

WeAre Festival – Police Representations 2017

Table of Contents

1. Application	2
1.1 Submission date	2
1.2 Non-agreed terms of licence application.....	3
2. Costs.....	4
3. Comparison with other Met Festivals.....	5
4. Associated Crimes	6
5. Arrests	7
6. Drugs	8
7. Conditions	9
7.1 Suggested Additional Conditions	9
7.2 Searching.....	10
7.3 Costs.....	11
7.4 Crime Prevention	12
7.5 Public Nuisance	13
7.6 Due Diligence.....	13
Additional documents	14

1. Application

1.1 Submission date

The application was submitted by the premises licence holder on the 21st December 2017. In doing so the applicant has reduced the working days available to responsible authorities to prepare representations based on the application. Assurances had been made that the application would not be submitted over the Christmas period as has been the case in previous years.

In submitting the application over the period the applicant has shown either poor management or a will to restrict authorities to adequately prepare.

When questioned about late submission, the applicant stated that due to site plans and various other internal factors the date was the soonest available date for submission. In fact, a later date of submission would have allowed authorities more working days to prepare representations, taking bank holidays over Christmas and New Year into account.

In any case the application should have been submitted well in advance of the 21st December as the applicant had pledged at previous de-brief meetings.

The lack of time available to prepare representations means that there is also less time to negotiate any sticking points around the application. Legal cases such as Woodward Vs Thurrock would also indicate that it is down to the applicant to leave enough time between event and application to allow sufficient time in order for relevant processes to be completed. This could include any appeals to the magistrates' court as was the case in 2016.

1.2 Non-agreed terms of licence application

Where there are points raised in the police representations around conditions and costs it is right that the sub-committee questions why these have not been resolved well in advance of the application.

Each application must be dealt with on its own merit and the applicant gave no pre-indication to the content of the EMP or the finer details around opening and closing times of live music and alcohol.

An agreement in principle was reached with the local authority around capacity prior to the application, with an agreement in principle around a permanent licence.

Whilst a permanent licence does reduce the annual burden on resources on responsible authorities around the application process, it is worth noting that the DPS, Security manager and the security teams are all only contracted for three years. In three years there could be an entire turnaround of staff with the knowledge required to manage the event at a local level.

To that end in order to ensure that a permanent licence would not be detrimental to the licensing objectives it is necessary to condition the licence, not the EMP, to ensure that all concerns are addressed prior to the creation of a new EMP. Although the event is in its sixth year we are again faced with a new EMP and this could be the case in the future.

We hope and anticipate that negotiations around conditions will continue with the applicant prior to any hearing.

2. Costs

As detailed in the police representations to the 2016 festival there is a significant cost to the Metropolitan police for the event.

Last year's policing costs, if they had been requested under the Special Police Services (SPS) criteria, would have cost 162,884.65.

The cost of this is borne by the residents of Havering, approx. 69p per person based on the population at the last census.

Police cannot order anyone to pay for police services and we have a duty to provide core policing.

It is worth noting that all the other festivals in the met make a contribution towards the costs involved in policing an event.

There is a significant amount of additional resourcing that goes into the preparation and planning of the event, arrests in custody, investigations into crimes committed and other associated drains on resources.

In this current climate the Met face difficult financial resourcing demands. The festival contributes to the local economy in some way and this is recognised by the Met, however, it is also a private festival that is a business and its primary aim is to make a profit for its shareholders.

At no point since its inception has the festival contributed towards the costs of policing the event and the organiser has given no definite commitment to making a contribution in the future.

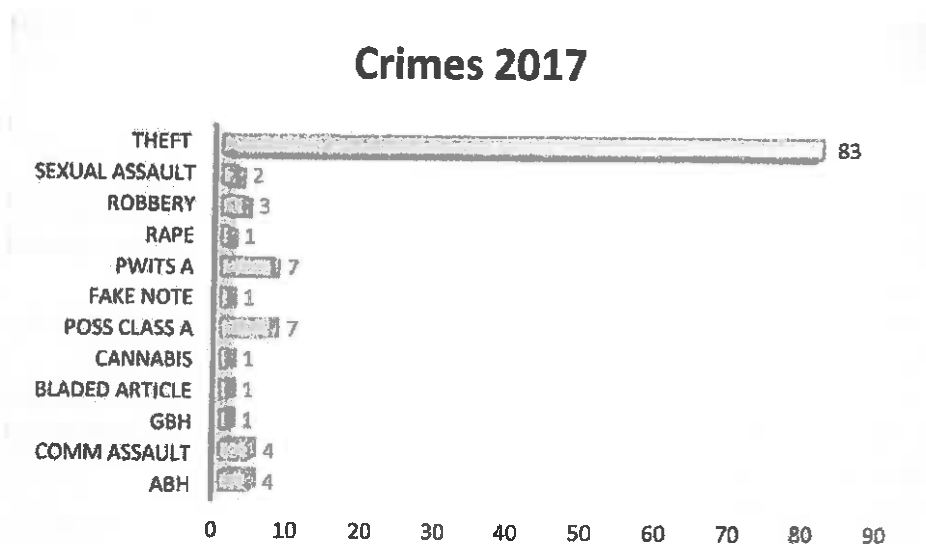
3. Comparison to other Met festivals

	WeAre	Wireless	Love Box	SW4	Field Day
Time Limited Licence	No	5 year licence	3 year	One event	3 year
Films	0300	2230	2300	2300	2300
Live Music	0300	2230	2300	2300	2300
Recorded Music	0300	2230	2300	2300	2300
Dance	0300	2230	2300	2300	2300
LNR	0500	2230	2300	2300	2300
Alcohol	0200	2200	2300	2230	2245
Opening hrs	duration	2300	2330	2300	2330
Fixed Date event	No, between May and Sep	No, five event days a year	Yes, 3 days may to sept, must be agreed	Yes, fixed three days aug	Between ,may to sept
Capacity	39,999	49,999	no	29,999	No
CCTV	No	yes	No	Yes, consideration	No
Sag sign off	yes	Yes	Yes	No, licensing officer	Police, if no agreement then sag
Sps	no	yes	Yes	Yes	Yes
Sps condition		yes	No	No	No
Emp req	yes	Yes	Yes	yes	Yes
Conditions on licence		116+	42	129+ subs	26

- With the exception of the WeAre festival. All other concerts in London provide funding to the Met for Special Police Services. This is conditioned in such a manner in the premises licence of Wireless.
- WeAre is the only festival not on a time limited licence. The others range from one event to five years.
- Sag endorsement of the final EMP is the most common method of sign off on festivals.
- No other events go beyond 2300 hrs with alcohol finishing between an hour and fifteen minutes before live music ends.
- Most licences have flexibility of dates built in.
- WeAre has the only campsite.

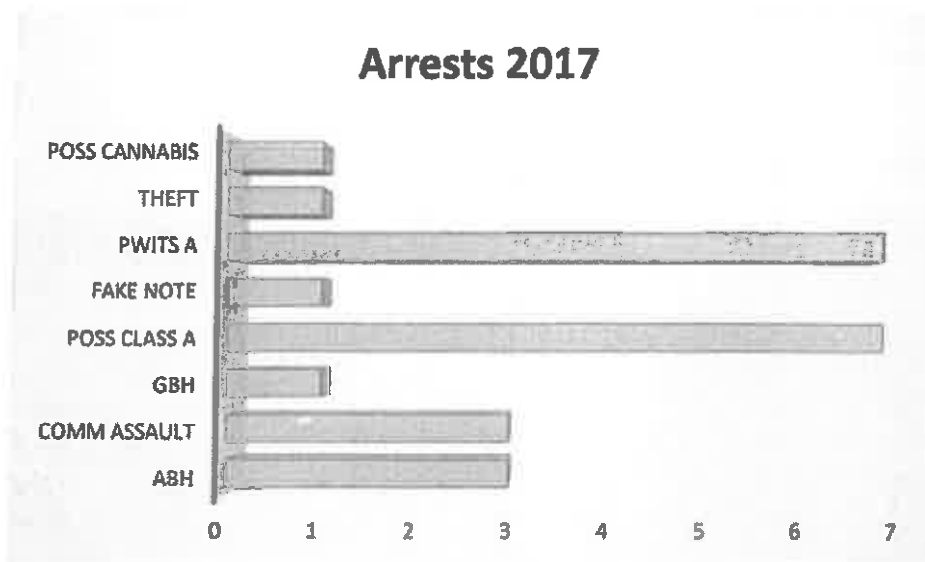
4. Associated Crimes

- Crimes for the 2017 event totalled 115, they are broken down by classification in the table below.
- The majority are theft related (83), there were nine assault related crimes, three robberies, three sexual assaults, one knife related and fifteen drug related.
- In 2016 there were 77 crimes, therefore crime increased by 50% at the 2017 event. Contributing factors include increased capacity, the addition of the campsite, additional security and search regime.
- The proposed licence includes an increase in capacity, it follows that there is a likelihood of increased crimes and an increased demand on police resources.
- Victims are primarily under the age of 30, one victim of phone theft was 17 years old. The event is an over 18's event and stringent checks are necessary to prevent children coming to harm.



5. Arrests

- There were 24 arrests made in relation to the festival.
- Drug arrests total fifteen and several can be attributed to the security teams located on the various entrances working diligently and effectively.
- Of note, staff were included in those arrested. This reinforces the need for an extensive search regime.
- Arrests are a demand on resources, there is a significant cost involved in detaining people in custody as well as any ongoing investigations.



6. Drugs

The current ESMP states that alcohol is the most likely risk factor in relation to intoxication.

We would submit that this is not the case, there is some level of control around the consumption of alcohol at the festival, and it is a lot harder to control the consumption of illegal drugs.

There were fifteen recorded crimes and arrests/interviews in relation to drugs at the 2017 festival. Of the suspects arrested the majority were either charged to court or cautioned for a variety of drug related offences.

The contents of the amnesty bins and the drugs seized at the search areas was collected and analysed by TicTac Ltd, a leading healthcare company who specialize in drug analysis and services to the public sector. The current values of the drugs has been provided by them.

- The total value of the drugs seized was £62,389
- The most popular drug was MDMA in its various formats, 77% of the total.
- Ketamine, a horse tranquiliser, was second most popular, although it only contributed to 11% of the total.
- A total of 2399 pills, bags, capsules etc. were seized and analysed

The final report can be summarised as follows:

	Total of bags/tablets	Price £ per gram/tablet	Value
Ecstasy Tablet	1359	10	13587
2C-B tablets	29	10	290
Amphetamine	11	10	11
Cocaine	180	100	1800
Ketamine	267	30	8010
MDMA Crystal	485	40	19400
Blotters	16	10	160
NPS other	32	20	640
Benzos	10	1	10
N,N-Dimethyl-tryptamine	0	40	0
N-ethylpentone	10	40	400
Total:	2399		£60,607
Cannabis	183 Gram		£1,782

7. Conditions

The applicant has offered some conditions, primarily around the scheduling of future ESMPs. There are also conditions offered around CCTV, Searching, Age Requirements and others.

The timing of submission of the licence application has unfortunately reduced the capacity for negotiation prior to the closing date of submission of representations. It is anticipated that between the end of the consultation period and any hearing there will be some partnership working with the applicant around suggested conditions.

7.1 Suggested Additional Conditions

The majority of the conditions below have been referenced from previous WeAre licences and other licences in the Met which have been approved, or written under direction of, the Directorate of Legal Services of the Met Police and are deemed to be proportionate, legal and in accordance with the licensing act 2003. Some have been tailored to this application for a permanent licence.

Too many conditions on a licence can lead to confusion, however, with the EMP changing annually it is necessary to provide a bespoke set of guidelines to direct future events and EMPs. Especially should personnel change or the licence be transferred.

The twenty conditions below provide a base guidance for the event in the future. They are broken down by topic.

7.2 Searching

This was a topic of concern in last year's representation and subsequent appeal process. The current application and ESMP does not address the concerns raised last year in any detail. Police expectation is that the standards of searching at the 2017 event be upheld and improved on.

The increased search regime at last year's event resulted in staff members being arrested the day before the event started for possession with intent to supply class A.

Drug dogs had identified the male had drugs concealed in his anus, 23 orange "Tesla" ecstasy tablets. There were also successes at the entrance search tent with a considerable amount of drugs seized. (5408072/17)

Unfortunately there was a report of an assault in the car park at last year's event which required police assistance and resulted in one male being arrested for assault. Whilst staff alerted police to this incident it may require an increase in staffing levels to that area to provide an increased deterrent. (5408452/17)

- ***The designated search area will be determined by the police and security manager at least six weeks prior to the commencement of the event.***
- ***Numbers of security personnel shall be agreed by the SAG prior to the event and included in the Final Event Management Plan.***
- ***Persons, equipment and vehicles shall be searched on entry to the designated search area, including staff, contractors, artists and VIPS, in accordance with the searching protocols agreed with the police and included in the final event management plan. The premises licence holder shall deploy passive drug detection dogs at all entry points to the designated search area in consultation with the police.***
- ***Dedicated teams of mobile car park security patrols be deployed at the event and security numbers be confirmed and agreed with the MPS six weeks prior to the event.***

7.3 Costs

The following conditions have been extracted from the premises licence of Wireless Festival, London Borough of Haringey.

They are added for the consideration of the sub-committee.

- ***The MPS will not perform 'stewarding' roles nor undertake the responsibilities of the event organiser or other agencies, as these are not police core duties, unless there is a formal request from the event organiser or other agency for Special Police Services (SPS), which the MPS agree to provide.***
- ***The full cost of the Traffic Management Plan, including the Traffic Management Order, staffing and barrier costs to be met by the organiser/promoter. Any request for the TMP to be supported by police officers, over and above the deployment determined by the MPS as required to discharge the core policing duties associated with each event, must be by way of a request for Special Police Services (SPS) pursuant to Section 25 of the Police Act 1996. The MPS reserves full discretion to refuse any request for SPS, and the TMP must not assume police support.***

In addition to the above.

- ***If no commitment is made by the Premises Licence Holder to request Special Police Services at least three months prior to the commencement of the event then the EMP must demonstrate how the event will proceed without any police support. This method must be agreed by the SAG six weeks prior to the event.***

7.4 Crime Prevention

Below are extracted conditions from last year's licence for consideration, all of which contributed to the prevention of crime and disorder at the 2017 event:

- *A designated member of staff to be responsible for the emptying and packaging of amnesty bins in the presence of police officers, this persons to identify themselves to police at event control at the start and conclusion of the event.*
- *CCTV to be installed at all points of searching and in search tents*
- *All security personnel to be in possession of and in contact with event radio control*
- *Mobile welfare teams, with visible uniform differentiating them from security or medical staff, to be deployed to the event with radio contact in order to identify, monitor and assist with persons intoxicated through drink or drugs. Numbers be confirmed and agreed with the MPS no later than six weeks prior to the event.*
- *A member of the welfare team to be in contact with Queens's hospital prior to and during the event.*
- *The DPS be a member of the management team of the applicant.*
- *The venue have a dedicated crime reporting tent in the main arena where a member of staff will assist in reporting crime online utilising an online tool similar to the MPS online tool or a scheme such as Facewatch or its equivalent.*
- *A steel shield be erected around the perimeter of the campsite and event and constantly monitored by security staff.*
- *A designated member of staff to be responsible for the emptying and packaging of amnesty bins in the presence of police officers, this person to identify themselves to police at event control at the start and conclusion of the event.*

7.5 Public Nuisance

- ***A complaints book or electronic record will be held on the premises to record details of any complaints received from neighbours through the dedicated noise line and the action taken. The information is to include, where disclosed, the complainant's name, location, date time and subsequent remedial action undertaken. This record must be made available at all times during the event for inspection by council officers of the initial record. Records must be submitted to the Licensing team with a final log to be submitted within a further 7 days***
- ***Upon request, authorised Enforcement Officers of the Responsible Authorities on duty in that capacity of Licensing Authority, Environmental Health Team, Metropolitan Police Service and London Fire Brigade, must be provided with security passes for full and free access at all times to each and every part of the licensed area.***

7.6 Due Diligence

- ***The tickets manifest must be sent, or shown, to the Police and Local Authority Licensing Officers and a copy kept by LB of Havering.***
- ***A record of all persons detained in the enhanced search tent, any quantities of drugs found on their person, their name, address and date of birth (as much as can reasonably be obtained) be kept and sent to police licensing officers within seven days of the conclusion of the event.***

Additional documents

The following documents have been referenced within these representations and can be provided on request.

Please contact KD-Licensing@met.police.uk for any requests.

1. SPS CALCULATIONS SPREADSHEET 2016
2. WIRELESS PREMISES LICENCE
3. LOVEBOX PREMISES LICENCE
4. SW4 PREMISES LICENCE
5. FIELD DAY PREMISES LICENCE
6. WeAre 2016 CRIMES SUMMARY SPREADSHEET
7. TICTAC DRUG DATA SPREADSHEET WEARE 2016
8. POLICE REPRESENTATIONS WEARE 2016

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
THE ADMINISTRATIVE COURT**

Royal Courts of Justice
Strand
London WC2A 2LL
27 July 2016

Before:

MR JUSTICE OUSELEY

Between:

THE QUEEN ON THE APPLICATION OF WOODWARD Claimant

v

THURROCK BOROUGH COUNCIL

Defendant

**Computer-Aided Transcript of the Stenograph Notes of
WordWave International Limited
Trading as DTI
8th Floor, 165 Fleet Street, London EC4A 2DY
Tel No: 020 7404 1400 Fax No: 020 7404 1424
(Official Shorthand Writers to the Court)**

**Mr Stuart Jessop (instructed by Direct Access) appeared on behalf of the Claimant
Mr Josef Cannon (instructed by Local Authority Solicitors) appeared on behalf of the Defendant**

HTML VERSION OF JUDGMENT (APPROVED)

Crown Copyright ©

- 1. MR JUSTICE OUSELEY:** This is the rolled-up hearing ordered by Holman J, sitting as the immediate judge, of an application for permission to apply for judicial review of a decision made by the licensing subcommittee as licensing authority of Thurrock Borough Council on 22 June 2016. A time-limited premises licence had been applied for on 19 April for a two-day music festival on 13 and 14 August 2006 at Aveley in the area of Thurrock Borough Council. A licence had been granted for this event some months before, but the event manager pulled out. The claimant postponed the event from April and applied then for a further premises licence.
- 2.** There were a number of differences between what was proposed from what had been granted. The application form was accompanied by the operating schedule, which section 17 of the Licensing Act required, and was in the form prescribed by regulations to that end. The properly formed application triggered the 28-day statutory consultation period, during which representations from those interested could be made. Such representations

were made by the Essex Police and the public protection officers of Thurrock Borough Council as one of the responsible authorities. There were also residents' objections.

3. As a supporting document, the claimant submitted a drafted Event Management Plan or "EMP" on 13 May 2016. As is commonplace, discussions were held with a safety advisory group ("SAG"), which includes police and the local authority, to discuss and potentially resolve issues before the hearing before the licensing subcommittee, a hearing which is required wherever relevant representations have been received. At the SAG meeting of 20 May 2016, concerns were raised which led to a number of documents being submitted to the council on 25 May. These included a second version of the EMP.
4. On 7 June the licensing subcommittee considered the application and representations, but both the police and the council as Responsible Authorities had continuing concerns about the information and its deficiencies. The matter was adjourned by agreement to 22 June 2016. A third version of the Event Management Plan was sent to Police Inspector Lee Argent on 14 June 2016 and also to Mr Paul Adams of the Borough Council.
5. On 17 June, the Safety Advisory Group met. The claimant was represented by Mr May. The upshot of the discussion was that a number of concerns remained outstanding and were raised and discussed at the meeting. Thereafter, Mr May pressed Mr Adams to provide a list of the outstanding concerns so that he could address them. On 21 June, Mr Adams sent the list of concerns after being pressed. That was a Tuesday. Later that day, Mr May responded with some short comments in relation to each concern. The claimant presented to Mr Adams at least and, potentially to the police, a further document entitled "A Method Statement", which the police did not read before the meeting on 22 June and nor did Mr Adams.
6. At the meeting on 22 June, at which Mr Jessop who appears here for the claimant also appeared, as is not uncommon, the claimant at the subcommittee presented their case.
7. The minutes of the meeting show that the licensing officer, who is a separate officer from Mr Adams who was engaged in considering the merits of the application and was instead an officer concerned with the procedural side of the hearing, introduced the meeting. Ms Cox says in her witness statement that she told the meeting that version three of the Event Management Plan and supporting documents had been supplied and were available at the hearing for anyone who wanted to read them.
8. Inspector Argent, according to the minutes, presented his case to the committee, highlighting first concerns around the main access route, the red gate, into the venue and the number of vehicles, private vehicles, production vehicles, shuttle buses and emergency services which all have to use an access sufficiently narrow that it could become quickly blocked and congested leading to delays for emergency vehicles. He expressed concern over the use of stewards, albeit apparently specialist stewards, but not the specialist police resources, which would be police officers who had the right, which stewards lacked, to control traffic and pedestrian movements on the highways nearby. The venue was very close to the A13 and the A136, both of which have a speed limit of 40 miles per hour or above. There was concern about festival goers, either by number or by inebriation, getting themselves into difficulties with traffic on those roads.
9. The question of why the police were not being used was raised by a councillor who was told by Mr Jessop that the management team had chosen to use this company specialising in event traffic planning. There was an interchange, via questions, between Mr Jessop and Mr Argent on a number of topics as recorded in the minutes, which seemed principally to relate to why the police had not done things more quickly than they had in relation to raising issues so that they could be answered. Mr Adams then gave evidence or made representations and there were a number of questions raised by him. The minutes do not record any intervention by the chairman of the committee preventing Mr Jessop asking any questions of Mr Adams, in particular questions in which Mr Jessop sought to ask Mr Adams as to whether the concerns that Mr Adams had expressed in his email of 21 June could not be dealt with by way of conditions on the licence.
10. There were then questions asked by the police of, as I understand it, Mr May presenting his representations. Mr Adams says that he was questioned extensively by the applicant's representative, responding fully to all the questions asked of him. There was then a further debate with the committee members asking questions of the

parties, and residents presented their case. It appears that the last event was the presentation by Mr Jessop. Questions were then asked by members of the committee and answered, including questions about the size of buses and the arrival on the scene of a new coach contractor.

11. Finally, the committee chairman asked whether everybody had said what they wanted to say. Nobody said otherwise. The committee members then retired to consider their decision. The written decision was signed on 7 July refusing the application. The decision letter summarises the events at the meeting. They heard from the police authority. The questions raised with the police authority are referred to. The police noted that the special events management staff had no authority to control traffic on the highways. There were then questions of the police. The licensing authority then gave evidence supporting what the police had said.
12. Mr Jessop's questioning of the licensing authority was then dealt with. The authority was asked why the need for further detail had not been made clear. There then follows this in the decision reasons:

"The licensing authority was asked whether the concerns could be addressed by conditions on the licence. In reply, this was a matter for subcommittee."
13. The representations of Mr Jessop were then summarised, including that there was sufficient time still to answer concerns. The most comprehensive management plan the committee had ever seen had been provided. The claimant was willing to accept any and all reasonable conditions to the licence, because of the amount already invested. The committee then recalled the questions which they asked in relation to traffic, parking and routes planned for the coaches.
14. After the committee retired to consider its decision, it came back with these as its essential reasons. The meeting two weeks before had been adjourned to allow the applicant a further opportunity to repair what the committee had considered to be gaps in the EMP, predominantly relating to the traffic management plan and the lack of control over members of the public leaving the site, mindful of the position of the venue between two fast roads. The event management plan had very similar gaps and the committee was not satisfied "that any real progress had been made in remedying those defects" within the EMP.
15. The committee noted that the applicant had confirmed he would use police support, which the police had indicated might be possible, but there was no assurance of that. The committee also considered there was insufficient planning between shuttle buses, coaches and the involvement of C2C to ensure that the site could be safely emptied at the conclusion of the event. On that basis, the application could not be granted.
16. It then turned to conditions recognising that it would try to grant applications where it could and the applicant had been prepared to accept stringent proportionate conditions:

"The committee felt, however, that there was no information before it that the conditions it might impose could be met. There was insufficient information as to whether C2C would work in conjunction with England Coaches and there is no assurance that police will be able to provide the officer assistance that it felt was required to meet the public safety objective."
17. It referred to the cancellation of a previous event, but concluded that without that information and those assurances, the most appropriate course was to refuse the application:

"Mindful that the applicant could return with a fresh application that met the concerns raised (if of course time permitted)."
18. It finished by reminding the parties that they had a right to appeal to the Magistrates' Court.
19. In relation to the judicial review proceedings, the first point I need to deal with is the question of the appropriateness of judicial review in the light of the remedy provided under section 181 of the Licensing Act 2003 for an appeal to the Magistrates' Court, which enables the Magistrates' Court to reach a decision on the merits of the application. I accept the general principle referred to in a number of cases, but I can take by way of

example from a different context *R (on the application of Willford) v Financial Services Authority* [2013] EWCA 6677, but there are many others in the same vein, which effectively makes the point that where there is any statutory remedy, it is the statutory remedy that should be pursued, unless there are specific reasons why, exceptionally, judicial review is appropriate.

20. In this particular case, Mr Jessop made what Mr Cannon on behalf of the licensing authority described as a polite inquiry of the local magistrates as to whether they would be in a position to list an appeal hearing before the intended festival date in August, to which, not entirely surprisingly perhaps, the answer was, no, they could not. On that basis, it was said that the alternative remedy effectively was not available and, hence, judicial review was the only way in which they could challenge the decision. As Holman J in ordering the rolled-up hearing remarked, it would have been interesting to see what a judicial review at the Magistrates' Court decision might have produced.
21. It is of course the case that the existence of a right of appeal does not mean that no possible judicial review can arise. It is clear that this is a case which has to be put on the basis of an error of law and is so confined, but that is nonetheless something which, given the nature of the errors of law, would have been capable of remedy before the Magistrates' Court, because the errors are related to what documents were taken into account, had been properly considered and what questions were or were not permitted. So, there is no doubt that this is not a case where the Magistrates' Court were incapable of providing a perfectly adequate remedy.
22. It is quite inappropriate for the want of time, as very briefly asserted by a Magistrates' Court, to impose upon the High Court the burden of dealing with issues which statute has said are essentially for magistrates. I agree with Mr Cannon that the enquiry made did not carry with it the force, vigour and follow-up required to make a Magistrates' Court aware of its primary function in relation to these appeals, suggesting as it did that the company was likely to go by way of judicial review if no hearing could be arranged. So, the magistrates were presented with no incentive to get on.
23. It may have been the case that with the best will in the world and pulling out all the stops and altering their listings, the magistrates still could not have coped, but the point is properly made by Mr Cannon that the reason time was so short was because the claimant had not allowed sufficient time in his application for the relevant processes to be completed, including the problem created by inadequate provision right from the outset of information necessary for a quick resolution. They had been advised by Mr Adams that six months was the minimum needed between event and application. They allowed four. Preferably, 12 months should have been allowed.
24. However, as I have heard argument and the matter is before me as a rolled-up hearing, it would be wrong now to refuse to consider the remedy which Mr Jessop seeks, but I say what I have said in order to make it clear that those who embark upon a process which includes by statute an appeal to the Magistrates' Court must allow for sufficient time for that process to be completed before the event rather than imposing themselves upon the High Court, which does after all have a number of other cases of considerable importance to deal with other than those which properly belong in the Magistrates' Court.
25. It was suggested by way of an order of departure from or addition to the grounds that the Event Management Plan itself submitted on 14 June was part of the operating schedule and for that reason alone was required to be read by the committee, which had not read it. This is something of a misconception. It could not be part of the operating schedule, because it was not in the prescribed form and did not accompany the application. Alternatively, if Mr Jessop's submission were right that it was indeed such an animal, his case was bound to fail, because the matter went to the committee before the committee was even entitled to begin to consider the matter, the statutory consultation period not having finished.
26. Mr Jessop raised a number of grounds, three of which relate in particular to the role of the Event Management Plan. He puts his point in a variety of ways to cover different aspects, but they start from the premise that there was an obligation on the committee to read the Event Management Plan, because it was such a crucial document. I reject such a duty. There was no duty at all on them to read a 300-page document dealing with a large number

Of matters, many of which were not at issue at all, because the control of the crowd inside the site and the way it would be treated inside the site was not really at issue at all.

27. The issues were much more confined ones. The way in which a hearing before a licensing committee is structured is that it is only required where there are representations and the hearing is about the representations which have been made. It is quite different in that respect from, for example, a planning committee which has to consider all material considerations and has to do so whether they are raised by representations or not. It would be a complete waste of time for them to have to read a document as opposed to focussing on what actually was an issue raised by the representations and getting on with the resolution of those points. All that the committee had to do was to understand enough to be able to reach a decision on the issues.
28. Accordingly, the part of Mr Jessop's first ground that the committee had to read the document is wrong. The committee only needed to consider it insofar as it was necessary for it to do so for the purpose of resolving any issue that arose. It may not have been necessary for it to do so at all.
29. It is then suggested that part of the problem was that the police had not read the Event Management Report, although it is perfectly clear that Mr Adams had read the Event Management Plan version three, but it is, with respect to Mr Jessop, quite wrong to say that the police had not read it.
30. The evidence from the police officer was that he had received version three on the 14th and, although he could not remember exactly when he viewed it, he had done so before the SAG meeting on 17 June 2006. It ought to have been evident, if that were wrong, to Mr May at that meeting that the police officer was talking about something which had been superseded. He continued saying that he did not recall ever stating at the hearing that the police had not read the EMP. It is quite evident that the passage in the decision letter which gave rise to this question has been misunderstood. The document which the police accepted they had not considered was the method statement submitted on 20 June.
31. The position further is, of course, that Mr Jessop was in a position to point out that the statements made by the police at the hearing and the concerns raised by Mr Adams were all nothing to the point, because they had been superseded by the content of the third version of the EMP, any traffic management plan and any method statement. That was all open to Mr Jessop to explain to the committee and point out that the objections had been overtaken by events, if that has been the case. The police made very clear the full extent of their objections and Mr Jessop was well in a position to explain what the position was.
32. The second way the matter is put is that the subcommittee failed to consider a relevant factor, but the principal point here is the police acceptance that they had not considered the Event Management Plan. That, as I have said, is a misunderstanding as to what was actually said. They had not considered the method statement. Mr May's evidence misunderstands what the evidence was about. It was those matters in particular, namely, the consideration given to the Event Management Plan that had troubled Holman J, but on analysis, in the light of the documentation now received from the defendant, there was no need for his concern.
33. There is a suggestion that the reasons given by the subcommittee are inadequate, because it implies that they had read the revised EMP when in fact they had not done so. What the decision said was:

"The plan before them today had very similar gaps and the committee was not satisfied that any real progress had been made in remedying those defects within the Event Management Plan."
34. But they had heard the debate about it. They knew from what they were told what the main problems were and they had no answer provided to them from the Event Management Plan showing that those problems had been solved. Those were the problems with the use of non-police stewards for highways, the coaches, the adequacy and certainty of their number and the risk of blockage of the red gate entry and access creating problems for the emergency services, should anything go wrong in the festival and require attendance for dealing with quite a sizeable crowd.
35. The final point, although not unrelated to the EMP, has something of a different flavour. It is to the effect that if

Mr Jessop had known the subcommittee had not read the plan, he would have conducted his representations completely differently. As to its first part, I do not accept that. It was open to Mr Jessop to check what had been read, but, more importantly, it was open to him to use the Plan to support his contentions that the issues had been resolved or could be resolved by conditions. In reality, the gravamen of this point is the assertion that he was prevented from asking questions of Mr Adams about the email sent to Mr Adams, in which there were very brief and not entirely informative answers to concerns expressed about the Event Management Plan. As I have said, there is nothing in the minutes which suggests that he was prevented from asking questions. Indeed, the decision letter itself, in the passage that I have already quoted, recalls the licensing authority was asked whether the concerns could be addressed by conditions and the reply was that that was a matter for the subcommittee.

36. Mr Jessop has entirely professionally done his level best to avoid giving evidence as to what happened and I shall respect that. Mr May gives evidence in these brief terms. After saying that Mr Jessop asked Mr Evans to respond to the email of 21 June from Mr May, Mr Adams replied he did not have time to consider them:

"It is my recollection that Mr Jessop was then prevented by the committee from asking further questions about this and, in particular, asking questions about whether these outstanding concerns expressed by Mr Adams in those emails could be made subject to conditions."

37. I am not concerned here with broader issues of whether the committee was exercising the powers which it has under the Licensing Act 2003 (Hearings) Regulations statutory instrument number 44 2005 regulations 23, which says that cross-examination is not permitted unless it is expressly allowed, or under regulation 16, which says that parties may be allowed to question each other with the permission of the authority. It is clear that questioning inter partes was permitted at this hearing. It may be that the answer given, according to Mr May, that he had not had time to consider documents persuaded the subcommittee, if their minutes and decision letter are wrong, that there was no point in asking questions of somebody who had not had time to consider the document about which he was being questioned. That would be a perfectly proper exercise by the committee of their discretion as to how to run a hearing.
38. It may be that the answer is as given by the committee; namely, that this was a matter for the subcommittee to consider, but even if Mr Jessop were right that the committee had stopped him asking Mr Adams about the conditions, there is nothing unfair about that, given the limited role of questions generally. This is not a case in which an advocate is entitled to press the questions to the extent he judges appropriate in his client's interests.
39. This was a case in which Mr Jessop was entitled to make the point to the subcommittee that the issues raised were now covered either by the answers in the email or by the method statement or by such other document as he chose to refer to, which would at the same time have enabled him to repeat the point, if he made it, that the police and council officers were not up to speed with what was being proposed. He was in a position to make those points to the committee and invite them to impose conditions. He either did so, in which case there is no unfairness, or he did not, in which case there is no unfairness. Fairness did not require that he be permitted to press questions.
40. Mr Jessop responds that of course there is advantage in having an answer from the officer, because then there is information. One of the things that concerned the committee was a lack of information, but the information that mattered was, if it existed at all, in the documents which Mr Jessop was in a position to deploy. He deployed it, as he said, in a generic fashion. The submission that there was unfairness is, in my submission, quite wrong. In any event, as I have said, he was going to get no joy worth anything of substance from a witness who had not read and studied the documents which the questions were based on.
41. For those reasons, I have concluded that this is not a case in which I am prepared to grant permission. If all the material had been before the judge on paper, permission would have been refused. Having examined the material and heard the argument, I am satisfied that this case is in reality unarguable. Accordingly, I refuse permission.
42. MR CANNON: My Lord, I am grateful. The local authority applies for its costs. I apprehend that my Lord does not have a costs schedule, given that my Lord does not have the most recent version of the bundle, which is

where it appears, but I can hand up a copy. I know my learned friend has a copy, because he included it in the bundle that he kindly served on me.

43. MR JUSTICE OUSELEY: How much are you asking for?

44. MR CANNON: My Lord, that is the only copy I have, but from memory it is £4,100 and something.

45. MR JUSTICE OUSELEY: £4,782 grand total.

46. MR CANNON: That sounds right.

47. MR JUSTICE OUSELEY: Mr Jessop.

48. MR JESSOP: I have no submissions as to the quantum.

49. MR JUSTICE OUSELEY: £4,782. You very much.

