

Licensing Hearing Panel Supplementary Agenda No.1

Notice of a Meeting, to be held as a **Virtual Meeting** in accordance with Regulation 5 of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

A meeting of the panel will be held on:

Date: Tuesday, 24 November 2020

Time: 9.30am

Venue: Virtual Meeting

Membership: Councillors Carr, Fearn, Mrs Elizabeth Turpin and Mrs Diane Chambers as the fourth member

Agenda

- 7 Application for a new Premises Licence, Rainham Boot Fair, South Bush Lane, Rainham, ME8 8PS (Pages 3 - 14)**

The applicant has submitted the attached supplementary information:

Appendix F – Response to representations received.

For further information please contact Jon Pitt, Democratic Services Officer on Telephone: 01634 332715 or Email: democratic.services@medway.gov.uk

Date: 20 November 2020

Information about this virtual meeting

Please note that any member of the press and public may follow proceedings at this 'virtual' meeting via a weblink which will be publicised on the Council's website ahead of the meeting. Please refer to this meeting via the meeting calendar for further details:

<https://democracy.medway.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1>

Members of the press and public may tweet, blog etc. during the live broadcast as they would be able to during a regular Committee meeting.

From: Dorothy Lucas
Date: 30 October 2020 at 13:15:46 GMT
To: Licensing <licensing@gravesham.gov.uk>
Subject: LICENSING ACT 2003 - Application for Premises Licence 3 South Bush Lane ME8 8PS

Dear Sirs

Reference the above we would like to register our discontent and objection to the above application for an alcohol licence. This area is a quiet backwater of essentially farming and agricultural activity. The site is accessed by a single track country lane with no designated passing places and without pedestrian pavement or street lighting. <Address information redacted> and I have significant concerns regarding safety and anti social behaviour. The application is being submitted alongside an application for change of use / development which is requesting multiple use / entertainment activities for 351 days / year with the alcohol licence request covering the period 0900 - 0100 hours daily. If granted this would represent a massive intrusion into our privacy and hitherto peaceful enjoyment of our surroundings. We strongly object to this licence being granted.

Yours faithfully

Dorothy & David Lucas

Applicant Response

- The risk to safety and anti social behaviour is minimal when taking into consideration the location of the property setback from the boundary of <address redacted> , the established hedgerows lining both sides of lane and the width of the lane. It is likely that there will be at least 70ft distance between <address redacted> and any proposed activities on the Rainham Bootfair site.
- Additionally, due to the surrounding tall evergreen hedgerow, it is only possible to view the one small section of the site, in which Nightflix operate a drive-in cinema, via an upstairs window, so intrusion into privacy for residents within the property will be minimal.

From: Deanna Denton
Date: 5 November 2020 at 11:56:30 GMT
To: Licensing <licensing@gravesham.gov.uk>
Cc: colin green <colin.green@medway.gov.uk>
Subject: Premises License - Declan Jewell, 3 South Bush Lane, Boot fair field, Rainham

The application as subject should be refused. The application site is wholly inappropriate for use as an events venue, located on a narrow, single track, two way country lane with no street lighting and no passing points except private residents driveways. During this summer much disruption has been caused by a one way system imposed leaving residents unable to move freely along South Bush Lane, Meresborough Lane and Spade Lane. Residents have experienced antisocial behaviour. Since the numerous events this summer there has been a marked increase in unfamiliar vehicles using South Bush, Spade and Meresborough Lanes travelling up to the motorway services through the Hamlet at Meresborough. These lanes are already subject to 'restricted access'. South Bush Lane suffers frequent flooding due to erosion - the vast numbers of vehicles visiting events using the lane have already caused further erosion. If permission for this license (and please also see associated planning application MC/20/2358) is granted the land will be rendered unusable for the agricultural purposes its' grade 1 status holds.

In light of the above comments, a sale of alcohol (9am - 1am), regulated entertainment (9am - 1am) and late night refreshment (9am - 1am) license should most definitely be refused.

D Denton

Applicant Response

- With reference to the one way system, every vehicle that leaves Rainham Bootfair in particular, is encouraged to turn right along South Bush Lane, to join Meresborough Lane and then Spade lane, in order to get back to the A2. At no point previously, were residents restricted or prohibited from using South Bush Lane in any direction.
- Traffic is encouraged to enter South Bush Lane and the site from the A2. Traffic has never been prevented from using the road in any direction as this would be unlawful.
- South Bush Lane is notoriously known to be used as a cut through to the motorway services for many years, so is already used by motorists that have no connection to any residents of the lanes.
- The flooding on South Bush Lane was caused by a faulty soakaway at number 7 Whitegates Farm. Work to rectify the flooding of the lane was carried out in this year and an enhanced soakaway was commissioned on 9th October 2020. The flooding issues has currently been resolved and work to repair the damage to the eroded road surface caused by the flooding is being scheduled.
- The planning application referenced here, is for a mixed use of agriculture and event use and will be used for agricultural purposes when events are not taking place.

From: Doug Reid

Date: Sun, 8 Nov 2020 at 12:01

Subject: Licence for Regulated Entertainment & Late Night Refreshment - 3 South Bush Lane, Rainham

To: <licensing@gravesham.gov.uk>

Dear Licencing,

As a resident of South Bush Lane, I wish to object to the Application at subject, as follows:

- a) The rural setting of the site being flat and unobstructed, results in sound travelling more easily than in a different type of location. This fact enhances any noise disturbance from the site.
- b) The application for a possible 16 hours each and every day until 1am, 351 days a year, would likely result in environmental disturbance to surrounding properties.
- c) Large number of cars departing the site after the licence event-end time of 1am. would impact residents asleep in houses along the nearby lanes.
- d) Where music is being provided at an event such as a wedding in a marquee, whilst disturbance mitigation measures are referenced by the Applicant, actions such as closing external doors and windows cannot be achieved. The sound from music from a marquee would therefore be free to travel to neighbouring properties.
- e) The site currently has no separate mains power supply to the proposed events areas, necessitating the use of diesel generator(s). Whilst modern generators can be sound-proofed the effectiveness of this is dependent upon the model and how they are run and maintained. In an adverse case, sound could emanate out quite a distance from the unit(s)
- f) The Applicant has recently withdrawn an earlier application to sell alcohol. However, in the case of a wedding where it would be unthinkable not to serve this type of refreshment, the organiser would have to provide this to the site. This takes away a means of control of the consumption by a certain element often present in any societal group these days, who might ultimately become rowdy and cause disturbance.

Regards

Doug Reid

Applicant Response

- Referring to point C, stating that residents sleep will be disturbed by large volumes of cars leaving the site late at night. One of the steps that will be carried out to prevent a public nuisance is to display suitable signage that will request patrons to respect the surroundings of the local area. This will include leaving the site in a quiet manner.
- Referring to point D, external doors and windows can be closed to mitigate noise travelling from a marquee. It is worth noting that from a previous wedding at the site, the closing of doors and windows were proven to be effective in reducing the level of noise that travels.
- With reference to point F, although the application to sell alcohol has currently been withdrawn, steps will be carried out to prevent a public nuisance. The licence holder will ensure that staff regularly patrol the premises both indoors (if applicable) and outdoors, to supervise the orderly conduct of patrons.

From: ALWYN MATTHEWS
Date: 5 November 2020 at 14:45:44 GMT
To: Licensing <licensing@gravesham.gov.uk>
Subject: Jewell 3 Southbush Lane

The application for licensing is one part of MC/20/2458 which asks for 331 days for various events. Southbush Lane is a single track country lane with no passing points no street lighting , no public transport and no pavements .To grant an alcohol license when people only have one way home in a car along dark unlit country lanes is dangerous . Boot fairs have already taken place and caused lots of problems for the residents ,hundreds of cars used the lane in the summer and residents were marooned in there homes .

Driving these lanes under the influence of alcohol no matter how small an amount is dangerous for residents when walking their dogs or calling on neighbours . Horses also ride along all the lanes in this area .This country lane is not suited to the amount of traffic these events will generate and encouraging people to drink and drive is totally irresponsible .

Applicant Response

- During any past event at the Rainham Bootfair site, it has never been the case that residents have been unable to use South Bush Lane in any way that they wish.
- South Bush Lane is wide enough for pedestrians and horses to pass vehicles safely, just as they do currently on a daily basis, if needed. This is an unlikely occurrence in the dark.
- The conduct of patrons consuming alcohol will be monitored as part of the steps taken to promote the four licencing objectives.
- Although South Bush Lane is an unlit road, several properties have some form of external lighting which is visible from the highway.

From: Danny Nicholson
Sent: 05 November 2020 19:02
To: Licensing
Subject: Objection to a alcohol license on South Bush Lane, Rainham, ME8 8PS

Hi,

My wife and I live at <Address redacted> in Rainham (on the Swale side of the road!) and we are concerned about an alcohol licence which has been lodged by 3 South Bush Lane, ME8 8PS.

We strongly object to this application because granting an alcohol licence could have serious implications for the safety of residents, attendees to events on this land and the wider public. I also believe that due to nature of some of the planned events that there could be an increase in antisocial behaviour and more importantly due to the rural setting of the area, the promotion of drink driving.

The ability to sell alcohol between the hours of 9am and 1am will only make this issue exponentially worse.

South Bush Lane is a quiet, rural, and predominantly residential and agricultural neighbourhood. The lane itself is single track with no passing points. The only way cars can allow others to pass is by pull over onto a SBL residents' property.

There will be a huge % increase in traffic as a result of events being held on this land. The road capacity is not sufficient to service this increase in traffic volume. Subsequently there will be an increase in noise pollution.

Local stables regularly use the lane for regular horse riding as well as training young and inexperienced horses and riders alike.

There will be an increase in pollution from a variety of sources due to the planned activities – these include litter, car exhaust pollution, noise pollution, and light pollution from cars, activities and the drive-in cinema.

We hope to have your support with this issue.

Kind regards,

Danny & Hollie Nicholson

Applicant Response

- With reference to the concern regarding anti-social behaviour, steps will be carried out to prevent this. The licence holder will ensure that staff regularly patrol the premises both indoors (if applicable) and outdoors, to supervise the orderly conduct of patrons.
- With reference to the passing points on South Bush Lane. Traffic will continue to be encouraged (where necessary) to access and egress the site from different directions, similar to the way the traffic is currently managed during events. This will mitigate the necessity to use any of the several passing points along South Bush Lane, which use are wholly accepted on a usual day-to-day basis.
- There is no evidence to suggest that the road capacity is not sufficient to service the increase in traffic. During the events held this year on the site, to my knowledge, there was never a time that a major traffic issue was caused, except for when unfortunately, deliberate actions were taken to cause gridlock.
- With reference to the point regarding litter and car exhaust pollution. To minimise the effect of littering, litter bins will be placed around the premises. All waste on the site will then be disposed of appropriately. With regards to the car exhaust pollution, the vast majority of the time, car engines will be switched off during the drive-in cinema events, thus, in my opinion, creating minimal pollution above usual levels for the area.

Reference: TBC

Licensable (1) Regulated entertainment ([0900-0100](#))

activities: (2) Late night refreshment ([0900-0100](#))

Premises: Land adjoining [3 South Bush Lane, Rainham, Gillingham, Medway, ME8 8PS](#)

06/11/2020

Dear Licensing,

Hartlip Residents' Action Group (HRAG) wish to object to the above application.

Summary of objection

Granting the licence would undermine the following licensing objectives:

- noise and light pollution would cause a public nuisance
- inadequate traffic management would put public safety at risk
- no information has been provided about how the risk of crime and disorder will be managed

HRAG

HRAG is a community non-profit organisation of residents of Hartlip and the surrounding area.

The premises

The site is currently an undeveloped agricultural field located in the open countryside.

During the summer and autumn of 2020, the site has been used to host a temporary bootfair and drive-in cinema.

The application

The application seeks authorisation for:

- regulated entertainment
- late night refreshment

We note that the original application also sought authorisation for the sale of alcohol by retail but a subsequent amended version of the application does not. This objection is prepared on the basis that the sale of alcohol will not be authorised by the licence.

The proposed licensable hours are between [0900-0100](#) (16 hours per day) seven days per week.

The application (including operating schedule) submitted by the applicant is remarkably short on detail. No further details are provided as to the nature of any the licensable activities which will be carried on at the premises. In particular, there is no information provided as to:

- days/hours of operation
- site capacity
- location, size, construction method and materials of cinema projection screen
- traffic management plan
- noise management plan
- external lighting strategy

The operating schedule is of particular concern. It appears to have been copied and pasted from another document and has evidently not been prepared with this premises and these licensable activities in mind. For instance, the operating schedule proposes closing "external doors and windows" in order to prevent public nuisance when the premises concerned is an open field with no built structures on it at all.

The Council's Statement of Licensing Policy (Appendix 6, paragraph

11(a)) provides that “it is essential that ... conditions ... must be specific to the premises”. Appendix 6 contains a detailed and helpful list of sample conditions but none of these appear to have been proposed in the operating schedule.

It is clear that applicant has given little or no thought to the particular risks posed by his proposed business model or to national or local licensing policy. This failure to carry out even basic due diligence does not inspire confidence that the applicant can be trusted to manage these premises appropriately so that the licensing objectives are promoted.

(1) Public nuisance

The application proposes a number of “leisure activities” in a countryside location. All of these uses have significant potential for causing a public nuisance.

The proposed drive-in cinema is likely to cause noise and light pollution, especially when operating at night.

Noise pollution

Although the applicant has provided no information as to the proposed hours of operation, it is likely that the drive-in cinema will mainly operate at night. The applicant has not explained whether sound will be transmitted via a PA system or by broadcast via radio. Either method has the potential for significant levels of noise pollution. If sound is broadcast via radio, the cumulative effect of many vehicles playing the film soundtrack would be very loud and intrusive, especially during the warmer months when windows and car roofs will be open. It will also be necessary for car engines to be kept running in order to use the internal audio equipment and/or for heating and cooling the vehicle. Again, this will cause significant levels of noise.

The other proposed leisure uses are all noise-generating activities and most are likely to take place predominantly in the evening. They will all have similar or worse impacts in terms of noise pollution as the drive-in cinema. However, given that the applicant has not given any explanation as to the other activities proposed, it is very difficult to measure their precise impact.

We are also concerned about the applicant’s plans to use the site for weddings and the likelihood of noise nuisance from live and recorded music, as well as from crowds of people who have consumed alcohol. We understand that, as the premises will not be licensed for alcohol on-sales, it would not benefit from the deregulation provisions in the Live Music Act 2012 and therefore the noise impacts of live and recorded music must be taken into account by the Council.

This is a quiet area of the countryside and therefore loud music will be particularly intrusive and disturbing to the isolated homes nearby.

Finally, we understand that there is no electricity supply to the premises as it is an agricultural field and therefore all electrical equipment will rely on generators. Again, generators can create significant amounts of noise and this was a major issue during the activities this year on the site.

Light pollution

The use of a large outdoor projection screen for the drive-in cinema will additionally create light pollution. The applicant has not provided any information as to where the screen will be located nor as to its size.

Additionally, any evening activities will require an external lighting scheme and again this will further contribute to light pollution. This is a relatively isolated location in the open countryside. Therefore significant levels of external lighting will be intrusive and a nuisance.

Conclusion

In creating unacceptable levels of noise and light pollution, and in the absence of any information as to how these will be mitigated, granting a licence will undermine the licensing objective of preventing public nuisance.

(2) Public safety

Access to the site is entirely dependent on use of private vehicles. Indeed, the private vehicle is essential to the use of the site as a drive-in cinema.

The site is located on South Bush Lane which is a single-lane country road. The site has a single access on South Bush Lane, located approximately 0.5 miles south of the A2. The entrance to the site is through an unsurfaced metal field gate immediately adjacent to the highway. There are no paved surfaces on the site which is entirely grassed. Additionally, a public right of way runs through the middle of the site.

It is clear from the above that this is an inherently unsuitable site to accommodate significant volumes of vehicle traffic. The applicant has not provided any indication as to the site's capacity or the anticipated number of visitors but it will evidently need to attract a sufficiently large number to be commercially viable.

This creates a serious risk to public safety:

- The single access creates a bottleneck which will result in queuing as vehicles wait to enter and exit the site. The applicant has provided no information as to how this will be managed safely.
- South Bush Lane will suffer significant congestion as a result of vehicles entering and exiting the site. There are no passing points in the vicinity of the site. This creates a risk to road users along South Bush Lane, especially pedestrians (there is no pavement).
- The site plan indicates that the site will need to accommodate the movement of both cars and pedestrians. There are no paved surfaces anywhere on the site and therefore careful traffic management on site will be required. The application says nothing about how this will be achieved.
- Vehicles appear to have to cross the right of way in order to park in the car park and to access the event area in the southern part of the site which creates a risk of collision with pedestrians using the footpath. The footpath is a grassed track and not always easy to make out. This makes it more difficult for pedestrians to follow the right of way and so increases the risk of collision.
- The lack of hard surfaces on the site and at its access will result in mud being dragged onto the road by vehicles leaving the site in bad weather which creates a highway safety risk.
- There is an inherent public safety risk posed by drivers potentially consuming alcohol before trying to exit the site in their vehicles.
- No information has been provided as to how emergency vehicles will access the site or South Bush Lane or how emergency evacuation of a large number of people and vehicles in an isolated location will be managed.

In the absence of any information as to how the risk to public safety will be mitigated, granting a licence would undermine the public safety licensing objective.

(3) Crime and disorder

The application provides no information about security arrangements on site. There is the potential for a large number of people on site which creates an inherent risk of crime and disorder, especially if alcohol is being consumed. The applicant has not suggested any steps for maintaining orderly behaviour on the premises. For instance, there is no indication as to when the premises will close to members of the public and there no dispersal plan has been presented.

Conclusion

For these reasons, HRAG believes that this site is inherently unsuitable for licensable activities and the applicant has fallen well short of demonstrating that the licensing objectives will be promoted.

Therefore, we ask that the Council refuses this application.

Applicant Response

1) Public Nuisance

- With reference to the statement that no information has been provided with regards to the days/hours of operation and the site capacity. It is not possible to produce an exact days/hours of operation schedule as no two events will likely be the same, however during the planning stage of the event, it may possible to give an approximate operation schedule as well as the number of patrons attending.
- The statement highlighting concerns about the operating schedule being copy and pasted and stating that external doors and windows will be closed. I would like to note that this is clearly stated that this is subject to it being applicable to the event, so for instance, if there is a marquee in use on the site, external doors and windows can be closed to prevent a public nuisance.
- The drive-in cinema can operate at any point during the day, not just at night. The audio from which will be transmitted into customers' vehicles through radio for the majority of the time and it is therefore near silent when the drive-in style events are taking place.
- Most modern cars allow the audio equipment to operate without the need for the engines to be kept running. The use of the vehicle's battery will usually suffice.
- The activities proposed on the site are detailed as per the Medway planning application reference MC/20/2358 which include drive-in cinema, open air theatres/circus, weddings and motoring shows/events.
- Weddings that would take place on the site will be time-limited, planned events. All of which will promote the four licencing objectives, which include steps to control noise, thus preventing public nuisance.
- Any generators that will be used on the site will be noise and fuel efficient, so it is unlikely that there will be any extensive noise from them that will be cause a public nuisance.
- Any lighting generated from the site will not be visible at the boundary of any neighbouring properties. This includes light from the cinema screen and any external lighting.

2) Public Safety

- The access to the site is a 20ft double gate which provides more than sufficient space to access and egress the site. The vast area in the immediate vicinity of the site access will ensure that it is unnecessary for vehicles to queue on South Bush Lane waiting to enter, thus creating a 'bottleneck'.
- There are passing points along South Bush Lane that are used on a daily basis by the traffic using the road. Traffic will continue to be encouraged (where necessary) to access and egress the site from different directions, similar to the way the traffic is currently managed during events, therefore congestion will be minimal, if any.
- Pedestrians wishing to access the site will continue to be encouraged to use the public footpath network, thus reducing the need for pedestrians to use the highway.

- Any visitors using the site, whether it is by car or on foot, will be required to follow the traffic management plan on the site, which involves adhering to the signage and travelling in accordance to the site conditions.
- The public footpath clearly marked out throughout the year and is emphasised more during events that are held on the site through the use of traffic cones. Signage is placed at either end of the path advising users of any events that may be occurring. The public footpath will not be closed or obstructed at any time therefore, it will not cause restrictions to anybody wishing to use it.
- With regards to mud being dragged onto the highway, this has never been the case and is closely monitored at all times. It is however not uncommon that the road surface of South Bush Lane contains mud, due to its semi-rural location.
- Emergency services will be able access South Bush Lane just as they usually do and also will be able to access the site, if needed, the same way in which patrons will, with no restricted access.

3) Crime and Disorder

- Arrangements such as security, closing times and dispersal plans are event specific, so further information cannot be provided until the relevant event risk assessments have been completed.
- All steps to promote the four licencing objectives, noted in the licence application will be taken into consideration at all times. This include ensuring the orderly conduct of patrons.