

## LICENSING SUB-COMMITTEE

14 July 2020

<b>Title:</b> Application for a 10-year Time-Limited Premises Licence - Springmerch LTD, Weare Music Festival, Central Park, Dagenham	
<b>Report of the Service Manager Public Protection, Regulatory Services</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> Heath	<b>Key Decision:</b> No
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<b>Accountable Director:</b> Andy Opie, Operational Director, Enforcement Services	
<b>Accountable Strategic Director:</b> Fiona Taylor, Director of Law and Governance and Deputy Chief Executive	
<b>Summary</b>  An application for a 10-year time limited premises licence has been made by Springmerch LTD in respect of Weare Music Festival, at Central Park, Dagenham RM10 7EJ.  The application is submitted during unprecedented times the Country is facing during the COVID – 19 Pandemic.  Three representations against the premises licence application has been received from the Metropolitan Police Licensing Officer, Barking & Dagenham Council Licensing Responsible Authority Officer and Barking & Dagenham Council Community Safety 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.	
<b>Recommendation</b>  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.	
<b>Reason(s)</b>  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

2.1.1 On the 19 May 2020, Springmerch LTD submitted an application to hold 1 x 2 day music festival in Central Park Dagenham each year for the next ten years, with the first set of festivals scheduled to take place on Saturday, 12 September 2020 and Sunday, 13 September 2020, subject to all necessary consents being obtained and to Covid – 19 restrictions permitting. Dates for the festivals in subsequent years to be agreed between the applicant and the Council’s Events team with an agreed notice period provided. A Copy of the application is attached as **Appendix A** and Plan attached as **Appendix B**

2.1.2 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 23,500 on Saturday, 12 September and 23,500 on Sunday 13 September 2020, whereby 1000 of the expected amounts will include staff and performers. Subsequent operating capacities will be affected by scheduled works to the park.

2.1.3 The applicant seeks the following licensable activities for one event over two days;

- Live Music, Recorded Music and Supply of Alcohol – between 11:00hrs to 22:30hrs.

- 2.4 The Designated Premises Supervisor (DPS), intended to hold overall responsibility for authorising alcohol sales made at the festival, is Dan Wilson, who holds a personal licence issued by Brighton & Hove Council.
- 2.5 The Event Safety Management Plan (ESMP) for the 2020 event is being considered alongside this application by the partnership arrangement with the Event team through the Safety Advisory Group (SAG)
- 2.6 A Copy of the Weare Festival Line up and Performance for 2020 are attached as **Appendix I**
- 2.7 The event held in Central Park in September 2019 by Defected London Ltd was linked to the organiser of this present application, albeit with a different DPS. That event was largely without incident and nothing arose which is relevant to this application.

### **The representations**

- 2.8 A representation is received from a Responsible Authority namely the Licensing Authority Responsible Officer on behalf of the London Borough of Barking and Dagenham under all four Licensing Objectives, The Prevention of Crime & Disorder, Public Safety, Prevention of Public Nuisance and The Protection of Children from Harm **as Appendix C**
- 2.9 A representation is received from a Responsible Authority namely the Metropolitan Police Licensing Officer under all four Licensing Objectives, the Prevention of Crime & Disorder, Public Safety, Prevention of Public Nuisance and The Protection of Children from Harm **as Appendix D**
- 2.10 A representation is received from a Responsible Authority namely the Community Safety Operations Manager on behalf of the London Borough of Barking and Dagenham **as Appendix E**
- 2.11 Due to the unique situation in the Country and wider world have seen and continue to see along with government guidance and restrictions relating to the COVID – 19 Pandemic , The London Borough of Barking & Dagenham Public Health Department have provided documents issued by the World Health Organisation relating to Mass Gatherings, Health Protection advise for participants in protests for information only **as Appendix F**
- 2.12 Two representations in support of the application were received namely, from one member of the public who had previously attended a festival and a transport provider Ensign who have previously engaged and provided transport relating to festivals for the past 7 years - attached as **Appendix G**
- 2.13 Ward Councillors were consulted and there were no objections received.
- 2.14 Applicant letters sent to each representor in response to the representations Attached as **APPENDIX H.**

2.15 Conciliation meetings have been held with Responsible Authorities who submitted objections. Namely the Metropolitan Police, was held on Monday, 29 June 2020, Licensing Responsible Authority meeting was on Wednesday, 1 July 2020 and Community Safety Operations manager was planned for Friday, 3 July 2020, however this was postponed to Tuesday, 7 July 2020.

### **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 Deirdre Collins, Prosecution Barrister, Law and Governance

5.1 The London Borough of Barking and Dagenham, must have regard to:

- The Licensing Act 2003
- Subordinate Legislation
- S.182 Guidance
- Case Law
- LBBD Statement of Licensing Policy

5.2 In addition, the Government has published “The Guidance on Closing Certain Business and Venues in England, 3 July 2020” (<https://www.gov.uk/government/publications/further-businesses-and-premises-to-close>).

5.3 In particular the LSC should have particular regard to section 3 of that guidance which provides that “*Local authorities should avoid issuing licenses for events that could lead to larger gatherings forming and provide advice to businesses on how to manage events of this type*” and also that “*At this time, venues should not permit live performances, including drama, comedy and music, to take place in front of a live audience*”.

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

### List of appendices:

- Appendix A – Premises Licence Application.
- Appendix B – Plan
- Appendix C – Licensing Responsible Authority Representation.
- Appendix D – Metropolitan Police Licensing Representative
- Appendix E – Community Safety Operation Representations
- Appendix F – WHO and Public Health advice document
- Appendix G – Ensign in support and previous festival attendee email
- Appendix H – Applicant response letters to representors
- Appendix I – Weare Festival Performance and Line Up.