

MINUTES OF LICENSING SUB-COMMITTEE

Tuesday, 16 February 2021
(6:00 - 7:11 pm)

Present: Cllr Moin Quadri (Chair), Cllr Donna Lumsden and Cllr Lee Waker

10. Declaration of Members' Interests

There were no declarations of interest.

11. Application for a 10-year Time-Limited Premises Licence - Springmerch LTD, Weare Music Festival, Central Park, Dagenham

The Council's Licensing Case Officer introduced a report relating to an application made by Springmerch LTD for a 10-year time-limited premises licence in respect of the WeAre Music Festival, to be held at Central Park, Dagenham, RM10 7EJ.

The application for the premises license had been submitted by Springmerch LTD on 19 May 2020, and the application would have seen the first two-day festival scheduled for Saturday 12 September 2020 and Sunday 13 September 2020. The maximum number of attendees expected would have been 23,500 on Saturday 12 September and 23,500 on Sunday 13 September, with 1,000 of these expected amounts to include staff and performers. The festival layout would have consisted of an outdoor arena within a fenced perimeter, with multiple performance areas including outdoor stages, marquees and self-contained structures. The applicant sought the following licensable activities: live music, recorded music and supply of alcohol between 11:00 until 22:30.

Three representations were received as a result of the application, with two on behalf of the London Borough of Barking and Dagenham. These had been submitted by the Council's Licensing Authority Responsible Authority Officer and the Community Safety Operations Manager. Another representation had also been received from the Metropolitan Police. All three representations had been made under all four Licensing Objectives, namely the Prevention of Crime & Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm. Two representations in support of the application were also received. These were from one member of the public who had previously attended a festival and a transport provider, Ensign, who had previously been engaged and provided transport relating to festivals for the past 7 years.

Initial concerns were raised by the Council's Environmental Health Noise Nuisance team on possible noise nuisance caused by the events. The concerns had been conciliated and had resulted in an agreed condition which would be added to the licence if granted.

The application had originally been presented to the Sub-Committee on 14 July 2020. Consideration of the matter was deferred, however, in the light of the impact of the Government's Covid-19 operating restrictions on the then proposed first festival date scheduled for September 2020. The consideration of the application was adjourned to a date on or before 11 September 2020, but as there had been

little movement in the situation regarding Covid-19 operating restrictions by 11 September 2020, the matter was not returned to the Sub-Committee at that time.

On 18 November 2020, the applicant requested that the following additional condition be added to any licence that may be granted: "Should Covid-19 Directives issued by Government or the London Borough of Barking and Dagenham direct that an event or part of an event authorised by this premises licence should not take place then the premises licence holder shall cancel the event or part of the event as directed".

The application was then scheduled to be heard by the Sub-Committee on 16 February 2021. As of this date, two representations had been withdrawn by way of mediation between both parties. The representations withdrawn were from the Metropolitan Police and the Community Safety Manager on behalf of the London Borough of Barking and Dagenham.

Following a question from a Member, the Licensing Case Officer stated that if the application were to be approved at today's hearing, the WeAre Festival would be a one-off event over two days for the next nine years.

The Chair asked the attending Metropolitan Police representatives to confirm that their representation had been withdrawn. The Counsel for the Police confirmed that this was the case and that the applicant had satisfied all of the outstanding matters. On this basis, the Police had withdrawn their representation.

The Sub-Committee then heard from the Licensing Authority Responsible Authority Officer (LRAAO), who presented his representation to the time-limited premises licence. He stated that:

- Nine months had passed since his original representation had been submitted, and that a lot of discussion had since been had between the involved parties. Much of his original representation related to the extraordinary circumstances surrounding the application, which still applied.
- The application was unique for the Borough, with the Council being asked for a commitment to a 10-year use of Central Park, at a time when the park itself was subject to ongoing works and the country was more than a year into the Covid-19 pandemic. Mass gatherings were still banned, with uncertainty as to when these would be permitted again or under which circumstances.
- Whilst there was a fairly full festival programme for London scheduled for May-September 2021, it would be surprising if any large festivals were to be held in the early part of Summer 2021. If mass gatherings were permitted again in 2021, these would likely be in later months of the festival season, under controlled circumstances. This would mean that the WeAre Festival could be one of or the only large music festival(s) to be held in London in 2021. If this were the case, the situation would increase the potential for problems relating to all of the licensing objectives and impact the local community. In these circumstances, there would be a desire for people to mix and a chance for opportunists to cause trouble. He anticipated people coming into the area, even if they did not hold a ticket for the event.
- He had no particular issue with the granting of the 10-year licence and had some confidence in the established processes, such as each year's event

planning being subject to scrutiny by the Safety Advisory Group (SAG). There was also the potential for the licence to be reviewed at any time if necessary. The applicants' planning had also been thorough, with many specific concerns having already been addressed. The license conditions offered had also stated that the festival would not go ahead if the Covid-19 restrictions of the day did not permit this to happen.

- The event planning focused on the festival site, its perimeter, traffic movements and the direct routes likely to be taken by the public from the transport hubs to the site. However, the circumstances would be different to normal and as such, he wished to be assured further that the event planning would recognise the broader circumstances under which the festival might be held, and that the company would work with all partnering authorities to ensure that there was no undue impact to the local community.
- The first promised public meeting should be taken at the first opportunity so that local concerns could be raised and addressed. The organisers also needed to accept that it was not only a matter of whether the site itself could be made Covid-19 safe and secure, but that any other concerns around the local community and offsite planning also needed to be addressed before the event could happen.

Members stated that the Borough, Police and the event organisers needed to respect that it was possible that events would be unable to go ahead in Summer 2021 due to Covid-19. If the Council were to grant its authorisation to the issuing of the licence, the event organisers had to understand that Government and Council guidance could still change, and that the event might not happen. In response to a question about how many attendees would be allowed to attend the festival should Government guidance allow the festival to go ahead, the LARAO stated that:

- The Covid-19 guidelines at the time of the event would likely affect the number of attendees permitted.
- If a situation had been reached whereby by that time of year, Covid-19 restrictions would not affect the number of site attendees, attendance figures would be based on what the site could safely hold and what could be allowed by way of facilities, transport and policing, however that had yet to be decided.
- The figure of 23,500 attendees suggested in 2020 would have to be reduced due to likely works taking place in Central Park in 2021, but that other matters would also come into play if the festival were to go ahead.
- A lot would be unknown until the date of the festival and as such, the LARAO asked for complete acceptance of this fact. If the festival were to take place, it would be in extraordinary circumstances in 2021.

The Solicitor addressed the Committee on behalf of the applicant, wishing to respond to the points raised by the LARAO. He stated that:

- He understood the concerns raised by the LARAO in relation to Covid-19. However, he stressed that the application was not unique, as a number of London-based events were currently being organised for Summer 2021.

- As part of the draft conditions proposed, control would remain with the Licensing Authority as to whether the event could proceed. The Licensing Authority would also have to approve the Event Management Plan (EMP) for the event. All of the responsible authorities were part of the SAG, with all plans developed by the applicant needing to receive SAG approval. If the SAG were to advise the Licensing Authority that any aspect of the plans was insufficient, the Licensing Authority would have the power to cancel the event.
- The Licensing Authority had a statutory right to review the licence at any time. If the applicants were breaching the conditions of their licence, the Licensing Authority and Responsible Authorities would have the right to review.
- The applicant had compiled a new schedule of both planning and SAG meetings, which gave a monthly list of milestones that the applicant had to achieve, such as the scrutinising of the EMP by the SAG. The EMP would consist of and address all of the aspects around the management of the event. Detailed plans had also been provided around the policing and security of the event, such as through on- and off-site security to protect the site from fence jumpers or those who did not hold a ticket.
- The applicants recognised that transport was another issue that may control the capacity of the event, such as through restrictions on tube trains. The applicants had already reduced the event capacity to take into account the transport infrastructure available in September 2021.
- Certain changes had also evolved through the planning stages of the event. The applicant was now seeking a nine-year licence for 2021 to 2029. The capacity proposed was for 23,500 attendees per day, to include staff and performers. For 2021, the applicants had proposed that the capacity would be limited to 20,000 ticket holders per day to take into account transport considerations. If the capacity were to be restricted by future maintenance work undertaken in Central Park, then the applicant would also abide by the capacity limits considered safe at that time. As the Council was the custodian of Central Park, it could specify what the capacity would be.
- On the application, the applicant stated that the terminal hour was 22:30. In 2021, the applicant would limit their hours to 22:00 on Saturday and 21:30 on Sunday. This would account for transport issues.
- The applicant had also voluntarily added a Covid-19 condition to their application. If Covid-19 restrictions were to prevent the event from going ahead, the applicant would abide by these conditions. Within the past 12 months, the applicant had operated Covid-safe events and where required, cancelled events where it was not deemed safe to proceed. The issues raised by the LARAO, such as the attendance of different people to the site, the issue of transport and social distancing, and the spread of transmission were all reasons that were given where the applicant had agreed that their events should be cancelled in November 2020.
- In the draft conditions, the applicant had allowed for community consultation and were flexible as to the timing and format of this, to enable any local concerns to be raised.
- Within the conditions, a SAG debrief would also be undertaken after every event each year, to enable a continuous learning process.

In response to a question from the Council's Public Health representative, the Solicitor for the applicant stated that:

- The applicant had previously received a direction to not hold an event for 500 attendees and that they had complied with this, due to concerns around the transmission of the virus and the size of the public gathering. The applicant complied with this notice, despite it being served very late in the day, and put mechanisms into place to ensure non-attendance.
- Through the Council's Director of Public Health, the Council had statutory powers to be able to control events due to public health concerns. The applicants understood that any public health issues would have to take precedence over their events and would always take the advice of the public health officers.

Both the LARAO and the Solicitor for the applicant summed up their respective positions. The Solicitor for the applicant also stated that if the application were to be granted on the conditions that had been put forward by the applicant, that along with the noise and Covid-19 conditions, the applicants should add a cancellation policy condition as part of the planning for the event. This would ensure that any necessary changes that might need to be made at short notice, could be made quickly. The Sub-Committee then retired to consider its decision.

Decision:

Whilst licensing is a permissive regime, the Sub-Committee were understandably concerned about large numbers of people gathering in the Borough from inside and outside of the area, and how that could impact on transmission of the pandemic. It noted however, that the Police and Community Safety had withdrawn their objections and it was satisfied with the representations made and the checks in place to ensure that the event would be compliant with any pandemic legislation in place.

The Licensing Sub-Committee therefore felt it appropriate to grant the application, with the additional conditions offered by the applicant and subject to any Central Government Covid-19 restrictions in place at the time of the event.