Appendix G

Premises Licence Representations – Applicant Response

FTAO – Licence hearing panel – 24th November 2020.

Below are additional responses to representations received for the premises licence application at Rainham Bootfair. Please note, I (the applicant) did not have a chance to review these representations prior to them being uploaded on the public portal, hence they are being received later than expected.

Many thanks

Declan Jewell

Representation – Andrew Wood

Prevention of crime and disorder

This application is for the granting of a licence to sell alcohol in a 16 acre field in a rural location down a single track road. A planning application for this field has stated that the field's primary purpose will continue to be agricultural. There is therefore no way of controlling the area over which alcohol will be consumed. There is a public footpath running across the middle of the field which will mean anyone can access the site. There is no way of event organisers monitoring or regulating who attends, or indeed barring or refusing entrance to anyone who misbehaves.

The granting of this application will bring increasing numbers of people into this rural area, and combined with the selling of alcohol is likely to lead to an increase in local crime.

The lane is not served by public transport and so there is likely to be an increase in people driving while under the influence of alcohol.

The site is in a single track lane which has no designated passing places. The bootfair held on this site has already led to an increase in traffic congestion, altercations between car drivers, aggression between drivers and pedestrians, and verbal abuse directed at local people. This will only increase if an alcohol licence is granted.

Public safety

The site in question is situated in a single track road with no designated passing places. It is also liable to flooding. The lane is so narrow that for much of its length pedestrians and cars cannot pass. An alcohol licence will attract more traffic and will increase the risk to pedestrians and other car users. It will also cause further erosion to the road which in turn will increase the risk of harm to road users and pedestrians.

The stated main purpose of the site is agricultural. There is therefore no hard standing and the ground is uneven. There may be agricultural equipment left on site. There is also a public footpath which crosses the site. These features suggest that it is not an appropriate place for the consumption of alcohol and could risk the safety of both attendees and members of the public.

There are no utilities, such as power and drainage, on the site and the stated agricultural purpose of the field means that portaloos, generators etc should not be left on site. At the drive in cinema held on site this summer, attendees where seen having to negotiate their way to the portaloos using torches. The risk of harm to anyone having to do this will only increase if they have consumed alcohol.
There has been evidence from the bootfair and cinema running this summer that the site management are not able to provide a compliant, risk free environment. The events have not been COVID secure, there have been health and safety issues, trading standards breaches, and the permitted development conditions were breached. This would suggest that the site management may not be able to ensure compliance with the conditions of an alcohol license.

Prevention of public nuisance

There are residential properties facing and backing onto the site in question. The events held so far on the site have caused traffic nuisance and increased levels of noise. On occasions there were still people on site past midnight following the drive in cinema and bootfair traffic would begin to arrive at 5.00am the following day, meaning that local people had the opportunity for less than 5 hours uninterrupted sleep. If an application to sell alcohol is granted, the noise on site and the traffic will significantly increase, causing a public nuisance and impacting on the physical and mental health of local people.
Events held so far have led to traffic congestion in a lane where there are no passing places. Vehicles needing to reverse or turn round do so in private driveways, causing a risk to property, residents and pedestrians. The traffic levels will only increase should an alcohol licence be granted, as will the likelihood of drink driving.
The existence of a public footpath running across the field means that anyone will be able to gain access to the site to buy and consume alcohol. There is also a risk to walkers crossing the site when events are taking place.

Protection of children from harm

There are a number of children, including looked after children, living both in the lane and in the general vicinity, including those living on a local travellers site in the adjacent lane. All of these children will have an increased risk if the selling of alcohol is allowed on this site, for the reasons outlined above.
Furthermore, there is a riding stables in the lane which gives riding lessons to children and young people. The lessons including riding along the lane. These children will be at risk from increased traffic, increased drink- driving and the general behaviour of people under the influence of alcohol.

Applicant Response

Prevention of crime and disorder

- The site will be used for agricutural purposes when events are not taking place.
- The public footpath is an asset to the site as it provides access from areas further afield. During the events, the public footpath will be clearly marked and will not be closed or obstructed at any time. Monitoring and regulating event attendees via the public footpath entry points will be included in any event risk assessment. Those that do not wish to attend events, will be free to continue along the route as normal.

- Kent Police have been consulted on the matter of crime, I believe that the organised events will not be an increase in local crime but of course, any matters that may occur, including drink driving, will be dealt with accordingly by the authorities.
- During events held at the site this year, including the bootfairs, there was never a time that a major traffic issue was caused or indeed congestion, except for when unfortunately, deliberate actions were taken to cause a disruption, to gain an opportunity to photograph and document evidence of non-existant congestion.

Public safety

- With references to your comment regarding 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 wholey accepted on a usual day-to-day basis.
- 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 soakway 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 surface of the site is flat and causes no risk to attendees and members of the public. Agricutural equipment is not left on site so also does not pose a risk to attendees or members of the public.
- Each event will have its own risk assessment carried out. This includes assessing whether external lighting is required and actioning if necessary.
- COVID-19 regulations have been considered throughout all events on the site this year. Health and safety requirements and COVID-secure standards were checked and met.
- There have been no trading standards breaches reported to Rainham Bootfair.
- Permitted development conditions were not breached. The amount of days that the site can be used for events was doubled in 2020, due to COVID-19. It still remains that Rainham Bootfair has not exceeded the total number of permitted days use for 2020. As per the latest government guidance, the amount of days that the site can be used for events has also doubled for 2021.
- Rainham Bootfair has remained compliant with all regulations throughout 2020 and will continue to moving forward.

Prevention of public nuisance

- A recommended condition has already been put forward to Environmental Protection. The recommendation is :
  Condition: Amplified sound from the site shall not be audible at the boundary of any noise-sensitive premises.
  Reason: To ensure that the permitted premises license is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance.
- In addition, a further condition that has been put forward is that lighting from the site shall not be visible at the boundary of any neighbouring properties.

- There has been no reported incidents to Rainham Bootfair of an unacceptable traffic nuisance caused by any events on site.
- Deliberate actions were unfortunately taken to prevent normal day-to-day passing of traffic in the lane, in an attempt to document non-existant traffic congestion.
- Traffic management is carefully carried out at each event, taking into consideration the impact to the surrounding area and the public footpath on the site.

Protection of children from harm

- The welfare of any children that visit events on the site will be taken into consideration at all times and robust measures will be in place to protect them from harm.
- South Bush Lane is wide enough for pedestrians and horses to pass vehicles safely, just as they do currently, at times when there are no events on site.

Representation – Simon and Kerry O'Connell

Dear Licensing,

We wish to object to the above application. We live from the site of Rainham Bootfairs on South Bush Lane.

Having read your website, you state that all licence applications must comply with four licensing objectives including:
• the prevention of crime and disorder
• public safety
• the prevention of public nuisance
• the protection of children from harm

The proposed licensable hours are between 9am to 1am, seven days per week.

It is hard to determine what is actually being applied for as the application is very 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.

Rather than just a vague request for a seemingly open-ended list of potential events, for the Council to be able to determine if the planning is suitable, we would expect to see a business plan listing how many events are expected to take place, opening and closing times, traffic, noise and light mitigation plans and how the events will be managed, particularly if these were to involve hundreds of people with an assumption that the majority of alcohol would be consumed in the evening and late night.

There is no reference in the application to health and safety of large numbers of visitors, how they would evacuate safely or how emergency services would access the site quickly if required.

Public nuisance

The application proposes a number of undetermined leisure activities in a countryside location located on an unlit single-track country lane. All of these uses have significant potential for causing a public nuisance.

Since the bootfair started there has been a noticeable increase in litter being dumped on the side of the roads and hedgerows in South Bush Lane and surrounding roads. Last week, 10 of us from the local community filled up 20 black sacks of rubbish thrown or left on the side of the roads in South Bush Lane, Spade Lane and Meresborough Lane between Yaugher Lane and up to Bryony School.

The proposed drive-in cinema, circus and weddings are likely to cause noise and light pollution, especially when operating at night
Noise pollution

Although there is no information provided as to the proposed hours of operation, we assume it is likely that the various potential events will operate throughout the day and late into the evening.
The proposed leisure uses are all noise-generating activities and most are likely to take place predominantly in the evening although the application is for 16 hours a day. They will all have similar impacts in terms of noise pollution as the bootfairs and drive-in cinema held this year and we assume they would need significant numbers to be viable. As the applicant has not given any explanation as to the other activities proposed, it is very difficult to measure their impact.

When the open-air cinemas were being shown, there was a noisy generator running for several hours at a time. Neighbours were told to just close their windows.

Light pollution

The use of a large outdoor projection screen for the drive-in cinema will additionally create light pollution. There is no information as to where the screen will be located or its size. This year when the open-air cinema was operating, there was a bright spotlight on most of the evening. As there are no streetlights in the area it can get very dark and therefore a strong lighting system would need to be in operation in this isolated open field. This was intrusive and a nuisance this year.

Public safety

Access to the site is entirely dependent on use of private vehicles. Private vehicles are essential to the use of the site as a drive-in cinema and all events would rely on significant interest and attendance to be viable businesses.

The site is located on South Bush Lane which is a narrow single-lane country road. The site has a single access on South Bush Lane, located approximately 0.5 miles from 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 which we regularly use and seems to be mostly used by people walking their dogs.

At the bootfairs which started this year, we witnessed several incidents of verbal abuse to other roads users when the lane was gridlocked by traffic trying to come down from Meresborough Lane to the A2, as it is not possible to stop them doing so.

All traffic was directed by marshalls to turn right out of the bootfair to the junction with Meresborough Lane and then left to go back down Spade Lane to join the A2. However, this causes a number of issues:

- The local Council and Highway officers have stated that marshalls do not have authority to direct traffic, but they do direct traffic not to go back down South Bush Lane to the A2. As the majority of traffic joins from the A2, it is clearly too busy and dangerous to direct traffic left out of the bootfair to the A2. Marshalls state they are

only ‘advising’ on the best route and not forcing traffic in any direction but this is clearly not the case otherwise the lane would be gridlocked for hours.

- On South Bush Lane there are only a few places to pass and this involves pulling into a neighbour’s drive. With the huge volume of traffic using the road on bootfair days, it is very difficult to pass and involves one side having to reverse potentially hundreds of metres on a narrow winding single-track lane, causing bottlenecks.
- Both South Bush Lane and Meresborough Lane have ‘Access only’ signs so it must have been the intention for these to just be used by people living on these lanes or their guests. If traffic goes up to Meresborough Lane where it is being directed to, it can only turn left to Hartlip or right towards Bryony school and then either to Rainham or to the services on the M2. This causes the same issues for them in that all of these roads are narrow winding single-track lanes with few passing places and are completely unsuitable for significant levels of traffic.
- Reversing up any of the local roads is difficult in the day, but with no streetlights it is very difficult in the dark. There are also no pavements which means it is dangerous for pedestrians when cars pass and the new proposals mean for any events to be viable they would have to rely on private cars, vans and lorries accessing the site, not only as stall- holders and visitors but also to drop off and pick up larger structures like the open-air cinema screen and platform, potential circus tents or theatre stages, together with the various food and drink sellers.
- All traffic has to join and leave at the same single gate which creates a bottleneck. There is no hard standing areas so whenever it rains the field gets very muddy and the bootfair was called off by the organisers several times during the because of this. Whenever there is heavy rain, the water runs down from Meresborough Lane and the road on South Bush Lane frequently floods as there is no proper drainage. The road was not passable and closed several times this year. South Bush Lane was partially repaired last year but has already collapsed again in places following the huge volume of traffic using it this year accessing the bootfairs and cinema.

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

This creates a serious risk to public safety:

- 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 field 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.

Crime and disorder

As stated above, the use of the site is entirely dependent on private vehicles. Given that alcohol will be sold on site, we assume there would be a significant risk of drivers consuming excess amounts of alcohol on site.

The application provides no information about security arrangements on site. There is the potential for hundreds of people on site which creates an inherent risk of disorder, especially if alcohol is being sold and consumed. There are no suggested steps for maintaining orderly behaviour on the premises.

Protection of children from harm

We note the following on your website:

Admission of children

There may need to be:

- a restriction of where and if children are allowed in the premises
- a time restriction allowing children in the premises
- a notice explaining to customers when and where children are allowed or not.

Proof of age - Staff must be trained in checking customers' ages by only accepting suitable identification.

In the application, there is no information provided as to how many children would attend any events, what plans would be in place to mitigate any harm, how restriction would apply, how proof of age would be obtained and the suitable training of relevant staff. The mix of proposed events such as bootfairs, open-air cinema, circus and weddings are very likely by their nature to attract a significant number of children.

Conclusion

For the above reasons, we believe that this site is inherently unsuitable for licensable activities and the applicant has not demonstrated that the licensing objectives will be promoted and adhered to.

Therefore we ask that the Council refuses this application.

Yours sincerely

Simon & Kerry O'Connell

Applicant Response

- Events that are planned for the site will include a drive-in cinema, open air theatre and motoring shows/events. At this time, it is simply not possible to predetermine opening/closing times, how many people will attend and how often events are going to happen, as no two events will be the same. Nethertheless, noise and light mitigation protocols will be taken into consideration in the event planning stage.

Public Nuisance

- Litter and fly-tipping in the local area has no connection to any event held at Rainham Bootfair. All waste is disposed of each week and the surrounding area is checked weekly for any litter that may have been disposed of. I would like to point out that South Bush Lane, Spade Lane and Meresborough Lane is regularly used on a daily basis by traffic that is not related to any events held on the site.
- 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. A condition has been proposed that will ensure amplified sound from the site shall not be audible at the boundary of any noise-sensitive premises.
- (**REDACTED**) does not border or overlook the site. There is lighting on neighbouring properties that can be seen from there. Nethertheless, appropriate external lighting systems will be considered during the planning stage of each event. A condition has been proposed that will ensure that lighting from the site shall not be visible at the boundary of any neighbouring properties.

Public Safety

- 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. The public footpath will not be closed or obstructed at any time, therefore, it will not cause restrictions to anybody wishing to use it.
- During events previously held at the site, gridlock has never been caused by traffic accessing or egressing the site.
- 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. Continuing with this system will mitigate the necessity to use any of the several passing points along South Bush Lane, which use are wholey accepted on a usual day-to-day basis.
- South Bush Lane and Meresborough Lane have “Except for Access” signs at each end and these do not restrict the roads to use only by residents and their guests.
- South Bush Lane is wide enough for pedestrians and vehicles to pass.
- The site conditions are taken into consideration at all times to protect the health and safety of event staff and visitors, as this of paramount importance.
- 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 soakway 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.

Crime and Disorder

- Kent Police have been consulted on the matter of crime and disorder. Any matters that may occur, including drink driving, will of course be dealt with accordingly by the authorities.
- 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.

Protection of Children from Harm

- Steps will be carried out to protect children from harm. These include enforcing a proof of age policy and restricting admission of children, if applicable to the event.
- If applicable to the event, staff will also be appropriately trained to mitigate any harm to children.

Representation – Michael and Pat Brown

Dear sirs

I object to application for licensing in the fields off south bush lane the lane is a single track lane with poor access the owner is proposing 331 days of events it will cause mayhem, traffic, crime nuisance disorder i strongly urge to dismiss this application.

Michael and Pat Brown

Applicant Response

- The access to the site is via a 20ft double gate which provides more than sufficient space to access and egress the site. It is not considered poor and no major traffic issues have been caused by vehicles trying to access the site.
- Kent Police have been consulted on the matter of crime and disorder and any matters that may occur, will be dealt with accordingly by the authorities.