

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 7 February 2019 at 10.00 am at Ground Floor Meeting Room G01A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Jon Hartley
Councillor Lorraine Lauder MBE

OFFICER SUPPORT: Debra Allday, legal officer
Wesley McArthur, licensing officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Councillor Hamvas advised that she was a Peckham Rye ward councillor and that she had received complaints from residents after the previous year's event. She advised that this was a non-prejudicial interest.

Councillor Jon Hartley advised that he was a Dulwich Hill ward councillor and that he had received complaints from residents after the previous year's event. He advised that this was a non-prejudicial interest.

5. LICENSING ACT 2003: CO-OPERATIVE, 86 - 96 EVELINA ROAD, NUNHEAD, LONDON SE15 3HL

It was noted that this item had been deferred to 15 March 2019 at the request of the applicant.

6. LICENSING ACT 2003: 'GALA & 'JAM ON RYE' FESTIVALS, PECKHAM RYE PARK, PECKHAM RYE, LONDON SE15 3JA

The licensing officer presented their report. They advised that the environmental protection team had conciliated with the applicant. Members had no questions for the licensing officer.

The applicant and their legal representative addressed the sub-committee. Members had questions for the applicant and their legal representative.

The local residents objecting to the application addressed the sub-committee. Members had questions for the local residents.

All parties were given five minutes for summing up.

The meeting adjourned at 12.30pm for the members to consider their decision.

The meeting resumed at 1.16pm and the chair advised all parties of the decision.

RESOLVED

That the application made by We Are the Fair Limited for a time limited premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as Peckham Rye Park, Peckham Rye, London SE15 3JA is granted as follows:

The provision of plays, films, live music, recorded music, performance of dance, any thing similar to live or recorded music

- Monday from 11:00 to 22:00
- Saturday or Sunday from 11:00 to 22:30

The sale of alcohol for consumption on the premises

- Monday from 11:00 to 21:30
- Saturday or Sunday from 11:00 to 22:00

Proposed opening hours of the premises

- Monday from 11:00 to 22:30
- Saturday or Sunday from 11:00 to 23:00

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, any conditions derived from the operating schedule in Section M of the

application, and the following conditions:

1. That there will only be one event per calendar year, taking place for a maximum of two days for three years ending 31 December 2021.
2. That there will be no amplified music or other entertainment after 22:30 on Saturday or Sunday and 22:00 on Bank Holiday Monday.
3. That the maximum duration of events per day will not exceed 11.5 hours (Saturday and/ or Sunday) and 11 hours (Bank Holiday Monday).
4. That each and every event would be presented individually to the Safety Advisory Group (SAG) which will be approved by the responsible authorities.
5. That a Challenge 25 policy will be in operation at all bars. Clear signage will be in place informing customers of this policy. The designated premises supervisor (DPS) will ensure that all staff are briefed on the acceptable forms of ID.
6. That events will be categorised as either '18+ Only' (Gala) or 'Family Friendly' (Jam on Rye).
7. That events categorised as '18+ Only' (Gala) will operate a 'No ID, No Entry' policy to guests, details of which are included in the event safety management plan (ESMP). Challenge 25 will also be in operation at the entrance to the event.
8. That events categorised as 'Family Friendly' (Jam on Rye) will feature a comprehensive child welfare policy which will be detailed in the event safety management plan.
9. That maximum capacities for events will be agreed with the SAG during the planning process will be approved by the responsible authorities.
10. That the events Gala and also Jam on Rye will be ticketed and open to ticket holders only.
11. That the event organisers shall have a means of counting in the people entering the event site to ensure that they are able to provide on request, the number of people on site at any point in time to authorised officers.
12. That locked amnesty bins shall be provided for the disposal of alcohol and other waste.
13. That an event and site-specific event safety management plan (ESMP) will be developed and shared with the licensing authority and SAG.
14. That the ESMP will include details on the following subjects: event risk assessments, event schedule, site plan, fire risk assessment, security and crowd management plan, drugs policy, liquids policy, alcohol management plan, traffic management plan, egress plan, waste management plan, medical management

plan, adverse weather plan, crisis communication plan, noise management plan, child sanitation plan, welfare/vulnerable persons policy. These documents will be living documents which will be reviewed and revised in the planning phases of the events.

15. That a reputable and experienced SIA accredited security and stewarding company will be appointed to ensure the public safety and to prevent crime and disorder.
16. That the ESMP crowd management plan will outline the number, position and roles of the security and stewarding staff working at the event.
17. That the security and crowd management plan will outline the details of the level of search on entry to be implemented.
18. That searches will be carried out by SIA registered staff of the same sex as those being searched.
19. That the drugs policy will include new psychoactive substances (NPS) and No2/ NOS/ Nitrous Oxide. No2 will not be permitted on site and any found on entry will be confiscated.
20. That anyone found on entry with more than the agreed quantities for personal consumption (as outlined in the drugs policy) of controlled substances or NPS will be refused entry and the police informed immediately.
21. That anyone found with an offensive weapon on entry will be refused admittance and the police informed immediately.
22. That each bar on site shall have a dedicated bar manager or supervisor and team who shall be conversant with the requirements and responsibilities for the sale of alcohol and shall be given written designation of their responsibilities.
23. That the DPS shall brief all bar staff before each event. A written record of this briefing shall be kept on site.
24. That all drinks shall be sold in either opened cans, PET containers or decanted into polycarbonate vessels. No glass will be permitted into the public festival arena. Glass bottles will be retained behind bars for disposal.
25. That an event and site specific risk assessment and fire risk assessment will be undertaken and implemented.
26. That the premises licence holder shall carry out a suitable and sufficient medical risk assessment as well as use the Health and Safety Executive (HSE) "purple guide" on outdoor events to determine the level of first aid provision for the event, such that there is no undue demand on National Health Service resources.
27. That all emergency exits, toilets and first aid posts shall be clearly indicated by means of signage, such that it is visible to attendees.
28. That the appropriate type and number of fire fighting equipment shall be provided throughout the site. Locations and numbers will be specified in the ESMP.

29. That a queueing system will be designed and implemented at the main entrance to minimise waiting time whilst maintaining crowd safety.
30. That crowd Management Stewards tasked with entry lane queue management will wear hi-visibility tabards.
31. That loudhailers will be deployed at the entrance to assist stewards in providing information to customers regarding delays and other pertinent information.
32. That an agreed number of stewards and marshals will be deployed to manage the egress phase of the events. These stewards and marshals will wear hi-visibility tabards and will also be supplied with loudhailers. The number, role and position of these staff will be detailed in the security and crowd management plan, egress plan and traffic management plan.
33. That the egress plan and traffic management plan will take into account any service disruptions to local rail services and any subsequent rail replacement bus services.
34. That the egress plan will be submitted to the SAG for approval a minimum of six weeks prior to the event.
35. That the traffic management plan will be developed following consultation with Southwark Highways and Parking departments as well as Transport for London. The Traffic Plan will be adhered to during the event.
36. That no vehicles or generators will be placed beneath trees and event infrastructure will not be positioned where it may be possible to damage tree roots or canopies.
37. That a qualified and suitably experienced noise management consultancy will be appointed to produce a noise management plan (NMP) and provide representatives on site during the live hours of the event.
38. That no waste glass or similar items shall be disposed of (“bottling out”) between the hours of 20:00 and 8:00.
39. That noise levels will be maintained in accordance with the noise management plan within the maximum levels expected to be between 67dB and 73dB without exceeding 75dB at any time at the façade of local residential properties. All dB readings shall be available for inspection by MPS and Southwark environmental protection officers.
40. That local residents will receive prior notification of the event including details of the event timings. The distribution radius for the notification letter will be agreed with the local authority. This is to include local businesses that may be affected by attendees to the event during ingress and egress.
41. That a noise “hot line” number will also be included to allow residents to contact an event representative should they need to make a complaint during the event.
42. That the premises licence holder shall have in place an arrangement (contract)

with a reputable waste management company to manage the event site and externally affected areas for the duration of the event and post event clean up.

43. That the event will be a ticketed, 18+ music festival (Gala).
44. That no person under the age of 18 will be permitted to enter the event site for Gala.
45. That a challenge 25 Policy will be in force at all festival bars.
46. That the event will operate a 'No ID, No Entry' Policy.
47. That a child welfare and vulnerable person procedure will be in place and will be detailed in the ESMP. This will outline action to be taken in the event that under 18's attempt to gain entry to the event or are discovered within the event perimeter.
48. That children are to be supervised by an adult at all times. Parents/carers will be responsible for their children.
49. That any child under the age of 16 must be accompanied by an adult (over the age of 21).
50. That each adult will be allowed to be responsible for a maximum of three children (under 16).
51. That wristbands will be provided on entry to all children to allow parents/carers to write their phone number on the inside of the wristband.
52. That a dedicated lost children point will be set up and manned by DBS checked staff (minimum of two on duty).
53. That a challenge 25 policy will be in force at all festival bars.
54. That a child welfare and vulnerable person procedure will be in place and will be detailed in the ESMP.
55. That the organiser will be required to employ a noise control consultant who shall carry out a test of the noise sources prior to the event. The tests shall be conducted at the nearest residential premises.
56. That the organiser should ensure an officer from environmental protection team is invited to the proposed sound tests prior to the event (preferably one day before the event).
57. That the organiser shall ensure that all requests from the Council Officers are complied with.
58. That details of two contact telephone numbers including a mobile telephone number, permanently staffed during performances, are to be made available to council officers prior to the event(s).
59. That at least one week prior to the beginning of the event a leaflet drop is to be

made to households in the immediate area. The leaflet is to include a timetable and description of each performance and the contact telephone numbers.

60. That the applicant should ensure that the predicted levels and proposed noise level limits are not exceeded during the event. These limits shall be subject to review during this event and feature events EPT are to receive a substantiated noise complaint if at any point during the event.
61. That regular checks are to be carried out at the nearest sound sensitive locations to the event (e.g. houses, residential homes, churches) to monitor the noise and ensure that the limit set is not exceeded.
62. That the volume of all sound equipment on site shall be the responsibility of the noise control consultant appointed by the event organiser.
63. That no additional sound equipment shall be used on site without the prior agreement of the council's environmental protection team and the appointed noise control consultant.
64. That the appointed noise control consultant shall continually monitor noise levels at the sound mixer position and instruct the sound engineer accordingly to ensure that the above noise limits are not exceeded. The Council shall have access to the results of the noise monitoring at any time.

Reasons

The reasons for the decision are as follows:

The licensing officer presented his report to the licensing sub-committee and advised the members that the representations from all of the responsible authorities had been conciliated. As a result a comprehensive schedule of conditions had been agreed between the applicant and responsible authorities.

The licensing sub-committee then heard from the applicant who advised that the Gala Festival had been named in the best festival listings for Time Out magazine and The Independent newspaper and thereafter, referred to the representations that had been submitted by other persons in support of the application, in particular Party 13:

"I've been to Gala for the last 3-years since its conception...and seen it grow to a real hub for diversity, culture and inclusivity attracting people from all over London and beyond.

....Peckham is a young thriving community of creatives and Gala is a festival that couldn't be more aligned with that identity.

I can honestly say that Gala was one of the best days I've had at a festival".

The festival would have the same format as the 2018 event, but with substantial detailed conditions. The applicant sought an increase in capacity to 9,999. For the 2018 event, the sub-committee reduced the capacity to 8,000 based solely on the major transport stations being closed. This was no longer the case, so a realistic and safe dispersal of the increased capacity could be guaranteed. Overall, the capacity increase could be viewed

as small, so would have no significant negative impact.

In addition, the applicant had organised an extremely detailed consultation plan that would be rolled out on an annual basis between July (being a debrief with the SAG following the event) up until April the following year with residents' drop, stakeholder's meeting and ecology consultation.

The applicant also sought a time limited licence for three years; not to circumvent the system. Three years had been agreed (in principle) with Southwark's Safety Advisory Group (SAG). The time limited application also detailed one event per year, which would be over three days, rather than the two days as per the 2018 application. This would give the applicant flexibility for future years. The application failed to provide any information or detail as to what the third day would consist of.

The applicant maintained that the event was for the benefit of the local community and put Peckham on map: discounted tickets for both days events were made available to local residents. A large proportion of those attending came from the SE15, SE22 and SE23 postcodes and therefore the dispersal issues anticipated in 2018 didn't occur as many patrons could walk home from the events. This was determined by the ticket sale data.

The licensing sub-committee noted that submissions from other persons, namely 28 objectors and seven supporters. The representations objecting to the application are concerned that significant noise nuisance, crime and disorder, endangerment of public safety and risk to children is likely to arise as a result of the proposed event. The representations contend that these issues were noted when the same festivals took place at the premises on 27 and 28 May 2018.

The licensing sub-committee then heard from three other persons who had submitted objections to the application, being parties 4, 33, and 34.

Party 4 advised that they had objected to the previous time limited applications, but each year the event became bigger and the capacity extended. The event closed off the park for the rest of the community and the introduction of a fourth stage meant the event was increasing by 25% in size.

Party 33 similarly referred to the poor consultation, noise and detrimental impact the event had on the environment.

Party 34 referred to the poor consultation that had taken place for the 2018 event and reference was made that the only consultation that had taken place for the 2019 event was the blue posters for this application. The park is very well used and is considered as an extension of local residents' homes that have no gardens. It was morally wrong to close off a public park for the benefit of a limited company. The noise generated from the event was unacceptable and those living in the vicinity could not escape from it.

The licensing sub-committee considered the level of objection raised by the local community and whilst a large number of local residents had submitted objections, there was also a good deal of support. The applicant is a reputable award winning event production agency that delivered large-scale events. The applicant has made considerable improvements with their engagement with the community and rolling consultation was now in place, which includes a consultation website.

Furthermore, the applicant agreed 64 conditions with the responsible authorities (in

addition with SAG) demonstrating their commitment to reduce any negative impact on the community and environment, which includes (amongst things) consultation with an ecology officer to establish appropriate timelines for ecology surveys and the impact from noise will be reduced from the re-position of the speakers and the implementation of a noise hotline. The 2018 event resulted in few noise complaints and this is demonstrated by the environmental protection team's lack of detail of complaints made to them, in addition to their agreement to a conciliation.

This licensing sub-committee are therefore of the view that there would largely be only 2-days where the community would be negatively impacted and with the provisions in place, the overall benefit of the two day event out weighed the negative to the community. Local residents are advised that should the applicant breach the terms of any of the licence conditions or alternatively, if they should undermine the licensing objectives, then they should exercise their right to review the premises licence.

The licensing sub-committee did consider the applicant's request for a third day to be included in each annual event. Unfortunately, the applicant failed to provide sufficient information that justified their need for this. The applicant is reminded that a variation application could be submitted, should the details for a third day become available.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

Appeal rights

The applicant may appeal against any decision:

- a. To impose conditions on the licence
- b. To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a. The licence ought not to be been granted; or
- b. That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting ended at 1.20pm.

CHAIR:

DATED: