

**MINUTES OF THE MEETING OF THE LICENSING SUB  
COMMITTEE B HELD ON TUESDAY, 14TH JUNE, 2016, 7.00 -  
9.20 pm**

**PRESENT:**

**Councillors: Vincent Carroll (Chair), David Beacham and Toni Mallett**

**57. FILMING AT MEETINGS**

Noted.

**58. APOLOGIES FOR ABSENCE**

None.

**59. URGENT BUSINESS**

There was no such business.

**60. DECLARATIONS OF INTEREST**

None.

**61. SUMMARY OF PROCEDURE**

The Chair outlined the procedure as set out in the agenda pack.

**62. BANDSTAND AREA OF FINSBURY PARK LONDON N4**

Daliah Barrett, Licensing Officer, introduced the application for a premises licence made by Radioactive Clothing for the bandstand area of Finsbury Park. The application sought the ability to hold up to four events per calendar year over a ten year period. It was noted that the licence would not be able to be used if the holders were unable to secure a booking to hire the park. The application was outlined at appendix one of the agenda pack. The applicants had initially submitted an application for a one-off event, but this had been withdrawn and this application subsequently submitted.

Representations had been made by Enforcement Response in reference to the amended noise monitoring locations for 2016, and the requirement to not allow petrol generators on site. These conditions were accepted by the applicant.

Representations had been made by 11 members of the public, and these were set out in pages 53-73 of the agenda pack.

Ms Barrett referred the Committee to pages 22 and 23 of the agenda pack, which showed plans of the areas of the park to be used during events.

In response to Councillor Beacham, Ms Barrett clarified that the Parks department controlled the policy on the number of events which could take place in parks – it was not under the control of the Licensing Committee or team.

Gary Grant, Representative for Tom Palin, Chair of the Friends of Finsbury Park (FoFP), outlined the representation against the application. The representation made by FoFP was not intended to block any / all concerts in Finsbury Park, but outlined the intention to work with the Council and Applicants to find a fair balance. It was recognised that the current financial climate was challenging for Local Authorities, and that parks needed to be maintained and paid for; and Mr Grant referred the Committee to the comments made by the Chair of the Council's Overview & Scrutiny Committee at the October 2015 review of Finsbury Park in that the Committee recognised the importance of financial income, but that he did not think that 'money trumps everything'.

It was accepted on all sides that concerts would cause disturbance and nuisance to residents, but the Committee had the power to balance the commercial interests with the wellbeing of residents.

FoFP strived to protect a park which was there to enrich the quality of life for local residents, many of whom did not have access to gardens. The impact of frequent events in the park had a detrimental effect on both the park and its' users. Events in the park meant large areas became off limits to park users, not just for the days when events took place, but for the time it took to set up and take down events. The event run by Radioactive Clothing was a two day event, with drum and bass music on day one, and 'rave' music on day two – this would mean a repetitive bass beat throughout the event, which was of extreme disturbance to local residents. Most residents would not be able to afford to leave the area for the duration, and this would disturb their peace at home. It also had an impact on traffic, leading to 'parking mayhem'. Local residents felt 'unsafe' whilst walking around the local area due to the drunk concert goers. The clear up of the park after events took a long time and left behind damage to the park. There was anti-social behaviour during events, with people urinating through the railings of Stroud Green School, and drug paraphernalia left in public areas.

There needed to be a better balance which would allow meetings to go ahead whilst meeting the concerns of residents. To this end, FoFP had suggested the following compromise proposals to the Applicant [*clerks note – reasons given for each proposal, as outlined by Gary Grant are shown in italics*]:

- 1) There shall be two (not four) events annually as in previous years, with each event taking place on no more than a single day. *In 2014 and 2015, the operator made the case for running two concerts on two days – this should remain the case and not be doubled as applied for.*
- 2) The capacity shall be limited to 9,999, as already planned for the 2016 events (see agenda papers page 171), and not increased to 14,999 as proposed. *The*

*event safety plan is based on a capacity of 10,000 people, therefore the operators have planned an event that is commercially viable based on these numbers. An increase of 5,000 people would cause significantly more disturbance. The application should be restricted to 9,999, which is what the operator actually needs, 14,999 capacity would only increase the profit for the operator, and not provide a balance for residents.*

- 3) The terminal hour for recorded and live music shall be restricted to 9pm on Saturday and, in particular, on Sunday nights (a school night). *9pm had been suggested as these events were often held during the school term, and any cut off time later than 9pm on a Sunday night affected children's bedtime and sleep routines which had a detrimental affect on their schooling.*
- 4) The premises licence shall be granted for a period of three years rather than 10 years (to encourage compliance by the organisers). *If there was a shorter time frame granted then it would encourage the operator to fully comply with the conditions of the licence, as they would need to reapply to the Council for any extensions, or new licences.*
- 5) The events may only take place if approved by the Safety Advisory Groups (SAG) and, in particular, the appropriate noise levels designed to minimise disturbance to residents shall be strictly complied with.

Councillor Carroll asked why there was a need to include number 4, as there was the opportunity for residents and the Responsible Authorities to apply for a review of the premises licence at any time. In response, Mr Grant explained that the review process was an enormous undertaking for any resident, and that a short time limit on the licence would 'focus the mind' of the applicant.

Ms Carrie Anker, Interested Party, outlined her representation against the application. Her representation largely mirrored the one made by the FoFP, with some additional comments. The damage to the park after events was huge, and there was not sufficient time between events for it to recover. During events there were large amounts of intoxicated people in the surrounding areas, which was very intimidating. During the set up of events there were public safety issues due to the vehicles driving through the park, which did not keep to the speed restrictions. The noise levels during events in the park was such that it could be heard over the normal volume of a television, and it restricted Ms Anker's husband from working from home. There was also the worry that the noise levels could affect students' ability to study if an event was taking place during exam time. The clear up of events was not great, and Ms Anker had previously found large metal spikes left in the park after it had been cleared.

Mr Leo Sudeo, Interested Party, outlined his representation against the application. He echoed the points already raised and added that he did not consider that the funding implications for parks should be at the expense of local people and Finsbury Park. Mr Sudeo had three young children, and the bass noise was very disruptive throughout the day, and especially at night when his children were going to bed. The disruption to local people was not just during the event itself, but during the set up and down, when vehicles in the park and shutting off areas of the park disrupted the route to Stroud Green school. He finished by adding that he supported the representation made by FoFP, and that there should be an appropriate balance to events in the park.

Matthew Phipps, Representative for Radioactive Clothing, presented the application for a premises licence for the bandstand area of Finsbury Park. The Applicant had held two events over the past two years, the capacity of which was 12,000 in 2014 and 14,000 in 2015 – so the application for a capacity of 14,999 was not a significant increase compared to previous years. There had been no breaches of the premises licence in the past two years, and no representations had been made by any Responsible Authorities, apart from Enforcement Response, which only outlined the noise monitoring locations and prohibited the use of petrol generators. There was no suggestion that noise conditions had not been adhered to at previous events.

In reference to the representations made, Mr Phipps stated that the disturbance to local people in terms of the loss of part of the park in the short term, and the damage left behind to the grass was an inconvenience, not a public nuisance.

No representations had been made by the Police, which would have covered issues of crime and disorder, therefore if there were such issues during these events as suggested by the representations, then these would have been raised by the Police.

Mr Phipps referred the Committee to paragraph 2.1 of the Licensing Officer's report, where Members are advised that they may not modify the conditions or reject whole or part of the application merely because they consider it desirable to do so. He made the point that the representations made by the residents were issues of inconvenience, and not disturbance. He requested that the Committee make their decision based on whether the application promoted the licensing objectives. Previous events held by the Applicant had not undermined any of the licensing objectives.

The application was for four one day events – in reality this was likely to be two events run over one weekend, and so would be two occasions per year.

The primary reason for the 10 year licence application was that it would develop a certainty / relationship with the local authority. Mr Phipps pointed out that any events taking place were contingent on the annual application to the Parks Service to book in these events.

In response to the FoFP proposal that the Safety Advisory Group (SAG) approve all events, Mr Phipps pointed out that the SAG did not have the power to approve anything, and therefore this proposal could not be accepted.

In response to the FoFP proposal of a 9pm cut off time, Mr Phipps advised that the Applicant had built in a staggered closure of the event, which was detailed in the event management plan.

Mr Phipps referred to the representations made by local residents and compared the similarities of the information contained within the letters. Page 53 of the agenda pack made reference to a husband who worked from home, issues during the World Cup, and an event in September. Pages 57, 58 and 59 also made the same references. Pages 59 and 60 also both referred to finding 'metal spikes'. Pages 66 and 68 both made reference to husbands working from home, and issues with the World Cup.

Mr Phipps commented that there were other events which had taken place in the park and that there seemed to be some confusion as to which events residents were referring to. There was no evidence that these issues were related to events organised by the Applicant.

Councillor Carroll asked Gary Grant what he made of the fact that the Police had not made any representations. Mr Grant responded that given that there was a strategic decision made by the Local Authority to hold events in the Park, he would think it unlikely that representations would be made against these types of applications. Councillor Carroll responded that this was not the case and that he would expect that representations would be made where appropriate, regardless of any strategic decisions made by the Local Authority. Mr Grant withdrew the implication and apologised. He added that he did not consider officers to be the best people to make comments on the level of noise on event days – it was local residents who were most affected by it and therefore more qualified to comment on it.

Councillor Carroll asked for comments on the repetitions in the representations. Carrie Anker responded to say that she had emailed her letter to her neighbours and local residents to help them make their representations and so this was where the repetition had come from.

Councillor Carroll commented that objections to applications should be made against individual applications, and not be general objections about events in the park. Michelle Williams, Legal Officer, advised the Committee that the Committee could decide how much weight to give to general objections.

Councillor Carroll asked Daliah Barrett for an account of her experience of the event. Ms Barrett informed the Committee that during the last event, only two noise complaints had been made over two days. She had walked the perimeter of the park with other officers throughout the event and no noise could be heard outside of the park. Ms Barrett added that for the past two years the event had been held on the same day as an Arsenal home match, and there had not been any effect on the amount of people in the area, as people were guided straight from the train stations into the park. She added that she had not seen the concerns raised by residents whilst events operated by this Applicant were taking place.

All parties made closing statements.

Gary Grant reiterated the points made in his original submission, and asked that the compromise proposals made by FoFP be taken into account when making the decision.

Matthew Phipps reiterated the points made in his original submission, and asked the Committee to grant the application.

Councillor Carroll thanked all for attending and advised that although the Committee would retire to consider the application, no decision would be announced during this meeting. The decision, and reasons for the decision, would be issued within 5 days of the meeting.

**63. EXCLUSION OF THE PRESS AND PUBLIC**

There were no items of restricted business.

**64. BANDSTAND AREA OF FINSBURY PARK LONDON N4**

There were no items of restricted business.

**65. ITEMS OF URGENT BUSINESS**

There were no such items.

CHAIR: Councillor Vincent Carroll

Signed by Chair .....

Date .....