

LICENSING SUB-COMMITTEE

1 August 2019

Title: Defected Music Festival, Central Park, Dagenham - Application for a Time-Limited Premises Licence	
Report of the Strategic Director	
Open Report	For Decision
Wards Affected: Heath	Key Decision: No
Report Author: Theo Lamptey, Service Manager Public Protection, Regulatory Services	Contact Details: Tel: 020 8227 5655 E-mail: theo.lamptey@lbbd.gov.uk
Accountable Director: Andy Opie, Operational Director, Enforcement Services	
Accountable Strategic Director: Fiona Taylor, Director of Law and Governance	
Summary An application for a time limited premises licence has been made by Defected London FSTVL 2019 LTD in respect of Defected Music Festival, at Central Park, Dagenham RM10 7EJ Two representations against the premises licence application has been received from the Metropolitan Police, and Environmental Protection & Noise Officer as the responsible authorities under the Licensing Act 2003. The matter is put to the Licensing Sub-Committee for determination at a public hearing, accordingly.	
Recommendation That the Sub-Committee considers the content of this report and appendices, together with any oral submissions given at the hearing, and determines the application.	
Reason(s) Under the Licensing Act 2003, the Council as Licensing Authority, has a duty to consider and determine each valid application submitted.	

1. Introduction and Background

1.1 The Licensing Act 2003 (the “Act”) established the national licensing regime for

- The sale and supply of alcohol
- Regulated entertainment
- Late night refreshment

- 1.2 Under the Act, any person wishing to use any premises to provide one or more of the above licensable activities must firstly obtain a premises licence from the local licensing authority for the area. If the licence is intended to include the sale and supply of alcohol, then the licence must name a 'Designated Premises Supervisor' (DPS) who holds a personal licence issued by the local licensing authority for the area within which they live.
- 1.3 Applications for premises licences are made subject to public consultation. During the consultation period, it is open to any 'responsible authority' or 'other person' to make representations concerning the application. Representations must relate to one or more of the four licensing objectives. These are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 1.4 Where representations are received, and are neither conciliated or withdrawn, then the local licensing authority must hold a public hearing to determine the application.

2. Proposal and Issues

The application under consideration

- 2.1 On 10th June 2019, Defected London FSTVL 2019 LTD applied for a time limited premises licence in respect of the premises known as Defected London FSTVL 2019 LTD to be situated at Central Park, Dagenham RM10 7EJ. The event is for one day only music festival on Saturday 14 September 2019. A Copy of the application is attached as **Appendix A**
- 2.2 The premises are a public access park, which will consist of an outdoor arena within a fenced perimeter. There will be multiple performance areas including outdoor stages, marquees and self-contained structures. The maximum amount of people expected would be 14999. The applicant seeks the following licensable activities for one day only;
- Live Music, Recorded Music and Supply of Alcohol – between 11:00hrs to 23:00hrs.
- 2.3 The Designated Premises Supervisor (DPS), intended to hold overall responsibility for authorising alcohol sales made at the festival, is Michael Bowles, who holds a personal licence issued by Portsmouth City Council.

The representations

- 2.4 A representation has been received in respect of this application, from the Metropolitan Police as a Responsible Authority. The representation is made under all four Licensing Objectives, The Prevention of Crime & Disorder; Prevention of Public Nuisance; Protection of Children from Harm and Public Safety. A copy of the representation is attached as **Appendix B**.

- 2.5 The Metropolitan Police had pre-agreed conditions with the applicant on 17 May 2019, whereby a set of conditions were added to the premises licence within the operating schedule. A copy of the pre-agreed conditions is attached as **Appendix C**
- 2.6 A further representation was received from the Environmental Protection & Noise officer requesting that subject to the grant of the licence, the following condition is adhered to.

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

- 2.7 Following discussions between the parties, agreements have been reached with the applicant on the inclusion of additional conditions on the licence that may be granted, namely from the Council's Licensing Authority Responsible Authority Officer, the Council's Events Team, and the London Fire Brigade (LFB). Based on those agreements, three representations have been withdrawn. The following conditions requested / added are:

- Egress and close down schedule on licensable activity timings being phased to ensure closure before 23:00hrs (Licensing Authority Responsible Authority Officer)
- On the 14 September 2019, due to the parallel operation of both Defected FSTVL London (DFL) and Secret Cinema (SC) in the vicinity of Dagenham East underground station, the following conditions will apply: (Council's Events Team)
 - a. DFL will build and operate an egress queue management system outside Dagenham East underground station which will aim to filter customers from both DFL and SC into the station area managed by TfL at a rate agreed with their local station management team.
 - b. DFL will manage the security and stewarding operation for customers from both DFL and SC once SC audience leave the boundary of their site.
 - c. SC will ensure audience members understand the operation and will steward and direct their patrons into the system as required.
 - d. Should DFL tickets sales reach 11,500 number by 1 September (the trigger point) 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 SC site to an agreed alternate underground station, in order to remove the need for SC audience members to queue at Dagenham East station.

In the event of the trigger point being reached:

1. SC will ensure audience members understand this different operation and will ensure steward direct their patrons onto buses as required.

2. SC will communicate with the bus service and promote Dagenham East as being closed to SC patrons during egress due to excessive wait times and limited capacity availability.
- e. Notwithstanding the above clauses, the applicant must agree to work cooperatively with the Council and Defected London FSTVL to ensure safe operations on 14 September 2019, this includes sharing plans with Defected London FSTVL, the Council and if required the Safety Advisory Group (SAG).
- The Event Safety Management Plan (ESMP) and Fire Safety Management Plan (FSMP) are to be provided and the content agreed to the satisfaction of the Fire Authority (London Fire Brigade) - Fire Safety Plan submitted (London Fire Brigade)

Local area

- 2.8 A map of the local area is attached as **Appendix D**. The location of the application premises is marked on the map

Additional Information

- 2.9 Attached as **Appendix E**, the Crime Incident Report from WeAre Festival 2019, Video links to footage from WeAre Festival 2019 and WeAre Festival 2017 Police Representations submitted (Provided by the Metropolitan Police)

3. Options Appraisal

- 3.1 The Sub-Committee is advised that the hearing is of a quasi-judicial nature and representations from all parties, both written and verbal, will form part of the matters that are to be considered.
- 3.2 The Sub-Committee is required to consider each application on its own individual merits with all relevant matters taken into account. Findings on issues of fact should be on the balance of probability.
- 3.3 Having considered the application, the representations and all relevant submissions, the Sub-Committee must decide what action is appropriate to promote the licensing objectives.
- 3.4 Any licence granted must be made subject to the mandatory licence conditions established by the Act and to conditions consistent with the measures proposed by the applicant to promote the licensing objectives (as amended by any conciliation process).
- 3.5 Any licence granted may be subject to additional conditions considered appropriate by the Sub-Committee to promote the licensing objectives.
- 3.6 In reaching its decision, the Sub-Committee must have regard to:
 - The Act;
 - Secondary regulations;

- The Guidance issued to Local Licensing Authorities by the Home Office (current version April 2018); and
- The Barking and Dagenham Statement of Licensing Policy for 2017-2022.

3.7 The options open to the Committee are:

- To grant the application;
- To refuse to grant the application; or
- To grant the application subject to additional conditions.

3.8 In the event that any party is aggrieved by the decision of the Sub-Committee, they have the right to appeal the decision to the Magistrates Court. Appeals must be made within 21 days of notification of the Sub-Committee's decision.

4. Consultation

4.1 The application has been subject of public consultation in accordance with the statutory provisions. The application has been advertised by way of public notices placed in a local newspaper, displayed at the premises and published on the Council website. Notifications have been provided to all responsible authorities and ward councillors.

5. Legal Implications

Implications completed by: Paul Feild, Senior Lawyer, Standards and Corporate Governance

5.1 The London Borough of Barking and Dagenham, as Licensing Authority under the Licensing Act 2003 and subordinate legislation, is empowered to determine applications of this nature.

5.2 Notice must be given of the Licensing Authority's decision on this matter.

Public Background Papers Used in the Preparation of the Report: None

List of appendices:

- Appendix A – Premises Licence Application.
- Appendix B – Copy of Metropolitan Police representation
- Appendix C - Copy of the Metropolitan Police Pre - Agreed representation.
- Appendix D – Map of the local area
- Appendix E – (i) Crime Incident Report, (ii) WeAre Festival 2017 Police Representations, (iii) five video links from WeAre Festival 2019