

Dear Rachel

This brief submission is aimed at assisting the London Borough of Barking and Dagenham Council licensing sub-committee and the local resident objector, who are party to the above matter, now listed for determination on 21 February. In essence, it summarises the submissions that the applicant will make to the licensing committee and introduces the documents that will be before the committee.

Application Appendix A

The committee will note that the application is to permit activities on Friday, Saturday and Sunday between 1 May and 30 September across two consecutive weeks for three consecutive days. Entertainment hours are proposed until 10.30pm on Fridays and Saturdays and 10pm on Sundays. Alcohol hours are proposed until 10.15pm on Fridays and Saturdays and 9.45pm on Sundays. The application incorporates a departure window concluding no later than 11.30pm Friday and Saturday and 11pm on Sunday.

Applicant

This is an experienced licensee. They have held licenses in Hackney and Tower Hamlets since 2016, with events such as Queen's Yard Summer Party, Body Movements (both with a 5,000 capacity), Percolate Open Air was held, capacity of 7,500 in Tower Hamlets in 2017. Since 2021, in Hounslow, the Waterworks Festival has been held with a 15,000 capacity. Licensing officers' details, those responsible for these events were provided to Owen Dunn the police licensing officer in order that he could undertake suitable enquiries.

Pre-application consultation

The applicant undertook significant pre-application consultation prior to the submission of the application. As the LBBD licensing policy advises, there was engagement with the licensing authority and the Metropolitan Police prior to submission of the application. Copies of the draft application, operating schedule and an introduction to the proposed event all featured in those discussions.

Appendix B is a developed introduction to the proposals. This document was produced and circulated to the licensing authority and Metropolitan Police prior to submission of the application.

Appendix A1 – This is the plan disclosing the site proposed to be used. The committee will note that the area proposed to be used is a portion only of Barking Park itself.

Resident engagement

The applicant also engaged with the neighbouring residents in advance of the submission of the application. We have set out in an email sent across on 15 February 2024 the highlights of that engagement, now contained within the Licensing committee papers. In essence there was contact established before and during the application process so as to explain a little bit about the proposals. The letter drop was directed toward 5000 neighbours and is set out on the map plan included within the licensing committee paperwork, no objections have been received from those residents.

Appendix C is the summary flyer disclosed to 5,000 local residents. Appendix D is a copy of the correspondence that was circulated to local residents, and is self-explanatory. Appendix J discloses the local residential properties where the leaflet drop outlining the proposals was undertaken.

Neighbours. It is of some import that the representor lives, we understand, some three miles from the park itself. Whilst of course there is no vicinity test for those who may wish to serve objections, it is of significance that no one who lives in the immediate vicinity of the park has objected to the proposals.

Environmental health officer

Conditions are proposed within the application and confirmation from the environmental health officer as to his satisfaction is set out within the committee papers, attending to the issues of noise, nuisance. An expert acoustic consultant, Pete Nash from Joynes Nash Acoustics, with significant national experience in managing events of this type, has been appointed and has been in liaison with

the environmental health officer for some months. A draft noise management plan and conditions for these activities have been provided and are proposed within the application.

Appendix H discloses the dialogue and discussion undertaken with and the agreement of the environmental health officer, specifically setting out the conditions, 1 and 2, on pages 2 and 3 of that appendix. A noise management plan is contained within the licensing committee papers for consideration.

Noise management plan. It is not proposed to detail here all of the considerations that are incorporated within the noise management plan. However, a summary of that noise management plan is incorporated within the agenda papers and, we trust, neatly sets out the primary considerations. These include monitoring, control, communications, engagement, dialogue and a debrief.

Metropolitan Police

The Metropolitan Police were fully consulted before the application was submitted and an extensive dialogue with the licensing officer (Owen Dunn) was undertaken both before and during the consultation period. A copy of additional conditions that have been agreed with the police are contained within the licensing committee papers.

Police conditions. Additional police conditions concerning SIA staff, dedicated managers of each bar, incident and refusals books, emergency vehicle access maintenance, suitable and sufficient lighting, contact details for residents, subversion of queueing, adoption of Ask Angela (or similar scheme), a water safety anti drink spiking awareness policy (as well as protection of the war memorial) all help to deliver a comprehensive package of measures attending to all relevant issues.

National Guidance

The licensing committee will be familiar with section 9:12 of the national guidance issued under section 182 of the Licensing Act 2003. This states... *"Each responsible authority will be an expert in their respective field, and in some cases, it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective."*

That none of the responsible authorities have seen fit to submit or maintain a representation to this application is a matter of some significance.

Safety Advisory Group (SAG)

It is worthy of observation that the engagement of the Safety Advisory Group in Barking and Dagenham provides a secondary lockstep to ensure compliance with conditions and delivery of a safe and secure event. Officers will be engaged and effectively overseeing all of the planning and work that will go into the delivery of the event hereafter. The licence is proposed to be conditioned accordingly. Documents, policies and procedures for the planning and conduct of the proposed activities will be discussed and considered by the relevant officers in the months hereafter leading to the event itself.

Conditions

There is a significant schedule of conditions included within the committee papers at Appendix A. Both those that were incorporated within the original application, those agreed with the environmental health officer and those agreed with the Metropolitan Police.

Matters that are attended to include event management planning, Safety Advisory Group engagement, music programme disclosure, SIA stewarding, debrief meetings, ACT and SCAN training, alcohol management planning, a prohibition on glass, a search policy, an ejection procedure, counter terrorism or crime specific intelligence actions, a noise management plan, a noise management consultant engagement, waste removal, consultation meetings with residents, a traffic and transport management plan, lavatory provisions, customers being 18+, a child welfare and vulnerable person procedure, a challenge 25 scheme, appropriate training, a safeguarding policy.

Event Safety Management Plan (ESMP)

The committee's attention is invited to the table of contents and appendices list provided within the applicant's paperwork. This sets out the policies and procedures that will go into the organisation of any activities permitted under this licence. This is a comprehensive index disclosing two dozen or more policies and procedures and 20-odd areas of particular consideration. This document is a living document shared with the responsible authorities and Safety Advisory Group throughout the planning and development period.

Objection

Appendix E is the representation from the resident. Appendix F discloses dialogue that the applicants have sought to engage in with the residential objector. No response has yet been received to the email of 1 February.

The licensing committee will note that the original representation, served on Tuesday 30 January at 5.50pm raises a number of issues that do not attend to the licensing objectives. The applicants are sensitive to the environmental and flora and fauna considerations that are raised and have undertaken significant work in terms of ecology and protections for the park. The park itself will not be "out of bounds" as is suggested in the representation, a part of the park will be out of bounds for a limited period.

It is also right to highlight that the contractual terms with the applicants, for occupation of the space, oblige the land to be put back into an appropriate state following the event itself.

Following the enquiry by the licensing team as to which of the licensing objectives are under consideration the resident (which in and of itself says something significant) has raised three issues.

Crime and disorder - it is said that the sale of alcohol would give rise to disorder and possible crimes being committed. This is not accepted. The management of the sale of alcohol and the customers consuming it is touched on both within the event safety management plan and the licensing conditions. It will be extensively addressed in the alcohol management plan, and it is not accepted that the mere existence of alcohol is in and of itself something that undermines the licensing objectives (perhaps self-evidently as it is a licensable activity).

Public safety - it is suggested that access and use of the park as normal could be compromised. Whilst as touched on above there will be some compromise as to the extent to which the whole of Barking Park may be accessible during the event, this does not attend to the licensing objectives. It cannot fairly be described as public safety or for that matter public nuisance.

Public nuisance - it is finally suggested that those living in the immediate area and homes which back onto the park and those unable to use the park as normal may be adversely impacted by public nuisance. Inconvenience is not public nuisance. None of the residents who live in proximity to the site suggest similar.

A traffic management plan is contained within the licensing committee papers which attends to all issues of access and egress. It is not proposed to address here all of the detail contained within the traffic management plan. However, the traffic management plan itself is significant and detailed and fairly discloses significant considerations having been attended to by the applicants in order to ensure that the events themselves have very limited adverse impact.

Documents

The various documents that form a comprehensive evidence bundle, disclose real consideration having been given to the issues that the representation seeks to raise, and the applicant's submission is, firmly, that no undermining of the Licensing Objectives can fairly be likely anticipated from the proposed licence being granted.

Licensing Policy – the following paragraphs will likely be of import to the committee in determining the application

Executive summary – *The council recognises the important role that our diverse and vibrant range of hospitality, entertainment and leisure facilities play within the local community. Aside from providing*

important economic, employment and leisure opportunities, such facilities provide opportunities for relaxation; for people to meet and build relationships to promote cultural activities and support community cohesion.

Executive summary - It is this council's intention to promote a broad and varied leisure opportunity and to support responsible businesses and event management wherever possible.

52- A representation can only be considered "relevant" if it relates to the effect of the grant of the licence and the promotion of one or more of the four licensing objectives.

56- Conciliation – Where relevant representations are received, the council offers a conciliation service intended to bring the applicant and objectors together to discuss the application and concerns raised in more detail.

101 – This council welcomes applications for licenses and consents that support the borough manifesto/corporate plan. This will not, however, outweigh the need to promote the licensing objectives.

104 – Pre-application discussions with the relevant responsible authorities are also encouraged to assist applicants in developing their operating schedules.

151 – It is expected applicants will take account of public transport provision when deciding on the detail of their applications particularly in relation to the arrival and dispersal of large capacity events and venues.

Conclusion

This is an excellent application. The application, event safety management plan, supporting documentation all attest to the fact that this is a well planned and well thought through proposal. This application strikes the right balance between a proportionate, appropriate, sustainable proposal that promotes the licensing objectives, whilst ensuring that the impact upon residents, neighbours and others is managed and manageable in an appropriate fashion.

We will be in attendance before the licensing committee to develop these points. If you have any queries in the interim, please do not hesitate to contact me.

Best wishes

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Head of Licensing England and Wales
for TLT LLP