

MINUTES OF LICENSING SUB-COMMITTEE

Tuesday, 28 June 2022
(7:00 - 9:00 pm)

Present: Cllr Adegboyega Oluwole (Chair), Cllr Alison Cormack and Cllr Lynda Rice

1. Declaration of Members' Interests

There were no declarations of interest.

2. Licensing Act 2003 - Application for a 3-year Time-Limited Premises Licence - El Row UK LTD, Parsloes Park, Gale Street, Dagenham RM9 5PU

The Council's Licensing Enforcement Officer presented a report in respect of an application for a three-year time-limited premises licence by El Row UK LTD (the applicant) for Elrow Town, Parsloes Park, Gale Street, Dagenham RM9 5PU.

The application sought a licence for the years 2022, 2023 and 2024, with the first event to be for one day on 20 August 2022, for 22,000 members of the public and 999 staff and performers. For years 2023 and 2024, there would be one event over Friday, Saturday and Sunday in either June, July, August or September, with dates and capacities to be agreed six months in advance between the applicant and the relevant parties.

The applicant sought the following licensable activities:

- Plays: Friday & Saturdays 11.00am to 22.30hrs, Sundays 11.00am to 22:00hrs
- Live Music: Friday & Saturdays 11.00am to 22.30hrs, Sundays 11.00am to 22:00hrs
- Recorded Music: Friday & Saturdays 11.00am to 22.30hrs, Sundays 11.00am to 22:00hrs
- Performance of dance: Friday & Saturdays 11.00am to 22.30hrs, Sundays 11.00am to 22:00hrs
- Supply of alcohol: Friday & Saturdays 11.00am to 22.30hrs, Sundays 11.00am to 22:00hrs
- Opening Hours: Fridays & Saturdays 11.00am to 22.30hrs, Sundays 11.00am to 22:30hrs

A representation was received from a responsible authority, namely, the Metropolitan Police Licensing Officer, under the licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance. Representations were also received from the Council's Environmental Enforcement Officer under the licensing objective of the prevention of public nuisance, as well as from a resident, raising concerns around traffic management, damage to the conservation of Parsloes Park and clean-up costs.

Meetings were held between the applicant and the Metropolitan Police, the Licensing Authority and the Council's Environmental Enforcement Officer. As a

result of the meetings with the Environmental Enforcement Officer, an agreement was reached and their representation was withdrawn. After engagement with the applicant, the resident also withdrew their representation, following agreement to an additional condition proposed by the applicant stating that "The premises license holder shall ensure a security presence to oversee customer behaviour at each toilet block area during opening hours."

The Sub-Committee first heard from PC Owen Dunn, Metropolitan Police Licensing Officer, who wished to put on record his condolences as to the passing of Sean Williams, an event licensing planner and co-ordinator at Slammin' Events (the event production company working on behalf of the applicant). He then detailed the chronology of the Police's representation, noting that he had contacted Slammin' Events on 20 April 2022, asking whether they would consider reducing their application to a one-year time-limited premises licence, as opposed to the proposed three-year licence. On 21 April 2022, he received a response rejecting the proposal, as Slammin' Events had previously considered a five-year licence which was subsequently reduced to three years, and the suggestion was not commercially viable.

Police engaged further with the applicant, conducting a site visit on 29 April 2022, and met with Slammin' Events on 12 May 2022, resulting in a Community Impact Assessment, aimed at mitigating Police concerns; however, the Police still did not feel that the application upheld the licensing objectives of crime and disorder, and public nuisance. The basis of the Police's objection was that Elrow had never held an event on the Parsloes Park site before and the park had also never hosted an event of this scale. As there was the potential for up to 30,000 people to attend over a three-day period for the further two years, this also posed the risk of issues such as noise nuisance from the loud music, litter, drug taking, and visitors urinating in residents' front gardens. The Police had submitted their representation to protect local residents and whilst it acknowledged that a resident had objected and subsequently withdrawn their representation, it still felt that residents would be adversely affected by the event taking place, by means of potential crime and disorder and anti-social behaviour (ASB).

Following a question from a Member, the Metropolitan Police confirmed that if the event was to go ahead, a policing plan would be put in place; however, it could not give any further details at this stage, as no licence had been granted.

The Sub-Committee then heard from the applicant, who was represented by Matthew Phipps of TLT Solicitors. He stated that their evidence amounted to 300 pages of documentation, attending to the Metropolitan Police's objections. The evidence showed that the assertions made by the Police were inaccurate in some cases and unfair in others. He stated that the Police representation was based on a number of assertions that did not provide any further evidence to support these, contrary to paragraph 9.12 of national guidance which made it incumbent on responsible authorities to ensure that their representations could withstand the scrutiny to which they would be subject at hearing. Mr Phipps emphasised that relations between the Police and the applicant had been cordial, nevertheless, with ongoing conversations throughout.

Mr Phipps stated that whilst the Police was concerned about public nuisance, and crime and disorder, this concern did not appear to be shared by the community,

with the overwhelming response to resident engagement letters shown to be positive. Whilst the Police was concerned about noise levels, the Council's Environmental Enforcement Officer had withdrawn their representation (and even then, the contents of their representation had been adopted as part of the applicant's Noise Management Plan).

Mr Phipps proceeded to outline the key documents within the main agenda and supplementary paperwork, highlighting the key points and evidence that rebutted the Police's representation. Whilst the application initially sought to permit the selling of alcohol until 10.30pm, the applicant had since proposed that should the Sub-Committee grant the licence, that the selling of alcohol be curtailed to 10.10pm, to aid dispersal and to prevent a "hard stop" at the end of the event.

Mr Phipps stated that none of the responsible authorities had proposed any changes to the applicant's Operating Schedule, which he felt highlighted its suitability. He also emphasised that dialogue between the members of the Safety Advisory Group (SAG) (made up of various representatives, including responsible authorities) would continue should the Sub-Committee grant the licence, with all parties required to agree the proposed Event Safety Management Plan, before the event would be able to take place. In relation to concerns around anti-social behaviour (ASB), the details of performing artists could also be provided to the police, for police feedback to be given.

Mr Phipps, on behalf of the applicant, thanked Council officers for their support in engagement with the resident that resulted in a further condition and the resident withdrawing their representation. Mr Phipps also highlighted how the original concerns of the resident had been addressed by means of the Traffic Management Plan and the reparations that the applicant would pay following the event, to put the park back into its pre-event state. The conservation area highlighted by the resident was excluded from the event and the Community Impact Assessment would attend to the resident's concerns in relation to ASB.

Mr Phipps referred to the wording used in the Police representation, highlighting that the legal test was for "public nuisance" and not for "soundproofing", arguing that no outdoor event would ever be able to take place if the legal requirement was to "soundproof" events. There was also a lack of evidence from the Police to support its argument when compared with that of the Council's Environmental Enforcement Officer and the applicant's Acoustic Consultant. He also highlighted the principle that each application needed to be determined on its individual merits and responsible authorities could not apply a blanket approach, as the Police had done in this case by using terms such as 'these types of events'.

Mr Phipps addressed the documentation within the supplementary paperwork, highlighting key issues, such as the experience and expertise of the applicant, as demonstrated through their previous events history, the willingness of the applicant to engage with officers through continued dialogue, and the drawing up of the Community Impact Assessment. He emphasised the thoroughness of the applicant's approach to promoting the licensing objectives in its production of plans such as the Alcohol Management Plan, Event Safety Management Plan and the Community Impact Assessment, which he felt addressed the Police's concerns, along with the statement from Mr Rooney (Operations Director, Slammin' Events). The latter showed that Parsloes Park had previously hosted other events with

similar capacities, and that whilst the Park had 54,342 residents living within a mile of it, this was lower than other parks in London with licensable activity. The applicant referenced Police concerns, evidencing how these would be mitigated through event documentation, such as through the location of event marshals and lavatories to address departure and ASB concerns.

The Acoustic Consultant (AC) for the applicant addressed the Sub-Committee, outlining his company's 18 years of experience, as well as the application process to date. He stated that there had been proactive and continued dialogue with the Council's Environmental Enforcement Officer (EEO) from an early stage, which had led the applicant to amend its plans to reflect local circumstances. He added that whilst challenges on technical points were common, the applicant stated that it generally overcame any concerns to deliver events successfully.

The AC detailed the event planning process, including the determination of the location of stages to achieve a balance between the needs of both the audience and the local community, as well as considering the sound systems deployed. The AC worked with Slammin' Events every year, employing the same sound design team, meaning that it had a good understanding of how the sound systems worked and could plot these on the park, to give it an idea as to how loud the sound would be in the community and to set the stages accordingly.

The event would also have a control team of three consultants: one to gather data, one to ensure that the stages were operating to the level set out in the Noise Management Plan and one to liaise with the local community through the event hotline. Fixed monitors would ensure that the team would know how loud the stages were at all times and the team would have complete control of the sound system. Following the event, a post-event report would be compiled and a debrief with the Council would take place, detailing all data, observations and any complaints. Following a question, the AC stated that he did not see any additional challenges by operating in Parsloes Park, as compared to any other London park; all of these had houses surrounding each park, and the main consideration was how the operator would deal with noise during the live show.

Following a question from the Legal Advisor to the Sub-Committee, the applicant clarified that the application was for 29,999 attendees; licensing application bandings and fees went up in blocks of 5,000 and then 10,000 attendees, with 29,999 being the upper limit of the 20,000 figure. In the first year of the event, it was proposed that the event would only be held on a single day and that it would be limited to 22,999 attendees, of which 999 would be non-ticketed attendees such as artists and staff.

Mr Phipps detailed the traffic management plan, highlighting that the analysis and figures had been signed off by Transport for London (TfL). He also outlined the community liaison process, with 6,400 letters sent to residents, two stakeholder meetings taking place and various email correspondence with residents, of which the latter had proved mainly positive and welcoming of the event. He highlighted the continued dialogue between the applicant and residents, which he felt was to the credit of the applicant, as well as the arrival/departure lanes that would be set up within the park, to aid with crowd management.

The Crowd Safety Consultant then addressed the Sub-Committee, detailing his

extensive experience and the long relationship between himself and Slammin' Events. He stated that he had worked this event at its previous locations and outlined how he had produced the Crowd Management Plan, by looking at several phases: arrival, last mile, ingress, circulation, egress and dispersal, aiming to minimise the impact on the community and working alongside the Traffic Management Company, TfL, and the Metropolitan Police. The egress plan looked to reduce the impact on the transport network and train stations, by putting in a phased closure of the events, as well as by having a holding position within the park itself, so that the applicant could work with TfL should the stations get busier, and so that the crowds would not have to gather in the surrounding roads. This would ensure that the applicant maintained control of the crowds, with toilets and food vendors in these holding locations to prevent ASB and to keep attendees entertained in the interim.

The Crowd Safety Consultant detailed command and control measures for the event, as well as work with TfL and the traffic management company to ensure that the event was workable and to ensure thorough contingency planning, including any instances of transport network failures.

Mr Phipps summarised the case for the granting of the licence for the full three-year time period, as opposed to rejecting it or granting it for only one year, highlighting:

- The experience and track record of the applicant team;
- The review procedure and protocol to hold licensees to account;
- The regulatory burden on all parties should the applicant need to submit a new application in the future, if only a year was to be granted;
- The need for all relevant parties to agree the Event Safety Management Plan, dates, capacities and policies in advance of all events;
- The current agreement from the Council's Parks team to enable the applicant to hold the event in Parsloes Park for the next three years; and
- The Council's Statement of Licensing Policy, which the applicant outlined as being conducive to the granting of the application.

The Metropolitan Police Licensing Officer summarised the case for the refusal of the licence, or to only grant this for one-year at most, to enable all information from the event to be collated and to provide the Police with a better understanding as to how the event would be run. He highlighted that the applicant did not know how the event would work on this site, as it had never been held at Parsloes Park before, and that whilst Parsloes Park had previously held events for around 18,000 people, this was very different to holding an event for 30,000 people, as was possible for years 2023 and 2024 of the licence.

The Sub-Committee then retired to consider its decision in private at 8:42pm, reconvening the meeting at 08.58pm.

Decision

Whilst Sub-Committee listened carefully to the concerns raised by the Metropolitan Police, it was satisfied by the very detailed submissions, both orally and in writing, by the applicant, its representative and those professionals associated with the applicant, that the licensing objectives would be promoted.

Its decision was therefore to grant the application as requested, to include the restriction of alcohol sales to 10.10pm in 2022. Sub-Committee took the view that the objections of the Metropolitan Police had been comprehensively addressed by the applicant.

Sub-Committee noted the representations by the Metropolitan Police that a 1-year licence could be granted to allow them to observe the running of the first event, but was satisfied that a responsible authority's right to call the licence in for review after the first event would suffice and to grant only a 1-year licence would be disproportionate.

The Sub-Committee therefore granted the three-year premises licence, subject to the conditions in the operating schedule, for the following licensable activities:

- Plays Friday & Saturdays 11.00am to 22.30hrs,
Sundays 11.00am to 22:00hrs
- Live Music Friday & Saturdays 11.00am to 22.30hrs,
Sundays 11.00am to 22:00hrs
- Recorded Music Friday & Saturdays 11.00am to 22.30hrs,
Sundays 11.00am to 22:00hrs
- Performance of dance Friday & Saturdays 11.00am to 22.30hrs,
Sundays 11.00am to 22:00hrs
- Supply of alcohol Friday & Saturdays 11.00am to 22.30hrs,
Sundays 11.00am to 22:00hrs
- Opening Hours Fridays & Saturdays 11.00am to 22.30hrs,
Sundays 11.00am to 22:30hrs

The exception to this is that the licensable activity of the supply of alcohol could only be undertaken from 11.00am until 22.10pm on Saturday 20 August 2022.

In coming to this decision, Sub-Committee had considered the Licensing Act 2003, the statutory guidance, the Council's Statement of Licensing Policy and the relevant articles of the Human Rights Act 1998.