

2013.

Minutes of LSC hearing and decision to grant licence in

**MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE  
MONDAY, 16 DECEMBER 2013**

Councillors Beacham, Brabazon and Demirci

Also Present Councillor Reece

<p><b>SLSC11.</b></p>	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>There were no apologies for absence.</p>
<p><b>SLSC12.</b></p>	<p><b>URGENT BUSINESS</b></p> <p>There were no items of urgent business.</p>
<p><b>SLSC13.</b></p>	<p><b>DECLARATIONS OF INTEREST</b></p> <p>There were no declarations of interest.</p>
<p><b>SLSC14.</b></p>	<p><b>SUMMARY OF PROCEDURE</b></p> <p>Noted.</p>
<p><b>SLSC15.</b></p>	<p><b>APPLICATION FOR A NEW PREMISES LICENCE AT LIVE NATION, FINSBURY PARK, SEVEN SISTERS ROAD, N4 2AB</b></p> <p>The Licensing Officer, Daliah Barrett, presented the report on an application for a new premises licence on behalf of Live Nation for Finsbury Park, Seven Sisters Road, London N4 and covered the following points:</p> <ul style="list-style-type: none"> <li>• The police had made representations regarding the application as set out in the agenda pack. Agreement on most of these had now been reached with the applicants, with the exception of proposed closing times, which the police and applicant would cover in their representations to the Committee.</li> <li>• Environmental Health had also made representations on the application and it was reported that some agreement had been reached on the conditions proposed, although some detailed wording was still to be agreed, which would be covered by Environmental Health and the applicants in their address to the Committee during the hearing.</li> <li>• The Licensing Authority had made representations in respect of the application, and all of their proposed conditions had been agreed with the applicant, with the exception of the terminal hour for regulated entertainment and the sale of alcohol on Sundays. The proposed condition around searches was deleted, as the Licensing Authority were happy to accept the wording of the police's proposed condition on this matter.</li> <li>• Representations had also been received from local residents, the London Borough of Islington and local Councillors, the majority of which related to the potential for public nuisance</li> </ul>

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arising from the application. Measures suggested in the representations included stricter noise restrictions, advance warning of events, earlier finish times, a reduction in the size of the licensable area and controls on access of lorries and other heavy machinery to the park, for greater mitigation of the impact on park users and local residents. Concerns had also been expressed regarding the effect of holding events on school days, and the negative experiences of events held by a different promoter during the previous year.

- Ms Barrett gave further details of some of the issues that had arisen during the event by SJM during the summer 2013. It was noted that different ingress / egress routes had been trialled which had led to congestion issues and crowds outside nearby public houses, and to problems with the nearby school and access to local bus-stops.
- A de-brief meeting had been held following the event, at which the need for additional toilet facilities outside the event boundary had been discussed, in light of concerns regarding public urination.
- Given issues that had arisen in respect of nearby schools, the parks service had liaised with the schools and discussed with them measures that would be taken to avoid such problems with future events. Although the concerns raised related to an event organised by a different promoter, it was reported that Live Nation had been in discussion with the parks service regarding how to avoid such issues in future and that this dialogue was ongoing.

In response to a question from the Committee regarding the lessons that had been learned following the Stone Roses concerts organised by SJM, Ms Barrett advised that these included the need for providing toilets on the periphery of the event space, and the need for litter to be removed from site after the event as well as being collected. It was also reported that the trial with multiple entrances to events would not be repeated, and that communications with local residents and with TfL would be enhanced. The Committee asked what sanctions would be imposed were a promoter to breach their commitments in respect of events. Ms Barrett advised that the licence could be reviewed, and that additional requirements could be put in place for future hire agreements with that organisation, over and above the conditions on their licence.

The police presented their representations on the application, as set out in the agenda pack. Further to discussion with the applicants' representative, Mr Phil Crier, it was noted that most of the conditions proposed by the police had been agreed. While the representation objected to the granting of a licence without a time limit, it was reported that the police no longer objected to an indefinite licence, and with regard to the proposed condition around artist behaviour, it had been agreed that the police would withdraw their proposed condition and would concur with the wording of the condition proposed by the

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Licensing Authority in respect of this matter. The police still felt that licensable activities should cease at 10pm on Sundays, as opposed to the 10.30pm end time sought by the applicants, on the basis of transport availability on Sunday nights and the risk of people being unable to board public transport in order to leave the area which had the potential for leading to public nuisance and crime and disorder.

The police called as a witness a senior planner from TfL to go through some figures provided regarding transport capacities from Finsbury Park station for a range of event finish times on different days of the week. It was noted that these figures included assumptions, including there being no problems on the transport network, non-attendance figures, estimates of people leaving the event early and numbers of people wishing to use rail and tube services in different directions from Finsbury Park station. On the basis of the figures provided, it was estimated that approximately 10.5k people would be unable to board a train from Finsbury Park for an event of 45k capacity, finishing at 10.30pm on a Sunday, whereas there would be no capacity issues for a 10pm finish on a Sunday. On the basis of this data, a 10pm finish time on Sundays was recommended and it was confirmed that the O2 arena ceased events at 10pm on Sundays in order to reflect the tube service.

In response to a question from the Committee regarding the police's role at events, it was reported that stewarding and managing crowds outside nearby stations would be the responsibility of the event organiser and not the police, although the police would work with the event organiser and would be present, though not in a stewarding role. In response to a question from Mr Crier regarding discrepancies between the capacity figures provided at the hearing, and those provided in advance of the Stone Roses concerts, it was confirmed that the data for the Stone Roses events had been produced in response to specific assumptions provided by SJM, which would account for these differences. TfL confirmed, in response to a question from Mr Crier, that the information provided was based solely on current transport provision and that, in the event of any changes in circumstances or assumptions, this data would need to be reviewed. Mr Crier requested that a more flexible condition be imposed, enabling a 10.30pm finish in the event that the applicants were able to reach agreement with the responsible authorities 28 days in advance of an event that the later finish could be handled safely, but a 10pm finish if such agreement could not be reached. On the basis of the data provided, the police advised that they could not foresee any measures that would enable the transport concerns for a 10.30pm finish on a Sunday to be safely addressed.

Derek Pearce, Enforcement Response, spoke on the representations made by Enforcement Response on the grounds of public nuisance. The conditions proposed were intended to reduce the impact of large events in Finsbury Park on local residents, and it was reported that a slightly amended version of the proposed conditions had been

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submitted which differed from the version in the agenda pack as follows:

- Condition 2) to be amended such that an electronic record of complaints could be held as an alternative to a complaints book and for a finalised version of the record to be provided to the licensing team by the end of the next working day after the end of the event.
- Condition 7) in respect of sound checks to be reworded to more closely reflect the equivalent condition imposed on the licence granted to SJM.
- With regard to the proposed condition 10), the applicants had requested that this be amended as follows 'The guidance of *Any reasonable request* of the Licensing Officer representative will be complied with by the Premises Licence holder in regard to sound levels'. Mr Pearce however did not agree to this proposed wording, in order to avoid dispute regarding the definition of the word 'reasonable' in the event of a disagreement between the licensing authority and licence holder. It was confirmed that this was a matter that the Committee would need to take a decision on.

Mr Crier requested that the proposed Enforcement Response condition regarding complaints be further amended such that an initial version of the complaints record be provided to the licensing team by the end of the next working day after the end of the event, with a finalised version submitted within 7 days, and this amendment was agreed.

Jan Hart, London Borough of Islington, spoke to the written representation submitted on behalf of the borough, setting out concerns regarding the impact of the application on residents of Islington as follows:

- Noise monitoring stations were requested to be located within Islington.
- A request was made for there to be greater communication with Islington residents regarding events in Finsbury Park.
- There were concerns regarding the capacity applied for, and it was felt that a capacity of 40k would be more appropriate, as large numbers of people exited events into Islington in order to access public transport.
- It was requested that issues such as the number of events permitted and when these could be held should be conditioned within the licence itself in order to provide greater control.
- Islington agreed with the police representation that the finishing time on Sundays should be 10pm.
- It was requested that the event organisers should arrange for stewarding to nearby Arsenal tube station as well as Finsbury Park.

Following the representation made by Ms Hart, Ms Barrett advised the

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Committee that the possibility of locating noise monitoring stations within Islington was being explored by officers, but agreement on this had not yet been reached. In response to a question from the Committee regarding arrangements for events at the Emirates Stadium, it was reported that event organisers provided stewarding at all nearby stations, with a police presence, and with a traffic management order in place. Mr Crier advised that with regard to the request for stewarding at Arsenal station, the applicants would be happy to consider this as part of the egress arrangements that they would establish with the Safety Advisory Group (SAG).

A number of local residents and Cllr Katherine Reece, local ward Councillor for Stroud Green, addressed the Committee with representations on the application as follows:

- The applicants were asked how they would arrange the build and breakdown periods for events in such a way as to reduce disruption to local residents, as had been promised in their letter circulated prior to the hearing.
- Given the problems that had arisen at the Stone Roses concerts, despite the safeguards put in place, it was felt that the solution would be to limit the frequency and capacity of events; a 50k capacity was felt to be excessive.
- The purpose of Finsbury Park was for recreation and wildlife; following previous events, affected areas of the park had been unusable for a significant period of time and it had not appeared that consideration had been given to the long term impact on the park.
- Events caused a significant noise nuisance in a residential area, and made many residents' homes intolerable.
- It was suggested that hours for the sale of alcohol should be reduced, and that there should also be a full review of acceptable sound levels.
- Objections to the application were made on the grounds of crime and disorder, public safety and public nuisance, all of which were exacerbated by the sale and consumption of alcohol within and around the event, and the very large numbers of people involved.
- The issue of antisocial behaviour outside the event, which was not in the direct control of the event organisers, needed to be addressed.
- Local residents felt that they had to go away during events in order to avoid disturbance, and those who did not go away had to sit inside with all their windows closed, even on warm days.
- Events on Fridays had a negative impact on nearby schools, and it was not felt that school children should be exposed to people who had been drinking alcohol or were under the influence of drugs.
- It was requested that the licence should be time-limited, rather than indefinite. It was also suggested that the finish time for music should be 10pm, with sales of alcohol ceasing at 9.30pm

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and that sound levels needed to be strictly monitored.

- Events lasting for three days were felt to be excessive, and it was suggested that no events should take place on a Sunday so that children could prepare for school the next day.
- Use of the park for events restricted residents' leisure opportunities, and took up too great a proportion of the summertime. Many residents relied on the park for outdoor amenity as they did not have gardens.
- Local councillors had received a large number of complaints following the Stone Roses concerts and it was important that these problems were not repeated.
- The event organisers needed to explain how they would handle social media, which enabled large numbers of people to make arrangements for congregating and was therefore a concern if not addressed.
- The potential for as many as 10k people not being able to board public transport at Finsbury Park at the end of events on Sunday was extremely concerning and could not be allowed to happen.
- It was suggested that, given the impact on local schools, no events should take place on Fridays.
- Event organisers needed to put measures in place to reduce the risk of accidents in the park during build and breakdown times.
- Further information on emergency planning procedures needed to be provided.
- It was requested that Ward Councillors for the surrounding wards should be consulted regarding the strategy for communicating with local residents.

In response to a question from the Committee, residents could not say why a review of the licence had not been applied for after the Stone Roses concerts, and confirmed that they would bear this in mind for the future. In response to a question from Mr Crier, residents accepted that income from events in the park may contribute to investment in park facilities, but were not convinced regarding the level of benefit when compared with the disruption caused by events.

Mr Crier addressed the Committee on behalf of the applicants, Live Nation, regarding the application for a new premises licence at Finsbury Park as follows:

- The applicants had operated the Wireless Festival for the past 9 years, for 8 years at Hyde Park and the previous year at the Olympic Park, after losing the competitive tender for holding events at Hyde Park.
- Further to discussion with the licensing authority, the applicants were willing to reduce the hours for licensable activity to 10.30pm, but stated that it was essential to have the flexibility to operate until 10.30pm on Sundays, and a condition was therefore requested enabling licensable activity until 10.30pm on Sunday, subject to the agreement of the SAG at least 28 days before the event that this could be operated safely. In the

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absence of such an agreement, the terminal hour for Sundays would be 10pm.

- The applicants were generally with happy with the conditions proposed by the responsible authorities, although there were a couple of areas of disagreement, including the responsible authorities' request for a 10pm finish on Sundays, as previously stated.
- The applicants confirmed that they were happy for the terminal hour for sale of alcohol to be set at 30 minutes before the terminal hour for regulated entertainment, whatever decision the Committee reached regarding the entertainment hours. Where proposed conditions referred to finishing times for licensable activities, these would need to be amended to reflect any changes to the hours being applied for that were agreed by the Committee.
- It was noted that the police had agreed that the licensing authority's proposed condition around artist behaviour should be imposed, and that this condition should therefore be removed from the police's representation. The applicants confirmed that final notification of artists performing would be provided to the police no later than three weeks before the event, rather than two weeks as set out in the draft condition.
- It was agreed that the wording of the licensing authority condition regarding design details be amended so that this condition began 'Full structural design details and calculations of any stages and structures, as approved by building control, to be erected...'
- Mr Crier welcomed the decision of the police not to object to the granting of the licence on an indefinite basis, as this would enable the applicants to build a relationship with the licensing authority and local residents in the long term. It was noted that the responsible authorities had the ability to react to any issues or concerns that arose during the course of the licence, and to impose additional requirements for future events based on the previous experiences.
- The applicants agreed the wording of the proposed Enforcement Response conditions, with the exception that they did request the change in wording of condition 10) to '*Any reasonable request of the Licensing Officer representative will be complied with by the Premises Licence holder in regard to sound levels*'.
- Mr Crier emphasised the importance the applicants placed on licence conditions and the need to comply with them, which was why they had focussed on making the wording as clear and certain as possible in order to avoid ambiguity.
- The applicants had held two meetings with local residents so far which they had felt to be productive, and intended to continue to engage with the local community in order that they could work constructively with local residents in future years. It was reported that local businesses had expressed support for the licensing application.
- With regard to requests to reduce capacity to 40k, Mr Crier



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advised that it would not be possible to run a commercially successful event at this lower capacity, and were seeking to demonstrate to the Committee that they could run safe and successful events at the 50k capacity applied for.

- Further to previous discussions with the responsible authorities, the applicants advised that they had taken on board the feedback received in respect of toilet provision and indicated on a map of the area where toilet facilities were proposed for future events. It was proposed that toilet facilities would be located both inside and outside the event perimeter, and that locations had been identified based on the feedback provided by local residents.
- The applicants had spoken with Stroud Green Primary School and it had been agreed that security would be located by the school in order to prevent any issues with antisocial behaviour. A further meeting with the school was scheduled for the New Year to discuss any concerns.
- It was reported that the way in which people would attend an all-day event such as Wireless was different from a single-focus concert such as the Stone Roses as people would be on site for the full day and would not be waiting in nearby pubs beforehand.
- Given the issues that had occurred with using multiple entrances to the park, it was intended to use a single entrance by the Finsbury Park gate for future events, in order to minimise disturbance to local residents and to be easier to manage. Using only the one gate would also reduce the impact on Stroud Green Primary School.
- With regard to litter, the applicants had committed to arranging litter collection both during and after the event, and for all litter to have been removed from site by 6am after an event day.
- It was reported that the applicants took all complaints very seriously and would deal with complaints as they came in. A telephone hotline would be set up from 9am until close on event days.
- Health and Safety was of the utmost importance, and it was reported that the Event Management Plan covered health and safety measures in details, including crowd management and stewarding. It was confirmed that the specific documentation for each event would be ratified by the SAG and would be drawn up in line with best practice and led by relevant professionals. It was reported that 350-400 stewarding staff would be an indicative resource, and that final plans would be agreed at least 28 days before the event.
- While it was proposed as a condition on the licence that Challenge 21 would be employed for alcohol sales, the applicants advised that operationally they intended to use the stricter Challenge 25 system. It was noted that the alcohol management plan included separate arrangements for bar security.
- The issues arising from the responsible authorities' debrief

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session on the Stone Roses events had been passed on to the applicants, and these had been incorporated into the planning documents and proposed conditions.

- As a leading concert promoter whose core business was festivals, it was reported that Live Nation valued its relationships with local authorities, licensing teams, local agencies, TfL, local businesses and stakeholders and, most importantly, local residents. Live Nation were reported as the only promoter that consulted residents before, during and after a licensing application was submitted, as they understood that local residents were experts on their area and they aimed to do all they could to address the issues raised.
- With regard to the concerns raised regarding social media, the applicants agreed that this would be actively managed and that during events this year they had arranged for emergency services staff to sit alongside their social media staff in order to monitor messages and react to what people were saying. Having staff monitoring social media channels meant that they were able to spot trends and issues and pass information onto the police as necessary.
- With regard to the suggestion that the licence should be limited, rather than indefinite, it was reported that this would have a negative impact on the applicants' ability to book suitable artists, as it was important to be booking artists for the following year immediately after the event. This would not be possible if a licence had to be applied for each year. Having an indefinite licence would also enable the applicants to build a lasting relationship with the local community.
- In response to the request to limit the hours to 10pm on a Sunday, the applicants advised that they needed the opportunity to discuss the options and data with TfL at greater length to see if there were any measures that could be put in place to enable a 10.30pm finish on Sundays, but that in the event that it was simply not possible to facilitate a 10.30pm close within the transport infrastructure, a 10pm close would be agreed. Further meetings would be needed with TfL in order to determine what was possible, however.
- With regard to capacity, it was noted that the 49,999 would include all staff working at events. Tickets available for sale would number around 45k.

In response to a question from the Committee regarding the applicants' objections to a suggested 40k capacity limit, Mr Crier confirmed that this was on an economic basis, as events would not be viable at the lower capacity figure. The Committee asked for the applicants' views on the TfL evidence regarding Sunday closing times, in response to which Mr Crier advised that they did not question the credibility of the figures that had been provided, but wished for an opportunity to explore all the variables and possible alternative measures that could be put in place that may make it possible to run until 10.30pm on Sundays as requested. It was reported that the applicant would work with the SAG,

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police, TfL, London Underground, Surface Transport and the licensing authority to look at possible measures, and the applicant proposed that the condition be worded such that in the event that this group could not agree measures that would make a 10.30pm finish on Sundays possible, licensable activity would cease at 10pm on Sunday.

The Committee asked about the Wireless event, and it was reported that this was a high-profile event featuring world-renowned artists and was a festival with no camping. Gates for the event would open at around midday on each day with music starting at 2pm, and there would be three stages, each offering a different style of music, as well as a range of activities.

The Committee agreed to suspend standing orders at 10pm in order to conclude the business under discussion.

Given the residential nature of the area, the Committee asked how a three-day event could be held without causing issues for the local area, in response to which Mr Crier advised that the length of events was set out in the Council's policy on event days. In response to a question from the Committee regarding the plans and training in place around street cleaning and stewarding, the applicants advised that they operated an approved contractor policy, as part of which companies needed to demonstrate evidence of staff training, in order to guarantee that staff on duty were adequately trained.

In response to a question from objectors regarding the scope of the consultation with local residents, the applicants advised that this was their first time contacting residents in this area and they therefore did not hold comprehensive contact lists. They apologised if they had inadvertently omitted anyone as a consequence. Objectors asked about the reason for the Wireless event relocating from Hyde Park, and it was advised that this was purely for economic reasons, as the tender had been lost to a competitor who had offered more money.

Objectors asked why it was so important to the applicants to operate licensable activities until 10.30pm on Sundays, and it was reported that this was to make the most of the hours of darkness; certain performers would only perform when it was dark on the basis of their stage and lighting shows. Objectors asked why a three-day event was proposed, and the applicants advised that Wireless was traditionally a three-day event; there had been criticism in the past that the event remained in central London, and it was hoped that the event would bring some benefits to the local area.

The Committee asked the licensing officer about how to avoid events at Finsbury Park clashing with other nearby events, and it was reported that the Council liaised with its counterparts in Islington and Hackney to co-ordinate event bookings and had a commitment to avoid clashes. It was noted that due to the football season, dates for concerts, etc, at the Emirates Stadium were very limited, and were known about well in

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advance.

The Committee asked about the complaints telephone number, and it was confirmed that the applicant would ensure that sufficient staff were available to handle incoming calls. It was further confirmed that there was a dedicated email address in place for complaints and feedback, as well as a Facebook page – all of these channels of communication would be publicised and monitored. In response to a question from the Committee regarding dealing with people under the influence of alcohol, the applicants confirmed that they would have security staff in place to monitor the bar queues and deal with any persons appearing intoxicated.

The Chair invited all parties to sum up.

- Local residents referred to the issues with previous events, felt that this was one licence too many, that a three-day event was excessive and requested that the licence be limited to a year. If there was material investment in the park made possible by events, however, this would make things more bearable.
- The police stated that they did not feel that their technical evidence regarding transport arrangements had been adequately responded to by the applicants, and that they had had ample time to resolve these matters in advance of the hearing. The proposed condition around closing times on a Sunday put the onus on the responsible authorities to demonstrate that they were unhappy with the proposed transport arrangements, and the police therefore retained their position that 10pm should be the terminal hour for licensable activities on a Sunday.
- The Enforcement Response officer requested that the wording of their proposed condition 10 remain as drafted, without the inclusion of the word 'reasonable' as requested by the applicants.
- The applicants advised that they wanted to run an event that would be beneficial to the area and to develop a good relationship with the local community. The applicants objected to the proposal for an unchangeable condition requiring the ceasing of licensable activity at 10pm on a Sunday, and instead requested the flexibility to extend this by 30 minutes, on the proviso that they could demonstrate to the satisfaction of the SAG that they could safely address the issue of public transport away from the event. The onus would be on the applicants to demonstrate this. In the event that the licence was granted, the applicants committed to continue to work with residents and the local school. The applicants also emphasised their commitment to adhering to all conditions imposed on the licence.

The Committee adjourned to deliberate.

**RESOLUTION**

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The Committee considered the application, all the representations, the Council's licensing policy and s182 of the guidance. The Committee decided to grant the licence on the following terms:

Provision of regulated entertainment: Plays, Films, Live Music, Recorded Music, Performance of Dance and anything of a similar description:

Monday to Saturday: 1000 to 2230  
Sunday: 1000 to 2200

Supply of Alcohol:

Monday to Saturday: 1000 to 2200  
Sunday: 1000 to 2130

For consumption ON the premises.

Opening Hours:

Monday to Saturday: 1000 to 2300  
Sunday: 1000 to 2230

The above terminating hours on Sundays may be extended by up to 30 minutes but only under the strict condition that the applicant will need to satisfy the Safety Advisory Group at least 28 days prior to the event that the licensing objectives will be met. It was not considered proportionate to require the applicant to have to undergo a further application process in circumstances where the Safety Advisory Group agree to such an extension, no matter how remote this may seem at this stage. The Police are fully protected by such a condition.

All the conditions in the operating schedule are imposed, except where they contradict any of the conditions agreed with the responsible authorities, which take precedence.

For clarity, there were three sets of proposed conditions discussed during the hearing that were attached to an email from Mr Crier to Ms Barrett dated 13 December 2013, timed 12.32pm. These conditions are imposed, subject to the following amendments:

Licensing Authority conditions

The paragraph on page 2 referring to the robust search regime is removed.

On page 3, the final list of performers is to be provided no later than 3 weeks before the event starts.

On page 7, the first sentence of paragraph 4 shall begin 'Full structural

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design details and calculations of any stages and structures, as approved by building control, to be erected...' etc.

Enforcement Response conditions

Reference to the times licensable activities may take place do not apply and are subject to the already specified hours.

Under the paragraph dealing with complaints, reference to the 'finalised record' shall read 'an initial record' and that same sentence shall end 'with a final log to be submitted within a further 7 days'.

The first sentence of paragraph 7 is removed, and the following sentence is added to the end of that paragraph 'Sound checks and rehearsals are not permitted on any other day'.

Police conditions

The paragraph on page 2 referring to timings is removed as this is dealt with elsewhere within this decision.

The paragraph dealing with artist behaviour is removed as this is dealt with in the licensing authority's conditions.

The Committee did not consider it appropriate in all the circumstances to limit the number of events on an indefinite licence.

The Committee acknowledges that before an event takes place, the event management plan will need to be finalised to the satisfaction of the Safety Advisory Group. The Committee emphasises the requirement for the egress plan to contain satisfactory provision of stewarding from the event to key public transport links. There are many aspects that the Committee cannot condition today because of the nature of an indefinite licence, however it accepted the credibility that the applicant will address the issues that have arisen from recent events, albeit by other promoters. These include and are not limited to adequate provision of toilets and street cleaning.

The meeting closed at 23:45hrs.

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**Copies of Residential representations**

**List attached**