

# MINUTES OF LICENSING SUB-COMMITTEE

Thursday, 1 August 2019  
(4:00 - 7:21 pm)

**Present:** Cllr Moin Quadri (Chair), Cllr Donna Lumsden and Cllr Foyzur Rahman

**Apologies:**

## 4. Declaration of Members' Interests

There were no declarations of interest.

## 5. Licensing Act 2003 - Defected Music Festival, Central Park, Dagenham- Application for a Premise License

The Licensing Officer presented a report to the Sub Committee regarding an application by Defected London FSTVL 2019 Ltd for a premises licence at Central Park, Dagenham on Saturday 14 September 2019.

The application, at Appendix A to the report, was for a one-day music festival. The event consisted of an outdoor arena within a fenced perimeter with multiple performance areas including outdoor stages, marquees and self-contained structures. The maximum amount of people expected at the event would be set at 14999. The applicant sought the following licensable activities of *live and recorded music and the supply of alcohol – between 11:00hrs to 23:00hrs* for the one day:

Two representations were received in respect of this application. The first was made by the Council's Environmental Protection & Noise Officer, who requested that should the application be approved, the following condition be applied and adhered to:

*A music noise level of 70 LAeq dB(A) 15 minute & 80 Leq dB (63Hz) 15 minute both measured 1m from the facade of any noise sensitive premises*

The second representation had been submitted by the Metropolitan Police under all four Licensing Objectives, namely the Prevention of Crime & Disorder; Prevention of Public Nuisance; Protection of Children from Harm, and Public Safety, which was detailed in Appendix B to the report. Furthermore, the Police had pre-agreed conditions with the applicant dated 17 May 2019, included as Appendix C to the report.

The Licensing Officer referred to additional documentation from the applicant that had been circulated to the Sub Committee and interested parties prior to the meeting, referred to as 'Supplementary 1' which sought to challenge and address the concerns set out in the representations of the Police and included a revised set of conditions updating the earlier pre-agreed conditions.

The Chair then invited the Police, through their legal representative Mr Josef Cannon, to address the Sub Committee.

Mr Cannon advised that whilst the Police were in general not opposed to the operation of these type of music festivals, it was important for such events to be properly planned and managed. Consequently, their concerns with this application centred on:

- The fact that the applicant had been responsible for organising and promoting the WeAre Festival in Havering earlier this year and that drugs played a significant part in the level and type of crime experienced at that event. Given the similar style and the anticipated crowd dynamics of the WeAre Festival and the one being applied for, there was a risk that a similar situation may occur;
- The Event Safety Management Plan (ESMP), incorporating arrangements for dealing with crowd safety, alcohol, security, transport and food safety, had not been finalised and agreed, which was not acceptable. The following areas in the draft ESMP were examples of insufficient planning which meant that the application posed risk to the four licensing objectives:
  - A Crowd Management Co-ordinator had not yet been appointed;
  - Given the experience at WeAre Festival, the assertion in the risk assessment that alcohol, and not drugs, would be the likely intoxicant of choice, meant that planning to deal with solely drunkenness was misguided;
  - With the large-scale assembly of festival goers at Dagenham East Station at around midday, there was no mention in the Plan as to any discussions with the management of the adjacent Pipe Major Public House as to how they would cope with the potential large influx of customers both on arrival and leaving, given the Public House is licensed until 11.00pm;
  - Ingress at the Festival - the draft Plan stated there would be lane type entrances, although it lacked detail such as the design, set up and management, including whether there would be any filter system, drugs checks, amnesty bins etc;
  - The Crowd Management Plan stated that the peak entry times would be between midday and 4pm, with no entry beyond 4pm. This mirrored the arrangements for the WeAre Festival which lead to crowd surge problems. There was no mention of this in the draft Plan;
  - The draft Plan stated that approximately six persons per minute (only 10 seconds per person) would be processed at entry. This was very tight and suggested only random searches would be conducted, which the Police objected to, insisting on 100% searches for Class A drugs;
  - The draft Plan stated that in order to manage the egress from the site there would be a phased shut down with two music stages closing at 9pm, and the remaining three stages at 10.30pm. There was nothing in the Plan to suggest why this would necessarily lead to people leaving the Festival in a phased manner in large enough numbers;

- Due to the planned parallel operation on 14 September 2019 of the Defected Festival and that of Secret Cinema (SC) in the vicinity of Dagenham East Station, several additional conditions had been agreed with the Council and the London Fire Brigade. These included setting a limit of 11,500 prior ticket sales for the Festival by 1 September, with this figure being the trigger point at which the applicant would provide an appropriate number of shuttle buses to transport SC audience members to an alternate underground station to remove the need for them to queue at Dagenham East Station. The Police questioned how this condition would be enforced and more importantly, if the trigger number was not reached by 1 September and there then followed a late surge in ticket sales, what would prevent the applicant from not putting on the shuttle buses;
- The Security Plan had not been updated since April 2019 i.e. prior to the WeAre Festival and therefore had not addressed the operational issues that arose at WeAre; nor did it provide details of security and stewarding arrangements both on site and in the surrounding areas;
- The draft ESMP referred to an Alcohol Plan which had yet to be provided, and
- The application had stated that one of the conditions of approval was that the Safety Advisory Group (SAG) should sign off the finalised EMP, effectively given that Group the final say on this application and not this Sub-Committee. It was the Police's view that given that position and having due regard to the lack of detailed planning at this point, they could not support the application.

In response to the Police representations, the Chair questioned why a direct comparison had been made between the application and the WeAre Festival, given the application was for a one day (12 hour) event on Council-owned land with ticket sales capped at 14,999, whilst the latter Festival was a three day (72 hours) event, on private land with camping facilities, and an audience of 58,540.

Mr Cannon accepted that a direct comparison could not be made; however, given the applicant was the promoter and manager of both events, it was safe to assume he would have had both good and bad experiences from the WeAre Festival, none of which had been incorporated in the draft ESMP for Defected. As an example, PC Clay explained that he personally had witnessed the heavy use of Class A drugs and Nitrous Oxide (laughing gas) at the WeAre Festival which in his experience, would be replicated at Defected, which has not been addressed in the draft Plan. Whilst acknowledging that this alone was not a reason to refuse granting a license and accepting that the applicant did not condone the use of drugs, he reiterated that it was wholly unrealistic for the applicant to claim the main intoxicant would be alcohol and to focus the Plan on that assumption alone.

The Chair then invited Mr Mick Bowles, the applicant, through his legal representative Mr Simon Taylor, to address the Sub Committee.

Mr Taylor summarised the planning for this event which started in November 2018 and involved, amongst other things, several meetings with the Council's Events team. A pre-application meeting with the SAG took place in January 2019 to get a steer on a range of issues prior to the submission of the licence application.

Responding directly to the concerns highlighted by the Police about the lack of planning to date, the applicant referred to the supplementary information provided which documented the range of information and plans that had been provided to the Police via circulation from the SAG meetings, which Met Police Licensing Officers attended. Updates were also provided as outlined in the timetable contained in the pre-agreed conditions that had been discussed with the Police and presented on 17 May 2019. The list of plans in various stages of development presented to SAG included the ESMP which incorporated crowd safety, drug and alcohol, security, transport management and food safety plans. Finalised versions would be presented to the SAG for approval on 15 August 2019, in accordance with the agreed timetable.

The applicant had initiated other communications and/or meetings with interested parties, including a number of Council services, TfL, Secret Cinema and British Transport Police who had also attended the SAG on 10 July 2019 (as the policing/cover at Dagenham East Station was within their remit).

It was therefore only after the submission of the various plans and in the light of the various discussions that the applicant submitted the license application being presented to the Sub-Committee, which in Mr Taylor's view, demonstrated that the applicant had acted in a responsible manner. Given the opportunities for the responsible authorities to comment on the plans, it was disappointing to hear the Police representations today focussing on the lack of proper planning for the event.

In response to the specific concerns of the Police, the following comments were made by Mr Taylor:

- A Crowd Management Co-ordinator, who held the appropriate qualification, had been appointed. In addition to inhouse security management, the applicant had commissioned a former Chief Superintendent to advise on security arrangements;
- With regards to managing the ingress, the proposed queuing system would be completely different to that used at the WeAre Festival and would allow far quicker processing of tickets on entry using a well-established industry standard approach. As part of the planning the Police were informed that the organisers were intending to engage more than 200 security personnel and a local Police Inspector had expressed surprise that the number was that high.
- The proposal was to deploy security staff at different times to deal with entrance searches, ID bar checks and crowd control. The applicant outlined the security arrangements upon arrival which would include the use of perimeter mesh fencing with a 4m inner gap ("the moat"), a 3.5m inner steel fence and then a gated entry system with 25 lanes.

These would lead to two check points, namely ID and tickets, followed by bag and profile searches (“pat downs”). These checks would be carried out using metal detectors, amnesty bins and finally, passive dog sniffer checks, all supplemented by large-scale use of CCTV.

- The security would also be deployed when necessary at Dagenham East to manage both the arrival and leaving of festival goers. Working with BTP and the management at the Pipe Major, they would also be available to deal with any issues that might arise;
- The applicant stands by the presumption that alcohol would be the predominant choice of intoxicant. At the WeAre Festival there were a total of 13 bars, and the recorded incidents of alcohol induced illness far outnumbered those relating to the use of drugs;
- In respect to the egress, the applicant explained that in his experience of event management and safety of over 25 years, he was confident that the phased close down as highlighted in the Police’s representation, did allow controlled crowd dispersal;
- The planned parallel operation of the Defected Festival and that of SC in the vicinity of Dagenham East Station had been the subject of detailed discussions with all parties including the Council and TfL, the latter of whom had presented three different proposals for dealing with the dispersal of large numbers based on three trigger scenarios of 12,500, 13,500 and 16,500 people; and
- In conclusion, the applicant was confident that the outstanding matters highlighted today could be worked through in liaison with the SAG. He referenced the documentation set out in ‘Supplementary 1’ to the agenda papers and specifically, the revised set of conditions which built on those matters that the Police had highlighted in their representation, including making the final shuttle bus provision conditional upon granting the license.

Following the applicant’s verbal and written submissions, the Sub-Committee sought and received responses to several questions mainly concerning the proposed safety management arrangements both on and away from the festival site as well as the effectiveness of the proposed condition requiring the applicant to put on shuttle buses at the SC location should ticket sales exceed 11,500 by the agreed date of 1 September, and how this would be monitored?. The applicant undertook to provide the Licensing Authority with daily updates on ticket sales, stating that if sales were to get close to the figure of 11,500 it would not be in his interest not to put on the shuttle bus service.

The Chair then invited both parties to sum up their representations before the Sub Committee retired to make its decision.

## **Decision**

In relation to promoting the four licensing objectives the Licensing Sub Committee had regard to the revised Guidance under s.182 of the Licensing Act 2003, as well as the contents of the agenda and all matters stated in the hearing.

The Sub-Committee were reminded of the following paragraphs of the Guidance: 1.17 (each application to be considered on its merits) and 9.4 (relevance of representations).

With that in mind, the Sub-Committee noted that it could only regard representations and evidence in respect of the WeAre Festival as relevant inasmuch as they related to the likely effect of granting a licence for the Defected Festival, on at least one of the licensing objectives.

The Sub-Committee considered with care the representations made by the Police and the question of whether the applicant's plans were sufficiently advanced at this stage for a proper assessment of the application to be made. In doing so, the timetable for the submission of plans, proposed and agreed by the Police was noted and that thus far had been adhered to and that the final EMP was due to be presented to the SAG on 15 August 2019. Further, it was a condition of the grant of the licence that the final EMP must be approved and signed off by the SAG, on which the Police are themselves represented.

The Sub-Committee was informed by the applicant, and accepted, that there was enough time to resolve the remaining issues such as the provision of amnesty bins and arrangements at the Pipe Major Public House. As to issues regarding ingress and egress, the Sub-Committee considered that adequate arrangements in terms of staffing, gates and checks were proposed by the applicant, in conjunction with Transport for London (TfL) and the British Transport Police.

The Sub-Committee also accepted the applicant's submission that this event was different in nature from the 'WeAre Festival', in that the latter involved a more complex arrangement with wristbands on entry. It was also noted that a Crowd Safety Manager had been appointed and that there was an independent security reviewer in the form of a former Chief Superintendent advising the applicant.

As to the issue of a phased shutdown, the Sub-Committee did not have objective evidence but on balance, accepted the applicant's view that, in his experience, where there were competing events at different locations within a festival, crowds tend to disperse in phases.

As to the proposed transport arrangements from the Secret Cinema (SC), the Sub-Committee agreed with the Police as to potential problems caused by the 1 September 2019 'trigger date'. Therefore, the Sub-Committee decided to amend condition 38(c) attached to the applicant's supplementary document ('Supplementary 1') as follows:

*"Should DFL tickets sales reach 11,500 or be predicted to reach this sales level prior to the event, DFL will provide an appropriate number of shuttle buses to operate from the Secret Cinema (SC) site to an agreed alternate underground station, in order to remove the need for SC audience members to queue at Dagenham East Station. DFL will provide updated ticket sales number to the licensing authority daily henceforth."*

The Sub-Committee considered that the conditions proposed, and the available time for residual matters to be resolved, were sufficient to promote the four licensing objectives in this case and:

**RESOLVED** to grant a premises licence pursuant to section 18(4)(a) of the Licensing Act 2003, subject to the conditions set out in the operating schedule and those attached to the supplementary document provided by the applicant ('Supplementary 1') as amended above.