

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 12 February 2018

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

A1	APPLICATION FOR A PREMISES LICENCE - WE ARE FSTVL	<div data-bbox="1391 560 1973 692" data-label="Image"> </div> <p align="center">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Damyns Hall Aerodrome, Aveley Road, Upminster, Essex. RM14 2TN</p> <p>DETAILS OF APPLICATION</p> <p>This application for a (new premises licence) was made under section 17 of the Licensing Act 2003 ("the Act").</p> <p>APPLICANT Reece Miller, Director,</p>
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	<p>Lime Green Events Limited, 65A Station Road, Upminster, Essex. RM14 2SU</p> <p>1. Licensable Activities applied for:</p> <table><tr><th colspan="3">Regulated entertainment, i.e. films, live music, recorded music, performances of dance</th></tr><tr><th>Day</th><th>Start</th><th>Finish</th></tr><tr><td>Friday</td><td>14:00</td><td>24:00</td></tr><tr><td rowspan="2">Saturday</td><td>00:00</td><td>03:00</td></tr><tr><td>10:00</td><td>24:00</td></tr><tr><td rowspan="2">Sunday</td><td>00:00</td><td>03:00</td></tr><tr><td>10:00</td><td>24:00</td></tr><tr><td>Monday</td><td>00:00</td><td>01:30</td></tr></table> <table><tr><th colspan="3">Late night refreshment</th></tr><tr><th>Day</th><th>Start</th><th>Finish</th></tr><tr><td>Friday</td><td>23:00</td><td>24:00</td></tr><tr><td>Saturday</td><td>00:00</td><td>05:00</td></tr><tr><td>Sunday</td><td>23:00</td><td>24:00</td></tr><tr><td>Monday</td><td>00:00</td><td>05:00</td></tr></table> <table><tr><th>On-supplies of alcohol</th></tr></table>	Regulated entertainment, i.e. films, live music, recorded music, performances of dance			Day	Start	Finish	Friday	14:00	24:00	Saturday	00:00	03:00	10:00	24:00	Sunday	00:00	03:00	10:00	24:00	Monday	00:00	01:30	Late night refreshment			Day	Start	Finish	Friday	23:00	24:00	Saturday	00:00	05:00	Sunday	23:00	24:00	Monday	00:00	05:00	On-supplies of alcohol
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		<p>Nineteen persons made representations in support of the application.</p> <p>There were five representations against the application from Responsible Authorities.</p> <p>Two local residents Edward Marling and Ken Lees had submitted representations under the public safety, prevention of public nuisance and protection of children from harm objectives.</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.</p> <p>The Licensing Authority also submitted a representation under licensing objectives:</p> <ul style="list-style-type: none"> • The protection of children from harm; • Public safety; • Prevention of crime & disorder and • Prevention of public nuisance. <p>The Licensing Authority's legal representative advised that even with the reduced terminal hours the application was for longer hours than advised by the Council's Statement of Licensing Policy.</p> <p>The Licensing Authority quoted licensing policy 14 which sought to protect the amenity of</p>

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		<p>residents and businesses surrounding the location and felt that the granting of longer hours undermined the policy. Other similar festivals had a terminal hour of 23:00.</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"> • The protection of children from harm; • Public safety; and • Prevention of crime & disorder. <p>In his oral presentation Mr Hanstock, representing the Metropolitan Police concentrated on two key areas:</p> <ul style="list-style-type: none"> • Capacity • Duration of licence <p>The police had requested that a record of all persons detained in the enhanced search tent along with any quantity of drugs found on their person and to include their name, address and date of birth be kept and forwarded to police licensing officers within 7 days of the conclusion of the event. This condition was agreed by the Applicant.</p> <p>The police also had concerns regarding the rise in recorded crime at last year's event which had shown extensive drug use taking place. There had been 24 arrests the previous year which had been attributed to security teams working diligently and effectively.</p> <p>The police had concerns that a rise in the capacity would lead to an uplift in crime.</p> <p>The police also commented that a licence for a maximum of 3 years be granted which would allow for a balance of commercial promotion and monitoring of the event going</p>

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		<p>forward.</p> <p>A representation had been submitted on behalf of Health and Safety in respect of licencing objectives:</p> <ul style="list-style-type: none"> • Public safety <p>The service had expressed concerns about the terminal hour as originally applied for but as mentioned previously the terminal hours had been reduced.</p> <p>The service had agreed to the conditions as appended to this decision notice.</p> <p><u>Other persons</u></p> <p>The Council's Street Management Service had raised an objection under the public safety objective and Mr Meers spoke to that representation.</p> <p>The Sub-Committee was advised that although the 2017 event was generally considered to be successful in traffic terms, there were concerns that a further increase in numbers could have an adverse effect on traffic in the area, especially if weather conditions were poor.</p> <p>Concern was also expressed that Little Gerpins Lane and Sunnings Lane had been closed to through vehicular traffic, to limit an ongoing problem with fly-tipping in the area. This would mean that if there was an incident within the event traffic controlled area, there would be reduced options to divert traffic away from the site or passed a blocked road.</p>

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		<p>It was said that in 2017 the traffic management plan had worked well, but it did not take much for it to go wrong, even with fewer day visitors. Whilst the organisers had put in some additional control measures to compensate for the increased attendance which were welcomed, they could not control everything. Should an external incident on the road network occur, or people waiting for taxis decide the wait is too long and jump the barriers to meet a taxi outside of the event or try to walk home, the road network will become blocked. Some contingency plans were in place, but once a large volume of people get on the public highway the plan will fail, and take a long time to get under control.</p> <p><u>Mr Marling</u></p> <p>Mr Marling expanded on his written representation. He 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 use the track in front of his property. 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 was provided with a pass to allow him entry to his own property but family and friends were 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>Mr Marling commented that there were concrete blocks at around the perimeter of the site which had not received planning permission to date.</p> <p>Mr Marling also commented that he felt it was unfair on taxpayers to have to pay for the</p>

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		<p>policing of the event and that the onus should fall on the applicant.</p> <p>3. APPLICANT'S RESPONSE</p> <p>Ranjit Bhose QC responded on behalf of the applicant calling on members of the management team to provide detailed responses as necessary. Mr Bhose opened with a brief history of the event. He 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 received the approval of the Safety Advisory Group (SAG) 6 weeks prior to the event.</p> <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 Bhose advised that the applicant worked with the community to provide a well-run and safe festival. The applicant also worked closely with the Responsible Authorities to try and alleviate any concerns they had relating to the festival.</p> <p>The first draft of the EMP would be drawn up 180 days before the start of the event and a second draft was then drawn up 90 days before the event which timetable was agreeable to the local responsible authorities.</p> <p>In response to the suggestion of a terminal hour of 23.00 Mr Bhose advised that the quoted festivals held in Victoria Park, Finsbury Park and Hyde Park were not properly comparable, being surrounded by much more dense residential areas.</p> <p>Mr Bhose also highlighted to the Sub-Committee the visitor profile of those attending the</p>

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		<p>festival and the modes of transport used by visitors.</p> <p>The Sub-Committee were advised that 49 buses during the day and 82 buses in the evening were available to transport visitors to 13 different destinations.</p> <p>The applicant also paid for 12 trains that departed every 25 minutes to either central London or Essex.</p> <p>Mr Reece Miller, the applicant, advised the Sub-Committee that the site could comfortably take the additional visitors and that it had always been planned for the festival to be permanent event held every year.</p> <p>The festival had previously been nominated for and won public and industry awards for the way it was managed and the management team now wished to apply for a permanent licence to ensure stability going forward.</p> <p>The Sub-Committee noted that everyone involved in planning and working during the event was accountable to the festival.</p> <p>Mr Miller undertook to work with residents of the neighbouring properties to ensure that residents received their access passes in a timely manner.</p> <p>Mr Miller concluded by advising that he was in discussion with the local authority regarding planning permission for the concrete blocks on the site.</p> <p>The Sub-Committee was advised that the traffic management plan worked well because of the amount of planning that was carried out prior to the event.</p>

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		<p>Mr Cox explained that the increase in visitors would lead to an increase of approximately 400 cars per day. There was also a capacity for five buses to be on site at any given time. There had previously been no complaints of traffic problems and the closure of Little Gerpins Lane and Sunnings Lane would have little impact on the festival.</p> <p>The Sub-Committee noted that there would be a steel shield surrounding the site which would prevent visitors from exiting on to the surrounding roads.</p> <p>The Sub-Committee was also advised that in line with the 2016 code of practice, vehicle movements were not allowed onto the site before 08.00 and exiting the site after 20.00.</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 again 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>Mr Bhose circulated a list of conditions that had been agreed by the applicant in response to the Responsible Authorities representations. The conditions 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 Bowles then addressed the specific issues raised by the Metropolitan Police.</p>

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		<p>With regard to security the organisers had again appointed an experienced Head of Security, Steve Allen, who had advised on what was required. The contractors would provide both overt and covert operations, and increased mobile patrols.</p> <p>All security personnel would be accredited and they and all staff, traders, artists and customers would be searched before they entered the premises. Anyone found with illegal substances would be refused entry and reported to the police as appropriate.</p> <p>Enhanced search facilities would be available with security staff profiling.</p> <p>4. REPRESENTATIONS IN SUPPORT</p> <p>Mr Hoggett and Mr Kennet both spoke in support of the festival generally and in support of granting a licence.</p> <p>5. DECISION</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 listened carefully to all the submissions made and evidence given at the hearing, as well as having regard to all of the representations contained within the bundle, which included representations both against and in support of the application. They also read relevant parts of the draft EMP that accompanied the application, and had regard to the terms of the licence granted for the 2017 We Are Festival event. They had regard to the Statement of Licensing Policy and to relevant extracts of the national Guidance. They were provided with a consolidated list of agreed (and not yet agreed) conditions, to which</p>

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		<p>they also had regard.</p> <p>The Sub-Committee read out a summary decision following the hearing on 12 February 2018. The following are its extended reasons for the decision that it announced on that date.</p> <ul style="list-style-type: none"> (1) The Sub-Committee noted that none of the Responsible Authorities contended that the application should not be granted, and whilst that appeared to be the position of Mr Marling (who spoke at the hearing), the Sub-Committee were satisfied on the evidence that they had read and heard that it was appropriate to grant a premises licence for the event. The more controversial issue was the conditions and terms on which such a licence should be granted. (2) They also noted that a great deal of agreement had been reached between the applicant and the various Responsible Authorities who had made representations, and the Sub-Committee attached significant weight to the matters that had been agreed in such a way, given the role of the Responsible Authorities in the licensing process generally. A schedule of the conditions attached to the grant of the licence, drawn in large part from the agreed list circulated at the hearing, is attached to this notice. (3) The Sub-Committee agreed that there were three main areas of contention: <ul style="list-style-type: none"> a. Capacity b. Terminal Hour for Regulated Entertainment

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		<p align="center">c. Duration of the Licence</p> <p>(4) In terms of capacity the Sub-Committee noted the concerns expressed by the Responsible Authorities and by Mr Meers, with regard both to the potential for increased crime and also the impact on the highway network. However, having heard in some detail from the applicant's transport planning contractor, the Sub-Committee were satisfied that the transport arrangements were sufficient to ensure that the increased capacity proposed would not cause problems on the surrounding road and transport network. In particular they accepted the evidence that there was sufficient spare capacity in the provision at last year's event, which went extremely well, to deal with the proposed increased number of people. In terms of increased crime, the Sub-Committee accepted the police case that there were an increased number of crimes reported last year but noted (a) that the police themselves accepted that their detection had been better last year than in previous years and (b) that overall the actual number of reported crimes was modest in the context of the total attendees at the festival. They also accepted the applicant's point that there would be a greater focus on mobile phone theft prevention this year, such crimes being the majority reported at last year's event. In that context the sub-committee were satisfied that it was appropriate for the capacity to be a maximum of 39,999 persons, of which a maximum 7000 would be campers, 2999 staff members and a maximum 30,000 day ticket holders.</p> <p>(5) Turning to hours, the Sub-Committee agreed that the application in terms of terminal hours for all licensable activities save for regulated entertainment appeared to be uncontroversial and they agreed that they appeared appropriate. For regulated entertainment the sub-committee acknowledged the considerable</p>

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		<p>reduction in hours sought since the application was made and agreed that the reduction was appropriate. In particular, having regard to the fact that Environmental Health had withdrawn their representation and agreed a set of noise-related conditions, the Sub-Committee were satisfied that the Statement of Licensing Policy did not prevent the grant of a terminal hour for regulated entertainment to 01.30 on the Friday night/Saturday morning, which was appropriate for the promotion of the licensing objectives. This was particularly given the reduced number of attendees on Friday and the fact that only one arena would operate post 00.30, and under the parameters of the conditions agreed with Environmental Health. Further the Sub-Committee noted that the festival had operated successfully last year, without a large number of complaints, albeit only to 00.30 for regulated entertainment; and that only very few complaints related to the later period. As such regulated entertainment could go on until 00.30 on Saturday night/Sunday morning and Sunday night/Monday morning but to 01.30 on Friday night.</p> <p>(6) The Sub-Committee considered that whilst the applicant had presented a very professional and well-planned presentation as to the way the event would be run, and had in mind the relative success of the event in 2017 with fewer complaints and issues, nonetheless they considered that the event was still evolving, indicated by the significant increase in capacity that they had seen fit to grant this year. That was granted on the basis of assurances – which they accepted – that the event could run smoothly with those increased numbers but it remained to be seen if that did in fact turn out to be the case, and it was untested. In that context they agreed with the police that it remained appropriate for the promotion of the licensing objectives that they retained a greater level of scrutiny than that offered by a licence of indefinite</p>

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		<p>duration at this stage. It was therefore appropriate to grant a licence with a duration of three years, rather than the annual licences granted previously. The grant of the licence was subject to the schedule of conditions attached to this notice.</p> <p>Right of Appeal</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> <ol style="list-style-type: none"> 1. Dismiss the appeal; 2. Substitute another decision which could have been made by the Sub Committee; 3. Remit the case to the Licensing Sub Committee to dispose of it in accordance with the direction of the Court; 4. Make an order for costs as at its discretion. <p>Richard Cursons Clerk to the Licensing Sub-Committee</p>
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