

# Public Document Pack



Date: **31<sup>st</sup> January 2023**  
Our ref: **Licensing Sub-Committee / 2<sup>nd</sup> Supplementary Agenda**  
Ask For: **Steven Matthews**  
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## LICENSING SUB COMMITTEE

**1 FEBRUARY 2023**

A meeting of the Licensing Sub Committee will be held at **10.00 am on Wednesday, 1 February 2023** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

### Membership:

Councillors: Bambridge, Huxley and Shrubbs

## **2<sup>nd</sup> SUPPLEMENTARY AGENDA**

Item  
No

Subject

3. **APPLICATION FOR A NEW PREMISES LICENCE AT DREAMLAND, 49 MARINE TERRACE, MARGATE, KENT** (Pages 3 - 16)

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## **APPLICATION FOR A NEW PREMISES LICENCE AT DREAMLAND 49 MARINE TERRACE MARGATE KENT**

Licensing Sub Committee	<b>1 February 2023</b>
Report Author	<b>Alison Brock, Technical Support Team Manager</b>
Status	<b>For Decision</b>
Classification:	<b>Unrestricted</b>

### **Executive Summary:**

To consider this application for a new premises licence in respect of Dreamland, 49 Marine Terrace Margate Kent.

### **Recommendation:**

The instructions of the Sub-Committee are requested.

## **CORPORATE IMPLICATIONS**

### **Financial and Value for Money**

Costs associated with processing the application are taken from licensing fee income.

The applicant or any other person (objector) may appeal the Committee's decision to Magistrates' Court within 21 days. Should this decision be appealed the Council will incur costs defending the appeal. Should the appeal be successful it could result in costs being awarded against the Council. Therefore all decisions should ensure that they are in line with the objectives of the Licensing Act 2003

### **Legal**

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

The Licensing Sub-Committee is obliged to determine applications with a view to promoting the four licensing objectives.

Any decision the Licensing Sub-Committee makes should be made with regard to the Secretary of State's guidance made under Section 182 of the Licensing Act 2003 (revised in April 2017) as well as Thanet District Councils adopted Licensing Policy.

Where any decision parts 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. Similarly the risk of appeal/challenge is increased if any decision made is not evidence based and proportionate.

The Licensing Sub-Committee must pay proper attention to the applicant's rights under the provisions of the Human Rights Act 1998, which gives further effect in the United Kingdom to the fundamental rights and freedoms contained in the European Conventions on Human

Rights. The Licensing Sub-Committee must have proper regard to the rights of the individual applicant when making decisions that affect them. However, it also has to have regard to the safety and protection of the public and therefore to ensure that the right balance is found and think hard about how it can cause the least possible harm to individuals, bearing in mind its duty to ensure the protection of the public.

The effective regulation of licensable activities and of premises at which licensable activities take place can assist in safeguarding children and vulnerable adults.

Section 17 of the Crime and Disorder Act 1998 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 is reasonably can to prevent crime and disorder in its area"

In considering this application the Licensing Sub-Committee will balance the competing Human Rights of the various parties including the right to respect for private and family life, the protection of property and the right to a fair hearing.

There is a right of appeal to a Magistrates' Court within 21 days of the date of the decision of the Licensing Sub-Committee with regard to the grant/refusal of a licence or any of the conditions attached to it.

## **Corporate**

Corporate Priorities should be taken into account when determining the outcome of any application.

Priority 1: Growth

Priority2: Environment

Priority 3: Communities

## **Equality Act 2010 & Public Sector Equality Duty**

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

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.

## Corporate Priorities

This report relates to the following corporate priorities: -

- *Environment*
- *Communities*

### 1.0 Introduction and Background

- 1.1 An application for a premises licence at Dreamland 49 Marine Terrace Margate, Kent has been made by Sands Heritage Ltd.
- 1.2 The application is attached, along with copies of the current 2 licences and a site plan at Annex 1-4.

### 2.0 The Current Situation

- 2.1 Applicants for a premises licence are required, as part of the licensing procedure, to display a public notice which provides information to the public regarding the manner in which representations may be made. Similarly, public notice of the application should be published in a local newspaper circulating in the vicinity of the premises. These requirements appear to have been complied with.
- 2.2 The premise currently has two licences covering different parts of the premise this licence brings both parts under the same licence, along with some other changes including, increased hours and number of events.
- 2.3 14 public representations were received for this current application and these are attached at Annex 5 - 23.
- 2.4 The Police, Environmental Protection Team and Licensing Officer have also submitted representations and these are attached at  
  
Police Annex 24,  
Environmental Protection Team Annex 25-27 and  
Licensing Officer - Annex 28 & 35
- 2.5 The Environmental Protection Team also submitted some proposed conditions to the applicant and these are attached at Annex 29.
- 2.6 The applicant as part of their submission have submitted  
  
a number of letters of support which are attached - Annex 30  
  
an Event management plan - Annex 31  
  
a Sound management plan - Annex 32  
  
Annex 33 - Revised proposed licensing conditions, some of which have been agreed with the police. The Environmental Protection Team has not reached an agreement regarding these conditions.  
  
Annex 36/37/38 - Operational Narrative, Noise Summary, Applicants proposed licence conditions.

- 2.7 Annex 34 - copies of emails and notes of minutes submitted by the Environmental Protection Team and a map.
- 2.8 The Licensing Sub-Committee will be aware that it must carry out its functions under the 2003 Licensing Act to take steps which are appropriate for the promotion of the licensing objectives. The Licensing objectives are: - the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm. In carrying out its licensing functions, the Licensing Sub Committee must also have regard to its statement of licensing policy and the Guidance issued under the Act.
- 2.9 The four licensing objectives are the matters the Licensing Sub-Committee must address when considering whether to grant or refuse the application. Each application should be considered on its merits. Reasons must be given for any decision made by the Sub-Committee.
- 3.0 **Options**
- 3.1 To approve the application.
- 3.2 To refuse the application.
- 3.3 To approve the application with any conditions the Sub-Committee may feel are suitable.

Contact Officer: Alison Brock Technical Support Team Manager  
Reporting to: Penny Button, Director of Neighbourhoods

## **Annex List**

Annex 1-4 – application, plan, current licences  
Annex 5 -23 – 14 public representations  
Annex 24 – Police representation  
Annex 25-27 – Environmental Protection Team representation  
Annex 28 – Licensing Officer representation  
Annex 29 – Environmental Protection Team proposed conditions  
Annex 30 - Dreamland submission - Letters of support  
Annex 31 - Dreamland Event Management plan  
Annex 32 - Dreamland Sound Management plan  
Annex 33 - Proposed Revised conditions  
Annex 34 - Complaints map/emails and notes of minutes  
Annex 35 - Licensing Officer re conditions  
Annex 36 - Operational Narrative  
Annex 37 - Noise Summary  
Annex 38 - Applicants proposed licence conditions

## **Background Papers**

Licensing Act 2003 - <https://www.legislation.gov.uk/ukpga/2003/17/contents>

DCMS Guidance documents issued under Section 182 of the Licensing Act 2003 (as amended)- <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Thanet District Council Statement of Licensing Policy-

<https://www.thanet.gov.uk/media/3168621/licensing-document-2016.pdf>

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**Fwd: Dreamland Licence application - without prejudice**

1 message

**Morgan Sproates** <morgan.sproates@thanet.gov.uk>  
To: TDC Licensing <licensing@thanet.gov.uk>,  
<alison.brock@thanet.gov.uk>

26 January 2023 at 17:05

Hi Ali,

Please find attached from Alison Stocker in terms of Licensing Conditions agreement with Dreamland.

Kind regards,

**Morgan Sproates**  
BSc MBA MGDE MRSC MInstLM  
Regulatory Services Manager

- Regulatory Services | Neighbourhoods
- (01843) 577 081
- [Cecil Street Margate, CT9 1XZ](#)



(01843) 577 000  
<https://www.thanet.gov.uk/>

----- Forwarded message -----

From: **Alison Stocker** <[alison.stocker@thanet.gov.uk](mailto:alison.stocker@thanet.gov.uk)>  
Date: Mon, 23 Jan 2023 at 18:19  
Subject: Re: Dreamland Licence application  
To: Andy Merricks (LSS) <[andy@thelssgroup.co.uk](mailto:andy@thelssgroup.co.uk)>  
Cc: [morgan.sproates@thanet.gov.uk](mailto:morgan.sproates@thanet.gov.uk) <[morgan.sproates@thanet.gov.uk](mailto:morgan.sproates@thanet.gov.uk)>, Shane Guy <[shane.guy@dreamland.co.uk](mailto:shane.guy@dreamland.co.uk)>, Stephen Chapman DC 46011431 <[Stephen.Chapman11@dreamland.co.uk](mailto:Stephen.Chapman11@dreamland.co.uk)>

Good afternoon Andy,

With regards to my proposed conditions, I understand that you have had a recent meeting with PC Chapman. Apart from a slight change in wording most conditions were agreed.

However, some conditions are still in dispute -

No.s 14 - A list of events shall be sent to the Police Licensing Officer, Police Events Team, Thanet District Council Events Team and TDC Licensing. **The list shall be submitted for approval 28 days prior to commencement of any licensable activity** authorised by this premises licence. It shall include, but not limited to, a plan of the staged event, numbers of SIA security staff, dates and timings of the event and a Dispersal Management Plan.

This needs to be confirmed based on an agreeable pre notification time frame for Enforcement Officers, I will await your reply on this one.

17. There must be a 28 day gap between the end of each four day event and the start of the next event. As yet no agreement has been received.

Hopefully these conditions can now be agreed and confirmed prior to the Sub Committee hearing in February.

Kind regards



**Alison Stocker**  
Senior Licensing Officer

- Licensing Enforcement | Regulatory Services
- (07880) 781 795
- Cecil Street Margate, CT9 1XZ



<https://www.thanet.gov.uk/services/licences-and-trading/>



### **Dreamland Events Operational Narrative– 28 January 2023**

From the outset, the Head of Live Entertainment has to be mindful of ensuring that the bookings made for Dreamland fall within parameters set by the conditions, which, as suggested by the EHOs, involve multiple different sound levels in different circumstances. It is nearly impossible to book shows for the year in advance based upon quotas of shows that have to meet tighter restrictions. The shows that fall outside those restrictions might only be thirty minutes longer or 5dB difference, but would still breach the condition. This might mean Dreamland having to refuse a booking for a very high profile act, purely on the basis of uncertainty, which is unviable. It may also mean that acts refuse to be booked, because they cannot confirm what will be required of them, well in advance. Put simply, the lack of consistency in the conditions will not serve the community in real terms, and simply constitutes a micromanaging of the licence that is impractical and unnecessary. The Sound Management Plan, which will be agreed with EH will contain the detail of the control of events, and can be tailored over time if changes are agreed to be necessary. Excessive prescription built into the licence is to be avoided.

Condition 7 requires a “qualified” acoustician to conduct monitoring. This is unnecessary and disproportionately expensive. Much monitoring can be done by those who are suitably trained and competent, but do not have the formal qualifications of an acoustician, which commands a much higher fee. The Operators are entirely able to deploy suitable individuals to undertake the different levels of work required, including qualified acousticians where appropriate.

Condition 9 – Sound limiting device. This is an additional requirement beyond the current licence conditions, and is impracticable. The speakers already have inbuilt limiters, which are competently set by the operators, and about which there has never been any complaint. An external limiter affects the sound quality and experience, and would particularly impact upon the artistic output of DJ's.

Condition 10 requiring an acoustic report and consequent works for the entire premises ( which comprises the entirely Dreamland site) is entirely disproportionate and financially unviable. Such a report might make extremely extensive recommendations, running to tens of thousands of pounds, and the proposition that all such works should be done before the licence can be used is entirely unworkable and unreasonable. The licence currently operating without any such report or works, and no such demand has hitherto been forthcoming. The Applicant maintains that the level of complaints generated over time has been low, and very focussed, and cannot be used to justify the very extensive and expensive interventions suggested by EH.

This application for a consolidated and extended licence would not be made unless the elements applied for were not all carefully considered and necessary for the ongoing financial viability of Dreamland. The numbers and types of events, and the parameters within which they need to operate have been carefully assessed, with the location of Dreamland firmly in mind, including the residential aspects, and the application is commercially necessary, not speculative.

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# Agenda Item 3

## Annex 37

Dreamland licence application  
Summary: Noise conditions

Dreamland is a celebrated live music champion contributing significantly to Margate's overall tourism strategy.

Practical support for the leisure & tourism sector has never been more critical. Granting consent for this licence supports a sector devastated by the Covid-19 pandemic, live venue closures, economic recession, inflation, supply chain friction and cross-border obstacles.

The proposed concert and event programme brings regional and national recognition plus significant social, cultural, and economic benefits.

The social value cannot be understated. People experience civic pride when major national & international artists can be heard performing in their town.

Live music gatherings affect how places are perceived and people's relationships with their place of residence, making them feel connected to it. It encourages people to contribute more towards the social fabric and care more for the local environment. Dreamland events act as vehicles to bring people together, encouraging social contact and leading to enhanced individual well-being and more resilient communities.

Dreamland contributes to Margate's established soundscape as Great Britain's oldest-surviving amusement attraction. Since reopening in June 2015, the venue, management team & critical audience demand has successfully re-energised this iconic destination. From a heritage presenting legendary artists, including The Who & Rolling Stones, Dreamland continues to deliver positive cultural & economic value, despite challenging headwinds.

Over the last 7 & a half years, Dreamland has upheld a positive record of delivering a high-quality experience while successfully protecting the community, minimising the likelihood of noise disturbance and complaint.

The comparatively low complaint incidence can be attributed to robust noise control combined with the positive social-economic influence described above. While noise complaints in England have increased by 54% since the lockdown (Chartered Institute of Environmental Health, March 2022), the minimal change in Dreamland noise complaints is a positive indication that the incumbent Music Noise Levels are unlikely to cause a disturbance.

Despite welcome agreement on most conditions, the remaining differences are not viable with the objectives of this licence application.

The noise exposure controls proposed by TDC Environmental Health do not appear to consider the qualitative nature of the apparent noise impact in the context of a busy seaside resort. The proposed limitations on the number of events and curfew time are unsustainable obstacles to attracting high-quality national and international artists.

Our proposal adequately mitigates the noise exposure trilemma.

1. The exposure repetition is inherently limited by permitting a maximum of 48 outdoor event days per year, adequately mitigating excessive cumulative impact. Increasing the number of events is reasonable, given the robust noise control scheme in combination with the duration and intensity restrictions.
2. The duration & timing is controlled, limiting noise exposure. The outdoor events are scheduled during social hours. Most music events are evening concerts of short duration instead of all-day events. Indoor event duration is not a significant factor, given that noise emission does not adversely impact the community. We are confident the break-out is adequately contained by the building shell, provided the external doors & windows remain closed.
3. The sound intensity is limited to acceptable levels. The incumbent Music Noise Levels are proven effective, adequately balancing the audience's needs while protecting the community. The parameters in the proposal are based on current practice, established guidelines and extensive empirical evidence. We are confident the apparent impact does not cause Public Nuisance. From over seven years' experience with large music events at Dreamland, the complaints have not been excessive. Where the music has triggered private nuisance complaints, the small number of individuals involved indicates the disturbance is isolated & of marginal adverse impact.

# Agenda Item 3

## Annex 37

### Outdoors:

As a responsible operator, Dreamland is not seeking a sound level increase above the incumbent conditions, simply an increase in the number of events already at the lowest practical intensity.

The guidance document used in the UK to control music noise at events is the Noise Council, Code of Practice on Environmental Noise Control at Concerts, 1995 (Pop Code). Research undertaken in 2006 (Griffiths & Staunton, 2006) suggested that the guidance would benefit from further refinements to the noise levels, the number of concerts and the categories used. While the Pop Code is currently the guidance document in the UK, deviation from this guidance is typical, and it has largely been superseded by legislation, particularly the Licensing Act 2003. A survey conducted in 2020 (P.Wheeler et al.) found 80 different music noise limits in a sample of 71 outdoor venues. The forthcoming Pop Code revision currently under review by the CIEH emphasises the need for local context & discretion.

These findings are relevant to Dreamland in 2023.

The Music Noise Level at Railway Terrace and Arlington House from a concert on the Scenic Stage is around 30dB lower than the music level experienced by the audience. For context, a difference of 10dB is perceived as a doubling or halving in loudness. A 30dB difference is like an 8-fold reduction. The average listener generally considers a difference of less than 3dB undetectable.

The current Music Noise Level (MNL) limit of 65dB LAeq 15' at Railway Terrace and Arlington House corresponds to a music level of around 95dBA for the audience.

The Pop Code states that music levels for the audience of around 100dBA is normal, and below 95dBA is unlikely to provide satisfactory entertainment.

Consequently, Dreamland is currently operating with the lowest viable conditions for concerts, i.e., a 65dB LAeq 15' environmental limit, 30dB below the audience experience. TDC's proposal to reduce this lower limit below 65dBA is not practical or compatible with music events. Audiences will not attend, and artists will not perform at lower levels.

We shall simultaneously measure the dB LCEq sound level with dB LAeq for bass-beat or low-frequency mitigation. Unlike LAeq, which effectively ignores low-frequencies, LCEq measures the whole tonal range, including the bass. The previous method of measuring two lower octave bands has limitations that may underestimate the bass emissions from Dreamland. dBC is available on most sound meters, is already extensively used in Noise at Work assessment, and is rapidly becoming the de-facto standard for low-frequency control in Regulated Entertainment.

### Indoors:

There are no material changes to the proposed indoor operation. The Music Noise Level emissions are controlled to have no adverse impact inside dwellings.

The prevailing soundscape is highly variable in any seafront location. Significant uncertainty is attached to a measurement in windy conditions where the sound meter cannot distinguish between wind and music noise.

TDC has proposed a limit covering an indiscernible change in eighteen measurement parameters relative to a highly variable underlying value. This is not practicable for TDC or Dreamland. The inherent uncertainty in the measured values makes it challenging to have confidence in compliance monitoring.

Dreamland has proposed a simple, robust scheme to protect the community from noise disturbance. The Music Noise shall not exceed a fixed level that would be intrusive in people's homes as far as can be reasonably determined. By referencing the British Standard Code of Practice for Sound Insulation in Buildings (BS8233 2014), we can be confident that a level not exceeding 55dBA before 23:00 and 45dBA, Leq 15' when assessment at the façade of any residential dwelling is likely to be acceptable inside.

For coordination with the Outdoor controls, we propose to monitor & limit low-frequency emissions using the LCEq parameter in parallel with LAeq.

Dreamland

Applicants proposed licence conditions.

1. The definition of “Event” shall mean events that are held outdoors in the areas known as “park and event space” ticketed, music is not ancillary to the event and exceeds the day to day business of the premises
2. “Large Scale Event” shall mean as (1) but attended by 10,000 – 19,999 patrons.
3. The licence holder will have produced an Event Management Policy (EMP1) that will annex this licence and contents of which must be agreed with Police, Licensing authority and the premises licence holder. Any amendments to this EMP1 will be logged and signed by all parties so it is clear which version is current and enforceable.
4. The licence holder will have produced a Sound Management Policy (SMP1) that will annex this licence and contents of which must be agreed with EHO, Licensing authority and the premises licence holder. Any amendments to this SMP1 will be logged and signed by all parties so it is clear which version is current and enforceable.
5. A minimum of one personal licence holder shall be on duty during the sale of alcohol.
6. There shall be a minimum of 2 SIA security staff on duty when the park is open to the public.
7. CCTV shall be installed, working and maintained with a thirty-day rollover recording. Recordings shall be made available to the Police and Licensing Authority upon request in accordance with Data Protection law requirements. There shall be at least one member of staff on duty during licensable activities that can operate and download CCTV footage upon lawful request in accordance with Data Protection requirements. The extent of CCTV coverage of the licensed areas, including entrance and exit shall be set out in a policy document that shall be agreed with the Police and Licensing Authority.
8. The premises shall, adopt a zero tolerance drugs policy.
9. A drugs box shall be kept in the main office and only the Police and the premises shall have the means to open the box.
10. On event days, a minimum of one authorised member of staff shall be deployed at any entrance/exit to deter alcohol leaving the licensed area.
11. For all events, an Event Management Plan (EMP) will be drawn up and implemented which will detail, inter alia, the required number of SIA security staff required, including where and when they are deployed.
12. On event days, during the times that alcohol is available, selected SIA security staff shall wear body worn cameras in accordance with the EMP
13. No alcohol shall be permitted to be taken on to any ride
14. Dreamland will promote the objective to protect children from harm including the following measures:
  - 14.1. Age limits where appropriate to be identified in the EMP
  - 14.2. Challenge 25 age verification policy in place relating to alcohol sales
  - 14.3. Lost child policies and procedures
  - 14.4. All training to be given to staff in relation to the above
15. Glass shall only be used for the service of alcoholic drinks in the Indoor venues and any designated VIP area controlled by SIA security
16. A copy of the premises licence (Part B) to be displayed at the Main Bar
17. Bar serving staff shall undertake suitable training to fully support the licensing objectives. This information is to be made available to the Police or Licensing Authority upon request.

# Agenda Item 3

## Annex 38

18. A list of Events shall be sent to the Police Licensing Officer, Police Events Team, Thanet District Council Events Team and Thanet District Council Licensing on a monthly basis. This shall include full details of proposed timings of events.
19. Suitable lighting shall be utilised to support public safety during opening hours.
20. During an event the licensee shall give unrestricted access to LA Licensing Offices to the site to conduct investigations into possible breaches of conditions. The licensees shall maintain a section on their website called 'information for residents'. The section shall give details to residents on how to contact Dreamland in the event of the resident wishing to make comments or complaints. Dreamland shall maintain a helpline for local residents throughout any event where music is not ancillary to that event. All contact with the helpline shall be logged with customer name, address, contact details, nature of complaint and complaint resolution description. It should be noted if the customer refuses to give some or any information. Subject to Data Protection legislation, this complaint information shall be made available to the local licensing authority at their request within a period of 14 working days. Outdoor regulated entertainment noise controls for the Prevention of Public Nuisance
  - 20.1. Events shall not be conducted on more than 48 days in any calendar year, and events comprising four or more consecutive days shall not occur on more than four occasions in any calendar year.
  - 20.2. Events shall not last for longer than 10.5 hours per day.
  - 20.3. Amplified regulated entertainment is permitted only between 09:00 – 23:00 (or 09:00 - 22:00 on Sundays that are not followed by a Bank Holiday)
21. Large scale events: -
  - 21.1. All external events will be monitored by a suitable competent person to ensure the noise levels outlined in the SMP1 are adhered to. The licensee shall produce at least 14 days prior to the event a professional site and event specific Sound Management Plan (SMP) containing noise mitigation techniques to minimise noise disturbance outside the premises.