

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 9 September 2013

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	<p align="right">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Damyns Hall Aerodrome Aveley Road Upminster RM14 2TN</p> <p>DETAILS OF APPLICATION</p> <p>An application for a premises licence made under section 17 of the Licensing Act 2003 (“the Act”).</p> <p>APPLICANTS Lime Green Events Limited 65A Station Road Upminster RM14 2SU</p> <p>1. Details of the application:</p> <p>The application is for an annual event to take place on the Saturday and Sunday of the Spring Bank Holiday (end May) each year.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Films, Live Music, Recorded Music, Performance of Dance, Provision of facilities for making music and dancing.</p> </div>
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		<p>The applicant acted in accordance with premises licence regulations 25 and 26 of the Licensing Act 2003 Regulations 2005 relating to the advertising of the application. The required public notice was installed in the Yellow Advertiser on Wednesday 31 July 2013.</p> <p>3. Details of representations</p> <p>Valid representations may only address the following licensing objectives:</p> <p>The prevention of crime and disorder The prevention of public nuisance The protection of children from harm Public safety</p> <p>There were six valid representations received against the application from interested parties.</p> <p>There were two representations received against the application from responsible authorities from the London Fire & Emergency Planning Authority and Environmental Health.</p> <p>Environmental Health had also reached an agreement with the applicant that the event plan will be subject to approval by the Safety Advisory Group (SAG) at least six weeks prior to the event.</p> <p>The representation against the application details concerns over the close proximity to nearby residential properties and being contrary to Licensing Policy 012.</p> <p>Following the production of the agenda, The London Fire & Emergency Planning Authority</p>
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		<p>notified that the issues regarding their representation have now been addressed to the Authority's satisfaction, stating that the applicant has agreed to the proposed condition being placed on the licence. Accordingly, the authority is withdrawing its representation.</p> <p>Representation from interested parties</p> <p>At the hearing on 9 September 2013 the following persons made oral representations to the subcommittee: Mrs P Gladman, Mr N Drew and Mrs M Sheriiff-Geary</p> <p>The interested parties representations addressed all four of the licensing objectives. There were six valid representations against this application from interested parties. It was contended, in summary, that the application would introduce alcohol into the area and that unless policed properly then there could be issues of crime and disorder. The representations also addressed the public safety objective by claiming that the increased traffic to the area would be detrimental to public safety.</p> <p>Four of the objectors attended the hearing and reiterated their written representation against the application as applied for. The representation also contended that public nuisance would arise from noise created by live music and additional lighting. They made mention that their homes in Rainham are impacted by events at the Aerodrome.</p> <p>The sub committee was also informed that the representations were not against the event or the company providing facilities for dancing or making music but felt that the events should finish at a reasonable hour and not continue to the early hours of the morning. It was also mentioned in the representations that it was felt the applicant should apply for a licence each year and not be granted a continuous licence at this stage until it could be established whether any problems develop as a result of the proposed event, such as excessive noise levels and traffic jams.</p>

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		<p>Cllr Linda Van den Hende’s representation against this application was based upon the prevention of public nuisance and the prevention of crime and disorder.</p> <p>Her written representation outlined that a Police information about a previous event recorded that there were a total of 47 reported incidents during the two days. The incidents ranged from mobile phone thefts, drugs found and assault. The representation also detailed that there were 2 arrests at the site for possession of drugs and common assault and a further 2 on the transport system by people from the event. In addition there were significant dispersal issues.</p> <p>The representation also stated that the application was seeking a license for late night refreshment until 2am on both Sunday (25th) and Monday (26th) and requesting music/dance/films until 00.30 on these days with the sale of alcohol to midnight on both days. The representation stated that this adds to the significant public nuisance that will be caused by granting of this licence. It went further to explain that there will be considerable nuisance caused by the set up for the event, again from experience this takes 3/4 days before and 2/3 days after the event to clear the site and an accumulation of rubbish along the road.</p> <p>Representations from Responsible Authorities</p> <p>The Noise Specialist detailed the representation of the Environmental Health Service as per the written submission which outlined concerns from records.</p> <p>The sub committee was informed that noise from previous music events held at this site has been witnessed by an officer at a distance of 1,200 metres from the venue and with the aid of a map highlighting the location of the households which have been disturbed by noise from previous music events held at the site. He added that any large open air music event at this site with the nearby residential premises is likely to have a widespread impact by virtue of the</p>

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		<p>level and duration of music played. As such, unless suitable and effective mitigation is employed it is likely such an event would cause a statutory nuisance. Any other events held at the site will need to be considered in terms of the cumulative impact on the nearby residents.</p> <p>The sub committee was informed that as there are no natural topographical features (i.e. hills) surrounding the site or sufficiently large distance to the nearest noise sensitive receptors, so any effective mitigation of the noise would I rely on compliance of the applicant and their contractors with the noise levels set and other mitigation works agreed in a Noise Management Plan. He pointed out that a marquee does not form an effective insulator for noise. The key issue was to dampen the bass beat.</p> <p>The Noise Specialist explained that the nearest residents are only 200 metres away from the nearest noise sources at the event which is too close for any mitigation to be effective. Other non acoustic options would need to be explored between the applicants and the effected residents to address this.</p> <p>The sub committee was informed that it is unacceptable to expect nearby residents to suffer noise disturbance for two days on the same bank holiday annually.</p> <p>The Noise Specialist added that the lack of provision of camping facilities will result in all attendees having to leave the premises on the Saturday night/early hours of Sunday morning using surrounding travel links. This will produce high levels of vehicle and pedestrian movements which will cause unacceptable levels of noise disturbance to nearby residents</p> <p>A detailed summary of recorded complaints from residents regarding both previous music events and flights was included in the written representation.</p> <p>The Noise Specialist informed the sub committee that if it was minded to approve the</p>

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		<p>application, the service recommendation will be one day event and approval for one year only. That this would enable the noise impact on surrounding residents to be assessed to ascertain if further events would be appropriate. This would also encourage the continued co-operation of the applicant and their contractors with the Council in minimising the noise impact from any future events. Further a Noise Management Plan as part of the Event Manual would needed to be provided at the earliest opportunity to enable the Environmental Health Department to work with the applicant and their appointed noise consultants to address any possible noise issues prior to the event commencing.</p> <p>Response of the Applicant:</p> <p>Mr Simon Taylor, speaking on behalf of the applicant, explained that the event is planned to be an annual event. He added that the planning and managing of the event has been satisfactory to all responsible authorities and most residents. The intention was to cause no nuisance to any local residents.</p> <p>The sub committee was informed that the applicant was content that a Safety Advisory Group (SAG) comprising representatives from the police, environmental health, health and safety should review and approve its Event Management Plan in order to learn and amend its plan as necessary.</p> <p>Mr Taylor accepted that the traffic management at last year’s event was inadequate and as such the organiser has appointed a new contractor to shuttle people to and from the station. That following consultation with the train company, additional trains are to be laid on by C2C and till late in the morning. A prepaid arrangement has also been put in to place with a taxi firm in order to have taxis readily available for clients at the event from 9.00pm. As part of the traffic reorganisation, it was proposed that a one way system will be put in place around the event site and car park space for 3500 cars will be available on site. They</p>

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		<p>were also promoting after parties at a number of premier venues in London which would incentivise leaving the site as early as possible on pre-arranged transport. The applicant is engaging with the Police and Highways section of the council to review its traffic plan and is appointing highly experienced consultants to provide advice.</p> <p>The sub committee was informed that the cost of policing the event and manning road closure was being borne by the event organisers. In addition to a Police presence a reputable contractor has the responsibility to supply SIA trained security staff who would be employed at the event.</p> <p>Mr Taylor also stated that in agreement with a local resident, the applicant was prepared to have a steward outside the property nearest to the event site on guard in order to deter any anti-social behaviour.</p> <p>The applicant was also committed to two resident meetings, one before and one after the event following SAG debrief. That all comments from objector residents have been taken on board.</p> <p>That a litter plan will be put together that entails inspecting local areas and road during and after the event.</p> <p>Mr Taylor sought to address the other concerns raised in the representation by advising that the event would fully comply with the event management plan and that a noise impact assessment would be carried out and would be adhered to.</p> <p>Mr Taylor commented that children are not allowed at the event, it was for over 18s.</p> <p>In conclusion the sub-committee was advised that the event organisers were very</p>

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		<p>experienced at organising events on such a scale and that the event management plan was very strong and had not attracted any representations from the responsible authorities. That if the sub committee was minded to grant the licence, the applicant was suggesting the inclusion of the same conditions used at the last event on the application licence.</p> <p>4. Determination of Application</p> <p>Decision:</p> <p>Consequent upon the hearing held on 9 September 2013, the Sub-Committee’s decision regarding the application for a Premises Licence for Damyns Hall Aerodrome was as set out below, for the reasons shown:</p> <p>The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives, which are:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The prevention of public nuisance • The protection of children from harm <p>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.</p> <p>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.</p> <p>Agreed Facts</p>

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		<p>agreed that the conditions in annex 2 and 3 of the conditions granted in the licence for the 2013 event are adopted for the new licence. The following additional conditions will apply to the event:</p> <ul style="list-style-type: none"> • The licence authorises an event to take place on the Saturday, Sunday and Monday of the May Bank Holiday weekend 2014. • A draft Event Management Plan will be provided by the licence holder to the licensing authority, members of the Safety Advisory Group (SAG) and responsible authorities five months prior to the event. • The Event Management Plan will be subject to approval by the Safety Advisory Group at least six weeks prior to the event. Any changes to the Event Management Plan after this approval may only be made with the prior written approval of the licensing authority. The event may only proceed if there is an Event Management Plan in place approved by the SAG. • The final event management plan shall be adhered to in full by the premises. • A security Plan will be provided as part of the Event Management Plan. • A Noise Management Plan will be prepared by specialist acoustic consultants as part of the Event Management Plan. • Outdoor music will finish at 23:00 hours and marquees operating after this time will be positioned to ensure minimum sound bleed and will have acoustic screening around the rear. • A robust traffic management plan is to be in place for the event and onsite parking will be managed by specialist contractors. • A direct hotline to the site management team will be in operation from 08:00 – 21:00 hours for the duration of the set up and breakdown of the event and until 03:00 on each day of the event. • The applicant will convene a meeting with residents to discuss the Event Management Plan in February 2014, and again within one month of the SAG

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		<p align="center">debrief following the event.</p> <p>The sub committee granted the licence for one year with the following amended hours.</p> <table border="1"> <thead> <tr> <th align="center" colspan="3">Films, Live Music, Recorded Music, Performance of Dance, Provision of facilities for making music and dancing.</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td align="center">Saturday</td> <td align="center">09:00hrs</td> <td align="center">00:30hrs</td> </tr> <tr> <td align="center">Sunday</td> <td align="center">09:00hrs</td> <td align="center">00:30hrs</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th align="center" colspan="3">Late Night Refreshment,</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td align="center">Saturday</td> <td align="center">23:00hrs</td> <td align="center">00:30hrs</td> </tr> <tr> <td align="center">Sunday</td> <td align="center">23:00hrs</td> <td align="center">00:30hrs</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th align="center" colspan="3">Supply of Alcohol</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td align="center">Saturday</td> <td align="center">10:30hrs</td> <td align="center">00:00hrs</td> </tr> <tr> <td align="center">Sunday</td> <td align="center">10:30hrs</td> <td align="center">00:00hrs</td> </tr> </tbody> </table> <p>The licence was limited to one year so that if further similar events were planned the plans could be scrutinised with the benefit of the information from the 2014 event. The Sub Committee noted that it could grant a continuing licence with a condition requiring SAG approval to the Event Management Plan and that any interested persons/responsible authorities could seek a review. However, this was a large scale festival with up to 15,000 in attendance which happened on only two days per year. An event of that nature had the potential to cause major nuisance and substantial breach of the licensing objectives and therefore warranted significant scrutiny.</p>	Films, Live Music, Recorded Music, Performance of Dance, Provision of facilities for making music and dancing.			Day	Start	Finish	Saturday	09:00hrs	00:30hrs	Sunday	09:00hrs	00:30hrs	Late Night Refreshment,			Day	Start	Finish	Saturday	23:00hrs	00:30hrs	Sunday	23:00hrs	00:30hrs	Supply of Alcohol			Day	Start	Finish	Saturday	10:30hrs	00:00hrs	Sunday	10:30hrs	00:00hrs
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		<p>The Sub Committee therefore considered it more appropriate for any future events to require full approval by the Sub Committee, assuming any objections were received.</p> <p>Late night refreshment hours were set one and a half hours earlier than the hours applied for to encourage customers to leave the site as soon as possible after the event had finished.</p> <p>The supply of alcohol was being granted from 10:30am instead of 9am as it was considered inappropriate to allow consumption of alcohol from such an early time as this was likely to result in an increased risk of nuisance/crime and disorder.</p> <p>7. Right of Appeal</p> <p>Any party to the decision or anyone who has made a relevant representation [including a responsible authority or interested party] in relation to the application may appeal to the Magistrates' Court <u>within 21 days of notification of the decision</u>. On appeal, the Magistrates' Court may:</p> <ol style="list-style-type: none"> 1. dismiss the appeal; or 2. substitute the decision for another decision which could have been made by the Sub Committee; or 3. remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and 4. make an order for costs as it sees fit.