

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
15 February 2017 (10.30 am - 3.00 pm)**

Present:

COUNCILLORS

Dilip Patel (Chairman) and Wendy Brice-Thompson and Jody Ganly.

Also present: Simon Taylor, Solicitor (representing the applicants), Reece Miller (applicant), Paul Ludford, Steve Allen, Geoff Cox, Vicki Smith and Sian Miller (We Are Festival), E Marling (Objector), Arthur Hunt (representing the Licensing Authority), David Hallam and Paul Carden (London Fire Brigade), Louise Dibsdall (Public Health), Richard Hanscroft, Barrister (representing the Metropolitan Police), John Goodwin and Belinda Goodwin (Metropolitan Police).

Paul Jones (Licensing Officer), the Legal Advisor and Clerk.

Observers: Andy Newman, David Thrale and Laura Wright.

The Chairman reminded Members of the action to be taken in an emergency.

1 DISCLOSURE OF INTEREST

There were no disclosures of interest.

**2 APPLICATION FOR A NEW PREMISES LICENCE - WE ARE FSTVL 2017
AT DAMYNS HALL AERODROME, AVELEY ROAD, UPMINSTER, RM14
2TN**

PREMISES

Damyns Hall Aerodrome,
Aveley Road,
Upminster,
Essex.
RM14 2TN

DETAILS OF APPLICATION

This application for a (new premises licence) was made under section 17 of the Licensing Act 2003 ("the Act").

APPLICANT

Reece Miller,
Director,

Lime Green Events Limited,
65A Station Road,
Upminster,
Essex.
RM14 2SU

1. Licensable Activities applied for:

Films, Live Music*, recorded music*, performance of dance - all to be provided inside and outside		
Day	Start	Finish
Friday, 26 th May	14:00	03:00
Saturday, 27 th May	10:00	03:00
Sunday, 28 th May	10:00	01:30

- *Music on the arena outdoor stage would finish at 23:00;
- *Music within the arena tented stages would finish at 00:30;
- *Music within campsite structures until 23:00 would be at agreed levels;
- *Music within campsite structures after 23:00 would be played with no audio i.e. silent (Silent Disco). Music from campsite structures would finish at 03:00 on Saturday and Sunday and 01:30 on Monday.

Late night refreshment – to be provided inside and outside		
Day	Start	Finish
Friday, 26 th May	23:00	05:00
Saturday, 27 th May	23:00	05:00
Sunday, 28 th May	23:00	05:00

- Arena – Saturday/Sunday 23:00 to 02:00 the following day;
- Campsite village – Friday to Saturday 23:00 to 03:00 the following day, Sunday 23:00 to 01:30 the following day.

Late night refreshment – to be provided inside and outside - Arena		
Day	Start	Finish
Saturday, 27 th May	23:00	02:00
Sunday, 28 th May	23:00	02:00

The provision of hot food and drinks in the arena as shown on plan no. 17/05 dated 1st February 2017

Late night refreshment – to be provided inside and outside – Campsite Village		
Day	Start	Finish
Friday, 26 th May	23:00	03:00
Saturday, 27 th May	23:00	03:00
Sunday, 28 th May	23:00	01:30

The provision of hot food and drinks in the campsite as shown on plan no. 17/05 dated 1st February 2017

Supply of Alcohol – on premises only - Arena		
Day	Start	Finish
Saturday, 27 th May	10:30	00:30
Sunday, 28 th May	10:30	00:30

Supply of Alcohol – on premises only outside – Campsite Village		
Day	Start	Finish
Friday, 26 th May	12:00	02:00
Saturday, 27 th May	10:30	02:00
Sunday, 28 th May	10:30	01:00

Hours premises open to the public

Day	Start	Finish
Friday, 26 th May	10:00	24:00
Saturday, 27 th May	00:00	24:00
Sunday, 28 th May	00:00	24:00
Monday, 29 th May	00:00	13:00

In presenting his report the Licensing Officer had indicated that clarification was needed from the applicants with regard to Late Night Refreshments, with the application asking for 23:00 to 05:00 on Friday, Saturday and Sunday. The individual breakdown provided had showed sales ceasing at 02:00 in the arena on Friday and Saturday, and 03:00 Friday and Saturday and 01:30 Sunday in the campsite.

2. Details of Relevant Representations

There had been four representations against the application from interested persons.

Thirty named persons had made representations in support of this application.

There had been five representations against the application from Responsible Authorities.

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 urination in public areas and trespass onto private properties.

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.

Thirty letters of support had been received from local residents and local businesses.

Responsible Authorities

A representation had been submitted by Public Protection but had subsequently been withdrawn.

Similarly the London Fire Brigade had submitted a representation but following discussions with the applicant this had also been withdrawn subject to the provision of exit calculations and details of pyrotechnics before the event.

The Licensing Authority had also submitted a representation under licensing objectives:

- The protection of children from harm;
- Public Safety; and
- Prevention of Crime & Disorder.

In presenting his representation Mr Hunt had 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.

The site plans submitted with the original application had been superceded and the Sub-Committee's attention had been directed towards plan no. 17/05 dated 1st February 2017 which showed the location on all twenty bars.

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.

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 verified identification as well as when they refused service.

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.

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.

During the course of the hearing the Licensing Officer had agreed the wording of the following additional conditions with the applicant.

- 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 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.
- Late night refreshment is to cease at 00:00 in all cases other than the campsite.

The applicants had agreed to utilise secret shoppers to check if bar staff were complying with the challenge 25 condition.

A specialist security company had been employed to provide cover in each bar.

The Metropolitan Police had submitted a representation that the grant of the application would be detrimental to the following licensing objectives:

- The protection of children from harm;
- Public Safety; and
- Prevention of Crime & Disorder.

In his oral presentation Mr Hanscroft, representing the Metropolitan Police had concentrated on three key areas:

- Capacity
- CCTV; and
- Scannet.

The Metropolitan Police had asked 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 31st March.

If the Sub-Committee were minded to grant the application the police had indicated that they would like to see the following conditions imposed:

- All persons, equipment and vehicles to be searched on entry including staff and VIPS;
- CCTV to be installed at all points of searching and in search tents;
- All security personnel to be in possession of and in contact with event control via radio;
- Dedicated teams of mobile car park security patrols to be deployed at the event and security numbers to be confirmed and agreed with the Havering Borough Partnership Inspector no later than 31 March 2017.

- 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.
- Mobile welfare teams, with visible uniform differentiating them from security or medical staff, to be deployed at the event with radio contact in order to identify, monitor and assist with persons intoxicated through drink or drugs. Numbers to be confirmed and agreed with the Havering Borough Partnership Inspector no later than 31 March 2017.
- A member of the welfare team to be in contact with Queens's Hospital prior to and during the event.
- Two members of We Are security staff to be deployed at Queens's Hospital A+E dept. for the duration of the event to assist in any referred cases from the event.
- The DPS to be a member of the applicant's management team.
- Identification scanning equipment to 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.
- The venue to 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.
- A steel shield to be erected around the perimeter of the campsite and event and constantly monitored by security staff.
- A designated member of staff to be responsible for the emptying and packaging of amnesty bins in the presence of police officers, this person to identify themselves to police at event control at the start and conclusion of the event.
- Representatives from all five security companies to attend event control meetings.
- Social media SPOC to be present in event control with social media updates shown on a separate screen in event control.
- CCTV Plan to be agreed with police by 31 March 2017 and added to the event management plan.
- Lighting plan to be agreed with police by 31 March 2017 and added to the event management plan.

Mr Hanscroft maintained that the increase in capacity and the addition of a campsite was a dramatic change from previous years. Approximately 1/3rd 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.

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 leaving the venue.

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.

The incidents described in the written evidence showed a systematic problem with security at last year's festival. A contributor to this had been the lack of an adequate CCTV system. What had been proposed this year, whilst an improvement on what was available last year, was in the police's view still inadequate.

A representation had been submitted on behalf of the Director of Public Health in respect of licencing objectives:

- The prevention of crime and disorder;
- Public Safety;
- The prevention of public nuisance; and
- The protection of children from harm.

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.

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 to 1506. This was just one of the steps they had taken to tackle the problem of the availability of drugs.

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.

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.

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.

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.

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

Concerns about checks on access to the campsite had been 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.

Concerns around public nuisance had been alleviated by the organisers agreeing to provide additional toilet facilities at Upminster station.

Mr Marling

One of the objectors Mr Marling had attended the hearing and expanded on his written representation. He had stated that although this was just a three day event for local residents the 'nightmare' started two weeks before and ended 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 used the track in front of his property. He received verbal abuse from drivers and during the festival suffered trespass and public urination.

The measures taken to reduce noise were totally inadequate and lights from the arena flooded his property in to the early hours of the morning.

He was provided with a pass to allow him entry to his own property but family and friends were unable to visit during the festival.

He had also expressed concerns for festival goers who would be leaving the site each night and walking down Aveley Road which was not lit.

3. APPLICANT'S RESPONSE

Simon Taylor had responded on behalf of the applicants calling on members of the management team to provide detailed responses as necessary. Mr Taylor had opened with a brief history of the event. He had explained that it was always expected that the Event Management Plan (EMP) would develop over the course of the months preceding the event until it had received the approval of the Safety Advisory Group (SAG) six weeks prior to the event.

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.

Mr Hunt had 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.

The applicants had always intended to increase capacity and the 5,000 increase was not significant. Their research had showed that 41% of the festival goers lived within 10 miles of the venue, with 77% residing within the M25 circle.

The traffic management plan had been agreed with Highways.

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.

The question of why they had chosen to apply for a campsite this year had been answered by Mr Thomas.

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 campsite which had been inspected and approved by the appropriate authorities. The presence of unregulated campsites would have had a significant effect on the traffic management plans.

Mr Thomas had circulated an eight page document listing Event Management Improvements for 2017. This had 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.

Mr Thomas had then addressed the specific issues raised by the Metropolitan Police.

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 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.

The contractors would provide both overt and covert operations, and increased mobile patrols.

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 an increase in the observation towers.

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.

Amnesty bins would be provided at all entrances.

Enhanced search facilities would be available with security staff profiling.

The number of welfare staff had also increased significantly.

Mr Thomas advised that the number of drug presentations in 2016 had been lower than in 2015.

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.

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.

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 percentage to 50% without exceeding the industry norm of 800 cars exiting a single exit.

Briefly Mr Thomas had 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 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.

Mr Hanscroft on behalf of the Metropolitan Police questioned the applicants on key aspects of their application.

First the Police had questioned the efficiency of security at last year's festival specifically relating to the Prevention of Harm to children. The applicants had not accepted that there had been a significant failure and had 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.

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.

The police had then questioned the applicants on why they did not wish to use an ID scanner. In response the applicants had 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.

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.

The Police had then asked whether the greater emphasis on drugs was a result of failings last year. This had been denied by the applicants who claimed that their evidence was based on physical logs not anecdotal evidence.

The Police had been concerned that the increase in security was a response to the increase in capacity and the campsite. Steve Allen had 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 would be accredited and would be searched each time they entered the site.

The campsite security would include mobile patrols, covert surveillance, observation towers and dogs. Campers would also be encouraged to engage with the We Are Friends initiative.

The police had 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.

Steve Allen had 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.

Licensing Sub-Committee, 15 February
2017

At this point having heard all the evidence the Sub-Committee had adjourned to reconvene on Monday 20th February at 11.00am.

Chairman