

MINUTES OF THE MEETING OF THE SPECIAL LICENSING SUB COMMITTEE HELD ON MONDAY 15TH OCTOBER, 2018, 19:00 – 22:00 AND TUESDAY, 16TH OCTOBER, 2018, 19:00 – 22:30

PRESENT: Councillors: Vincent Carroll, Luke Cawley-Harrison and Sarah Williams

20. FILMING AT MEETINGS

Noted.

21. APOLOGIES FOR ABSENCE

None.

22. URGENT BUSINESS

None.

23. DECLARATIONS OF INTEREST

Cllr Carroll declared he had attended a Queens of the Stone Age concert at Finsbury Park.

24. SUMMARY OF PROCEDURE

Noted.

25. FINSBURY PARK - LIVENATION/FESTIVAL REPUBLIC REVIEW APPLICATION

Preliminary matter

At the start of the hearing, FOFP objected to the involvement of Ms. Daliah Barrett as Licensing Officer on the basis of allegations of apparent bias and alleged obstructive behaviour towards FOFP.

The objection sought to exclude the Licensing Officer's Report and anything sought to be said by Ms. Barrett on the basis of apparent bias against FOFP. It was stated that the context was unusual and highly sensitive because of the financial gain which the Council derived from Wireless and because it had waived any potential conflict by Philip Kolvin QC acting for LiveNation when he had acted previously for the Council in other litigation involving FOFP.

Section 14 of the Report was referred to as setting out the separate roles which the Licensing Officer, and Licensing Authority as Responsible Authority, should have at licensing hearings. Email correspondence between LiveNation and Daliah Barrett had

been disclosed to which reference was made as demonstrating that there was an overfamiliarity between Ms. Barrett and LiveNation and that she was working hand in glove with the operator in a way which was not independent in that she had negotiated with one party and not another. Conditions had been agreed but Ms. Barrett was not representing the Responsible Authority. FOFP had been completely cut out of such discussions. Justice must be seen to be done in the eyes of a fair-minded observer.

When asked which parts of the Report were of concern, the thrust of the Report was identified. The comments in the Report as to the use of expletives by artists (paras. 7.4 – 7.5), which were extremely surprising given the position in the National Guidance, and the position in relation to Nitrous Oxide Gas canisters (para. 7.1) were stated to disclose apparent bias against FOFP.

Finally, it was alleged that Ms. Barrett had been obstructive in dealing with FOFP in the run up to the hearing. Hard copy papers had been sent late and little assistance had been given in opening the links to the papers.

Mr. Asitha Ranatunga (Counsel and Legal Advisor to the LSC) advised as follows.

The correct place to start was Section 14 of the Report which properly referred to paras. 9.17 – 9.18 of the National Guidance and the separation of responsibilities between the Licensing Officer presenting the Report and the Licensing Authority as Responsible Authority making representations to the LSC. This was to ensure procedural fairness and prevent conflicts of interest. The Guidance had been met by Ms. Barrett appearing before the LSC as Licensing Officer and Mr. Malcolm (a separate officer) representing the Licensing Authority. Ms. Barrett's Report did not make representations which was the correct approach.

Having reviewed the correspondence which had been disclosed to FOFP, there was nothing in Counsel's view which gave rise to a concern as to apparent bias. Counsel's understanding was that the conditions were being offered by LiveNation (not by any officer of the Council) without prejudice to any decision which the LSC might take, and the correspondence was seeking to agree an appropriate form of wording and conditions on that basis. There was nothing objectionable about Ms. Barrett in her role as Licensing Officer facilitating and being involved in that discussion. It was Counsel's firm view that Ms. Barrett was not biased or apparently biased by discussing those conditions as a Licensing Officer handling the application.

FOFP had been asked which parts of the Report they had concerns about and had identified only 2 examples in a Report which was more than 20 pages long. As to the use of expletives by artists, that Section of the Report properly referred to the National Guidance (para. 7.2) and what it said. In Counsel's view there was nothing wrong in a Licensing Officer in a Report expressing a view on the position in the National Guidance which is what the Report sought to do. As to the position in the Report on Nitrous Oxide canisters, there was nothing in para. 7.1 which suggested that Ms. Barrett was biased or apparently biased.

Counsel advised that there was no substance to the allegations of apparent bias. Given the very serious allegations which had been made, he suggested that Mr.

Kolvin QC be asked for comment and that Ms. Barrett be given an opportunity to respond (as necessary).

The LSC heard from Mr. Kolvin QC as to his position and that LiveNation had approached the Licensing Officer with conditions which it was seeking to put forward. There was nothing in the 27 page Report which was apparently biased and it would be extremely unhelpful for the LSC to have to proceed without a helpful and detailed Report which set out and summarised all of the issues in a voluminous bundle.

Ms. Barrett confirmed that she had discussed the wording of conditions with LiveNation on the basis that they were conditions which LiveNation would put forward without prejudice to any decision which the LSC might take. As to the allegation of obstructive conduct she noted that she had sought to raise the issue of mediation with FOFP but it had not been taken up.

Having conferred briefly, the LSC indicated that they would proceed. The Report would not be excluded, and Ms. Barrett would be allowed to address the LSC in her role as Licensing Officer. In so indicating, the LSC followed the advice of their Legal Advisor and concluded that Ms. Barrett had acted entirely properly. They rejected any suggestion of apparent bias or obstructive conduct.

Licensing Officer's Report

Before introducing her report, Ms Daliah Barrett, Licensing Officer, noted that:

- The Committee had directly received via email a letter of representation from Ms Catherine West, Member of Parliament. As this was received out of time, legal advice was sought and it was decided that the committee should be instructed to disregard that letter.
- Copies of the conditions agreed between Live Nation and Islington Council had been placed before the Committee to observe the conditions agreed.
- Pages 807 and 808 of the Agenda Reports Pack were the wrong way round.

The Licensing Officer introduced the application by Friends of Finsbury Park (FOFP) for the review of the Premises Licence for Finsbury Park, Endymion Road, London, N4 held by Live Nation. The reason for their application was the 2017 Wireless Festival, which, they say, caused serious disturbance amounting to a public nuisance and had given rise to crime and disorder.

Representations had been received in support of the review from: 66 local residents; local councillors; Members of Parliament; and Hackney Council. There had also been representations made by the following Responsible Authorities - Finsbury Park's Landlord, the Licensing Authority, and Enforcement Response. Islington Council had made representations for the review but successfully mediated with Live Nations before the meeting and withdrew those representations (*agreed conditions were presented at the meeting*).

The Licensing Officer gave an overview of the background of the event, and context of the issues raised by FOFP, specifically: the vibration and swaying of buildings due to

noise levels; the policing of the Wireless Festival; the increase in Nitrous Oxide Gas (NOS) canisters around the park and streets; and the use of expletive language by artists.

The Licensing Officer reminded the Committee of the matters they could consider in making their decision and that certain matters, such as not liking the Wireless Festival music (grime) or income generated from the event, were not issues for their consideration.

Friends of Finsbury Park opening submissions

Before making representations, Mr Charles Streeten, representative for FOFP, sought to provide the committee and other parties present with a copy of his opening statement but the License Holder formally objected to this as it was late documentation which had not been previously circulated.

Mr Streeten submitted the following information on behalf of FOFP:

- FOFP was a charity formed in 1986 with a community minded membership and members were from a range of occupations and lifestyles. They shared a collective enjoyment of the park and all that it provided.
- They had previously litigated with Haringey Council regarding the holding of Wireless Festival at Finsbury Park in 2017.
- They had made the application for review under Section 52 of the Licensing Act 2003 (Hearings) Regulations 2005 citing a failure to comply with the licensing objectives.
- Before 2014, Wireless Festival was held at Hyde Park. Since 2014, the Festival had been held at Finsbury Park which in comparison was a smaller and more contained park, with a maximum capacity of 49,999.
- Whilst Live Nation were responsible for the Wireless Festival, following an incident in 2015 where crowds breached festival security and fencing, Festival Republic took over the running of the event.
- Wireless were not able to state that the concerns and problems raised were a result of it being a new festival. There had been complaints year on year and in 2012, there had been a review by Westminster Council into problems associated with Wireless Festival at Hyde Park. That review resulted in conditions being imposed upon the Wireless Festival and FOFP argued that it was no coincidence that the event moved to Finsbury Park following the imposition of the new conditions, which, amongst other conditions, set new noise levels.
- Given its greater proximity to residential areas and centralised location, Finsbury Park not only suffered the same problems but more so than Hyde Park did during its tenure of hosting the Festival.
- FOFP disputed the claims by Live Nation that there was little evidence of an impact on residents and that the event was well managed. It had received 70 representations in support of their application and all cited concerns with the Wireless Festival. 70 representations was a substantial number and the range

of concerns raised were similar, highlighting a general feeling of discontent amongst the community towards Wireless Festival.

- FOFP noted that no supporting representations had been on behalf of Wireless Festival from residents.

Mr Streeten submitted that Wireless Festival were failing to uphold the four licensing objectives – the prevention of crime and disorder, the prevention of public nuisance, public safety, and protection of Children from harm. He went into further detail below:

Public Nuisance

- Noise complaints – In 2018, there were 50 noise complaints made against Wireless Festival, up from 37 in 2017. This was a high number of complaints against a festival in an urban area and demonstrated a clear and consistent problem. Evidence of residents complaining of bass level noise, vibration, children unable to sleep because of the noise, crowd jumping causing vibrations to buildings structures. Health issue concerns where residents were forced to close their windows to prevent the noise during the hot summer months. Claims that the buildings vibrated due to festivalgoers jumping was disputed by FOFP as there was evidence which showed the hertz from low music and high pressure was the cause of such vibrations. Mr Richard Vivian of Big Skye Acoustics was employed by FOFP to carry out an independent analysis of the noise impact during Wireless Festival. His analysis showed evidence of 90 db recorded at some residential properties, which Mr Streeten claimed was unacceptable, and existing conditions were not able to assist these areas of complaints. Other outdoor festival licenses included conditions that limited bass frequency but there was no condition to monitor bass frequency in the existing premises license. Claims that conditions were equivalent to or more restrictive than other outdoor festival licenses was disputed as not being credible and disingenuous. Whilst at Hyde Park, the Wireless Festival was made to abide by a condition which set a level for bass frequency.
- Antisocial behaviour – there was documentary evidence submitted by residents that showed public urination and further reports of defecation. Mr Streeten claimed the reports of increased drug taking and dealing around Finsbury Park was undeniably as a result of Wireless Festival taking place. He also highlighted the increase in Nitrous Oxide Gas canisters being found around Finsbury Park and along residential streets during Wireless Festival and noted the supply or intent to supply Nitrous Oxide Gas was a criminal offence.
- Drunk and disorderly behaviour – Festivalgoers were jumping barriers and finding their way onto residential streets. There was evidence of fights taking place down residential streets and intimidation of local residents. Whilst there had been an increased police presence on the Hackney side of Finsbury Park, this resulted in the disorderly behaviour transferring to the streets of Islington and Haringey where there was no such increased police presence.
- Litter – Whilst Mr Streeten accepted that there was a concerted effort to clear up the park following events, he stated that Wireless Festival led to a large

quantity of litter finding its way onto the surrounding streets and residents properties.

Crime and disorder – During the 2017 Wireless Festival, there were 23 arrests. Whilst the official data had yet to be released for the 2018 Wireless Festival, there were reportedly 40 arrests. The reported crimes were not all low level misdemeanours, they included Actual Bodily Harm to staff, Possession with intent to supply, and sexual assaults on females.

Public safety – During the 2018 Wireless Festival, there were reports of 2 young people who had died having attended the event. Whilst the circumstances of the deaths were unclear, Mr Streeten submitted there was evidence submitted at page 676 that an ambulance on one occasion was unable to go down a street due to traffic related issues. This would not have happened if the event had been better planned.

Protection of children from harm – The use of expletives by artists during their performances was cited as evidence of a failure to protect children from harm. Mr Streeten rejected the position of the Council that it was unable to control the language that was being used by artists as part of their artistic expression of music and submitted that a condition could be put in place which required artists not to swear or they could lose their appearance fee. He stated that it was inappropriate that artists in a residential area were using expletives before the watershed hour. He further noted that Home Office guidance recognised that protection of children from harm included their protection from exposure to strong language and sexual expletives which was not being done in this case.

Mr Streeten claimed that Live Nation was not fit and proper for the following three reasons:

1. *Ongoing failure to promote licensing objectives* – as highlighted in his earlier submissions (e.g. failure to prevent high levels of bass frequency, failure to deploy resources to proactively tackle problems).
2. *Nature of staff employed to manage festival* – Hackney in 2017 requested funding for 66 SIA qualified stewards but funding was provided for 14 and only 6 of those were SIA qualified which resulted in an inadequacy of provision. There was an issue with quality control and it was unclear what training was provided to those stewarding the event or how they were remunerated.
3. *Running of the festival itself* – Islington Councils representations highlighted concerns regarding the failure to adequately provide water to festivalgoers and long queues for alcohol which increased binge drinking

Mr Streeten questioned Live Nation's ability to operate a festival of the scale of Wireless Festival. He disputed the claim by Live Nation that there had been no claims of it breaching the licensing conditions. Condition 18 of the premises license required satisfactory stewarding which FOFP claimed had not been fulfilled. Condition 87 required adequate fencing and barriers but there had been repeated issues of barriers and fencing being climbed over. FOFP argued that the conditions were not fit for purpose, as they were currently worded. Some of the conditions were vague and imprecise which meant that they were difficult to enforce. It was also claimed that the

conditions were insufficiently robust, such as those with regard to noise level monitoring. Mr Streeten further argued that Live Nation's position, that they complied with existing conditions, missed the point as the conditions were not sufficient.

Mr Streeten asked the Committee to consider all the documentary and oral evidence before it. He submitted that the Wireless Festival had not complied with the licensing objectives outlined above and that it was simply too large for its location. He argued that the evidence of the residents who had submitted representations was consistent and raised widespread concerns. The mechanisms in place, such as the Safety Advisory Group and Events Management Plan, were insufficient to properly manage the festival and year on year residents suffered. Given the failure of the License Holder to comply with the licensing objectives, it was the FOFP position that the license should be revoked.

In the circumstance that the Committee decided against the revocation of the premises license, Mr Streeten submitted the following proposed conditions should be put in place to address concerns raised:

1. Noise –
 - a) Maximum Music Noise Level (MNL) - 75dB LAeq 15 minutes outside any noise sensitive premises.
 - b) Maximum Low Frequency Music Noise Level (LFMNL) – 85dB LCeq 15 minutes outside any noise sensitive premises.
2. Hours of operation –
 - a) Provision of regulated entertainment - Monday to Saturday to cease 30 minutes earlier than currently set; Sunday to cease one hour and 30 minutes earlier than currently set.
 - b) Provision of alcohol time – Monday to Saturday – sale to start two hours later and finish one hour earlier than currently set; Sunday – sale to start two hours later and finish two hours earlier than currently set.
 - c) Opening Hours – Monday to Saturday – to start two hours later and finish one and a half hours than currently set; Sunday – to start two hours later and finish two hours earlier than currently set.
3. Capacity – Max 10,000 ticket holders.
4. Duration – license to limit the number of events to 12 days in any given year, and no more than 4 consecutive days.
5. Safety Advisory Group (SAG) – expanded to include representatives from Islington and Hackney Council.
6. Events stakeholders – Finsbury Park Events Stakeholder Group to be expanded to include representatives from Hackney Islington Councils.

It was further submitted that the following matters should also be conditioned as part of the premises license –

- With the proposed decrease in the number of ticket sales, this should also be reflected in the percentage of the park used for the event being brought down to 10% of the park.
- Increase the number of policing in consultation with the Metropolitan Police Service (MPS).

- A stronger drug searching policy to be created.
- Increase in the provision of water available for those attending the event, such as plumbed-in taps.
- A restriction placed on the sale of cigarettes within Finsbury Park to prevent the littering of cigarette butts.
- Increase damage deposit to £30,000.
- All workers to be properly equipped to deal with the subsequent clear up of the park.
- Reduce time for build up and tear down to five days on either side.
- If any further deaths occurred within the event, or associated with the event, an enquiry to take place.
- Engagement between all local authorities regarding the enforcement of agreed premises license conditions.

Following the submissions made by Mr Streeten on behalf of FOFP, the Committee asked the following questions:

- The Chair asked for the FOFP view on the Metropolitan Police Service not providing representations regarding their application. Mr Streeten acknowledged that no representations were made by the MPS but that the Committee should take account of their views within evidenced stakeholder meetings.
- Cllr Cawley-Harrison asked why the FOFP focused on Wireless Festival and not the other events that took place at Finsbury Park. Mr Streeten replied that his clients had never taken issue with events being held at Finsbury Park but that they took issue with events where there was evidence they continually failed to upkeep the licensing objectives.

Mr Streeten called on Mr Richard Vivian (noise expert from Big Sky Accoustics) as a witness who had prepared a noise report for the application after being approached by FOFP. He made the following additional comments:

- The existing conditions were unlikely to prevent the complaints that had been made by residents in relation to the noise. A condition limiting the low frequency noise should be created but claimed that Live Nation had been reluctant to accept any low frequency noise condition. The difference between the two headline acts that he recorded showed that problems were caused by the absence of a low bass frequency noise condition.
- There were two types of vibration, one that was caused by the sound emitting from sound systems and one a result of festivalgoers jumping. He noted that the former could be addressed by a noise condition and the later by the capacity of the festival being brought down.
- In response to questions from Cllr Cawley-Harrison, Mr Vivian acknowledged that his report only covered a 3 hour window but that this was due to limited resources. He noted that he had deliberately chosen the 3 hour window as the fairest time to monitor the event. He further noted that he was not able to provide the committee with specific levels of the noise a helicopter makes.

Mr Streeten called on five local residents as witnesses to support the FOFP application. They told the Committee the following:

- Described the noise as thumping and events such as cups vibrating and properties swaying during the festival. Further, that some residents had moved because of the vibrations caused to their properties by the festival and that the vibration caused anxiety to some.
- They had to shut their windows during hot times of the years to prevent the noise of the festival from entering their properties which they say was unsafe.
- It took a significant period for festivalgoers to leave and they were often standing outside properties of local residents following the festival, waiting for taxis. Residents complained that they found some of the festivalgoers intimidating and that some were taking drugs following the event.
- Complained about the noise of the helicopters which were used following the festival as being too loud.
- Complained about the quality of the security provided during the Wireless Festival.
- Complained that the festival led to the park being damaged.
- Felt the 3-day length of the festival was too long.
- Complained they had been unable to get through to the noise complaints line during the festival.

Several other local residents, who had made representations to the Committee, appeared before it and raised the following additional points:

- They felt security was inadequate and the promise of extra security never occurred. They also felt that the egress could have been managed better.
- They noted the damage caused to the park by the vehicles used throughout the festival in the set up and clear up.
- Residents did not oppose the holding of events in Finsbury Park but felt that this festival was too big and should have its license revoked.
- Residents complained about litter and cigarette butts being left around the park. They were also concerned at paraphernalia being left in the park which could be hazardous to children.
- They highlighted antisocial behaviour problems such as increased drug dealing on residential streets during the festival.
- Noted Finsbury Park was closed for 22 days due to the hosting of Wireless Festival and 3 park runs had been cancelled in 2018 as a result.
- Noted that vulgar language had been heard from acts performing at the festival during the daytime.

Hackney Council's Cabinet Member for Community Safety, Policy and the Voluntary Sector, Caroline Sellman, and Hackney Council's Speaker, Clare Potter, gave representations to the Committee on behalf of Hackney Council. They raised the following:

- Noted that the spirit of co-operation had been better in 2018 from 2017 and that certain practical steps were made.
- Grateful to Festival Republic for providing Hackney Council with the opportunity to discuss issues and concerns but that the overarching concern was the event

- was too large and the mood amongst their local residents in Brownswood was turning against festivals being held at Finsbury Park.
- They wanted the proposed conditions to be more specific, such as stipulating the number of barriers to be erected.
 - Accepted that there had been an uplift in the number of stewards in 2018 from 2017 but this was less than what had been agreed. They sought for a specific number of stewards to be stipulated in the premises license condition.
 - Noted that the proposed revised noise monitoring condition was for a 'single location' but that this should be 'locations', to be agreed with both Islington and Hackney Councils.
 - Asked the Committee to consider the impact of such an event in a dense, urban area, especially on those residents who had work the following day.

Responsible Authorities

Landlord

Mr Simon Farrow, Commissioning Manager, presented the Landlord Representation. Mr Farrow outlined the report prepared and noted the following:

- A full debrief was held each year with major event organisers and a lessons learnt log was developed to inform planning for subsequent years.
- Haringey Council's legal authority to hold events in Finsbury Park was confirmed by the Supreme Court.
- Prior to Wireless Festival, a residents letter was sent to 22,000 households and signage was placed around the park to inform the public that the event was due to take place.
- There were tri-borough meetings with local representatives to discuss the co-ordination of Wireless Festival.
- An area of the park was not accessible to local residents during the Wireless Festival but the majority of Finsbury Park was still open to them.

Cllr Cawley-Harrison sought clarity on why there was an increase from 14 to 35 in anti-social behaviour related calls from 2017 to 2018. Mr Farrow explained that, prior to the 2018 Wireless Festival, there was a higher level of engagement with residents, particularly from Hackney, and that they had the confidence to report crimes to the increased number of security in side roads whereas before they might not have.

Cllr Williams asked Mr Farrow about the state of the grass at Finsbury Park following the conclusion of Wireless Festival. Mr Farrow noted that, as an outdoor park, it was subject to a range of weather conditions and that 2018 was a particularly dry year which would have adversely affected the grass. Additionally, he noted that there were more sensitive areas of grass more likely to suffer damage during Wireless Festival which were receiving extra protection, such as at the front of the crowd near to the stage. Mr Farrow accepted that there would be damage caused to the grass by the moving of equipment. Upon the conclusion of the event, the event organisers cleaned the area before handing it back. The parks team then assessed the park each year

and a full recovery programme was in place to level and complete repairs to the park upon the events conclusion.

Following a question by Mr Skeeten about the High Court of Appeals determination, Mr Farrow clarified that the court stated that a musical festival was within the definition of what was considered recreation and that anybody was able to go to this public event.

Licensing Authority

Mr Eubert Malcolm, Head of Community Safety and Enforcement, presented the representations on behalf of the Licensing Authority. Mr Malcolm noted that the Licensing Authority had considered the application made by FOFP and highlighted the following:

- The Safety Advisory Group (SAG) was an advisory body, chaired by the Council and was composed of Responsible Authorities (RA). The RA's had a statutory power on the SAG to formally object and not sign off the Event Management Plan (EMP). Hackney and Islington Councils were invited to send representatives to the SAG.
- An EMP was a condition of the Premises Licence and it covered aspects such as medical provision, security, egress and ingress.
- 2017 Wireless Festival had experienced some issues with the egress execution on the first night of the event, attributed to a lack of communication amongst staff and poor decisions.
- Noise complaints were 40 for 2016, 42 for 2017, and 75 for 2018.
- In 2018, Festival Republic monitored households that had complained of vibrations and, whilst the findings had yet to be analysed in depth, it appeared that the simultaneous crowd jumping was a cause of the vibrations, not the noise itself.
- In 2018, 40 arrests were carried out over the weekend of Wireless Festival but this figure should be viewed in the wider context that over the course of a year, there were an average of 200 reported crimes at Finsbury Park that were unrelated to events.
- In 2018, changes were made to Wireless Festival in light of events at 2017 Wireless festival, such as adjustments being made to the front lawn fencing to address queues before the event, and better communications with stakeholders and residents.

In conclusion, Mr Malcolm acknowledged that events such as Wireless Festival did cause disruption in the local area but that, in the view of the Licensing Authority, the licensing objectives were not undermined. Further, the event organisers had demonstrated a clear willingness to engage appropriately with the Responsible Authorities and learn from previous years.

The Chair asked what the Licensing Authority made of the fact that the Metropolitan Police Service had not submitted representations regarding the application. Mr Malcolm suggested that this meant the police were satisfied that the License Holders had met the licensing objectives.

Cllr William's sought the Licensing Authority's view on concerns by some residents that their complaints were not being received by the complaint line. In response, it was noted that the Premises License had a condition that the license holder had to leaflet across the Haringey, Hackney and Islington with contact details for the complaints line. All calls were logged and callers were given an events number and called back with updates when they became available.

The Chair noted the 75 penalty charge notices to illegally parked cars around the Wireless Festival weekend in 2017 and queried whether the Licensing Authority had an average weekly figure for this. Mr Malcolm confirmed that he did not have an average weekly figure but that extra resources were available during the Wireless Festival weekend to help prevent such incidents.

Enforcement Response

Mr Rockwell Charles, Antisocial Behavioural Specialist Officer (Noise), within the Council's Enforcement Response (a Responsible Authority), presented his report covering the licensing objective - Prevention of Public Nuisance. He noted the following:

- It was the responsibility of Mr Charles' team to ensure that conditions placed upon the licence, with regard to noise, were upheld. Officers observed noise measurement at 6 locations, as specified in Condition 106. His team operated a tri-borough noise response service during Wireless Festival. His team also provided advice to the Licensing Authority on noise related matters.
- In 2017, the Council hired equipment to monitor low frequency noise following concerns from local residents. Staff had undergone training to use the new equipment.
- The Council's noise monitoring team was comprised of two officers who monitored the six noise monitoring locations (three in Haringey, three in Hackney). The officers took objective noise measurements and a 5 minute leq of the music level was measured and assessed against the noise limit for that location. If the music level approached the level set for that location or exceeded it, the events organiser would be immediately informed so that action was taken to reduce the level. Communication was via a WhatsApp group.
- Told the Committee that he had interrogated the Council database to establish any real time or general complaints made by the FOFP witnesses. He informed the Committee that no complaints had been received from the witnesses with regard specifically to noise at Wireless Festival.
- Addressing the report prepared by Mr Vivian, observed that no complaints had been received from Hackney Residents on Saturday 7th July 2017, when Mr Vivian stated windows were rattling for a long period due to vibrations from Wireless Festival.
- Once events were held in Finsbury Park, such as Wireless Festival, all noise complaint calls from Haringey, Hackney and Islington went through to the Haringey noise complaints team. Alternatively, there was an online complaints service that would immediately be received by the noise teams mobile phones.

- It was not practical to measure the background noise at every noise monitoring location when a complaint had been made. A re-evaluation of background sound levels was unwarranted unless there had been a significant change in the area.
- It would be unworkable for boundary noise conditions to apply to all noise sensitive properties due to the coverage of complaints.
- Setting a blanket 75 dba leq 15 minutes outside any noise premise was not in line with proper code and would result in some locations having an increased background level.
- It was incorrect to state that the only condition available for noise monitoring was Condition 107 – *'Sound levels should not exceed the above background by more than 15dB when measured as a 15 minute LAeq'*. Condition 108 was also utilised by the Council's enforcement team to request noise be reduced upon request – *'Any reasonable request of the Licensing officer representative will be complied with by the Premises Licence holder in regard to sound levels'*.
- Accepted that it would be impossible to hold a large festival, such as Wireless, without some impact. There was the potential for residents to be periodically disturbed by the music noise levels or the low level frequency noise. During Wireless Festival, officers work with the event to minimise such disturbances.
- In looking at the 42 noise complaints received during 2017 Wireless Festival, Mr Charles did not believe that this was a sufficient number to claim the licensing objective, with regard to public nuisance, was compromised.
- Regarding conditions, recommended that the locations in Condition 106 be amended. With regard to maximum frequency, low music level shall not exceed 90 db lceq over 15 minutes.

Cllr Cawley-Harrison asked Mr Charles whether the sound levels at the various noise monitoring locations were monitored continuously and actively throughout the day. Mr Charles responded that the teams randomly covered the six noise monitoring locations and would focus on where they perceived problems to be. If any complaints were received, the team would focus on responding to that complaint and measuring the noise at that location. Cllr Cawley Harrison then asked whether a recorded noise level of 76.6 db, if taken as an average, was an acceptable sound level for residents to live through. Mr Charles responded that he could only comment on the condition placed on the license, which had the particular location in question noise level set at 78 db, and, therefore, there was no breach.

Cllr Williams drew Mr Charles' attention to location 1 where there was a recorded low frequency recording of 84.9 db. Mr Charles acknowledged that officers felt this was too high and contacted Vanguardia to request that the noise level be reduced, which it was.

Mr Streeten questioned Mr Charles why records between 8pm and 9pm were absent from the documentation. Mr Charles acknowledged that this could have been because they were responding to complaints, which they did simultaneously with monitoring noise locations. Mr Streeten then questioned Mr Charles about the complaints line and whether the out of hours line was registering complaints made by residents regarding noise. Mr Charles confirmed that it did. Ms Barrett clarified that, prior to the

event, the promoter sent out a leaflet that contained a dedicated complaints line on it for residents to call if they had any concerns. As a backup, there was the out of hour's line, which, if called during the Wireless Festival weekend, would have been redirected to the out of hour's officers on duty to investigate.

Mr Kolvin questioned Mr Charles about whether any of the recordings amounted to a breach of the premises license. Mr Charles confirmed that no recordings were above the set levels contained within the conditions of the premises license.

License Holder submissions

Mr Philip Kolvin QC appeared on behalf of Live Nations. Mr Kolvin started by commending the report prepared by the Licensing Officer. Although the submissions on behalf of FOFP related to the 2017 and 2018 event, he noted that the FOFP application for review related to Wireless Festival in 2017, and not 2018.

Mr Kolvin made the following representations to the Committee:

- Claimed that the existing license provided a robust framework for management of Wireless Festival and that it involved detailed planning with Haringey, Islington and Hackney Councils.
- Delivery of the festival was carried out in co-operation with the tri-boroughs and following its conclusion, a tri-borough analysis took place to review the festival and put in place any measures needed to improve it for the following year.
- Assured the committee that Live Nation complied with the premises license and the 113 conditions it contained.
- Noted that the no Responsible Authority had supported the application for review and that representations had been received from the Licensing Authority which stated Live Nation was not breaching the four licensing objectives.
- Evidence submitted by Live Nation included independent audit work by Reading Council which showed Wireless Festival was complying with the conditions.
- Live Nation was committed to further engagement and improvements, such as additional off-site security on residential streets.
- Wireless Festival was an important cultural event that was attended by 45,000 festivalgoers.
- Accepted that such a large event would cause some disturbance but that Live Nation posted letters to 22,000 surrounding properties around Finsbury Park which included a complaints number for them to contact with their concerns.
- Licensing balance was fairly struck and there was a limited number of days and hours Wireless Festival could be held over.
- Live Nation was obliged to ensure the Event Management Plan for Wireless Festival met the approval of SAG (which included representatives from Hackney and Islington Councils).
- Condition 108 existed which enabled officers to request noise be brought down but that the newly proposed Condition 32 strengthened this and gave them the power to override set noise levels.

- Live Nation wanted to deliver Wireless Festival safely and compliantly, working with stakeholders and minimising its impact.
- Accepted that there was an impact on the local residents but this was limited by the days of the event.
- Noted that Mr Vivian's sound report on behalf of FOFP's application related to 2017. New conditions were in place by 2018 which improved the event and strengthened the roles of the tri-boroughs in approval of the event.
- FOFP chose not to mediate with Live Nation before the hearing and some of the conditions that they had proposed at the hearing would, if they were adopted, end Wireless Festival at Finsbury Park.
- Hackney Council carried out their own Litter Plan following the event in 2018, which Live Nation paid for. From 2019, Islington Council would have their Litter Plan funded by Live Nation also.
- There were sufficient agreements in place and a comprehensive license framework to regulate Wireless Festival.
- Disputed criticism of access management and noted that there was an effective access management plan in place and Live Nation worked closely with the MPS to establish best practise. Highlighted that no MPS representations had been made to the Committee as they were satisfied that sufficient efforts had been made to manage crime levels.
- There were 219 staff employed to deal with managing egress at Wireless Festival.
- Claimed that any suggestion of fault by Live Nation in relation to the fatalities mentioned in the FOFP submissions were without merit and irresponsible. There was a large medical team present at Wireless Festival, ready to respond to any health emergencies.
- Disputed criticism of security at Wireless Festival and claimed Live Nation were properly supervising the event with 943 onsite security personnel.
- With regard to litter, there were 4 teams working midday to midnight off site. Live Nation had also employed its own team to respond to any resident complaints.
- Whatsapp Groups had been utilised to increase the connectivity of staff working on the event and ensured that all were aware of any issues.
- There was a debrief following Wireless Festival which set the foundation for the planning of the following years event.
- The Metrao measurement system used to measure noise was upgraded in 2018. This allowed Live Nation to measure the individual frequencies. Mr Kolvin disputed the claim that visiting engineers could override the noise levels set by Vanguardia as not true and they were only able to change levels set within the premises license.
- There was an improved liaison between Live Nation and Hackney residents in 2018 with a real time meeting system put in place. There were also more guardianship on the Hackney residential streets.
- Hackney requested that toilets not be placed on their streets and in response Live Nation created a 'toilet city' at the exit of Wireless Festival for festivalgoers to use before they left.

- Highlighted the report prepared by Mr Malcolm, which concluded that the licensing objectives were not being undermined and that stewarding of side roads had significantly improved in 2018 from 2017.
- Live Nation employed officers from Reading Borough Council to independently audit the festival throughout its hosting in 2018. They noted use of swear words which was a concern but concluded that the noise was generally not obstructive and would not undermine licensing objectives.
- Noted Live Nation had been making efforts to engage with local residents and had created feedback forms. Completed feedback forms from residents showed that a number felt there had been positive improvements in 2018, from 2017.

Noise case

In addressing the noise complaint raised, Mr Kolvin called noise expert Mr Jim Griffiths, company Director and founder of Vanguardia, as his witness. Mr Griffiths prepared a report regarding noise at Wireless Festival and noted the following:

- Highlighted his professional career, which he argued showed his independence and noted he had worked for a number of local authorities in respect of noise control at events.
- Disputed any suggestion that he would temper his evidence according to whether he was working for a local authority or the industry. He noted that it was on record that he had turned down work where he was not confident that noise requirements could be met.

Mr Kolvin summarised the noise case and noted:

- The report prepared by Mr Griffiths in September 2018 showed Live Nation met the existing noise conditions but festivalgoers jumping was causing some vibrations which lasted a few seconds.
- Vibrations were monitored in 2018 and they were found to be at 1/10th of the level for any potential damage to be caused. An independent structural engineer and officers of the council shared that conclusion.
- Mr Griffiths report dealt with Mr Vivien's report and noted that Mr Vivien visited Wireless Festival for a period of 3 hours in 2017. Mr Vivien also left his measuring device unattended and did not visit the majority of the area covered in the license. Mr Griffiths asserted that Mr Vivien was wrong to claim that dba measurements excluded bass and that dba was designed to replicated the human ear, which did register bass. Mr Vivien had also claimed that the power system was 78,000 watts when it was 30,000 watts. Mr Kolvin argued that it was the use of the sound system, and not its power, that was the point.
- Based on consistent independent evidence, including experts in their field and the Licensing Authority, the impact of the noise from Wireless Festival was modest, contained and limited in duration.

Wireless Festival in Haringey

Mr Kolvin highlighted that Haringey was an ethnically diverse borough and Wireless Festival reflected this and celebrated those features. It was a significant event in Haringey's Calendar. Festivals such as Wireless were not unique to urban areas and

were held at cities across the country. He accepted that it was inevitable there would be some impact on residents and the only two options would be to shut event down or work on its improvement. He further claimed that Wireless Festival was a celebration of grime music, which was the most streamed music genre in the world and emerged from London. The Festival therefore represented the music of the people and was the only festival in which it represented the community in which it was based. He claimed that objection to the festival was based on its vibe and that licensing should not be about stopping an event based on its vibe. He compared the Wireless Festival to the Notting Hill Carnival which had over 395 arrests in 2018. Live Nation felt strongly that Wireless Festival was a necessary event for London and Finsbury Park was suitable to host it. Live Nation were dedicated to keeping the festival in Finsbury Park and would continue to engage with the local authorities and community to ensure that any negative impact was minimised.

Ongoing improvements in 2019

Mr Kolvin informed the Committee of following changes that were to be implemented at the 2019 Wireless Festival:

- A review of noise monitoring points with an additional noise monitoring location in Islington.
- Re-measure the background levels to ensure that they continue to be set at 15 above background.
- Live Nation would pay for Islington to carry out its own clearing operation.
- Increase security on the Islington side of the park. Security would be accredited and audited.
- Live Nation would offer the police drones to stop it using helicopters during the festival.
- Conditions had been agreed with Islington Council before the hearing that would take effect from next year. Some of the new conditions included Live Nation meeting with tri-borough officers monthly, and consultation to be had with residents two months prior to the event. Mr Kolvin noted that Islington Council had made an objection to Wireless Festival but the conditions agreed led to them withdrawing their representation being satisfied that the conditions alleviated their concerns.
- With regard to Haringey Council, 32 newly proposed conditions could be in place before the 2019 festival. A condition required Live Nation to demonstrate to the Council how it was to meet all of the conditions on the premises license.
- New conditions regarding noise came about in collaboration between Haringey Council officers and Live Nation. They included a limit on low frequency noise level to not exceed 90 dB Lew 15 minutes. There was also a condition which allowed officers of the Council to make a judgement as to whether the level was too high, even if it was not exceeding 90 dB, and request that the noise be brought down. Mr Kolvin noted that the 90 dB level for low bass frequency noise was also the limit set at other parks, such as Brockwell, Clapham Common and Blackheath.

Conclusion

In addressing the conditions raised by FOFP during their opening submissions, Mr Kolvin claimed that some of these were not workable and others designed to end the Wireless Festival being held at Finsbury Park. He made the following comments regarding the proposed conditions:

- Background plus 15 was accepted by most local authority's and followed codes of practice. Having a 75db would make matters worse at 5 out of the 6 monitoring locations and would therefore be counterproductive.
- Reducing Wireless Festival operating hours and capacity by the time and numbers that FOFP sought would close the festival down.
- Haringey Council had to sign off the events and they were only able to be held once it had granted its consent.
- There was a misunderstanding by FOFP with regard to the composition of the Safety Advisory Group and it did have involvement from Islington and Hackney.
- Increasing police presence was unrealistic given the constraints on the MPS.
- There were 108 water taps available to festival goers during Wireless Festival.
- Live Nation were contractually obliged to cover all damage costs.
- Some of the proposed conditions would involve micromanaging the event which would not be productive for the Licensing Committee to involve itself with.
- Coronial system was in place for coroners to look into circumstances of deaths and therefore an enquiry into deaths at the festival was not necessary.

Mr Kolvin closed by assuring the Committee that Wireless Festival operated under a tight procedural framework that was monitored by Haringey, Hackney and Islington Councils. It was managed by experienced individuals and all responsible authorities had either raised no concerns or said that it was complying with the licensing objectives. He further stated the outcome of the 2018 event was 36 new conditions which would all be complied with and ensured continual improvement of the festival. He asked the committee to bear in mind the national guidance which stated that disproportionate measures to deter events which are valuable to the community, such as live music, should be avoided. He noted that Live Nation had fully engaged and therefore further steps were not appropriate or proportionate.

Following the representations by the License Holder, the Committee asked questions and the following was noted:

- In response to a question from Cllr Cawley-Harrison – Mr Kolvin, acknowledged that there had been deviation from the Event Management Plan at times, but that changes such as those to egress arrangements would only have taken place with the consent of the Licensing Authority. If something had gone wrong, then there would have been remedial mechanisms such as a SAG debrief the next day.
- In response to a question from Cllr Cawley-Harrison regarding vibrations – Mr Griffiths noted that jumping was measured at 2.4hz. Regarding low frequency noise, Mr Griffiths stressed that dba did measure this, but accepted that there were secondary effects such as windows rattling. To counter this secondary effect, a condition of starting at 40hz was put in place, and that the sound systems would not generate sound lower than that.

- In response to a question from Cllr Cawley-Harrison regarding capacity – Mr Kolvin noted that, in 2017, the number of tickets sold was 37,500 but that this was only due to circumstances at Finsbury Park station and that Live Nation did not profit from the 2017 Wireless Festival. 45,000 was the crowd capacity needed to draw in world-class artists and if it was reduced, Wireless Festival could not be held at Finsbury Park.
- In response to a question from Cllr Cawley-Harrison regarding expletives – Mr Kolvin noted that Condition 54 existed which instructed Live Nation to take reasonable measures to advise artists not to swear whilst performing. In addition to that, Live Nation had ensured that artists managers and their entourages were informed that swearing was not permitted during performances at Wireless Festival.
- In response to a question from Cllr Cawley-Harrison regarding the additional SIA stewards agreed with Islington Council – Mr Kolvin noted that new Condition 86, would supply an agreed number of SIA and stewards to prevent festivalgoers from egressing onto residential streets in, not only Islington, but also Haringey and Hackney.
- In response to a question from Cllr Williams regarding drinking water – Mr Kolvin claimed that the new conditions regarding drinking water were to ensure best practise.
- In response to a question from Cllr Williams regarding cigarettes - Mr Melvin Benn, Managing Director for Festival Republic, claimed that it would be counterproductive to limit or ban the sale of cigarettes on site. This could see an increased number of festivalgoers going off site to buy cigarettes and would result in more people outside the event. It could also make festivalgoers bring more cigarettes with them to the festival.
- In response to a question from Cllr Williams regarding apprenticeships – Mr Melvin informed Live Nation was increasing the number of apprenticeships it offered to young people, with at least one apprenticeship being offered in the boroughs of Haringey, Hackney and Islington.

Note: 21:55 – the Chair informed the Committee that he would use his discretion to suspend Standing Orders and extend the meeting beyond 22.00 to allow for the completion of the item.

Cross-examination

Mr Streeten cross-examined Mr Jim Griffiths. The following was noted:

- Mr Griffiths was one of the Directors of Vanguardia and did receive financial payment from Live Nation, but he claimed that sum was small in comparison to the financial payments they received from other work. Mr Streeten argued that, because of Mr Griffiths financial involvement with Vanguardia, it was not possible for him to be independent, a point Mr Griffiths contested.
- There was no expert declaration within his report as Mr Griffiths said that the Licensing sub-committee was not a court and therefore this was not required.
- Mr Griffiths confirmed that continuous noise-recording data had only taken place at one out of the six of the noise monitoring locations.

- Mr Griffiths claimed hertz did not exclude base measurements and that Laeq was the best measurement for assessing noise from entertainment. He noted that dba was used in all other similar premise license conditions across the country.
- Mr Griffiths noted that it was marginally correct that the human ear became sensitive to bass pressure as it increased in volume as noise got louder.
- Mr Griffiths noted that existing Condition 108 allowed officers to determine if noise was too high, even if was within any noise condition level.
- Mr Griffiths accepted that, given Wireless Festival used a large sound system in an urban area, complaints were likely. However, he disputed that Wireless Festival amounted to a public nuisance and noted the councils own noise enforcement officers and the officers from Reading Council stated that it was not a public nuisance.
- Mr Griffiths refuted the claim that he was misleading the committee. He backed up the claim that the premises license was restrictive and noted that the 6 noise monitoring locations (to be 7 from 2019) were more than the 4 it had to monitor at Hyde Park and the 3 it had to monitor at Victoria Park.
- Mr Griffiths claimed that the limit at newly proposed condition 31 (90 dB Lew 15 minutes) would be of benefit to residents and noise measured lower than this would not result in vibrations. He also highlighted that the council officers could enforce newly proposed condition 32 if they felt that the noise, even if lower than 90db, was too high and order that it be lowered.

Closing submissions by Friends of Finsbury Park and the License Holder

Following their representations, the Chair invited the FOFP and the License Holder to provide their closing remarks. They were as follow:

Friends of Finsbury Park

Mr Streeten, on behalf of Friends of Finsbury Park, asked the Committee to consider all the written and oral evidence they had provided. He argued that the observations of the residents supporting the application were consistent, fair and credible. He further claimed that the licensing objectives, taking into account the residents who had complained, were being undermined. He sought for the Committee to consider the negatives of hosting the event alongside the positives. He submitted that in order for the licensing objectives to be upheld, more robust conditions were required on the Live Nation premises license. Regarding noise measurement, he told the Committee that the FOFP felt strongly that the hertz limit should be measured in dbc and that the level should be set at 85 and not 90. He asserted that the Wireless Festival was too large, created too much noise and was too unruly to be held at Finsbury Park and that the Premises License should be revoked.

License Holder

Mr Kolvin, on behalf of Live Nation, noted that no Responsible Authority had claimed Wireless Festival was breaching any of the four licensing objectives and this was further supported by the audit work carried out by Reading Council. With regard to the number of security officers, Mr Kolvin noted that this figure changed year on year but that the SAG had to agree the number.

Following the closing remarks by the parties, the Chair thanked all of those who had participated in the hearing and advised that parties would be informed of the decision within 5 working days.

RESOLVED

- 1 This represents the decision of the Licensing Sub-Committee on the above application for review brought by the Friends of Finsbury Park under s.51 of the Licensing Act 2003 (as amended).
- 2 The LSC had before it a bundle running to 1286 pages (further documents submitted at the hearing are referred to in the decision below as relevant) including the review application and supporting documentation, the Licensing Officer's Report, representations made by other persons and responsible authorities in response to the review application, and representations made on behalf of the Premises Licence Holder (LiveNation) with supporting documentation.
- 3 A hearing under the Hearings Regulations 2005 took place across two evenings (15 – 16 October) during which representations and evidence was considered from and on behalf of FOFP, other persons, responsible authorities, and LiveNation, amplifying the written documentation before it.
- 4 The LSC has given careful consideration to the bundle both before, during, and after the hearing (during deliberations), together with the representations and evidence presented at the hearing. Numbers in square brackets refer to the bundle but the absence of reference to representations or to particular pages of the bundle should not be taken to suggest that they have not been considered. The LSC is mindful that the decision to be taken on this application ultimately involves the exercise of an evaluative judgement pursuant to s.4 of the 2003 Act following consideration of the application and representations before it and a discussion led hearing.
- 5 The LSC reminds itself that it must take its decision on this review application with a view to promoting the licensing objectives. In taking that decision, the LSC must also have regard to its Licensing Policy and the s.182 National Guidance.
- 6 The grounds for the review application are stated to be [3]:
 - (1) The Wireless Festival 2017 has caused very serious disturbance amounting to a public nuisance.

- (2) The Wireless Festival 2017 has given rise to crime and disorder.
- 7 The LSC note that, based on the above grounds, the focus of the review is on the impact of the Wireless Festival of 2017 and limited to the licensing objectives of the prevention of public nuisance and the prevention of crime & disorder. Nonetheless, the LSC heard and considered evidence relating to the impact of Wireless in previous years as well as in 2018, and relating to the other licensing objectives of public safety and the protection of children from harm.

Preliminary issue regarding role of the Licensing Officer

- 8 At the start of the hearing on 15 October, FOFP objected to the involvement of Ms. Daliah Barrett as Licensing Officer on the basis of allegations of apparent bias and alleged obstructive behaviour towards FOFP.
- 9 The objection sought to exclude the Licensing Officer's Report and anything sought to be said by Ms. Barrett on the basis of apparent bias against FOFP. It was stated that the context was unusual and highly sensitive because of the financial gain which the Council derived from Wireless and because it had waived any potential conflict by Philip Kolvin QC acting for LiveNation when he had acted previously for the Council in other litigation involving FOFP.
- 10 Section 14 of the Report [21-22] was referred to as setting out the separate roles which the Licensing Officer, and Licensing Authority as Responsible Authority, should have in relation to licensing applications. Email correspondence between LiveNation and Daliah Barrett had been disclosed by the Council at lunchtime, to which reference to parts of the wording was made as demonstrating that there was an overfamiliarity between Ms. Barrett and LiveNation. It was said that Ms. Barrett was working hand in glove with the operator in a way which was not independent in that she had negotiated conditions with one party and not another. Conditions had been agreed With LiveNation but Ms. Barrett was not representing the Responsible Authority. FOFP had been completely cut out of such discussions. Justice must be seen to be done in the eyes of a fair-minded observer.
- 11 When asked which parts of the Report were of concern, FOFP stated that it was the thrust of the Report. Specifically, the comments in the Report as to the use of expletives by artists (paras. 7.4 – 7.5 [13]), which it was said were extremely surprising given the position in the National Guidance, and the position in relation to Nitrous Oxide Gas canisters (para. 7.1 [13]) were stated to disclose apparent bias against FOFP.

- 12 Finally, it was alleged that Ms. Barrett had been obstructive in dealing with FOFP in the run up to the hearing. Hard copy papers had been sent late, and little assistance had been given in opening the online links to the papers.
- 13 Mr. Asitha Ranatunga (Counsel and Legal Advisor to the LSC) advised as follows.
- 14 The correct place to start was Section 14 of the Report [21-22] which properly referred to paras. 9.17 – 9.18 of the National Guidance and the separation of responsibilities between the Licensing Officer presenting the Report and the Licensing Authority as Responsible Authority making representations to the LSC. This was to ensure procedural fairness and prevent conflicts of interest. The Guidance had been met by Ms. Barrett appearing before the LSC as Licensing Officer and Mr. Malcolm (a separate officer) representing the Licensing Authority. Ms. Barrett's Report did not make representations, which was the correct approach.
- 15 Having reviewed the correspondence which had been disclosed to FOFP, there was nothing in Counsel's view which gave rise to a concern as to apparent bias. Counsel's understanding was that the conditions were being offered by LiveNation (not by any officer of the Council) without prejudice to any decision which the LSC might take, and the correspondence was seeking to agree an appropriate form of wording and conditions on that basis. There was nothing objectionable about Ms. Barrett in her role as Licensing Officer facilitating and being involved in that discussion. It was Counsel's firm view that Mr. Barrett was not biased or apparently biased by discussing those conditions as a Licensing Officer handling the application.
- 16 In Counsel's view, the points made by FOFP about the unusual and highly sensitive context were not relevant to the question of any apparent bias alleged against Ms. Barrett as Licensing Officer. FOFP had been asked which parts of the Report they had concerns about and had identified only 2 examples in a Report which was more than 20 pages long. As to the use of expletives by artists, that Section of the Report properly referred to the National Guidance (para. 7.2 [13]) and what it said. In Counsel's view there was nothing wrong in a Licensing Officer in a Report expressing a view on the position in the National Guidance which is what the Report sought to do. As to the position in the Report on Nitrous Oxide canisters, there was nothing in para. 7.1 [13] which suggested that Ms. Barrett was biased or apparently biased.
- 17 Counsel advised that there was no substance to the allegations of apparent bias. Given the very serious allegations which had been made, he suggested both that Mr. Kolvin QC be asked for comment and that Ms. Barrett be given an opportunity to respond (as they felt necessary).

- 18 The LSC heard from Mr. Kolvin QC as to his involvement. He confirmed that LiveNation had approached the Licensing Officer with conditions which it was seeking to put forward. There was nothing in the 27 page Report which was apparently biased and it would be extremely unhelpful for the LSC to have to proceed without a helpful and detailed Report which set out and summarised all of the issues in a voluminous bundle.
- 19 Ms. Barrett confirmed that she had discussed the wording of conditions with LiveNation on the basis that they were conditions which LiveNation would put forward without prejudice to any decision which the LSC might take. As to the allegation of obstructive conduct she noted that she had sought to raise the prospect of mediation with FOFP at an early stage, but it had not been taken up.
- 20 Having conferred briefly, the LSC indicated that they would proceed. The Report would not be excluded, and Ms. Barrett would be allowed to address the LSC in her role as Licensing Officer. In so indicating, the LSC followed the advice of their Legal Advisor and concluded that Ms. Barrett had acted entirely properly. They rejected any suggestion of apparent bias or obstructive conduct.
- 21 The remainder of this decision is split into the following sub-headings:
- Licensing Objectives
 - Evaluation of the representations
 - Whether the licensing objectives have been undermined
 - The cause or causes of any concerns
 - Appropriate and proportionate steps to be taken, including why other steps are not appropriate.

The Licensing Objectives

- 22 The LSC consider that the prevention of public nuisance, the prevention of crime and disorder, and the protection of child safety are engaged by this application.
- 23 With regard to the prevention of public nuisance, the LSC has had regard to para. 2.16 of the s.182 Guidance which advises that public nuisance is not narrowly defined in the 2003 Act and retains its broad common law meaning. The Guidance advises that it may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Given the wide scope of public nuisance, the LSC considers that this licensing objective is engaged.

- 24 Although not referred to in the grounds of the application, reference was made in the documents supporting the application to issues alleging the dangerous set up for the event which potentially relates to public safety (e.g. [47]). The LSC considers that these issues fall outside of its remit as they do not directly relate to licensable activities. They would be covered in the overall event management plan which is carried out in agreement with the Parks Service and promoter.
- 25 FOFP also made reference to the deaths of 2 young people which it alleged happened at or near the event in 2018 after they had attended the event. It was alleged that an ambulance had been prevented from accessing the festival. It was alleged these matters gave rise to serious concerns as to public safety.
- 26 The LSC reject the suggestion that LiveNation is at fault for the fatalities. The facts and circumstances surrounding the fatalities are the subject of Coroner's inquests and have not been established. The LSC were aware that no overall concern had been raised by the London Ambulance Service [1066-1077].
- 27 For the above reasons, the LSC does not consider that the licensing objective of public safety has been engaged.
- 28 As for the protection of children from harm, having regard to para. 2.22 of the s.182 Guidance - which advises that it includes wider harms such as exposure to strong language - the LSC considers that the concerns raised about the use of expletives by artists at Wireless do engage this licensing objective but only to the limited extent that swearing might be heard by the children of nearby residents (e.g. in the playground).

Evaluation of representations

- 29 Having considered the representations made by FOFP and other persons, as well as the representations made by the responsible authorities, and LiveNation, the LSC consider that there is evidence of the following impacts from Wireless 2017 relating to the licensing objectives which have been engaged:
- Loud music from the event, including bass level noise, causing a nuisance to residents.
 - Low level anti-social behaviour and disorder from patrons when they leave, both in and around the roads around Finsbury Park. This includes urination in people's front gardens and doorsteps, and the use and apparent supply of NOS gas.
 - Litter both inside Finsbury Park and in the roads around it causing a nuisance to residents.

- A level of crime associated with the event both inside and outside Finsbury Park in the roads around it.
 - Use of expletives by artists performing at the event which can be heard by residents, some of whom have children.
- 30 The LSC considers that the following matters are not within its remit to consider [5-6]:
- Views on whether or not the park should be used for events at all.
 - Access to the park on the run up / during and after the event days.
 - Not liking the type of music that Wireless offers.
 - Parking controls on event days.
 - The income generated from the event and what it is used for.
 - The cleansing of the Park in general terms.
 - The condition of the grassed area during and after events.
 - Imposing conditions for Services to derive financial income from the promoters.
- 31 As to NOS gas, the possession and consumption of NOS gas is not a criminal offence. The Police can only deal with someone possessing NOS gas with intent to supply, and the Officer Report notes that the Council's own Enforcement Team has been particularly productive in taking enforcement action against NOS gas sellers found on the periphery of the event [13].
- 32 As to concerns raised about vibration in residential buildings caused by rhythmic jumping at the event by patrons, the LSC considers that this is not at a level considered able to cause structural damage to buildings. This occurs in short bursts and dissipates quickly. The advice of a structural engineer and the Council's Building Control Service has been sought and damage to buildings is not an issue [12]. However, any vibration is relevant to the public nuisance licensing objective.

Whether the licensing objectives have been undermined

- 33 The LSC considers that it is important to consider the evidence of impacts referred to above in its proper context, both when considering whether the licensing objectives have been undermined, but also in considering what steps it would be appropriate and proportionate to take in response to the evidence.
- 34 There are a number of factors which are relevant to that context:
- (1) The review application relates to Wireless Festival. Wireless is an urban music festival where the main licensable activities take place across 1 weekend (3 days) in the calendar year. Although referable to a premises

licence which is indefinite, the licensable activities relating to Wireless are not experienced all year round, but across 2 weekends in the summer with the main event held over the second weekend.

- (2) The event capacity is 49 999 each day, 45 000 of whom are patrons. Large gatherings of people for such events will inevitably give rise to a degree of music and noise disturbance, ASB, and crime & disorder.
- (3) A maximum of 37 500 patrons attended Wireless each day for 3 days in 2017. LiveNation provided leaflets to 20 000 households in a distribution list around the area of Finsbury Park. The leaflet contained contact numbers for complaints to be raised [935]. Against that background, the 70 complaints received via people calling the Finsbury Park Residents' Line in 2017 is relatively small, even allowing for a degree of under-reporting, or complaint fatigue. The level of complaints is consistent with that for other major Festival events in and around London. The LSC also notes that there were 76 representations in support of the review application, which is relatively small as a proportion of the households actively made aware of the event and the fact that this was a much-publicised review [872].
- (4) Wireless is a live music event which is culturally significant to London and Haringey, which is an ethnically diverse Borough. The event at least in part has its roots in grime music which emerged in the inner-city estates of London. To that extent, it is a Festival which represents the city in which it is based. The Council is rightly proud to host the event for the benefit of its constituents and Londoners as whole. The fact that supporters of an annual music Festival such as Wireless have not engaged in the licensing regulation process by making representations in support of LiveNation is of little consequence.
- (5) By reference to (3), Wireless represents a live music event which is valuable to the community. Licensing Authorities should avoid inappropriate or disproportionate measures that could deter such events, and in the context of conditions, should be alive to the indirect costs that can arise by their imposition, which could be a deterrent to holding them (s.182 Guidance, paras. 2.12 and 10.10).
- (6) Finsbury Park is an urban London Park. It is sadly unsurprising to find a degree of NOS gas and drug use in an urban London Park. That is not to condone such activities, or to accept them, but to set the baseline against which the impacts of Wireless should be judged.
- (7) Finsbury Park is also well connected in terms of public transport, which helps with the efficient dispersal of large crowds of people.

- (8) The Metropolitan Police, who are the Licensing Authority's main source of advice on matters relating to the promotion of the crime & disorder licensing objective (s.182 Guidance, 9.12), have not made a representation or raised any concerns [1025]. The response of the Met Police to the SAG Debrief in 2017 stated that there was nothing out of the ordinary required for 2018 and that the event struck a balance between the needs of the locality and policing the event [1067].
- (9) The Licensing Authority as Responsible Authority presents the crime figures noting that there were 23 reported crimes over the weekend of Wireless 2017 of which almost 40% were theft related. This can be compared with an average of around 200 reported crimes per year, not all of which result in arrests. In terms of numbers of arrests, these have come down from previous years [747]. Whilst allegations of crime, particularly allegations of sexual assault, should be taken seriously and no doubt will be investigated by the Metropolitan Police, it can be noted that neither the Metropolitan Police nor the Licensing Authority as Responsible Authority presenting the crime data, consider that the licensing objectives have been undermined by the holding of Wireless.
- (10) The Council's ASN Specialist Officer on Noise matters, Mr. Charles, provides a representation on behalf of the Council's Noise Team [753-774]. Having reviewed the complaints history of the FOFP's witnesses, the expert noise report submitted by FOFP, the conditions of the licence, the music noise complaints received during 2015 – 2018, and his own monitoring data, Mr. Charles concludes that he does not consider that the prevention of public nuisance licensing objective has been undermined. As a responsible authority providing the main source of advice on public nuisance matters, Mr. Charles' representation carries significant weight.
- (11) The grounds for the review refer to Wireless 2017. The continuous improvement model which is followed has meant that several steps have been taken in response to the issues raised around Wireless 2017 which have brought about improvements in 2018. These include an increase in off-site security personnel from 14 – 93 supervisors; the improvement of noise monitoring procedures including through the use of real time communication; and an expansion in the Toilet City (on the egress route) from 120 to 224 toilets [870 – 871]. Specifically, the greater engagement with officers and residents of LB Hackney have led to notable improvements, as in part acknowledged by Councillors Potter and Selman (from LB Hackney) in their representations to the LSC [650, 657].

- 35 For the above reasons, the LSC considers that when considered in its proper context, the licensing objective of the prevention of crime & disorder has not been undermined.
- 36 The LSC considers that the licensing objective of the prevention of public nuisance has been undermined, but the above reasons temper the extent to which it can be said that the circumstances here lead to a significant reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.
- 37 The LSC considers that the licensing objective of the protection of children from harm has been undermined but only to the limited extent that children of residents may have been exposed to expletives used by artists.

The cause or causes of any concerns

- 38 The s.182 Guidance provides that Licensing Authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify (11.20).
- 39 The LSC does not consider that the cause or causes of concerns is any lack of proper and effective management of the event by LiveNation or Festival Republic who run Wireless on its behalf. The LSC accepts that LiveNation is one of the leading live music promoters in the UK with considerable experience of putting on large scale festivals in a safe and well-managed manner in partnership with local authorities. The LSC also note that LiveNation as licence holder have always worked in partnership with the responsible authorities under the Act, a fact which is underpinned by the absence of any negative relevant representation by any responsible authority in response to this review.
- 40 The LSC is also aware of the fact that LiveNation is permitted to occupy the Park pursuant to a contract for hire with the Council, which sets some key parameters for its use and is separate from Licensing. The premises licence itself includes conditions which require the consent of the Licensing Authority to be given for any proposed event to take place (Condition 30), for an Event Management Plan to be finalised to the satisfaction of the Licensing Safety Advisory Group before any event takes place (Annex 3 [335]), and that no changes can be made to the EMP after 1 month before the proposed event (Condition 35). This method of regulation effectively means that there is a formal process of scrutiny and review of the event each year with the involvement of all relevant regulatory bodies. The terms of the premises licence properly allow for some flexibility in the way in which particular issues are managed with the oversight of the LSAG, whilst the framework for the operation of the licence is set within the premises licence.

- 41 Notwithstanding the LSC's views on the appropriateness of LiveNation as premises licence holder and the mechanism through which Wireless operates under the premises licence, the LSC considers that the cause or causes of the concerns are the lack of clarity and transparency in certain conditions on the licence, and the absence of certain parameters on the licence to ensure that the appropriate balance is met with a view to promoting the licensing objective of the prevention of public nuisance and the protection of children from harm. A tightening up of the conditions in certain areas, and the imposition of new conditions, should enable all parties to work together to ensure the event is properly regulated.

Appropriate and proportionate steps to be taken

- 42 Having regard to the application and the representations, the LSC must take such steps as it considers appropriate for the promotion of the licensing objectives (s.52(3)). Any such steps must also be proportionate (s.182 Guidance, para. 10.10).
- 43 In the light of the LSC's decision that the licensing objectives have been undermined, taking no action would not be appropriate.
- 44 LiveNation have agreed a list of conditions with LB Islington, on the basis of which LB Islington have withdrawn their representation. These comprise amendments to 16 existing conditions and 4 new conditions. Having considered those conditions at the hearing and during deliberations, the LSC agree that they are appropriate and proportionate, subject to an amendment to the proposed amended wording of Condition 16 to require that the sufficient barriers to be provided is a matter which must be agreed with the LSAG. This is to ensure that specific concerns raised by Councillor Selman (from LB Hackney) as to the number of barriers is appropriately met. LB Hackney's involvement with the LSAG would ensure their input on this issue.
- 45 LiveNation has also put forward a list of conditions which have been reviewed by Officers at the Council without prejudice to the LSC's decision (no representation is withdrawn on the basis of these conditions). These comprise 32 new conditions. Having considered these conditions at the hearing and during deliberations, the LSC agree that, apart from the Low Frequency Conditions (which are considered below), they are all appropriate and proportionate subject to the following minor amendments:
- Condition 22 on the provision of a plentiful supply of clean drinking water .. ; this should be provided with an adequate supply of plastic-free paper cups (remove 'or plastic cups').

- Condition 27 on consideration of the use of private security dogs at the entrances .. ; any implementation of the use of private security dogs should be agreed with the LSAG.
- 46 With regard to the use of expletives by artists, which might be heard by the children of nearby residents (e.g. in the playground), and the limited extent to which this could be said to undermine the licensing objective of the protection of children from harm, the LSC considers that Condition 51 could be worded more clearly so as to encourage artists not to use expletives. It is not considered it would be proportionate to go further than requiring LiveNation to make reasonable requests for artists not to use expletives; to go further and apply penalties as FOFP suggest is somewhat unrealistic given this is a live music festival. Condition 51 will be amended as follows (new wording underlined):

'The Licensee shall reasonably request that performers do not sing or play any vulgar, obscene or banned songs or carry out indecent acts or make any vulgar gestures, actions or remarks during the performance, or at any point whilst using an amplification device, including the use of expletives. He shall also ensure that the attire of the performers do not offend the general public, e.g. attire which exposes the groin, private parts, buttock or female breast(s).'

Noise Conditions

- 47 The LSC's view is that loud music from the event, including bass level noise, has caused nuisance to local residents such that a public nuisance has been caused undermining the public nuisance licensing objective.
- 48 The LSC considered detailed reports from Mr. Vivian (FOFP), Mr. Griffiths (LiveNation), and a detailed representation from Mr. Charles (LB Haringey) on noise issues. There was also considerable discussion about noise and appropriate noise conditions at the hearing, with FOFP tabling new noise conditions on maximum Music Noise Levels and maximum Low Frequency Noise Levels at the hearing, and LiveNation proposing new conditions 31 and 32 on Low Frequency noise.
- 49 The LSC has considered Conditions 98 – 109 of the Premises Licence which seek to address the Prevention of Public Nuisance. These include Condition 102 under which LiveNation's appointed noise consultant must be aware of the guidance contained in the Code of Practice on Environmental Noise Control at Concerts (or any subsequent equivalent Guidance) and make use of its recommendations where appropriate to the circumstances of the application.

Sound levels generally

- 50 As to sound levels generally, a table of approved locations representative of noise sensitive premises is included at Condition 106 including Background Noise Levels. Condition 107 provides that sound levels should not exceed the background levels by more than 15dB when measured as a 15 minute LAeq. Condition 108 acts as an 'override' condition to Condition 107 requiring that any reasonable request of the Licensing Officer representative must be complied with by LiveNation with regard to sound levels.
- 51 The LSC is aware that Condition 108 has been effective in keeping sound levels to an acceptable level but that there are only two Council Noise Officers who are available to monitor noise levels at the event and respond to noise complaints.
- 52 The COP Guidance provides guideline Music Noise Levels for concerts of 1 to 3 days per calendar year, for Urban Stadia or Arenas, under which the MNL should not exceed 75dB(A) over a 15 minute period, which would seem appropriate for the Wireless event. It can be noted that of the 6 representative noise locations here, only the limit set at 364 Seven Sisters Road exceeds that level (78dB(A)[762]). The noise monitoring undertaken by Mr. Charles did record an exceedance of the guideline level at 14.36hrs on 7 July 2018 (albeit marginally) [765]. Further, Mr. Vivian's monitoring at a different location on the balcony of a flat on Seven Sisters Road recorded two periods of high noise on 7 July 2017 which appear to have been above the 75 or 78dB(A) 15 minute levels [128, para. 6.2 and Figure 3].
- 53 In those circumstances, the LSC considers it to be both appropriate and proportionate to include the COP Guidance level into Condition 107 in order to provide a transparent and fixed upper level against which the representative noise locations can be assessed. Condition 107 will therefore be amended as follows (new / amended text underlined):
- 'Sound levels at any location contained within the Table of Approved locations in Condition 106 shall not exceed the above background by more than 15dB when measured as a 15 minute LAeq, and in any event the sound levels at those locations shall not exceed 75dB(A) at any time when measured as a 15 minute LAeq.'
- 54 It is not considered proportionate for the sound level to apply at any noise sensitive premises as there are already a number of representative locations and such a condition would be unworkable due to the coverage of potential complaints. Condition 108 will remain as an 'override' condition to provide a

discretion for Council Noise Officers to take action where they witness sound levels which they subjectively consider to be unacceptable.

- 55 There was agreement by Mr. Griffiths that it would be prudent to update the background noise levels in the Table of Approved locations in Condition 106 and there was also agreement by LiveNation to include a further representative location within LB Islington. A new condition will be imposed as follows:

'The background noise levels contained in the Table of Approved locations in Condition 106 shall be updated annually. The locations shall include at least one location within the London Borough of Islington, in addition to the 6 locations already included in the Table.'

- 56 As to Condition 105 on monitoring of the locations by LiveNation's appointed noise consultant, in the light of the availability to LiveNation of software for monitoring sound levels continuously, the wording of the condition should be made more precise. The LSC considers it appropriate to do so given the evidence of loud music which has caused a public nuisance. Further, having reviewed the noise control measures sought by LB Hackney [8], it is appropriate and proportionate to require all monitored data to be made available on the request of any authorised Council Officer from each of the three London Boroughs whose residents may be affected by noise. Condition 105 will be amended as follows (new text underlined):

'Monitoring of the locations representative of the noise sensitive premises (indicated below) must be undertaken by the appointed noise consultant on behalf of the Premises Licence holder continuously throughout the times where there is regulated entertainment of any kind and readings / noise levels must be stored for subsequent reporting or disclosure to appointed Licensing Authority representatives or appointed representatives from LB Islington or LB Hackney as they are obtained and upon request at any time. A minimum of two persons must be available outside the park to monitor noise levels and to provide a response to complainants.'

Low Frequency Condition

- 57 The LSC consider that there is sufficient evidence of low frequency music noise causing public nuisance to justify the imposition of conditions.
- 58 Both FOFP and LiveNation have proposed conditions and there was considerable discussion on which condition would be appropriate. The issues centred on whether the dB level in the condition should be C-weighted or set according to one-third octave frequency bands and what that level should be.

59 On balance, and as a matter of judgment, the LSC consider that setting the dB level according to one-third octave frequency bands would be both appropriate and proportionate. The LSC has no reason to doubt the evidence of Mr. Griffiths that conditions in this form are used in relation to Festivals held in other London Parks, and Mr. Griffiths confirmed that he was happy to give an expert declaration in relation to his Reports. New Condition 31 had been reviewed by Council officers who were content with its wording. It is also noteworthy that Mr. Vivian on behalf of FOFP measured low frequency music levels against octave bands for his Report as well (albeit the lowest band at 31.5Hz, which is lower than the 40Hz lowest band proposed) [128-129].

60 As to the dB level, however, the LSC considers that it is appropriate and proportionate to set this at 85 dB Leq 15 minutes in any of the one-third octave frequency bands from 40Hz – 125Hz outside the representative locations. This would bring the threshold of acceptability down to a level which would be more consistent with Mr. Vivian's subjective observations on 8 July 2017 which the LSC considered to be credible, when he considered that the bass level of the earlier Travis Scott set was very intrusive whereas the late Skepta set was not. The dB levels noted at the octave band centred at 63Hz (albeit at a different location on Seven Sisters Road to the representative noise locations) would have exceeded 85 dB at times, and would likely have continuously exceeded that level at 40Hz [129, Fig. 5]. Finally, Condition 31 should properly require action to be taken if the sound engineer records levels above 85 dB Leq 15 minutes whether or not a substantiated complaint of public nuisance is made.

61 Condition 31 will therefore be amended so that it reads as follows (amendments / new text underlined):

'The maximum low frequency Music Noise Level (LFMNL) shall not exceed 85 dB Leq 15 minutes in any of the one-third octave frequency bands from 40Hz – 125Hz outside the representative locations. The licensee shall require the sound engineer to take remedial action to reduce levels on receipt of substantiated complaints of public nuisance or on LFMNL levels in excess of the 85 dB Leq 15 minutes level referred to above.'

62 The LSC also considers it is appropriate and proportionate to impose new Condition 32 on Bass Music Noise Levels and monitoring.

FOFP Conditions

63 The conditions tabled by FOFP for the first time in their address to the LSC are, apart from with regard to Sunday hours, considered to be disproportionate. The LSC accept LiveNation's contention that if imposed, any of Conditions (b) and (c) would have the effect of killing the event, given the hours of operation

- required to attract the big name acts on the main event days and the capacity required to draw in those same acts and to enable the event to be viable.
- 64 With regard to capacity, this should not be an issue if the event is managed properly. Transport links around the Park are excellent, and the Met Police have no objection on capacity and crime & disorder.
- 65 As to the duration of the event, this is limited via the LSAG and there is no suggestion that the event days are increasing so as to justify the imposition of such a condition.
- 66 The LSAG does include representatives of the other Councils and LiveNation continue to engage with them.
- 67 The power to impose conditions under the licensing regime does not extend to expanding the Stakeholder Group. Both this and all of the conditions referred to in Appendix 1 are not relevant to licensing.
- 68 However, with regard to the operating hours on Sundays, the LSC does consider it would be appropriate and proportionate to reduce the terminal hour by 30 minutes on Sunday. By that reduction, the last sale of alcohol would be made at 2100hrs, regulated entertainment would finish at 2130hrs, and the event would close at 2200hrs. The LSC considers that this would set an appropriate balance between the value of the event to the community, the fact that the event takes place in early July during school term, that Sunday is the day before the working week commences for many, and that the event takes place in relative proximity to residents. LiveNation are rightly aware of their social responsibility to children in not starting the event on the Friday until school finishes. The LSC considers that it would be appropriate for the prevention of public nuisance for the event to conclude by 2200hrs on the Sunday night for similar reasons.
- 69 Finally, the LSC is mindful of the concerns raised about the lengthy period during which the build up and take down for the event takes place. Although the LSC does not consider that this is directly relevant to the licensable activities and so is not a matter which it can properly condition further, it is a matter which could be addressed through the Parks management for the event or the EMP. As an informative, the LSC requests that LiveNation explores options to ensure that access to the Park is optimised throughout the period of Wireless including its build up and pull down, so that the Park can be accessed and enjoyed by all.
- 70 In deciding this review application, the LSC has had regard to its duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of

its decision and the authority's responsibility to cooperate in the reduction of crime and disorder in the Borough.

- 71 The LSC has also considered the right to a fair hearing in the determination of civil rights and the protection of private and family life under Article 8 of the European Convention, as well as the protection of property under Article 1 of the First Protocol, which may include premises licences. It is not considered that any of these rights have been interfered with through the decision-making process or the decision itself.

- 72 This decision can be appealed to the magistrates' court within 21 days of the date of notification.

Conditions

CHAIR:

Signed by Chair

Date

PROPOSED CONDITIONS – LB ISLINGTON**Amendments to existing conditions on the licence (by current number)**

12. The Licence holder shall provide a comprehensive and satisfactory traffic management plan (TMP), including full details of ingress and egress management, parking restrictions and enforcement, taxi pick up and drop off positions. This must be agreed by MPS, LB Haringey, London Borough of Hackney and London Borough of Islington, TFL (as traffic authority and for Underground and Buses) and GTR . Without the agreement of all parties to the TMP one month before the event, the event cannot take place.
13. The TMP must be supported by a traffic management order (TMO) which will provide the lawful authority for all road closures and traffic diversions. This must have been approved by LB Haringey, LB Hackney and LB Islington and the relevant traffic authority/ies.
14. Implementation, management and enforcement of the TMP and TMO must be by adequately trained stewards. An event TMO may require these to be CSAS accredited.
15. Sufficient and appropriately briefed and trained staff must be deployed to manage queues at all transport hubs significantly affected by each event. The locations and timings of these deployments to be agreed with the LSAG.
16. Sufficient barriers to be agreed with the LSAG must be provided in order to facilitate a safe queuing environment and deliver patrons to the stations at a rate that the stations can deal with.
17. The full cost of the TMP, including the TMO, 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.
63. The Waste/Litter Management Plan and Street Cleaning Plans for LB Haringey, LB Hackney and LB Islington contained in the Final Event Management Plan must be complied with in full. The pedestrian routes into the park must be looked after by litter teams during and after the events. The specific areas will be: Station Place frontage on Finsbury Park Station, Stroud Green Road from Morris Place down to junction with Seven Sisters Road. Seven Sisters Road up to Manor House Station (including up to 150m into all side roads off Seven Sisters Road, Oxford Road, Perth Road, Woodstock Road and Ennis Road. These areas must be litter free by 6am on the morning after each event.
71. The Licence holder shall provide an agreed number of SIA and stewards at agreed locations outside the environs of the Park in LB Haringey, LB Hackney and LB Islington as part of the EMP, to ensure guidance is being given and directing concert patrons to and from the event site both before and after the events.
73. The Licence Holder shall employ sufficient numbers of stewards/marshals as required by the size of the event as agreed in the EMP to ensure that patrons leave the premises safely. SIA stewards and general stewards must be proactive in preventing public urination in and around the park in LB Haringey, LB Hackney and LB Islington and must be fully briefed in this regard.
75. Any queue which forms outside the premises shall be stewarded at all times to ensure that minimal disturbance is caused.
76. The Licensee shall encourage patrons not to congregate outside the premises after the event has finished.

81. Unless otherwise agreed, the Licensee must ensure an Egress Management Plan is presented to and agreed by the Safety Advisory Group, or their authorised representative, no later than 28 days prior to the event. Please note: The Egress Management Plan may require the closure of Seven Sisters Road or other surrounding roads with the approval of the relevant authorities.
83. The robust management of the Egress Plan may require assistance from the MPS and appropriate costs associated with this will be met by the promoter. Provision of policing requirements should be jointly risk-assessed for each event.
84. For the avoidance of doubt the footprint of the concert will be viewed to include the areas within the traffic management order. Other transport hubs away from Finsbury Park station itself may require additional stewarding from the promoter costs are to be met by the promoter.
85. If the Egress plan requires the closure of Seven Sisters Road, agreement must be sought with TFL-Roads.
86. The Licence Holder shall provide an agreed number of SIA and stewards at agreed locations outside the event site to take all reasonable steps to ensure concert goers (other than local residents) do not exit the park into residential streets in LB Haringey, LB Hackney and LB Islington detailed in the Egress Management Plan.

New Conditions

- (a) Each year the Licence Holder if requested shall meet with the Officers of LB Haringey, LB Islington and LB Hackney on a monthly basis to receive feedback on the Event Management Plan regarding issues arising from events which may adversely impact on LB Islington, LB Hackney and LB Haringey residents.
- (b) The Licence Holder shall arrange a consultation meeting with Local Residents from LB Haringey, LB Islington and LB Hackney at least 2 months prior to the first event each year to receive feedback on the EMP.
- (c) The Licence Holder shall arrange a debrief meeting with Local Residents from LB Haringey, LB Islington and LB Hackney within 4 months of the final event each year to receive feedback about the events.
- (d) The Licence Holder will arrange a meeting with representatives of LB Haringey, LB Islington and LB Hackney residents each day of the event each year to receive real time feedback on the events.

PROPOSED CONDITIONS SUGGESTED BY LIVENATION

GENERAL

1. The event shall not commence until all the Council's requirements contained in this licence in respect of the event have been carried out to Haringey's licensing officer's (or their delegate) reasonable satisfaction.
2. Where consents are required under this licence they will not be unreasonably withheld or delayed.

PRELIMINARY

3. A "pop concert" is considered a "work activity" therefore the licensee is bound by the Health and Safety at Work etc., Act 1974 and the various regulations and directives, which may apply to the activity.
4. The licensee is responsible for the event whether or not it is the employer. The licensee has responsibilities for the health and safety of third parties affected by the event including the audience. Any employer contracted by the licensee shall be responsible for the health and safety of its employees.
5. The co-ordination and implementation of all safety procedures shall be the duty of the event safety co-ordinator (who shall be a competent person working in the field of health and safety who is fully conversant with health and safety law, regulations and approved codes of practice).
6. The licensee, its head of security, and safety co-ordinator shall make themselves fully conversant with the guidance set out in the current "Event Safety Guide".
7. The control and management of the capacity of the events (including the VIP entrance) shall be by way of a live ticket audit which will be available for inspection by Council officers throughout the event.

PROMOTERS, CONTRACTORS & STAFF

8. The licensee shall ensure that all employees, contractors and other personnel involved with the event are made aware of any condition contained within the licence that will affect their involvement in the event.

GENERAL SAFETY

9. The licensee or a person(s) nominated by him in writing as his deputy, shall be in charge of and upon the site for the duration of the event.
10. The licensee or a person(s) nominated by him in writing as his deputy, shall together with the Haringey licensing officer (or their appointed delegate) inspect the site during the set up on the last working day before the event starts at a time to be confirmed by the licensee.
11. The licensee or a person(s) nominated by him in writing as his deputy shall, together with the Haringey licensing officer (or their appointed delegate), carry out a site inspection on each date of the event at 10am to ensure that all the requirements of the licence are in place and that reasonably practicable steps have been taken to protect the health and safety of members of the public by the licensee to the satisfaction of council officers, before the public are allowed on site.

SAG MEETINGS DURING THE EVENTS

12. The licensee or person(s) nominated by him in writing as his deputy shall meet with the Haringey Licensing Officer (or their appointed delegate) all relevant officers, and members of SAG the day before the start of the event, and at any other subsequent time(s) or days as may be determined by the situation on the site. Minutes of any such meetings shall be kept and issues raised will be referred to at subsequent SAG meetings.

SITE

13. The licensee shall:-
 - (a) before entering onto the site to commence the build carry out a site survey to consider what steps are necessary to protect the concert site before and during the event;
 - (b) inspect the ground conditions and determine the feasibility of placing the stage, tents and other structures on the site;

- (c) decide what additional works may be necessary having regard to the prevailing ground conditions at the time of construction.

This may require the laying of tracking over parts of the site to protect the ground from damage by vehicular traffic and provision should be made in advance of the event date for this eventuality.

14. Prior to construction of the stage, tents and other structures on site, a meeting shall be held between the licensee and Council officers to inspect the condition of the site and discuss its layout.
15. The licensee shall provide adequate illumination to the site as this is a late finish from dusk so as to ensure the safe movement within the licensed site and safe egress from the site.

QUEUING OUTSIDE THE PREMISES

16. Should it become obvious to the licensee or his representatives that a queue of patrons is likely to form outside the perimeter fence, the licensee or his representative shall put into place the following:-
- Barrier fencing along the perimeter fence to facilitate queuing
 - Adequate security/stewarding personnel to manage those queuing to collect tickets round the perimeter fence, to include the length of the queue and that the queue is kept close to the perimeter fence
 - Refuse receptacles placed outside the fenced area for the use of those queuing.
17. The licensee shall provide to Haringey Licensing Officer (or their appointed delegate) and other relevant parties, on request the number of people on site at any one time. In addition to ticket holders this number shall include those gaining access via the VIP gate(s), traders, the press, performers entourage and their bona fide guests. The licensee shall also provide information regarding the current length of access queues.
18. The event site shall be fenced off from the rest of the park with dedicated and sign-posted entry and exits that are clearly visible from within the fenced area and immediately outside the fenced perimeter.

PROVISION & VERIFICATION OF CERTIFICATES/QUALIFICATION

19. The licensee shall take reasonable steps to ensure that staff and volunteers (if appropriate) are suitably qualified and capable of carrying out whatever function they have been allocated to. To ensure that, where applicable, certificates and qualifications are to be sent to the Council in time to allow for verification.

EVENT REPORT

20. The licensee shall request of all key service providers i.e. head of security, first aid providers, welfare providers, to maintain a record of all incidents and occurrences and action taken during the event. The statistics shall be sent to the licensing officer within 14 days after the event.

RISK ASSESSMENT RESPONSIBILITY

21. It is the responsibility of the licensee to take all reasonable steps to ensure that all risk assessments and method statements carried out for the event and on its behalf, identify any incident(s) or dangerous situation(s) or occurrence(s) that are reasonably foreseeable to occur during the licensed event and reasonable steps or actions taken or in place to prevent or address them.

DRINKING WATER

22. A plentiful supply of clean drinking water from a minimum of two water points shall be provided in the pit area, together with an adequate supply of plastic-free paper cups.
23. Drinking water shall be available for patients at the first aid points. Additionally, drinking water shall be provided elsewhere on the site to the ratio of one outlet for every 5,000 persons. To avoid water logging of the ground in the immediate vicinity each tap shall be of the self-closing type. This includes the first aid points.
24. Water should be provided through a mains supply, but if this is not possible, other agreed means of supply may be used.

ILLEGAL DRUGS

25. An illegal drugs and prohibited substances policy shall be in place for each event as part of the Event Management Plan. This shall include an anti-drugs message through media including the use of legal highs. The media messaging shall state that this is a drug free event and offenders may be ejected and be subject to being dealt with by the criminal justice system if found in possession of illegal drugs. Advertising and ticketing will show that this event has a zero tolerance policy to the possession of illegal drugs and/or prohibited substances.
26. Surrender bins shall be positioned at the entrances and the approach to entrances promoting that the event is a drug free event. The bins must be closely monitored by security and emptied regularly.
27. The licensee shall consider the use of private security drugs dogs at the entrances to identify illegal drug dealers/users and encourage the use of the surrender bins for those in possession of illegal drugs for personal use. Any implementation of the use of private security dogs should be agreed with the LSAG.
28. Anyone reasonably suspected of possessing or taking illegal drugs may be ejected from the event on the advice of Event Control.

SEARCHING

29. There shall be a pre agreed search policy at the public entrance to the event and VIP entrance. Advertising and ticketing shall show that searching is a condition of entry to the event. The search policy shall also provide for the searching of staff and contractors as appropriate.
30. Anybody reasonably suspected of possessing illegal drugs, prohibited substances or prohibited items may be refused entry on the advice of Event Control.

LOW FREQUENCY CONDITION

31. The maximum low frequency Music Noise Level (LFMNL) shall not exceed 85 dB Leq 15 minutes in any of the one-third octave frequency bands from 40Hz - 125Hz outside the representative locations. The licensee shall require the sound engineer to take remedial action to reduce levels on receipt of substantiated complaints of public nuisance or on LFMNL levels in excess of the 85 dB Leq 15 minutes level referred to above.
32. The Bass Music Noise Level (BMNL) shall be monitored and assessed during the event and if the levels are such as to cause a noise nuisance within any noise sensitive premises the licensee will liaise with the Local Authority to reduce the BMNL to an acceptable level.

FURTHER NEW CONDITIONS / AMENDMENTS TO EXISTING CONDITIONS (BY CURRENT NUMBER)

Condition 51

The Licensee shall reasonably request that performers do not sing or play any vulgar, obscene or banned songs or carry out indecent acts or make any vulgar gestures, actions or remarks during the performance, or at any point whilst using an amplification device, including the use of expletives. He shall also ensure that the attire of the performers do not offend the general public, e.g. attire which exposes the groin, private parts, buttock or female breast(s).

Condition 105

Monitoring of the locations representative of the noise sensitive premises (indicated below) must be undertaken by the appointed noise consultant on behalf of the Premises Licence holder continuously throughout the times where there is regulated entertainment of any kind and readings / noise levels must be stored for subsequent reporting or disclosure to appointed Licensing Authority representatives or appointed representatives from LB Islington or LB Hackney as they are obtained and upon request at any time. A minimum of two persons must be available outside the park to monitor noise levels and to provide a response to complainants.

Condition 107

Sound levels at any location contained within the Table of Approved locations in Condition 106 shall not exceed the above background by more than 15dB when measured as a 15 minute LAeq, and in any event the sound levels at those locations shall not exceed 75dB(A) at any time when measured as a 15 minute LAeq.

New Condition

The background noise levels contained in the Table of Approved locations in Condition 106 shall be updated annually. The locations shall include at least one location within the London Borough of Islington, in addition to the 6 locations already included in the Table.

For the avoidance of doubt, the LSC decided to reduce the operation on Sundays as follows:

- the last sale of alcohol at 2100hrs (reduce by 30 minutes)
- regulated entertainment to finish at 2130hrs (reduce by 30 minutes)
- terminal hour 2200hrs (reduce by 30 minutes)

Informative

That LiveNation explores the options to ensure that access to the Park is optimised throughout the period of Wireless including its build up and pull down, so that the Park can be accessed and enjoyed by all.

47. The following matters are of particular importance:

- (a) **Noise.** The Friends propose the following noise condition:
The maximum Music Noise Level (MNL) shall be 75dB LAeq, 15 minutes outside any noise sensitive premises.
And
The maximum Low Frequency Music Noise Level (LFMNL) shall be 85 dB LCEq, 15 minutes outside any noise sensitive premises.
- (b) **Hours of operation.** The Friends propose the following hours of operation:

Provision of regulated entertainment [etc.]
Monday to Saturday: 10:00 to 22:00 (i.e. half an hour earlier than currently)
Sunday: 10:00 to 20:30 (i.e. one and a half hours earlier than currently)
Supply of Alcohol
Monday to Saturday: 12:00 to 21:00 (i.e. the start, two hours later; and the end, one hour earlier than currently)
Sunday: 12:00 to 20:00 (i.e. the start, two hours later; and the end, two hours earlier than currently)
For consumption ON the premises
Opening Hours:
Monday to Saturday: 12:00 to 21:30 (i.e. the start, two hours later; and
the end, one and a half hours earlier than currently)
Sunday: 12:00 to 20:30 (i.e. the start, two hours later; and the end, two hours earlier than currently)
- (c) **Capacity:** The capacity of events should be limited to 10,000 ticket-holders.
- (d) **Duration:** The licence should limit the number of events that take place in any given year to 12 days, and no more than four consecutive days.
- (e) **SAG:** The Safety Advisory Group to be expanded to include representatives from Hackney and Islington Councils, representation to be as those Councils deem appropriate. A representative of the Licensee to be present at all Safety Advisory Group meetings.
- (f) **Event Stakeholders:** The Finsbury Park Events Stakeholder Group to be expanded to include representatives from Hackney and Islington Councils,

representation to be as whatever those Councils deem appropriate. A representative of the Licensee to be present at every Events Stakeholder Group meeting.

48. In addition, the Friends request that the Council impose conditions in relation to the matters outlined at Appendix I.

CHARLES STREETEN
FRANCIS TAYLOR BUILDING

APPENDIX I

Park - Limit percentage of park taken up to 10% (commensurate with #2)

Policing – increase the number of officers to a level at which the Metropolitan Police believe is wholly adequate to deal with policing whichever maximum capacity is settled upon, i.e., policing for up to 10,000 if as requested (above, point two); or policing for up to 50,000 persons, if unchanged.

Drugs searching – a stronger and more effective policy to search for any drugs on ticket holders, to reduce the chance of further drug-related deaths

Water – available—as with concerts at Hyde Park where there are metal troughs with several, temporary, plumbed-in taps—for patrons at no charge

Cigarettes – not to be sold within Finsbury Park, including the Licensed Premises

Damage deposit – increase to £30,000 (recurring damage to park is a public nuisance and currently, the cost of damage repair often exceeds the deposit)

Proper equipment for workers – all suitable and necessary equipment for safe operation to be issued to workers involved in the subsequent clear-up, including gloves in order to avoid injury from broken glass and discarded drug paraphernalia.

Reduce time for build-up and tear down – to five days on either side

Prompt enquiry – If there are any further deaths that may be related to drug-taking on the premises, an enquiry to be announced promptly and acted upon by the Safety Advisory Group

Enforcement of all License conditions to be delegated to either or both of Hackney and Islington Councils, due to the chronic and unresolvable conflict of interest within Haringey Council between (a) their income-generating official Major Events Policy on the one hand and (b) effective, meaningful enforcement on the other hand. Haringey Council to pay for this.

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