard to the written representations received prior to the hearing and the submissions made at the hearing. The applicant advised the Sub-Committee that due to concerns over last year's event the event this year had been scaled down. In particular, the event was running over two days rather than three, that there were three stages rather than four and that the speaker set up to be used incorporated technologies to limit the escape of sound from the premises. The applicant also advised that they would endeavour to face the main stage further round to the South East, subject to avoiding a cross over of sound from the different stages. Other persons raised concerns that sound levels set as conditions in previous years had been ignored and therefore residents had no faith that conditions set this year would be adhered to. In response, the applicant suggested that this was a misinterpretation of the data provided and that although there were peaks that went over the prescribed amount, there was no breach of the 15 minute average. Other persons welcomed the reduction in the number of days of the event, but did not feel that the reduced number of stages would have much of an impact as the main stage is the principal cause for concern. The applicant confirmed that the main stage is smaller this year and has a smaller speaker set up than in 2017. Other persons accepted that the event as proposed this year is different to that last year and accepted that it would not be possible to know the impact of the changes in the event until after it had happened. Members considered the evidence from the applicant and other persons, and carefully balanced the position of those who would attend the event, local residents and objectors and found that the conditions agreed prior to and at the hearing would be sufficient to meet this licensing objective.

Prevention of Crime and Disorder

The Sub-Committee noted that there was no representation from Kent Police regarding this Licensing Objective. The Sub-Committee were therefore satisfied that the steps proposed in the Operating Schedule were sufficient to meet this Licensing Objective.

Public Safety

The Sub-Committee considered that the steps proposed in the Operating Schedule were sufficient to meet this Licensing Objective

Protection of Children from Harm

The Sub-Committee considered that the steps proposed in the Operating Schedule were sufficient to meet this Licensing Objective.

PRINT NAME (CHAIRMAN):

Councillor Gordon Newton

Signed [Chairman]:

A copy of the original document is held on file

Date: 13th April 2018