

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
15 April 2013 (10.30 - 11.30 am)**

Present:

COUNCILLORS

Conservative Group Peter Gardner (Chairman) and Frederick Thompson

Labour Group Denis Breading

There were no declarations of pecuniary interest.

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

Present at the meeting were Mr Julian McLaughlan the Applicant, Mr Daniel Wiltshire and Arthur Hunt, Licensing Officer.

Councillor Linda Van den Hende was present as an objector

Also present were the Legal Advisor and the Clerk to the Sub-Committee

**1 AN APPLICATION FOR A PREMISES LICENCE FOR DAMYNS HALL
AERODROME IN RESPECT OF THE "ONE LOVE FESTIVAL"**

PREMISES

Damyns Hall Aerodrome
Aveley Road
Upminster
RM14 2TN

In respect of the "ONE LOVE FESTIVAL"

DETAILS OF APPLICATION

An application for a premises licence under section 17 of the Licensing Act 2003 ("the Act").

APPLICANTS

Foxes Den Ltd
66 Willoughby Street
Boston
Lincs.
PE21 9HN

1. **Details of the application:**

The application is for 16th – 18th August 2013 and for subsequent years the application is for one consecutive Friday, Saturday and Sunday in August for a period of 5 years.

Films (indoors and outdoors)		
Day	Start	Finish
Friday	17:00hrs	02:00hrs
Saturday	11:00hrs	02:00hrs
Sunday	12:00hrs	22:30hrs

Live Music Outdoors,		
Day	Start	Finish
Friday	12:00hrs	23:30hrs
Saturday	11:00hrs	23:30hrs
Sunday	12:00hrs	22:30hrs

Live Music Indoors, (Within marquees)		
Day	Start	Finish
Friday	12:00hrs	02:00hrs
Saturday	11:00hrs	02:00hrs
Sunday	12:00hrs	22:30hrs

Recorded Music Outdoors		
Day	Start	Finish
Friday	17:00hrs	23:30hrs
Saturday	11:00hrs	23:30hrs
Sunday	12:00hrs	22:30hrs

Recorded Music Indoors (Within marquees)		
Day	Start	Finish
Friday	17:00hrs	02:00hrs
Saturday	11:00hrs	02:00hrs
Sunday	12:00hrs	22:30hrs

Performance of Dance, (Outdoors)		
Day	Start	Finish
Friday	17:00hrs	23:30hrs
Saturday	11:00hrs	23:30hrs
Sunday	12:00hrs	22:30hrs

Performance of Dance, Indoors (Within marquees)		
Day	Start	Finish
Friday	17:00hrs	02:00hrs
Saturday	11:00hrs	02:00hrs
Sunday	12:00hrs	22:30hrs

Late Night Refreshment, (indoors and outdoors)		
Day	Start	Finish
Friday	23:00hrs	02:00hrs
Saturday	23:00hrs	02:00hrs

Supply of Alcohol, (On and off supply)		
Day	Start	Finish
Friday	17:00hrs	02:00hrs
Saturday	11:00hrs	02:00hrs
Sunday	12:00hrs	22:30hrs

2. Seasonal variations & Non-standard timings

There are no seasonal variations or non-standard timings applied for in this application.

3. Comments and observations on the application

The applicant acted in accordance with premises licence regulations 25 and 26 relating to the advertising of the application. The required newspaper advertisement was installed in the Yellow Advertiser on Wednesday 27th February 2013.

4. Summary

There were three valid representations against this application from interested parties.

There were no representations against this application from responsible authorities.

5. Details of representations

Valid representations may only address the following licensing objectives:

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

6. Representations

Interested parties' representations

The representation from the interested parties falls mainly under the heading of the prevention of public nuisance.

Councillor Van Den Hende informed the Sub-Committee that she was concerned about the granting of a premises licence for this event for the following reasons.

- It was an aerodrome for private aeroplanes and the owners of those planes would still want to access them and she considered that this could prove to be a dangerous combination.
- She felt that the event safety management plans being in draft form only did not provide any guarantee that they would be part of the final plan and therefore were not reliable.
- She was concerned about the movement of vehicles onto and around the site especially during the start and end of the event as there would be large numbers of pedestrians also coming to and leaving the event and moving about the site. This did not look promising for public safety.
- She was also concerned about the nuisance to local residents of the lateness of the termination hour as this was not only for the sale of alcohol, but for music and dance.
- She raised concerns about the presence of young people at the event (openly encouraging families to attend) as alcohol would be on sale on the site and visitors to the festival were being permitted to bring their own alcohol. She considered that this was entirely inappropriate.
- Concerning traffic movement, she stated that Aveley Road was used as an access to and from the M25 and so traffic queuing to turn into the site would cause congestion and – with the number of pedestrians involved with the event and other local traffic, the road would become a serious public nuisance and dangerous.

In conclusion, Councillor Van Den Hende reminded the Sub-Committee that although the event itself was only three days, the setting-up was due to commence on the Monday prior to it and the dismantling not happen until the day after it had concluded, meaning the disruption to local residents (heavy plant vehicles and the noise of the work progressing) would extend over a week. She considered that this was quite unreasonable and asked the Sub-Committee to refuse the licence application.

In response, the Applicant's representative, Mr Mclauchlan, said that the company was experienced in running events on this scale and had held successful events for the past few years. A firm of professional security guards would be on site for the whole event to

ensure that the risk of nuisance and criminal activity was eliminated. Last year there had been no criminal activity and the previous year only one case of theft from tents.

- With regard to access for those who had aeroplanes there, the Aveley Road access would be for that purpose and the festival would be using the Warwick Lane entrance whilst the organisers were putting in place measures to keep the two activities apart.
- The Warwick Lane entrance was adequate to ensure easy entrance and exit to and from the site for all vehicles. Those arriving by car would be directed to the car park and entry to the site itself would be on foot only. Camper vans would be directed to their own area. They were expecting in the region of 900 cars. Cars would be directed straight into the car park with no barriers for tickets. Once they had parked they would be able to purchase a car park ticket if this had not already been purchased in advance. There would be a one way system within the car park.
- Those attending on foot would be provided with coach relays to and from the site to the local rail station. Those using the coaches would embark and alight within the grounds and not on the public highway.
- Concerning children and alcohol, the organisers were well aware of the risk and appreciated that the responsibility for ensuring children did not consume alcohol lay with parents and guardians. The event would be monitored by stewards who would be working closely with the security team to ensure that no alcohol was sold to those who were under-age. The Applicant acknowledged that within the privacy of their own accommodation, the organisers had limited control but experience had shown that this sort of issue was not attendant at this sort of family event.
- Attendees would be restricted to bringing 12 cans of alcoholic beverage with them and there would be a strict no glass policy.
- He added that the event organisers had attempted to liaise with local residents and were formulating a noise management plan. They would make available to them a telephone number which they could use at any time to alert staff of any issues which might arise during the festival.

Mr McLauchlan concluded by drawing the Sub-Committee's attention to the fact that none of the Responsible Authorities had objected to the application and he felt that this ought to carry some weight in the Sub-Committee's deliberation.

Councillor Van Den Hende made the point that this was the first time the event had been organised at this venue and Mr McLauchlan concurred with that.

Responsible Authorities' representations

There were no representations from any of the Responsible Authorities.

7. Determination of Application

Decision:

Consequent upon the hearing held on 15 April 2013, the Sub-Committee's decision regarding the application for a Premises Licence for Damyns Hall Aerodrome in respect of the "One Love Festival" is 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 a premises licence would undermine the licensing objectives.

The prevention of public nuisance, The prevention of crime and disorder and the protection of children from harm	The Sub Committee accepted the plans for the event as described by Mr McLauchlan and that these indicated a well-managed event which would minimise the potential for nuisance to local residents. They accepted that the plans for vehicular access appeared to minimise the likelihood of nuisance from queuing traffic in Warwick Lane and Aveley Road. They also accepted the concerns of local residents about late night noise nuisance.
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The Sub-Committee stated that in arriving at this decision, it took into account the licensing objectives as contained in the Licensing Act 2003, the Licensing Guidelines as well as Havering Council's Licensing Policy.

After due consideration of all issues the Sub-Committee was prepared to issue a premises licence in a modified form as follows:

Films (indoors and outdoors)		
Day	Start	Finish
Friday	17:00hrs	01:00hrs
Saturday	11:00hrs	01:00hrs
Sunday	12:00hrs	22:30hrs

Live Music Outdoors,		
Day	Start	Finish
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Live Music Indoors, (Within marquees)		
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The Chairman stated that the reason for the reduction in terminal time from 2.00am to 1.00am, for indoor films, music and dance was because in the view of the Sub-Committee, marquees do not suppress sound to any great extent and out of consideration for local residents with families, a 1.00am conclusion appeared reasonable – though the provision of late night refreshment to 2.00am appeared not unreasonable.

He added that the Sub-Committee had considered the arguments presented by the parties and it was clear that the event organisers had taken considerable pains to ensure it complied with legislation. The Sub-Committee was however excluding from the licence permission to hold the festival for subsequent years on the basis that if the applicants wanted to run the festival in subsequent years they would need to reapply, so that the Authority could assess the impact of the festival in its first year of operation and consider any objections to its continuation.

Furthermore, the Sub-Committee required, as a condition of the licence, for the Applicant to publish a direct phone number to local residents and ensure that a representative of the applicants was contactable at all times through the use of that number not for the event alone but for the duration of the whole process including the setting-up and dismantling process.

Chairman