

**Havering Council – Decisions taken by the Licensing Sub-Committee on Wednesday, 15 February 2017**

Agenda Item No	Topic	Decision
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**Note: this decision list is for guidance only. The text of the minutes, which may be different, is definitive.**

**Part A – Items considered in public**

<p><b>A1</b></p>	<p>APPLICATION FOR A NEW PREMISES LICENCE - WE ARE FSTVL 2017 AT DAMYNES HALL AERODROME, AVELEY ROAD, UPMINSTER, RM14 2TN</p>	<p align="right"><b>Licensing Act 2003 Notice of Decision</b></p> <p><b>PREMISES</b> Damyns Hall Aerodrome, Aveley Road, Upminster, Essex. RM14 2TN</p> <p><b>DETAILS OF APPLICATION</b></p> <p>This application for a (new premises licence) was made under section 17 of the Licensing Act 2003 (“the Act”).</p> <p><b>APPLICANT</b> Reece Miller, Director, Lime Green Events Limited, 65A Station Road, Upminster, Essex. RM14 2SU</p> <p><b>1. Licensable Activities applied for:</b></p>
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		<p>Two local residents Edward Marling and Ken Lees had submitted representations on the grounds that granting the licence would incite drunkenness, late night noise and disturbance, open urinating in public areas and trespass onto private properties.</p> <p>Councillors Ron Ower and Linda Hawthorn, Ward Councillors had submitted written representations on the grounds of Prevention of Crime and Disorder, Prevention of Public Nuisance and Public Safety.</p> <p>Thirty letters of support were received from local residents and local businesses.</p> <p><u>Responsible Authorities</u></p> <p>A representation had been submitted by Public Protection but was subsequently withdrawn.</p> <p>Similarly the London Fire Brigade had submitted a representation but following discussions with the applicant this was also withdrawn subject to the provision of exit calculations and details of pyrotechnics before the event.</p> <p>The Licensing Authority had also submitted a representation under licensing objectives:</p> <ul style="list-style-type: none"> <li>• The protection of children from harm;</li> <li>• Public Safety; and</li> <li>• Prevention of Crime &amp; Disorder.</li> </ul> <p>In presenting his representation Mr Hunt informed the Sub-Committee that in his opinion the letters of support from C2C, Ensign Buses and Simply Loos should be disregarded as all three companies had business arrangements with the applicants.</p>

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		<p>The site plans submitted with the original application had been superceded and the Sub-Committee’s attention was directed towards plan no. 17/05 dated 1<sup>st</sup> February 2017 which showed the location on all twenty bars.</p> <p>These plans could change before the date of the festival with the applicant needing to obtain the approval of the Safety Advisory Group 6 weeks before the event. Any changes to the plan would need an application to vary the arrangements, allowing the responsible authorities a further opportunity to respond.</p> <p>Mr Hunt had concern at the small number of entries in the refusal logs from 2016. Given the demographic targeted by the Festival, the 18-25 age group, he would have expected to see more entries. For this year the applicants had agreed to maintain the refusal logs and log whenever they requested identification not just when they refused service.</p> <p>In recent discussions the applicants had accepted there were issues in the bars last year and had agreed that there would be no music allowed in the bars. The problem last year seemed to be unregulated DJ’s in the bars.</p> <p>Mr Hunt had requested the sub-committee to specifically give consideration to the introduction of ID scan or similar to be deployed at the entrances, for the Drugs Policy to be updated to reflect issues with Psychoactive Substances and to restrict capacity to either 24,999 with campsite or 29,999 without the campsite.</p> <p>During the course of the hearing the Licensing Officer agreed the wording of the following additional conditions with the applicant.</p> <ul style="list-style-type: none"> <li>• All bar staff shall be suitably trained for their job function for the premises. No member of bar staff will be permitted to sell alcoholic products until such time as</li> </ul>

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		<p>they have successfully completed the aforementioned training. The training shall be written into a programme and must be available to a relevant responsible authority upon request.</p> <ul style="list-style-type: none"> <li>• Late night refreshment is to cease at 00:00 in all cases other than the campsite.</li> </ul> <p>The applicants had agreed to utilise secret shoppers to check if bar staff were complying with the challenge 25 condition.</p> <p>A specialist security company had been employed to provide cover in each bar.</p> <p>The Metropolitan Police had submitted a representation that the grant of the application would be detrimental to the following licensing objectives:</p> <ul style="list-style-type: none"> <li>• The protection of children from harm;</li> <li>• Public Safety; and</li> <li>• Prevention of Crime &amp; Disorder.</li> </ul> <p>In his oral presentation Mr Hanscroft, representing the Metropolitan Police concentrated on three key areas:</p> <ul style="list-style-type: none"> <li>• Capacity</li> <li>• CCTV; and</li> <li>• Scannet.</li> </ul> <p>The Metropolitan Police were asking the Sub-Committee to restrict capacity to 24,999 and limit the campsite to 5,000 with a condition requiring an identification scanner to be used to control entry to the campsite and for security numbers to be confirmed and agreed with the Havering Borough Partnership Inspector by no later than 31<sup>st</sup> March.</p>
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		<p>If the Sub-Committee were minded to grant the application the police would like to see the following conditions imposed:</p> <ul style="list-style-type: none"> <li>• All persons, equipment and vehicles to be searched on entry including staff and VIPS;</li> <li>• CCTV to be installed at all points of searching and in search tents;</li> <li>• All security personnel to be in possession of and in contact with event radio control;</li> <li>• Dedicated teams of mobile car park security patrols be deployed at the event and security numbers be confirmed and agreed with the Havering borough partnership Inspector no later than 31<sup>st</sup> March 2017.</li> <li>• CCTV to be installed in all event tents, event bars and additional CCTV to be added to footprint of event of suitable quality to identify offenders.</li> <li>• Mobile welfare teams, with visible uniform differentiating them from security or medical staff, to be deployed to the event with radio contact in order to identify, monitor and assist with persons intoxicated through drink or drugs. Numbers be confirmed and agreed with the Havering borough partnership Inspector no later than 31<sup>st</sup> March 2017.</li> <li>• A member of the welfare team to be in contact with Queens’s hospital prior to and during the event.</li> <li>• Two members of WeAre security staff be deployed at Queens’s hospital A+E dept. for the duration of the event to assist in any referred cases from the event.</li> <li>• The DPS be a member of the management team of the applicant.</li> <li>• Identification scanning equipment be used as a condition of entry to the event for all persons that appear under the age of 25 in accordance with Havering Councils guidelines on Challenge 25. Any persons not scanned shall have their photograph taken and a record made of their entry and the security supervisor permitting them entry.</li> </ul>
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		<ul style="list-style-type: none"> <li>• The venue have a dedicated crime reporting tent in the main arena where a member of staff will assist in reporting crime online utilising an online tool similar to the MPS online tool or a scheme such as Facewatch or its equivalent.</li> <li>• A steel shield be erected around the perimeter of the campsite and event and constantly monitored by security staff.</li> <li>• A designated member of staff to be responsible for the emptying and packaging of amnesty bins in the presence of police officers, this persons to identify themselves to police at event control at the start and conclusion of the event.</li> <li>• Representatives from all five security companies to attend event control meetings.</li> <li>• Social media SPOC to be present in event control with social media updates shown on a separate screen in event control.</li> <li>• CCTV Plan to be agreed with police by 31st March 2017 and added to the event management plan.</li> <li>• Lighting plan to be agreed with police by 31st March 2017 and added to the event management plan.</li> </ul> <p>Mr Hanscroft maintained that the increase in capacity and the addition of a campsite was a dramatic change from previous years. Approximately 1/3<sup>rd</sup> of the participants would be sold combined campsite and festival tickets. He believed that the Police’s request to maintain capacity at 24,999 and restrict the campsite was a proportionate response allowing the effects of the changes to be adequately monitored for the first year.</p> <p>The Festival has been a significant generator of crime over the years when compared to other licensed premises. The figures provided only related to those happening within the festival boundaries and did not include anything relating to participants arriving and</p>

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		<p>leaving the venue.</p> <p>In the Police’s experience licensed premises which used scannet or something similar had seen a reduction in crime and disorder therefore the introduction of such a system at the festival would be a positive step. It would also be a positive step in the protection of children from harm.</p> <p>The incidents described in the written evidence showed a systematic problem with security at last year’s festival. A contributor to this was the lack of an adequate CCTV system. What was proposed this year whilst an improvement on what was available last year was in the police’s view still inadequate.</p> <p>A representation had been submitted on behalf of the Director of Public Health in respect of licencing objectives:</p> <ul style="list-style-type: none"> <li>• The prevention of crime and disorder;</li> <li>• Public Safety;</li> <li>• The prevention of public nuisance; and</li> <li>• The protection of children from harm.</li> </ul> <p>The Director had expressed concerns about failures at last year’s Festival and although some improvements were planned to tackle substance misuse it was felt that these could be further strengthened.</p> <p>Since the representation had been submitted officers had met with the applicant and his team and a number of issues had been addressed. The applicants had indicated that in 2015 they had undertaken 1372 full searches before entry, in 2016 this had been increased</p>

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		<p>to 1506. This was just one of the steps taken to tackle the problem of the availability of drugs.</p> <p>This year they had redesigned the entry points to allow for enhanced searching, particularly for drugs. They had also increased the level of security with 400 security personnel contracted, 9 drug dogs, 13 CCTV cameras and 14 observation towers.</p> <p>A We Are Friends initiative was being introduced to encourage people to look out for neighbours tents, or welfare, encourage people to report anything suspicious, etc.</p> <p>This still left unanswered the need to provide specific training for security personnel in recognition of illegal substances, although an assurance had been given that police would be delivering such training to security staff.</p> <p>On the issue of the free availability of water organisers had indicated that festival goers would be permitted to bring in suitable plastic containers to refill from the standpipes on site. This was still not clear from the festival website and organisers needed to address this issue.</p> <p>Public Health’s concerns around capacity and health protection had subsequently been addressed by the organisers, although the issue of capacity was still a concern</p> <p>Concerns about checks on access to the campsite were addressed by the applicants in a verbal statement. Extra staff were being employed to ensure all luggage was security checked before campers were able to access the campsite. Once on site they would not be allowed to leave until the end. If they did leave they would not be allowed to return to the site.</p>

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		<p>Concerns around public nuisance had been alleviated by the organisers agreeing to provide additional toilet facilities at Upminster station.</p> <p><b>Mr Marling</b></p> <p>One of the objectors Mr Marling had attended the hearing and expanded on his written representation. He stated that although this was just a three day event for local residents the ‘nightmare’ starts two weeks before and ends a week after the end of the festival. There was the constant moving of equipment on to and off the site 24 hours a day. Heavy vehicles use the track in front of his property. He receives verbal abuse from drivers and during the festival suffers trespass and public urination.</p> <p>The measures taken to reduce noise were totally inadequate and lights from the arena flood his property in to the early hours of the morning.</p> <p>He is provided with a pass to allow him entry to his own property but family and friends are unable to visit during the festival.</p> <p>He also expressed concerns for festival goers who would be leaving the site each night and walking down Aveley Road which was not lit.</p> <p><b>3. APPLICANT’S RESPONSE</b></p> <p>Simon Taylor responded on behalf of the applicants calling on members of the management team to provide detailed responses as necessary. Mr Taylor opened with a brief history of the event. He explained that it was always expected that the EMP would develop over the course of the months preceding the event until it received the approval of the Safety Advisory Group (SAG) 6 weeks prior to the event.</p>

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		<p>The application for a premises licence set out the broad brush requirements with detail clarified and agreed in the EMP. Any significant changes would require an application for a variation.</p> <p>Mr Hunt advised the Sub-Committee that the SAG was not part of the formal licensing process and responsibility for granting the licence rested with the Sub-Committee.</p> <p>The applicants had always intended to increase capacity and the 5,000 increase was not significant. Their research showed that 41% of the festival goers lived within 10 miles of the venue, with 77% residing within the M25 circle.</p> <p>The traffic management plan had been agreed with Highways.</p> <p>The applicants had responded to the proposed changes by revisiting the security requirements and employing Mr Allen as Head of Security. He had been responsible for recruiting five specialist companies to provide security this year. Event Control would be manned 24 hours a day and made provision for the police, fire brigade, licensing and representatives from the 5 security companies to be present to respond immediately to any problems.</p> <p>The question of why they have chosen to apply for a campsite this year was answered by Mr Thomas.</p> <p>Immediately following last year’s festival adverts had appeared on the internet advertising campsites for festival goers in 2017. Experience with a similar event in Manchester, Parklife, had demonstrated the difficulties created by such illegal and unregulated campsites. The applicants had therefore decided to offer their own regulated and licensed</p>

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		<p>campsite which had been inspected and approved by the appropriate authorities. The presence of unregulated campsites would have a significant effect on the traffic management plans.</p> <p>Mr Thomas circulated a eight page document listing Event Management Improvements for 2017. This dealt with the revised capacity, campsite, Traffic Management, Stages, arenas and infrastructure, Security and stewarding, Medical and Welfare, Event Management, Bars and Alcohol Management, and the senior management team.</p> <p>Mr Thomas then addressed the specific issues raised by the Metropolitan Police.</p> <p>With regard to security the organisers had appointed an experienced Head of Security, Steve Allen, who had advised on what was required. At his instigation a dedicated perimeter, external, car parks security contractor had been engaged these would be employing 71 staff. A dedicated bar security team had been engaged with 36 staff. Campsite security was the responsibility of yet another contractor who would employ 118/120 staff with the arena having its own team and a fifth contractor responsible for the main entrance and transport hub. The teams would have the support of 8 trained general purpose dogs with 9 passive drug detection dogs available to cover all entrances.</p> <p>The contractors would provide both overt and covert operations, and increased mobile patrols.</p> <p>More CCTV cameras would be used which were of a higher specification than last year. There would be 13 deployed compared to 5 last year, 5 in the arena, 4 in the car parks, 3 in the campsite and 1 at Upminster Station. They would also be a mobile CCTV camera. There was also in increase in the observation towers.</p>

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		<p>All security personnel would be accredited and they and all staff, traders, artists and customers would be searched before they enter the premises. Anyone found with illegal substances would be refused entry and reported to the police as appropriate.</p> <p>Amnesty bins would be provided at all entrances.</p> <p>Enhanced search facilities would be available with security staff profiling.</p> <p>The number of welfare staff had also increased significantly.</p> <p>Mr Thomas advised that the number of drug presentations in 2016 were lower than in 2015.</p> <p>The organisers had researched extensively the suitability of utilising scannet or something similar. There were no examples of the use of scannet at an outdoor festival. The machines were not waterproof and would not be reliable in an outdoor setting.</p> <p>Mr Allen explained in detail how security would control entry to the site. Acceptable forms of photographic ID would be agreed in advance with the Police and this would be extensively advertised on the web site. Patrons without ID who were admitted would be photographed so an accurate record was available.</p> <p>Concerns about the effect of the campsite on the transport plan were dealt with; Models had been run with 14.2% of those using the campsite using their own vehicles and increasing the number to 50% without exceeding the industry norm of 800 cars exiting a single exit.</p> <p>Briefly Mr Thomas advised that his clients were not prepared to accept a reduction in capacity or a reduction in the size of the campsite. Similarly they did not accept the need</p>

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		<p>for CCTV to be installed in the tents in the arena. The police had accepted that it would be inappropriate to have CCTV in the enhanced search tent.</p> <p>Mr Hanscroft on behalf of the Metropolitan Police questioned the applicants on key aspects of their application.</p> <p>First the Police questioned the efficiency of security at last year's festival specifically relating to the Prevention of Harm to children. The applicants did not accept that there was a significant failure and pointed out that it was their security who had identified and apprehended the 16 year old who was intending to deal drugs. Secondly the number of ejections and denials of entry demonstrated how well their measures had worked.</p> <p>This year they had employed a specialist security consultant Steve Allen who was responsible for appointing all the security teams. He would agree with the Metropolitan Police a suitable form of photo ID which would be acceptable to gain access to the event. Covert teams would be deployed to monitor those seeking entry and identify those who needed to be searched. Additionally the organisers had decreased the number of entry lanes to enable resources to be concentrated.</p> <p>The police then questioned the applicants on why they did not wish to use an ID scanner. In response the applicants advised that they were not aware of any outdoor Festival which had used this system. Also they were not aware of any experiments with staggered entrance times.</p> <p>The demographic for the festival showed that 67% of the attendees would be under 25 years of age, therefore, approximately 20,000 festival goers would need to be scanned each day although this would be reduced by the number camping.</p>



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		<p>The Police then asked whether the greater emphasis on drugs was a result of failings last year. This was denied by the applicants who claimed that their evidence was based on physical logs not anecdotal evidence.</p> <p>The Police were concerned that the increase in security was necessary because of the increase in capacity and the campsite. Steve Allen responded by stating that he had advised on the appropriate number of security personnel required and the employment of 5 security contractors. The number was not fixed and if a threat was identified numbers could be increased. In addition to the number of personnel there was also an uplift of 40% in dogs. All the security personnel will be accredited and will be searched each time they enter the site.</p> <p>The campsite security will include mobile patrols, covert surveillance, observation towers and dogs. Campers will also be engaged to engage with the We Are Friends initiative.</p> <p>The police questioned the applicant’s reluctance to install CCTV in the tents in the arena although they did accept it would not be appropriate to install CCTV in the enhanced search tent.</p> <p>Steve Allen explained the difficulties. Tents were temporary structures and therefore unstable. The tents were performance spaces with loud music and possibly smoke therefore the quality of images would be poor. The organisers had increased the number of CCTV cameras across the site and at Upminster Station.</p> <p>At this point having heard all the evidence the Sub-Committee was adjourned to reconvene on Monday 20<sup>th</sup> February at 11.00am.</p> <p>The Sub-Committee reconvened at 9.30am on Monday, 20<sup>th</sup> February 2017 to consider the</p>
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		<p>evidence they had heard and to make a decision.</p> <p>Having reached a decision in private the Sub-Committee moved back in to open session at 11:15am to announce their decision.</p> <p><b>4. DECISION</b></p> <p>In considering and making its decision, the Licensing Sub-Committee had regard to the Guidance issued under Section 182 of the Licensing Act 2003, the Council’s Licensing Policy and the promotion of the licensing objectives.</p> <p>The Sub-Committee noted the complaint received after the hearing last week that the Applicant had not been allowed sufficient time to present their application.</p> <p>The applicant was legally represented and had been afforded nearly 2 hours to make their submissions. Mr Taylor for the applicant had been informed that he would be allowed 20 minutes after the lunch break to conclude his submissions. Mr Taylor did not complain of the lack of time at any time during the hearing.</p> <p>The time taken by the responsible authorities was considerably less when addressing the Sub-Committee. In addition the police had been restricted to 20 minutes in asking questions and in making closing submissions.</p> <p>The Sub-Committee having considered all submissions from responsible authorities and interested persons and having regard to the licensing objectives and statutory guidance, granted the application subject to Conditions.</p> <p>When determining the application for the premises licence, the Sub-Committee had in</p>

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		<p>mind the past record of this festival and the serious concerns regarding crime, drugs and public nuisance. The Sub-Committee further had in mind the consumption of drugs in 2016, robberies and serious violent assaults. The Sub-Committee also considered the failings of security in 2016, the unhelpful attitude of security personal, and that those under the age of 18 years had previously gained access to the festival, public urination and general public nuisance. The Sub-Committee gave due consideration to the submissions of the applicant and the changes to the Event Management Plan that were being made for 2017.</p> <p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The capacity of the event shall be limited to 24,999 inclusive of the campsite.</li> <li>2. The capacity of the campsite shall be limited to 5,000, an identification scan shall be a condition of entry to the campsite and security numbers shall be confirmed and agreed with the Police by 31st March 2017.</li> <li>3. All persons, equipment and vehicles shall be searched on entry including staff, security personnel and VIPS. The applicant shall deploy passive drug detection dogs at all entry points in consultation with the police.</li> <li>4. CCTV to be installed at all points of entry and in search tents, except</li> </ol>

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		<p>within enhanced search tents.</p> <ol style="list-style-type: none"> <li>5. All security personnel shall be in possession of and in contact with event control via radio.</li> <li>6. Dedicated teams of mobile car park security patrols shall be deployed at the event and security numbers shall be confirmed and agreed with the Police no later than 31st March 2017.</li> <li>7. CCTV shall be installed in all event tents and bars of suitable quality as approved by the police to identify offenders.</li> <li>8. Mobile welfare teams, with visible uniform differentiating them from security or medical staff, shall be deployed for the event with radio contact in order to identify, monitor and assist with persons intoxicated through drink and or drugs. The numbers of welfare personnel to be confirmed and agreed with the police no later than 31<sup>st</sup> March 2017.</li> <li>9. The DPS shall be a member of the applicant’s management team.</li> <li>10. Identification scanning equipment shall be used as a condition of entry to the event for all persons that appear to be under the age of 25 in accordance with Havering Councils guidelines on Challenge 25. Any persons not scanned shall have their photographs taken and a record made of their entry and the security supervisor</li> </ol>

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		<p>permitting them entry. If there is a failure of the Identification Scanning Equipment, Event Control shall agree an alternative system for identification with the police. The applicant shall use best endeavours to rectify any failure of the identification scanning equipment.</p> <p><b>11.</b> There shall be a dedicated crime reporting tent in the main arena where a member of staff shall assist in reporting crime online utilising an online tool similar to the MPS online tool or a scheme such as Facewatch or its equivalent.</p> <p><b>12.</b> A steel shield be erected around the perimeter of the campsite and event and constantly monitored by security staff.</p> <p><b>13.</b> A designated member of staff shall be responsible for the emptying and packaging of amnesty bins in the presence of police officers, designated member(s) of staff shall identify themselves to police at event control at the start and conclusion of the festival.</p> <p><b>14.</b> Representatives from all security companies shall attend event control meetings.</p> <p><b>15.</b> There shall be a social media SPOC to be present in event control with social media updates shown on a separate screen in event control.</p>

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		<p><b>16.</b> The CCTV Plan shall be agreed with police by 31<sup>st</sup> March 2017 and added to the Event Management Plan.</p> <p><b>17.</b> The Lighting Plan shall be agreed with police by 31st March 2017 and added to the Event Management Plan.</p> <p><b>18.</b> All bar staff shall be trained for their bar duties and for the sale of alcohol and shall not be permitted to sell alcohol until completion of training approved by the Licensing Authority.</p> <p><b>19.</b> There shall be no provision of late night refreshment in the premises after midnight except within the campsite.</p> <p><b>20.</b> There shall be no provision of late night refreshment within the campsite after 3am.</p> <p><b>21.</b> There shall be no sound systems in the bars area.</p> <p><b>22.</b> The layout of the premises shall be in accordance with Plan number 17/05 dated 1st February 2017. Any variations to the plan shall be approved by the police and the licensing authority.</p> <p><b>23.</b> Any person found in possession of drugs within the premises shall be removed from the premises and not allowed to re-enter at any time during the festival. The removal of persons shall be notified to the police.</p>

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		<p><b>24.</b> Notices shall be displayed within the premises advertising the last train times from Upminster station and upon the website of the festival event.</p> <p><b>25.</b> Adequate notices shall be displayed upon the premises that individuals found to be in possession of drugs will be removed from the premises.</p> <p><b>26.</b> Free tap water shall be available at all bars upon request. Empty plastic bottles shall be permitted into the premises for drinking water from standpipes.</p> <p><b>27.</b> Details of occupancy and pyrotechnics shall be agreed with the Fire Service 6 weeks before the commencement of the Festival.</p> <p><b>28.</b> The traffic Management Plan shall be agreed with the Highways Department of the London Borough of Havering.</p> <p><b>Right of Appeal</b></p> <p>The Applicant, Premises Licence holder or any interested person or Responsible Authority, who made a relevant representation, may appeal to the Magistrates' Court <u>within 21 days of notification of the decision</u>.</p> <p>On appeal, the Magistrates' Court may:</p>
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<b>Agenda Item No</b>	<b>Topic</b>	<b>Decision</b>
		<ol style="list-style-type: none"> <li>1. Dismiss the appeal;</li> <li>2. Substitute another decision which could have been made by the Sub Committee;</li> <li>3. Remit the case to the Licensing Sub Committee to dispose of it in accordance with the direction of the Court;</li> <li>4. Make an order for costs as at its discretion.</li> </ol> <p>James Goodwin Clerk to the Licensing Sub-Committee</p>
<b>A1</b>		
<b>A2</b>		