

**MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE  
Council Chamber - Town Hall  
24 August 2012 (10.30am - 1.35pm)**

**Present:**

**COUNCILLORS**

**Conservative Group**            Peter Gardner (Chairman) and Frederick Thompson

**Residents' Group**            Brian Eagling

Present: Anthony O'Connell (representing the applicant), Steven Henderson (applicant), Bob Edwards and Amy Dane (in support of the applicant), Inspector Blackledge and PC Fern (Metropolitan Police) and Marc Gasson (Havering Environmental Health Noise Specialist). Also present were Paul Campbell (Havering Licensing Officer), the Legal Advisor to the Sub-Committee and the clerk to the Licensing sub-committee.

All decisions were taken with no votes against.

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

There were no disclosures of pecuniary interest.

**1        4 TEMPORARY EVENT NOTICES FOR STUBBERS ACTIVITY CENTRE**

**PREMISES**

Stubbers Activity Centre  
Ockendon Road  
Upminster  
Essex  
RM1 3LD

**DETAILS OF APPLICATION**

An application for 4 Temporary Event Notices made under section 100 of the Licensing Act 2003 ("the Act").

**APPLICANTS**

Mr Steven Henderson  
195a Brentwood Road  
Herongate  
Brentwood  
Essex

CM13 3PH

**Details of the application:**

**Temporary Event Notice 'A'**

<b>Sale by retail of alcohol, the provision of regulated entertainment, the provision of late night refreshment</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
31 August 2012	16:00hrs	00:00hrs
1 September 2012	10:00hrs	00:00hrs
2 September 2012	10:00hrs	23:00hrs

**Temporary Event Notice 'B'**

<b>Sale by retail of alcohol, the provision of regulated entertainment, the provision of late night refreshment</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
31 August 2012	16:00hrs	00:00hrs
1 September 2012	10:00hrs	00:00hrs
2 September 2012	10:00hrs	23:00hrs

**Temporary Event Notice 'C'**

<b>The provision of regulated entertainment, the provision of late night refreshment</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
31 August 2012	16:00hrs	23:00hrs
1 September 2012	10:00hrs	23:00hrs
2 September 2012	10:00hrs	23:00hrs

**Temporary Event Notice 'D'**

<b>The provision of regulated entertainment, the provision of late night refreshment</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
31 August 2012	16:00hrs	01:00hrs
1 September 2012	10:00hrs	01:00hrs
2 September 2012	10:00hrs	00:00hrs

**Grounds of objection**

PC Fern of the Metropolitan Police, and Marc Gasson of the Havering Council Environmental Health Noise Team each made a representation against the Temporary Event Notices on 15 August 2012.

**Details of representations**

**Public Health:**

Mr Gasson, the Havering Noise Specialist officer, reiterated his written objection against the applications.

He commented that there had been insufficient detail contained within the 4 TEN applications to fully consider all noise-related issues. Mr Gasson understood that a premises licence application would have been sought for the event as had been discussed at the Havering Safety Advisory Group on 6 June. Mr Gasson understood that a draft event manual was going to be submitted which would have addressed each of the 4 licensing objectives and which would have provided him with proposals for mitigating noise from the event. No such manual had been received and there had been no contact from the applicant to discuss noise-related issues and what measures should be put in place to mitigate noise nuisance. In Mr Gasson's view, the exceptionally loud noise levels generated by the event, up to 120Dcb, would create a disturbance to residents living some distance away, particularly during unsociable hours in the evening when there would be minimal background noise to offset the noise from the event.

Mr Gasson added that with only a week before the event was due to commence, there was insufficient time for a full and proper assessment to be carried out.

**Metropolitan Police:**

A representation was submitted against the applications on the grounds of public nuisance, the prevention of crime and disorder, the protection of children from harm and public safety.

PC Fern addressed the sub committee orally reiterating his written representations against granting of 4 temporary event notices for Stubbers Activity Centre and raising a number of questions in respect of the proposed event. PC Fern was concerned that the TEN applications did not provide enough detailed information on how the event would be managed and what control measures would be employed to restrict the capacity limits. PC Fern suggested that the employment of 20 SIA approved staff was insufficient to cope with an event of such size and scale. In addition, the applications failed to mention whether attendees would be searched on entry or whether they would be permitted to bring their own alcohol into the event. The proposed event had not been reported for clearance to the relevant authorities as it was due to take place during the Paralympics.

PC Fern referred to the Safety Advisory Group meeting of 6 June, where the applicant had assured all parties that a full licence would be applied for, and the responsible authorities would be able to view it in advance of it being submitted. Also a risk assessment was to be provided. This did not transpire, and the Police were of the view that public safety was adequately protected with the small amount of information that had been provided.

There was insufficient information detailing the names of the bands that were due to play at the event. Subsequent information provided by the applicant in advance of the Hearing did not give the Clubs & Vice Police Unit sufficient details for them to access a data base on known bands and groups which were of concern mainly due to the clientele they attract and the potential for violence. In addition, such information should have been included as part of the required risk assessment which should have been sent to the Police 14 days in advance of the event. PC Fern confirmed no such risk assessment form had been submitted to the Police. Following assurances from the applicant, the Police remained concerned that there was insufficient security available and that in the event of a disturbance, they would be unable to manage public disorder, comprising the safety of visitors to the event. The watch-tower and patrolling arrangements would be ineffective due to the scarcity of SIA approved staff available to manage the event. PC Fern was also concerned that the gated arrangements for the transfer from one zone to the other would likely result in congestion with stewards unable to keep a proper count of numbers transferring between zones and the likelihood that people would simply climb over the heras fencing from one zone to another with insufficient stewards present to prevent it happening.

There was also insufficient information contained in the applications detailing how car parking and traffic flow arrangements to the event would be managed. The Police were concerned that were tickets to sell out and with additional visitors likely to attend during each day, traffic problems could arise with visitors who were refused entry becoming angry with the threat of outbreaks of public disorder. Given the remote location of the venue, PC Fern expressed concern that the Police would be unable to provide a rapid response should such an incident occur. In his view, he had not received sufficient assurances from the applicant that measures were in place to manage traffic flow arrangements. He was also concerned that parking congestion could prevent other emergency services accessing the venue.

Despite assurances from the applicant that there would be heras fencing erected around the various ponds on the site, the Police considered that there were insufficient measures in place to prevent visitors climbing over the fences and accessing the ponds. This was of particular concern for children who were attending the event and for persons under the influence of alcohol.

Transport to the event was insufficient with a single bus serving nearby roads which operated every 20minutes and terminated before the event finished on each evening. PC Fern was mindful of the applicant's suggestion that 3 local taxi companies would be available and a mini bus could be hired to ferry people between the venue and the nearest Underground Station which was 2 miles away but considered that such arrangements were insufficient at this late stage with little detail on how such measures could accommodate the number expected to attend the event. In addition, the roads surrounding the site were country lanes with

no pavement or lighting and as such would create a threat to public safety with people using the lanes late in the evening possibly under the influence of alcohol or drugs.

In response to the applicant's indication that the event would be family-oriented with under-16's granted free entry, PC Fern voiced concerns that such arrangements would increase the likelihood of proxy sales of alcohol for underage children with insufficient controls in place to prevent such occurrences. In addition, he was concerned that the applicant's decision to employ a 21 or over minimum age on alcohol sales could create public disorder as persons over the age of 18 who were legally entitled to purchase alcohol would be refused service despite receiving no forewarning that such a restriction had been imposed prior to purchasing tickets.

PC Fern did not consider there to be adequate arrangements in place for the protection of children who became detached from their parents, particularly after 6:30pm where there would be only one member of staff qualified to assist in such matters where children were taken into the safety of event staff.

The Police also had concerns that Stubbers management did not have sufficient experience of operating an event with alcohol available for consumption and were not convinced with the assurances.

PC Fern concluded by stating that Police could only judge such an event based upon the information before them, and this was completely insufficient. Police could not be convinced that the event would be run safely, and could not support it in its current form.

**Applicant's response:**

Mr Anthony O'Connell, speaking on behalf of the applicant, assured members of the Sub-Committee that measures had been put in place to allay the concerns expressed by the responsible authorities. The event was intended for a full premises licence application but TENs had to be employed to cover the event and with certain restrictions covering what information could be provided with a TEN application, there were important pieces of information missing. 20 SIA approved staff would control the perimeter of the site with 2 watch towers permanently manned with radio links to all security staff who would respond to emergencies and would be assisted by 10 stewards and 20 staff from Stubbers. Night goggle equipment would be provided to all of the SIA security staff with a minimum of 5 SIA staff operating overnight. Stewards would be employed to monitor traffic accessing and egressing the site with immediate access afforded to any emergency vehicle. Sufficient car parking spaces were available to accommodate numbers significantly beyond their expected levels which were expected to exceed no more than 1250-1500 people.

The Applicant stated that the perimeter of the site would be surrounded by 6 foot high heras fencing, and this would surround the larger lakes other than entrances/exits for water-based activities. In response to Police concerns about water associated risks (particularly with the influence of alcohol), the Applicant stated that the smaller ponds could be fenced if required.

To control the flow of people around the site, each zone would be fenced off with an entry / exit gate each manned by a steward and a security person who would be provided with a clicker to monitor numbers in each zone to ensure that each did not exceed its permitted quota.

With regards to noise concerns, it was pointed out that the nearest resident to the site had not objected to the proposal and in any event the nearest residential properties were a significant distance away from the site. To alleviate concerns, Mr O'Connell suggested that live music could finish at an earlier time, perhaps between 10:30pm-11:30pm. Stages would face away from the nearest residential locations. In addition, Mr O'Connell stated that attempts had been made to contact Environmental Health officers so that a visit to the site could be arranged but this had not materialised. Mr Gasson stated that he had not received any request to visit the site.

The event was intended as a family-oriented music extravaganza with well-known local bands providing the entertainment which had no previous problems with creating violence or public disorder.

On matters of security, the applicant was open and willing to change the security arrangements according to the demands of the Sub-Committee. The applicant has the full co-operation and commitment of Stubbers Activity Centre staff who had an excellent reputation for running large scale, challenging events without any reported incidents of disorder. The applicant was keen to work with the responsible authorities and the local community to ensure that the event would run smoothly and without incident.

Following a question from a member, the applicant advised that all cars would be searched on entry with free parking available for all visitors.

### **Determination of Application**

#### **Decision:**

**Consequent upon the hearing held on 24 August 2012, the Sub-Committee's decision regarding the application for 4 Temporary Events Notices for Stubbers Activity Centre was as set out below, for the reasons shown:**

The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives, which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In making its decision, the Sub-Committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Havering's Licensing Policy.

In addition, the Sub-Committee took account of its obligations under s17 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.

**Agreed Facts**  
**Facts/Issues**

Whether the granting of the requested variation to the premises licence would undermine the licensing objectives.

The Sub-Committee noted the significant objections raised by the Police in respect of the proposed security arrangements and the insufficient numbers of security staff employed for the event which would not be able to ensure public safety or sufficiently manage instances of public disorder as they would be too stretched due to the large numbers of visitors and the size of the area which they were responsible for. It also noted Police concerns that a proper risk assessment had not been completed and full details of the bands playing had not been submitted to the Clubs & Vice Unit in advance of the event as required.

The Sub-Committee listened to the assurances of the applicant that sufficient measures were in place to cope with the anticipated number of visitors and additional security staff could be employed if the Sub-Committee considered it necessary. It also took note that the applicant had provided a full list of the bands who were due to play at the event but was mindful that this had only been supplied a couple of days in advance of the Hearing and the Police had not been given sufficient opportunity to access detailed information about the history of each of the bands.

PC Fern pointed out that the nearest police were actually Essex, and had enquired as to whether they had been informed of the event. They had not, the Applicant advising, however, that he was aware of police response times.

Similar concerns were raised with regard to the proposed parking arrangements which the Police considered were insufficient to cope with demand and which could restrict emergency service access to the event. The applicant advised that there was more than sufficient parking space

available for the event and stewards would ensure that nearby lanes and roads would be kept free of congestion thereby enabling emergency vehicles to access the event if and when needed.

The Police remained concerned that the proposed erection of heras fencing around the pond areas was unlikely to prevent people (potentially including children or those under the influence of alcohol) climbing over to access the water. In addition, there was the possibility of proxy sales to children under the age of 16 who were to receive free admission to the event. The Police considered that the imposition of an over-21 age minimum for the purchase of alcohol would not prevent this, and would merely create anger amongst those persons aged 18-20 who had purchased tickets in the belief that they would be able to consume alcohol at the event; this in itself could lead to instances of disorder thereby creating a threat to public safety.

There was concern from the Police that the erection of heras fencing around each of the zones (proposed to be waist-high) would create a bottleneck at the entry / exit points with persons likely to hop over the fences thereby undermining the stewards' attempts to keep count of the number of individuals in each zone.

With regards to noise nuisance, the Sub-Committee noted the Environmental Health Noise Specialist's concerns that the TEN applications contained no details in respect of proposals for noise mitigation and as such noise nuisance could not be properly assessed, including the likely impact of noise disturbance to residential properties which, even though some distance, would be affected by noise from the event particularly during unsociable hours when background noise was reduced. The applicant claimed to have made attempts to contact the Council's Environmental Health Noise Team but had received no response. He suggested that the stages could be configured in such a way to minimise the impact of noise disturbance on the nearest residential properties. This approach was dismissed by the Environmental Health Noise Specialist as likely to be ineffective due to the way in which sound waves carry through the air.

The Sub-Committee noted the applicant's contention that he had successfully operated a number of similar events across East London and Essex without any incidents to report. In addition, Stubbers Activity Centre had an excellent track record of operating large scale events, admittedly without the sale of alcohol.



The Sub-Committee was particularly mindful that the Police and the Environmental Health Noise Specialist remained concerned about the threat to public safety, the prevention of crime and disorder and the protection of children from harm despite the assurances provide by the applicant.

The Sub-Committee stated that in arriving at this decision, it took into consideration the licensing objectives as contained in the Licensing Act 2003, the Licensing Guidelines as well as Havering Council's Licensing Policy.

The Sub-Committee stated that whilst it would like to encourage events of this nature, it could not support an event which had such inadequate planning and which did not adequately address each of the 4 licensing objectives.

There had been no proper consultation with the Police or with the Environmental Health Noise Team as to the measures which should be put in place for such an event. Both of these responsible authorities had raised serious concerns and the Sub-Committee did not consider that their concerns had been adequately addressed.

The Sub-Committee was not convinced that there were sufficient measures in place to manage an event of such a scale. No proper risk assessment had been conducted for the event, and there remained a significant level of objection from the Police with regards to proposed security arrangements covering all safety aspects, including insufficient numbers of SIA approved staff. The Sub-Committee stressed that operational security levels were a matter for the professionals to come to agreement on and it simply could not ignore the strong concerns raised by the Police in respect of the security numbers proposed. Such matters should have been agreed beforehand and properly set out before the Sub-Committee in advance of the Hearing.

The proposed event had been in the planning stages since June 2012, however many aspects had yet to be arranged, and the event was now only one week away from going ahead. An event such as this requires all procedures to be in place prior to the Sub-Committee being able to approve it, as it needed to be absolutely satisfied that the attendees' safety was ensured. There remained serious doubts as to public safety, the risk of crime and disorder, and that children would be protected from harm, and as such the Sub-Committee was unable to approve the applications for the temporary event notices.

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**Chairman**