

WITNESS STATEMENT

(CJ Act 1967. s. 9, MC Act 1980, s.s.5A (3a) and 5B MC Rules 1981, r70)

Statement of: Darrell John Butterworth

Age if under 18: Over 18
(over 18 insert "over 18")

Occupation: Licensing and Security
Compliance Consultant

This statement (consisting of 5 page(s) signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true. As an independent expert witness I understand that my primary responsibility is to assist the committee in its deliberations and not to any individual party to these proceedings.

Dated the 12th of January 2023

Signature: D J Butterworth

This report is made in relation to a new Premises Licence application in respect of a proposed festival site at Barking Park, Longridge London IG11 8SP

Qualifications and Experience

1. My qualifications and experience in completing this assessment is fully laid out in Appendix 1.

Scope of investigation

2. I have been requested by Matthew Phipps of TLT LLP to review and comment on an application for a new premises licence for a festival site at Barking Park, Longridge, Barking IG11 8SP.
3. To assist the committee in its deliberations and complete my assessment I have seen and read the Premises Licence application and accompanying supporting appendixes; Metropolitan Police representations; site maps; details of letter drop to local residents and businesses.
4. The following terms of reference for the investigation have been agreed with those instructing me.
 - (a) To assess the proposed application and comment on its appropriateness.
 - (b) Assess the veracity of the representations made.
 - (c) Assess the impact (actual and potential) on the Licensing Objectives.
 - (d) Consider what conditions and training can be put in place to support those Objectives.

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- (e) Compile a report of my findings.
- (f) Attend any future licensing hearings and give evidence.

Application

- 5. The application is made by A Man About A Dog Ltd (AMADL). The licence would allow the site to be used from the 16th June 2023-1st October 2027, Friday – Monday from 1200 midday to 2230 hours with a capacity of up to 29,999. However, due to its operating schedule the site can only be used for 1 day with a capacity up to 14,999 in 2023 and 1 day with a capacity of 19,999 in 2024.

Representations

- 6. Following consultation with all statutory authorities, letter drops to residents and businesses only 1 representation has been received and remains unresolved, from the Metropolitan Police. These unresolved matters relate to current crime and disorder in the area, overcrowding at the site, risk from water hazards, traffic management (including pedestrian access to and from the site) and potential high-risk artists performing. In summary the Metropolitan police objection is that the site is unique in its unsuitability to hold the type of event that the licence proposes.
- 7. After receiving details for crimes and incidents occurring in the vicinity of Barking Park from the Metropolitan Police I have conducted my own analysis of the Longridge policing area via the police.uk website. I have also compared the current application site with other event sites in the London area to consider whether there is anything unique about crimes and incidents at Barking Park.

Police.uk website

- 8. As detailed in the Metropolitan police representation Barking Park is located within the Longridge policing area. A search on police.uk website on the post code IG11 8SP reveals during the last 12 months (latest figures available Dec 2021-Nov 2022) that 1208 incidents and crimes have been recorded. The most prevalent being anti-social behaviour (286), with drugs offences 4th (106), behind violence and sexual offences (266) and vehicle crime (159). Robbery is 8th on the list with 46 incidents.
- 9. I have conducted a similar analysis on the Parsloes policing area where the applicant in 2022 successfully promoted a music festival like that envisaged in Barking Park. In the same 12 month period Parsloes policing area recorded more crimes and incidents than Longridge (1,368) with drugs 7th (67) and robbery 8th (40).
- 10. I conducted a similar analysis of Finsbury Park and Victoria park which are also used for large scale outdoor events.

Finsbury Park, total crimes, and incidents (2,074), drugs (86) and robbery (78)

Victoria Park, total crimes, and incidents (2880), drugs (79), robbery (52)

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11. In my experience it would be illogical to compare crime statistics and incidents located in an empty unsupervised park during the hours of darkness with an illuminated festival site with generator powered floodlights, concessionary staff and more than 100+ trained stewards. I also note that the approximate lighting up time for London in July is 2215 hours with the event closing by 2230. In summary I could not find anything within the Barking area that made it unique from the other sites analysed or reasonably draw the conclusion that using this site would undermine the Licensing Objectives.

On site Water Hazards

12. In my experience incidents of drownings in open waterways due to intoxication, are rare and usually occur in unsupervised locations, where an intoxicated person has become isolated from others and accidentally falls into the water. I am unaware of any incidents of drowning occurring at event sites which often have water features nearby. It has certainly never occurred at any of the music festival events that I have policed or consulted at.

Public Transport

13. I have reviewed the latest station figures for Barking from April 2020-March 2021, during Covid which shows a footfall of 7m customers. The annual footfall figures for Barking station in 2017 was 17m+.

Summary

14. Having reviewed the current application, reviewed the accompanying documentation, and noted the concerns within the Metropolitan Police representations I have found no evidence that the proposed Barking Park site would present any unsurmountable issues for the event organiser. I could also find no evidence to support the proposition that holding the event with the safeguards offered would undermine the Licensing Objectives.

Recommendations

15. a) A traffic management plan (TMP) is prepared and agreed with the Metropolitan Police which addresses their concerns. Consideration to be given withing the TMP to utilising the nearby stagecoach bus depot as a further means of transport to and from the site as well as advertising Upney underground station as a means of reducing the impact of the event on Barking station.
- b) A water safety policy is prepared which includes members of staff located near to water hazards having access to and training in the use of throw lines.
- c) That the operating schedule is amended to include a condition that any artist, staff employed, guest or ticket holder, that is notified to the licence holder in writing by the Metropolitan police, as being unsuitable for the event will be individually risk assessed and if such concerns cannot be adequately addressed will be removed from the event or event list.
- d) A CCTV plan is put in place to the satisfaction of the Metropolitan police.

Darrell Butterworth
Licensing and Security Consultant

Signature *D J Butterworth*

12th January 2023

Appendix 1

I am an independent licensing consultant and a former Police Inspector, having completed 30 years' service with the Greater Manchester Police in a variety of uniform and non-uniformed roles.

The longest period of attachment to a department was between 1998 and 2006 when I performed the role of Force Licensing Inspector. This role involved the supervision of twelve divisional licensing officers, tasking and management of a covert licensing unit comprising a sergeant and six constables, developing force policy and enforcement in relation to all licensed units and employment and briefing of a licensing solicitor to act on behalf of the force in more complex licensing hearings.

During the period as the Force Licensing Inspector, I was responsible for the good conduct of outlets involved in selling alcohol but also those that provided entertainment, gambling, betting, and bingo facilities. I have represented Greater Manchester Police at Magistrates Court hearings, Crown Court Appeals, The High Court, and Council Licensing Committee hearings to oppose unsuitable applications and to take enforcement action against those premises whose standards had fallen below an acceptable level.

During my Central Licensing attachment, I was involved in the Police response to the licensing of Festival sites at Wythenshawe Park (20,000 capacity) and Heaton Park (Parklife 82,000 capacity). This involvement included the attendance at pre-event management group meetings as well as policing of the events themselves.

In recent years I have continued my professional development regarding licensing knowledge by taking and passing the National Licensees Certificate and National Door Supervisors courses. This enabled me both to successfully apply for a Personal Licence and to become approved by the Security Industry Authority (SIA) as a front line operative. In September 2011 I successfully applied to become a nominated tutor with the British Institute of Inn keeping enabling me to conduct training in the award for responsible alcohol retailing and the award for personal licence holders which are National Vocational Qualifications. Annually and in February 2023 I am due to attend a Licensing Seminar to update solicitors and practitioners on licensing changes.

Since January 2011 I have worked in a consultancy role with licensed premises in Basingstoke, Bedford, Birmingham, Blackpool, Brighton, Bromsgrove, Canterbury, Cardiff, Chester, Derby, Guildford, Harrogate, Huddersfield, Lancaster, Leeds, Lincoln, London, Lytham, Manchester, Mildenhall, Newcastle, Nottingham, Preston, Sheffield, Skipton, Stratford, Trafford, Watford, Wigan Worcester, and York, producing strategies aimed at reducing crime and disorder in and

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around venues. In addition to conducting investigations on behalf of operators I have also been engaged by Camden LBC and residents in Cardiff, Chester, Newcastle, and York to conduct observations and reports on licensed venues.

I have also worked as a consultant to several outdoor festival sites including Wigan Calling (15,000 capacity), Lytham Festival (20,000 capacity), Parklife (82,000 capacity) and Southend (4,999 capacity). I would estimate that since January 2011 I have visited more than 1,500 premises licensed under the Licensing Act 2003. In all these cases I believe that I have been able to make a positive impact on the licensing objectives. Only one venue has subsequently suffered a second review application following my guidance. This venue continues to operate following further interventions being made.

I am experienced in the production of independent written reports and giving evidence before Licensing Sub-Committees and Magistrates' Courts. It is important to stress that in carrying out this work, I act independently, record what I see and express my own opinions.

Signature *D J Butterworth*