

Report for: Licensing Sub Committee 15th & 16th October 2018

Item number:

Title: Review of a Premises Licence under the Licensing Act 2003.

Report

authorised by : Daliah Barrett-Licensing Team Leader – Regulatory Services.

Ward(s) affected Harringay

Report for Key/

Non Key Decision: Not applicable

1. Describe the issue under consideration

- 1.1 An application for the review of the Premises Licence for Finsbury Park, Endymion Road London N4 held by Live Nation was received by the Licensing Authority on 5th of July 2018. A copy of the application form is attached to this report at Appendix 1 and 1A- supporting documentation, witness statement and Wireless report. Appendix 1B – Big Sky Acoustics report. At Appendix C is a copy of the Westminster City Council report which the applicants seek to rely upon to make their case to the LSC.
- 1.2 The applicants of the review are the Friends of Finsbury park and have cited their reason for the review as:
- Wireless 2017 has caused very serious disturbance amounting to a public nuisance
 - Wireless 2017 has given rise to crime and disorder.
- 1.3 The Friends of Finsbury Park have submitted witness statements from 7 local residents as well as a noise report from Blue Sky acoustic consultant. There is an additional supporting document called 'Wireless Report' which is a mixture of various complaints and views from residents who were encouraged to contact Friends of Finsbury Park during the Wireless 2017 event period. The report states that the complaints and views expressed by residents cover six main areas:
- Use of and dealing of drugs
 - Safety and anti-social behaviour
 - Stewarding and Policing
 - Noise levels
 - Litter damage and defecation
 - Park closure and environmental concerns
- 1.4 Further documents were submitted in the form of newspaper articles regarding incident/s relating to the 2018 Wireless event. These can be found at App 1B. The Licensing Sub Committee is asked to note that these reports are from the reporter's perspective and may not provide a balanced overview of the actual events that took place.

- 1.5 The applicants have also submitted a bundle of papers relating to a review against Live Nation in 2011 for the Premises Licence they had held for Hyde Park under Westminster City Council. The review was submitted by the WCC Environmental Health Officer -Noise Responsible Authority due to complaints received over a period time relating to noise nuisance issues from various events over a period of time. A copy of the bundle can be found at App 1. The LSC are asked to consider what weight should be applied to this matter or relevance to the current matter under review for the Finsbury Park Premises Licence.
- 1.6 Guidance issued under section 182 of the Licensing Act 2003 (para 11.2) states that at any stage following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 1.7 In accordance with section 52(2) of the Act, the Licensing authority must hold a hearing to consider the application and any relevant representations.

2. **Live Nation Premises Licence**

Live Nation applied for the Premises Licence in October 2013. The application was for an indefinite licence and not a time limited permission. The area of the park that is covered under the licence is known as the Bandstand Area, the area is shown at Appendix 2 as part of the issued licence. The application received representation from Friends of Finsbury Park, the Metropolitan Police, Islington Council and residents from across the 3 adjoining boroughs. The Licensing Sub Committee met on 6th December 2013 to hear from all the parties that had made representation and the applicants with a view to determine the application. The application was granted as requested subject to certain conditions the Licensing Sub Committee felt appropriate to ensure that the licensing objectives would be met and robustly promoted. The licence has been used to host the Wireless Festival which is a 3 day urban music festival featuring London based and international artists. The Festival is attended by people from all walks of life and demographics.

- 2.1 The Licence gives a maximum capacity of 49,999, and permits the following licensable activities:

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

Monday to Saturday: 1000 to 2230

Sunday: 1000 to 2200

Supply of Alcohol:

Monday to Saturday: 1000 to 2200

Sunday: 1000 to 2130

For consumption ON the premises.

Opening Hours:

Monday to Saturday: 1000 to 2300

Sunday: 1000 to 2230

The above terminating hours on Sundays may be extended by up to 30 minutes but only under the strict condition that the applicant will need to satisfy the Safety Advisory Group at least 28 days prior to the event that the licensing objectives will be met. It was not considered proportionate to require the applicant to have to undergo a further application process in circumstances where the Safety Advisory Group agreed to such an extension.

2.2 A copy of the licence and the minutes from the initial LSC hearing are attached:
Appendix 2 – Copy of licence
Appendix 3 – Minutes of Licensing Sub Com to determine application in 2013

2.3 The LSC will note that the premises licence condition Annex 2 states the condition that was offered by the applicants in the initial application form in the Operating Schedule –

- The licence will be limited to a maximum of 5 event days in any calendar year

This however is overridden by the condition imposed at Annex 3 by the LSC that determined the application -

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

2.4 The applicants for the review Friends of Finsbury Park have not specified in their documentation what they are asking the Licensing Sub Committee to do in order to alleviate their concerns. Nonetheless, the Licensing Sub Committee must consider the representations received, and having heard from the parties at a hearing, decide whether it is appropriate to take any steps to promote the licensing objectives having due regard to the Council's Statement of Licensing Policy and Statutory Guidance.

3 Representations

The various letters of representations and matters raised within them are listed below at points 3.1 – 3.6.

3.1 The Panels attention is drawn to the list below of matters that are NOT within the remit of the LSC to consider, these are:

- 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 event days
- Not liking the type of music that Wireless offers.
- The social phenomenon that is NOS gas inhalation in the streets by individuals.

- 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.
- Condition of the grassed area during or after events
- Imposing conditions for Services to derive financial income from the promoters.

3.2 Representation have been received in support of the review application from

:

67 Resident representations - App 4.

2 residents Associations – App 5.

- Highbury Community Association.
- Resident Management Committee for Sunflower & Clover Court Junction of Seven Sisters Road.

Hackney Council – App 6

Islington Council – App 7

3.3 Documentation has been received in support of the licensee from

1 Resident – App 8

3.4 Representations have been received from these Responsible Authorities:

Haringey Licensing Authority including crime stats – App 9

Haringey Noise – Environmental Health Team Responsible Authority – App 10

Haringey Noise RA supplementary note in response to Hackney proposed noise conditions- App 10A

Code of Practice at Outdoor Events – App 10B

3.5 Representation from ‘Other Parties’

Haringey Park Service – APP 11

3.6 Submission on behalf of the licensee by their representatives

Live Nation Response to review by Friends of Finsbury Park -12

Vanguardia noise report in response to Blue Sky submission.-12A

2nd Submission – P Kolvin – 12B

Additional documents are shown at 12C – numbered 1-14

- 1 Wireless Festival 2018 Audit report
- 2 Wireless environmental health report
- 3 Wireless – Hackney Residents Feedback
- 4 Letter to residents and local business from Melvin Benn
- 5 Finsbury park meetings
- 6 Tables aof positions/job roles
- 7 Event management plan V2
- 8 Festival Republic Finsbury park Events 2018
- 9 Wireless Festival Egress Summary V4
- 10 Wireless annual Security Figures Comparison on and offsite
- 11 Hackney security Deployments SIA positions
- 12 Hackney Environmental Operations
- 13 Wireless 2017 Licence Review Supplementary Noise Report of Jim Griffiths
- 14 Email exchange between J Wilson and D Eranshaw

3.7 The residential representations received cover a wide range of issues relating to the event in Finsbury Park. The review application is focused on Wireless 2017 but there are letters of representation from residents that refer to the licensing objectives and the operation of the event in other years that have also been included. Whilst these are considered to constitute relevant representations, the weight which should be attached to them is a matter for the Committee.

3.8 Residents who have written in have raised concerns over a wide range of matters. These include

- Noise levels and vibration of buildings.
- Policing of the events
- Urination in front gardens
- Use of expletives and the potential harm to children
- Congestion in the area due to amount of people
- Frequency and duration of events
- Capacity of events being too large for the area
- Open drug use in the area
- Residents not being able to gain access back into their roads during the egress period
- Anti-social behaviour generated from the events before during and after events.
- Noise from helicopter.

4 Hackney Council representation (Cllr Selman) highlights the following:

- Noise nuisance resulting from both music at the event itself, and from festival goers exiting the festival. Residents reported unacceptable vibrations within their homes.
- Public urination complaints from residents about festival goers urinating in surrounding streets and even reports of human excrement being found on at least one doorstep.
- Attendees remained on the streets for many hours after the event, generating noise, dealing and taking drugs, leaving litter and drugs paraphernalia.
- The event also attracted individuals into the area, and it is fair to say exacerbated existing issues in the area at that time, leading to issues with alleged drug dealing from cars, loud stereos and noisy mopeds racing in the streets until the early hours.
- Widespread illegal parking

4.1 Hackney Council are requesting the following be considered:

- The capacity limit of 49,999 be reconsidered having consideration to the availability of public transport in the area.
- Whether the hours for licensable activity need to be reduced, given the dense residential area and the time it takes for the crowds to disperse. Hackney would suggest this is particularly relevant to Sunday nights considering children having to attend school the next day.

- Whether there should be a minimum number of SIA registered supervisors and stewards provided, perhaps expressed as a ratio that correlates with the number of visitors.
- Whether there should be a minimum number of crowd control barriers specified bearing in mind the volume of visitors at the large scale events.
- Conditioning a requirement for arrangements relating to barriers, stewarding numbers and crowd control arrangements for dealing with anti-social behaviour and egress into Hackney to be agreed with us for every event over 15,000, giving full details of the number of SIA security, dot location plan and hours and roles at the event.
- Conditioning a requirement for the licence holder to engage at least one month in advance in writing local residents, and that any letters or other consultation documents effecting Hackney residents will be cleared by Hackney before issue.
- Whether the traffic management plans are fit for purpose and if visitors are being provided with sufficient travel information given the level of illegal parking and road blockages.
- Whether the licensee should be required to implement an ID scanning type of system at future events.

4.2 Specifically, in relation to noise control measures and monitoring, Hackney feel that the following conditions should be attached:

- The Music Noise Level (MNL) shall be assessed at measurement points identified as Nearest Sensitive Facades (NSF) by Haringey Council and any neighbouring Council Authority which the site shares a boundary. These measurement points will not be situated on trunk roads.
- Throughout the duration of the events (including sound checks, rehearsals and concert performances) the MNL shall not exceed 15dB (LAeq 5 minute) above background (Representative LA90 obtained for all fixed monitoring points) or 65dB (LAeq 5 minute) whichever is the lowest.
- Throughout the duration of the events (including sound checks, rehearsals and concert performances) the control limits set at the mixer position shall be adequate to ensure that the 63 Hz and 125 Hz octave frequency bands do not cause a noise nuisance to neighbouring residential properties. The 63 Hz and 125 Hz octave frequency bands shall be monitored throughout the duration of the event at measurement points prescribed by Haringey Council Environmental Health. On the request of Council Officers or an appointed Sound Consultant, sound levels will be reduced in either octave frequency bands so that it does not cause a nuisance to neighbouring residential properties.
- All noise monitored data shall be made available on the request of any authorised Council Officer or neighbouring Local Authority Environmental Health Department.

4.3 The proposed noise conditions put forward by Hackney have been shared with the Haringey Noise Officer at the end of the consultation process. The Haringey

Noise RA has considered the Hackney proposals within the context of the Code of Practice Guidance on Noise at Events and has submitted a response to the proposed Hackney noise conditions. This is at Appendix 10A.

The LSC should note that the sound check periods are not considered to be licensable entertainment (it is not being offered to the public at this point) but the promoter does deal with this period within the noise management plan. The timings for rehearsals are contained within the condition of the licence.

4.4 Cllr Potter has submitted representation as an individual and in her capacity as a ward councillor for the Brownswood ward in Hackney:

- persistent urination (and sometimes defecation) on our nearby streets
- ASB and criminal behaviour (often drug related) associated with large numbers of people arriving at the Park, exiting the park and hanging around for the duration of large events (including Wireless).
- Significant street litter and drug paraphernalia, and resulting grimy thoroughfares.
- Excessive noise levels. The 6 noise measure points, and more specifically the two in Brownswood do not appear sufficient to monitor all possible noise affects in the Brownswood area. In addition some of the language used by the main acts is clearly audible and not appropriate for Brownswood children to hear.
- Late event finish times which with subsequent hanging around, public nuisance, ASB and sometimes criminal and aggressive behaviour plus police helicopter noise kept residents awake until the early hours. A 30 minutes earlier finish on Sunday does not allow sufficient time for residents to get to sleep early enough to start the working and school week on a good foot.
- Building movement, experienced by residents as buildings 'shaking' or swaying.
- Limited access to the park for significant periods during early and late summer in the run up to, during the take down of the events.
- Limited access to the town centre of Finsbury Park due to large volume of people, particularly during busier periods like egress. This is of particular concern for more vulnerable residents who resigned themselves to staying indoors and closing the windows for the duration.

4.5 The representation from Islington Council has cited the following issues:

- The desire for Haringey to make the area a no street drinking zone by bringing in a PSPO on the Haringey side of Seven Sisters Road.
- For sales of alcoholic drinks within the event to be limited per customer.
- For Haringey or organiser to pay for additional parking controls on Islington streets.
- The event capacity to be reduced.
- Islington to put in place the traffic management order on their side of the road paid for by Festival Republic.
- The promoter to pay for Islington to carry out cleansing on its own streets affected by the event.

- A noise monitoring point to be established in an Islington location and a review of the current noise levels to be undertaken and completed by 2019.
- Islington to derive financial income from the Wireless Festival

4.6 Conditions requested by Islington to be added to the licence:

- Any traffic management order that may affect Islington residential roads is drafted by us;
- An agreed event day parking zone is put into operation in the Islington residential streets around the park, with the implementation costs met by the licence holder;
- A crowd management plan to deal with anti-social behaviour and egress into Islington needs to be agreed with us for every event over 15,000, giving full details of the number of SIA security, dot location plan and hours and roles at the event;
- Greater engagement has to be had with local residents, and any letters or other consultation documents effecting Islington residents will be cleared by us before issue;
- A report is to be commissioned by the licensee, using an appropriately experienced & competent person, to review the existing LA90 1-hour background sound levels at the existing six monitoring positions. The report shall include new background sound surveys at the existing positions and include a background sound survey at a new monitoring position to be agreed with the London Borough of Islington's Public Protection Team. The report shall be submitted to and approved in writing by the London Borough of Haringey, London Borough of Hackney and London Borough of Islington prior to any event days in 2019.
- Islington is given back responsibility for cleaning its own streets after events and the full cost of this operation is met

4.7 Haringey Noise Team - Responsible Authority

The Noise Team have made representation highlighting the complaints received and setting out the methodology of how noise is monitored at the Finsbury Park Events. It clarifies that the levels are within the guidelines of the Noise Council code of practice on environmental noise at concerts The CIEH website http://www.cieh.org/policy/noise_council_environmental_noise.html offers the following note about the Code of Practice:

“Large music events involving high powered amplification give pleasure to thousands of people each year. However, the noise from these events can cause disturbance to those living in the vicinity. The purpose of this code is to provide guidance on how such disturbance or annoyance can be minimised.”

First published in 1995, the code does not take account of the Licensing Act 2003 and is used as guidance but it is not statutory guidance.

Various guidelines and criteria are described in the code, covering a range of events from a single concert to a full season. Compliance with the guidelines and the other criteria given will enable successful concerts to be held whilst keeping to a minimum the disturbance caused by the noise.

All external events will create noise levels over and above background levels. It is the impact in terms of noise nuisance which is important not the nature of the event.” A copy of the Code of Practice is attached at Appendix 10B.

4.8 Haringey Licensing Authority Responsible Authority

The representation refers to the planning that takes place for the events year on year and how the event management plan documents (EMP) are used to ensure compliance with the licence conditions. The representation references the steps taken to address the four licensing objectives and sets out the crime stats for the Wireless 2017 event.

The Licensing Authority RA recognises that events such as Wireless do cause disruption in the local area but the steps taken by the licence holder mitigate these and therefore do not undermine the licensing objectives. The Haringey Noise RA has concerns relating to the proposed conditions from Hackney Council as they go further than the guidance in the Code of Practice on Noise from Outdoor Events.

4.9 Landlord’s representation – ‘Other persons’

The representation clarifies the continuing work that is undertaken by the Parks Service as the landlords of the park throughout the entire period and beyond. The representation refers to various measures put in place to address concerns from a licensing objective perspective.

4.10 Live Nation/Festival Republic Representation in response to review.

Festival Republic have provided a response to the review setting out how they have managed the event since 2016 and the various changes that have taken place year on year. The set of documents also contains a noise management report that addresses the matters raised in the Blue Sky acoustic report submitted in support of the review application. There is a secondary set of documents that cover:

- 15Wireless Festival 2018 Audit report
- 16Wireless environmental health report
- 17Wireless – Hackney Residents Feedback
- 18Letter to residents and local business from Melvin Benn
- 19Finsbury park meetings
- 20Tables of positions/job roles
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- 28Email exchange between J Wilson and D Eranshaw

5 Context of issues raised.

A number of issues raised on specific concerns across the letters of representation that require explanation /clarification for the LSC these are set out below at 5.1 – 8.5.

5.1 Vibration and swaying of buildings –

Since 2017 complaints of this nature have arisen particularly from residents on the Hackney Roads. Festival Republic carried out some specialist monitoring to capture information on the level of vibration taking place from homes on the Hackney side in 2018 in response to the concerns raised. At this time the findings have not been fully analysed but what is clear is that the level of vibration being experienced intermittently is caused by the rhythmic jumping that is taking place from the event patrons. The movement takes place in short bursts and dissipates quickly. The level of vibration being produced from the events is between 1hz-2hz. This is not a level that is considered able to cause structural damage to buildings.

5.2 Guidance was sought from a structural engineer on this matter and Haringey Building Control Service who advised that in their view damage to buildings was not an issue in this instance.

6 The Policing of the event.

6.1 The Metropolitan Police were served with the review documentation but have not made any representation. Their letter in response to the review says the Metropolitan Police has no concerns at this time. Appendix 13.

6.2 The MPS assess the need for policing at public events based on the requirement to discharge its core policing responsibilities. These are:

- 1: Preventing and Detecting Crime
- 2: Preventing or stopping a breach of the peace
- 3: Activating contingency Plans when there is an immediate threat to life
- 4: Coordinating emergency response activities associated with a major incident taking place at the event.

6.3 The numbers and deployment of officers at any event are continually assessed and decided upon by the event commander in response to available intelligence. All matters pertaining to the design and implementation of ingress and egress plans and indeed matters of public safety are the responsibility of the organiser and the land owner. As members of the SAG, the MPS will review and advise on plans but from a view point of discharging its core responsibilities as detailed above. The MPS does recover costs from the organiser in accordance with current guidance and legal precedent pursuant to Sec 25 of the Police Act 1996. This event is planned centrally with advice from local officers. The event policing takes care to not draw the local Safer Neighbourhood Teams from the nearby wards into the overall policing presence on event days. There are specific policing teams within the footprint of the event which are paid for by the organiser. Policing resources on the outside of the event area are not paid for

but are there to provide reassurance as part of their normal duty as outlined above.

7 Nitrous Oxide Gas canisters

7.1 Possession and consumption of NOS Gas is NOT a criminal offence. Unfortunately, the use of this product as a recreational drug is almost an epidemic in today's society. The problem is further exacerbated by the fact that the Police cannot stop someone from inhaling the gas but can only deal with the seller. The Council's own Street Enforcement Team have been particularly productive in taking enforcement action against NOS gas sellers found on the periphery of the event.

7.2 Use of expletives by artists

The Section 182 Guidance advises at paragraph 2.22 that: "The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions."

7.3 Haringey works with the promoters to ensure as far as possible that offensive language is not used. Conditions 51 and 52 of the licence state "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. He/she shall also ensure that the attire of the performers do not offend the general public, e.g., attire which expose the groin, private parts, buttock or female breast(s)."

"The Licensee shall reasonably request that the songs / acts performed do not offend or denigrate any race or religion, demean, humiliate or insult the dignity of any section of the community."

7.4 Whilst it is appreciated that the use of expletives are unpleasant in nature, it should be noted that such language is heard in everyday life in all walks of life irrespective of whether people are engaged in such conversations or have their hearing impacted by such language in passing on the street or from programmes on television etc.

7.5 Haringey is unable to control the language that is being used by the various artist as part of their artistic expression of music. The genre of music is not something that can be conditioned on a licence and conditions cannot be based on moral views. The artist can claim artistic rights in their use. It is very difficult to demonstrate a causal link of harm to children by the use of this language from the festivals.

7.6 Reduction in event capacity with consideration to transport links. The licence granted is for 49,999, but the Licence Holder sets a limit of 45,000 public tickets being made available for these events. In 2017 TFL Tubes raised concerns through the Safety Advisory Group relating to the loss of a staircase

that impacted on the overall capacity of the stations ability to take the predicted numbers. TFL SAG members presented their case to the SAG demonstrating the flow rates that Finsbury Park and Manor House could manage. This led to a reduction in capacity being agreed by SAG members in support of the TFL requirements.

7.7 The overall general TFL position is that the transport hubs are able to accommodate 45,000 based on the current queuing arrangements, station layout and curfew timings. Factors that might occur to request a reduced capacity would include:

- A loss of an entrance or staircase (as was experienced in 2017).
- A change in queuing arrangements outside the station providing a less efficient and or safe environment for the “presentation” of customers outside Finsbury Park and Manor House stations.
- A change in curfew times (later finishing) then means demand exceeds available capacity.
- Changes in mode shares (increase in LU) that means demand exceeds available capacity (i.e. GTR not operational or natural increases over the years)

8. Traffic related representations.

The LSC will note from one of the letters of representation submitted that in 2018 concerns were raised relating to the potential of Islington residents being landlocked. These concerns stemmed from a query raised by an Islington resident in Medina Road. The query was raised a day before the events were due to start in the Park. In response to these queries the promoter added additional signage adjacent to the 'Road Closed' Sign on Seven Sisters Road & Hornsey Road with the legend 'Residents Access Only' to avoid any confusion. The plans that had been agreed were the same plans agreed by the three boroughs and TFL Roads since 2014. No concerns were raised during the planning stages via the SAG attendees in relation to these matters. An explanation of the process for the traffic management operation is below.

8.1 The larger events in Finsbury Park require road closures to be put in place for on average 2hrs 30mins to facilitate the safe egress of the 45,000 plus crowd to the nearby transport hubs and finally to their residence. In order to close these roads, the applicant must draft a Traffic Management Plan highlighting the possible risks to the public and attendees, these risks must then be mitigated to ensure the safety for all that attend and the general public living or travelling past said event.

8.2 Consultation occurs between the London Fire Brigade, London Ambulance Service, MET Police, Haringey / Hackney & Islington Council Highways as well as Transport for London Surface Transport (Roads) to discuss the proposal and to decide upon the appropriate measures to safely control such an event. The temporary Orders that are produced for special events come under section 16A of the Road Traffic Regulation Act 1984. They allow various measures to be introduced for traffic management/parking purposes. A notice is published in the press and street notices are placed on roads/site prior to the event.

8.3 The traffic order is then written to encompass all the relevant restrictions required for the event, some of the required measures are on roads that are not under Haringey's jurisdiction. For these streets, agreements are sought from the relevant Highways Authority to include them in a legal traffic order on their behalf. There has to be written permission given to Haringey by the adjoining boroughs to write the traffic orders. This has been the case apart from 2015 when Islington issued the order for their area with no changes identified from the previous year.

8.4 Once the Temporary Traffic order has been written and advertised, it permits the events traffic management contractor to implement the traffic order and close the roads that are not under Haringey jurisdiction such as Seven Sisters Road, which is under Transport for London's management, and Stroud Green Road, which is under the London Borough of Islington's management.

8.5 All roads exiting onto Seven Sisters Road are gated with Traffic Management equipment and supervised by a Marshal. Access is granted INTO whichever road [From SSR] but not let OUT [into SSR] residents requiring access to properties in the roads on the East side of SSR from Hornsey Road down to Isledon Road are afforded access from the closure point on SSR at Hornsey Road. This closure point is supervised by a Lead Traffic Management Operative and two marshals. If it's a genuine resident, then the vehicle is let through and a marshal walks in front of the vehicle, to keep the vehicle at a safe speed, down to the road in question. Residents would have been distributed with a copy of the residents letter which would be sufficient for them to show the Traffic management Operatives in order to gain access to their roads.

All the marshals are in radio contact with supervisors in case of queries and all have briefing documents with maps to help to direct anyone to navigate round the closure points. The road closure plans have been the same since 2014 with no issues arising from residents' year to year until 2018.

9 Background to the Wireless Festivals.

9.1 The first Wireless Festival was managed by Live Nation in 2014 and again in 2015. It was during this particular event that the now familiar imagery was taken of a gate being released and crowds of people who had not obtained tickets acting on mass to breach the event fence line trying to gain entry to the event by any means necessary. Festival Republic then took over the management of the Wireless Festival from 2016 to date under the Live Nation licence.

9.2 In response to the 2015 crowd action/behaviour and to take stock of how the Parks Policy was being operated, the Overview and Scrutiny Committee put in place The Finsbury Park Events Scrutiny Project to reflect and learn lessons and to understand the impact of these events. The Scrutiny Panel heard evidence from officers, residents representatives, neighbouring boroughs, Metropolitan Police, Noise specialists, the various promoters, Friends of Finsbury Park, Transport for London etc.

9.3 Recommendations from the Overview and Scrutiny Committee addressed issues in relation to noise, complaint management, communication, stakeholder engagement and looked at how adverse effects can be further mitigated. The recommendations from the O&S Review on Finsbury Park are shown at Appendix

14.

10 Overview of specific considerations for Wireless 2017

10.1 In 2017, due to works taking place internally at Finsbury Park Station with a staircase being taken out of use which led to a limit on the capacity that the station could accommodate, attendance figures were reduced to approximately 37,500 for each of the events, to allow people to get away from the event using the main transport hubs at Finsbury Park and increasing the take up in use of Manor House Station. Planning for 2017 included consideration of:

- A reduction in capacity of the staircase at Finsbury Park Station
- The danger of overwhelming Manor House Station
- Haringey employed a crowd safety specialist to provide SAG with advice on proposals put forward by the promoter in agreeing a workable capacity limit and egress plan for the event.
- Hackney residents' objections to egressing directly onto Seven Sisters Road at the North side.
- Hackney requested that the borough employed its own SIA staff to manage their side roads.
- The pressure on Station Place and the time taken to build / break barrier layouts (timings to stop the bus operation in this area in order to facilitate the barrier build)
- Ensuring road closure / Station Place are clear and operational by 00:00- Promoter required to ensure road was reopened in time to resume the night bus service.

10.1 Issues that arose on egress:

- Egress plans were effective but issues on side roads in Hackney were highlighted.
- Road closure implemented, but there was also an early egress of crowds from the event.
- the majority of the crowd egressed into Seven Sisters Road and not down the internal moat.
- Some issues around information given on directional matters.
- This said, the crowds at Finsbury Park Station seemed to flow well, with no need for the station to close due to numbers.
- To put this in context there were no reported injuries that were brought to the SAG's attention.
- By the Sunday of Wireless, egress was managed with confidence

10.2 SAG: Debrief - At the end of the 2017 event all members of the Safety Advisory Group were requested to submit their written concerns on matters that affected them in relation to Wireless The main concerns fed back are highlighted below:

- Stewarding in side roads which was put in place by Hackney needed to be reviewed and improved. (Hackney had requested they carried out their own stewarding following the 2016 event).
- Hackney advised that they did not want the toilets placed on their side streets for 2018 and future events.

- Site design near playground needs to be looked at.
- The sighting of the Box Office and subsequent queues that impacted on Stroud Green Gate area needed to be reconsidered.
- Stroud Green pathway complaints about cyclists going too fast and mix with pedestrians.
- Wayfinding to be clarified and distributed earlier.
- Build and break was managed really well.
- Noise complaints about vibrations increased.
- No more low frequency complaints than usual from Vanguardia's perspective.
- Noise levels set for this event are not able to cause damage to structure.
- ASB in the wider area was picked up and discussed with police following complaints from residents of ASB activity going unchallenged.
- Monitoring of low frequency and further investigation relating to swaying and vibrations in nearby residential properties to be undertaken.
- The enhanced intel gathering and work undertaken by the contractor and Police units worked well on the 'Front lawn'
- Increased use of Manor House was successful and TFL advised that operation worked well.

10.3 Complaints

A Total of 70 complaints were received via people calling the Finsbury Park Residents' Line during the 3 days of the Wireless event in 2017. A chart showing comparative data is attached at Appendix 16.

The licence holder is required to have an onsite complaints line and an acoustic consultant on duty who can react to complaints and carry out monitoring from the nearest noise sensitive locations conditioned in the licence. An overview of how noise is managed is also attached at Appendix 16A.

11 Haringey Parks Service management process

There are two distinct and separate processes that need to be followed when a promoter signals an interest in hosting an event in Finsbury Park.

Firstly an operator must gain permission from the Haringey Council Parks Service for the hire of the land for the proposed event. This requires Cabinet member sign off for approval.

11.1 Secondly, a premises licence from the Council is required for the licensable activity that the promoter wishes to offer under the Licensing Act 2003. It is only the latter process which involves the Licensing Act 2003, and the review application by the Friends of Finsbury Park is brought under that same legislation.

11.2 No licence can be put to use unless the holder of the licence has the permission from the Parks Service to book the park in the first instance. The course of action that a promoter has to undertake with the Parks Service, together with an overview of the process for large scale events in Finsbury Park, is outlined below.

11.3 Major events are currently planned 9-10 months in advance while smaller events

can be organised six weeks prior. All bookings are made via the online EventApp system with the park having a core of repeat bookings including funfairs, cancer research events, cycling events, and other fun runs. Despite this, many enquiries do not result in events taking place due to date availability or the speculative nature of the enquiry. To help deal with this, discussions are held with event organisers concerning the nature of the event, dates and costs. Once these are agreed, and a formal application is made, this is forwarded to stakeholders for their comments.

11.4 If a proposed event should meet any of the criteria set out below then authority is sought from the Cabinet Member for Environment prior to giving an in principle agreement:

- Expected attendance is over 10,000
- Event lasts more than 7 days
- Event lasts more than 2 days with 5,000 or more in attendance
- Organiser occupies a site for more than 14 days including setup and take down periods
- Additional major scale events where there is demonstrable community support

11.5 The Council parks service will refuse events if

- (a) they are not compliant with the general conditions of hire;
- (b) applications promote political or controversial issues; or
- (c) events are entirely acts of religious worship.

11.6 Further reasons for refusal may include:

- Any event which is likely to have an unacceptable impact on the infrastructure and biodiversity of the selected site.
 - Any event which does not provide adequate documentation or certification and cannot demonstrate that it should progress to the next stage of the application process.
 - Any event which is not able to demonstrate to Safety Advisory Group (see below) members that it can be delivered in a safe and robust manner.
 - Any event which discriminates against any individual or group on the grounds of race, religion, gender, sexual orientation or disability. This aspect will specifically include any charity, community or commercial ticketed event where any of the above groups or individuals are excluded or refused entrance.
 - Any circus that includes performing animals other than equine, dogs and bird (budgerigars) acts
- In addition, the Council reserves the right to refuse any application and the right to impose additional conditions regarding a booking.

11.7 **Managing the Event – Parks Service**

Once events are agreed, parks officers work in conjunction with the organisers and licensing officers to ensure the event is managed in a safe way. This includes managing the various competing needs and opinions of stakeholders. Before coming on site the organiser will meet with Parks Service officers on numerous occasions to discuss the event planning and in particular the setup and take down periods. A pre site inspection is undertaken with the organisers to ensure they understand the location and also the condition prior to coming on site. Regular visits are made during the setup, and on the day of the

event it may either be visited by the duty officer or have an officer / officers in attendance throughout. Post event the take down is monitored and then a post site inspection takes place and any damage is noted. The cost of any damage is taken from the ground deposit and if it exceeds the ground deposit the organiser is invoiced for the difference.

11.8 Finsbury Park Events Stakeholder Group

In addition to the Safety Advisor Group (SAG), and following the introduction of the new Outdoor Events Policy, a Stakeholder Group was established in 2014 to help implement the Policy within Finsbury Park. Membership of the Group includes elected Councillors and Council officers from Haringey, Hackney and Islington, residents, traders and police. The aim of the Group is to provide a platform for recognised stakeholders to comment on the overall programme of events proposed for Finsbury Park and those parts of each major event management plan, which directly affects residents, local businesses and park tenants. Comments are used by Council Officers either to inform contractual arrangements or to inform the discussions of the Safety Advisory Group (SAG) in relation to licensable activity being staged.

12 Event Management Plans -

As a condition of the Premises Licence the promoter is required to produce an Event Management Plan (EMP). This plan covers all the safety and organisational aspects of the event. It is produced in line with risk assessments - the risks identified are then used to inform the promoter on their decisions about the way the event will be managed. This will include matters such as:

- management of the crowd and help in eliminating overcrowding in terms of overall number of people in the venue;
- safe entrance and exit; and
- safe exit of people in an emergency.

12.1 The size of the area and exits from the area for the audience are important factors to consider. The capacity limits are arrived at by using a recognised code called the Purple guide. Compliant flow rates and exit widths calculations for the emergency exit gates are worked out and put in place in the overall safety planning of the site. The relevant sections of the Event Management plan for the 2017 events is attached to this report at Appendix 17 along with a list of all the various sections that would form the EMP.

12.2 Matters of security and safety evolve each year and measures put in place need to be sufficient and adequate to reflect the type of event being staged. The conditions of the licence make clear that event plans do not involve the Police as the promoter is unable to factor in policing resources. The promoter is however able to approach the police if they require definitive policing services during the event.

12.3 The EMP is to enable the responsible authorities to assess the plans that are being put in place for a particular event and to make recommendations as to what they want the promoter to do to promote the licensing objectives. The various chapters of the EMP are attached to this report to give the Committee an insight into the considerations and plans put in place for the 2017 event.

12.4 EMPs are working documents that are kept under revision until 28 days before the event and provide information on a wide range of issues, including:

- Details of areas of responsibility and contact details
- Risk assessments
- Alcohol consumption and drugs policy – including how they avoid Underage alcohol sales
- Traffic management – including any temporary traffic orders
- Stewards
- Security – site and personnel, entry policies for age restricted events
- Access routes for emergency vehicles in and out of the site
- Evacuation plan – in the event of an emergency
- Noise management
- Food hygiene
- Health and safety
- First aid
- Fire safety
- Crowd safety management
- Infrastructure

12.5 Conditions on licences

The conditions on premises licences reflect the matters covered in the Operating Schedule and the Event Management Plan. As a result, conditions on licences will include:

- The times of operation for licensable activity
- The authorised designated premises supervisor on licence
- Crowd management requirements – ingress/circulation/egress
- Stewarding provision
- Medical provision
- Means of escape
- Structural information
- Noise management
- Waste management
- Sanitary requirements
- Any special effects to be used

13. Safety Advisory Group

The role of the Safety Advisory Group (SAG) is separate from the operational management of the event. The SAG works in an advisory capacity and provides independent advice to event organisers, who retain the legal responsibility for ensuring a safe event. Representatives from the following organisations/teams, sit on the SAG: the Licensing Authority, Metropolitan Police, Fire Authority, London Ambulance Service, Highways representatives from Haringey, Hackney and Islington, Transport for London (Roads/Buses/Trains/Tubes/Taxis), Noise Team, Food Safety Team, Building Control, the British Transport Police, and the promoter. In addition to the main SAG, sub groups are set up to discuss specific matters.

13.1 The purpose of the SAG is to assist the local authority and other key partners in exercising safety and other public protection functions. As noted above, the responsibility for the management of the event remains with the event organiser so the SAG works closely with event management teams. By working in partnership the SAG ensures a consistent and co-ordinated process is

created to oversee and enhance public safety. In addition, SAGs:

- (a) provide advice on minimising any inconvenience to local residents, businesses and the general public;
- (b) focus resources using risk assessment and facilitating proportionate advice and regulation;
- (c) support businesses and organisers through having a single point of contact for the event, and by providing advice and support; and
- (d) ensure good practice /learning points are shared.

13.2 The aim of the group is to fully discuss suitable arrangements that organisers have made to minimise the risk to public safety, relating to the planning and management of a specific event. Officers are part of the group to ensure compliance with the appropriate legislation. The group refers to the Event Safety Guide which provides basic standards and safety measures through which it is hoped to encourage a consistency of approach while leaving scope for flexibility, taking into account the nature and size of the event.

13.3 The feedback collected from the debrief of the event are integral part of the planning and learning that is then put in place for future events. The process follows a pattern of "Plan- Do- Review", i.e 'a continuous improvement model'. The minutes from the 2017 Debrief are attached at Appendix 15. One of the main concerns arising from the 2017 events was how to manage the impact on the side roads across the day and during egress in Hackney. The promoter prepared a plan for the 2018 events and worked with the SAG, Hackney Councillors and Hackney residents to find a possible solution to the issues. This plan is attached at 15B. The 2018 debrief minutes are attached at Appendix 15C.

14 Licensing Administration comments on process and guidance

14.1 Role of Licensing Officer and Licensing Authority as Responsible Authority

The Licensing Authority has two distinct roles in this process.

- i. A Licensing Officer has an administrative role to perform by assisting the Licensing Sub Committee through this Report on the process by which it should be considered.
- ii. Separately, the Licensing Authority is a Responsible Authority under the 2003 Act and can make representations in relation to an application.

14.2 Having regard to paragraphs 9.17-9.18 of the National Guidance, it is important to achieve a separation of responsibilities to ensure procedural fairness and eliminate conflicts of interest. Applying that guidance, there are separate officers for the administration role and the role of representing the Licensing Authority as Responsible Authority.

14.3 It is considered inappropriate for officers involved in the administration of applications under the Licensing Act 2003 to make recommendations. However, Officers representing the Responsible Authorities may make

recommendations with regard to the licensing objectives including requesting that conditions be imposed on a licence.

15. Legislation

The following provisions of the Licensing Act 2003 and associated Regulations are of particular relevance to this application:

- Sections 51 and 52

These sections detail how a review application should be made and the process which should be followed in determining the application.

The Licensing Act 2003 (Hearings) Regulations 2005 (as amended) are also relevant and detail how hearings should be conducted to determine applications submitted under the Licensing Act.

15.2 Policy considerations

Council's Statement of Licensing Policy

The following paragraphs of the licensing authority's statement of licensing policy are of particular relevance to this application:

15.3 Paragraph 90 - Consideration should not solely focus on the activities taking place within the area of the licensed premises. Appropriate measures to address issues outside the licensable area include:

- Putting in place plans that will assist to minimise disruption to the day-to-day lives of local residents, businesses and existing operations for the period of the event
- Providing a robust traffic and transport plan that takes into account the needs of the local community – and minimises the impact of visitors to the area for the event – while maintaining a safe and convenient point of access and egress for the attendees within the parameters of existing traffic, transport and parking provision
- Putting in place a strategy to manage the consumption of alcohol by visitors accessing and leaving the event in the public realm and highway
- Putting in place a strategy for the control of access to and egress from the licensed premises for the control of disorderly behaviour.
- Providing facilities external to the licensed area that will assist in the management of the access and egress of visitors to the event – and minimise the impact on the existing public realm – including, but not restricted to, additional toilet facilities and a designated pick up and drop off area
- Putting in place a cleansing strategy beyond the immediate perimeter of the licensed premises in association with the Local Authority
- Providing communication channels for the local community that will enable residents and businesses to access sufficient detailed information prior to the event days
- Providing a hotline and information phone number for residents and local businesses for the duration of the event.

15.4 Paragraph 91 - Licensees should have reference to The Event Safety Guide – A Guide to Health, Safety and Welfare at Music and Similar Events, commonly referred to as ‘The Purple Guide’.

There is a Haringey Safety Advisory Group (SAG) with membership comprising all the emergency response authorities which can provide support to event organisers on event planning if good time is allowed.

15.5 Paragraph 149 Licence conditions

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. This authority will aim to ensure that conditions attached to licences will:

- Be appropriate for the promotion of the licensing objectives.
- Be precise and enforceable.
- Be unambiguous and clear in what they intend to achieve.
- Not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation.
- Be tailored to the individual type, location and characteristics of the premises and events concerned.
- Not be standardised.
- Not replicate offences set out in the 2003 Act or other legislation
Be proportionate, justifiable and be capable of being met.
- Not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff.
- Be written in a prescriptive manner.

Conditions attached to the various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. the premises and its vicinity. This will include the direct impacts of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

15.6 Paragraph 170 - Review Procedures

Reviews represent a key protection for the community where premises present problems associated with the licensing objectives, allowing other persons, local councillors or representatives and responsible authorities to apply in writing to the Licensing Authority for a review of a premises licence or club premises certificate.

15.7 Paragraph 172 - The Licensing Sub-Committee must, having regard to an application and any relevant representations, take such steps as it considers appropriate for the promotion of the licensing objectives.

15.8 The following information is intended to advise Members of the relevant aspects of the guidance issued by the Secretary of State, and good practice. Members should not depart from the Councils Policy and / or Section 182 Guidance unless they consider there is good reason to do so and must provide clear reasons for so doing.

16. **Section 182 Guidance – relevant sections.**

This application was received on 06th July 2018, after the most recent statutory guidance was Issued in April 2018. Therefore, this guidance applies to this application.

The following provisions of the Secretary of State's guidance (2018) apply to this application:

- Chapter 11-this chapter gives guidance around the review process and determining an application for a review.

16.1 Paragraph (here and below) – section 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.

16.2 Paragraph 11.10 - Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by

the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

16.3 Paragraph 14.12 - Licensing is about regulating the provision of licensable activities on licensed Premises within the terms of the Licensing Act 2003. The terms and conditions attached to various permissions are focused on matters which are within the control of individual licensees and others granted relevant permissions.

Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.

17 Licensing officer's observations

17.1 It is the Licensing Authority's aim to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.

In considering licence applications, where relevant representations are made, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for public nuisance and/or public disorder having regard to all the circumstances of the case.

This authority will consider each application and work with the parties concerned to ensure that adequate noise control measures are in place. Any action taken to promote the licensing objectives will be appropriate and proportionate.

17.2 The Licensing Authority may not impose conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of the hearing that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

Therefore conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be

required.

17.3 In cases Members should make evaluative judgments. Where necessary to make findings of fact, the civil burden of proof applies, that is the balance of probability.

17.4 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff.

17.5 In summary, having conducted the hearing of this application, the Committee must decide which of the licensing objectives have been engaged (if any); seek to establish the cause or causes of any concerns which the representations identify; resolve any issues of fact (as necessary); decide whether the licensing objectives have been undermined and whether or not it is appropriate to exercise any powers under the review to promote those licensing objectives; take a proportionate approach to the exercise of any powers, addressing why lesser steps are not appropriate.

18 Options

18.1 The Committee must, having regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The options are:

- To modify the conditions of the licence
- To exclude a licensable activity from the scope of the licence
- To remove the designated premises supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence
- To take no action.

18.2 The Sub-Committee must ensure that all licensing decisions have:

- a direct relationship to the promotion of one or more of the 4 licensing objectives;
- regard to the Council's statement of Licensing Policy;
- regard to the Secretary of State's National Guidance.

Where the authority modifies the conditions or excludes a licensable activity from the scope of the licence it may determine that the modification or exclusion is to have effect permanently or for a period not exceeding 3 months.

18.3 The Licensing Authority's determination of this application does not have effect until the 21 days appeal period has expired or if the decision is appealed, the date the appeal is determined and or disposed of.

18.4 The Sub-Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in

the Borough.

18.5 The Sub-Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of private and family life. Article 1 of the First Protocol provides for the protection of property, which may include premises licences.

19 Use of Appendices

| APPENDICES | NAME OF DOCUMENT | PAGE NUMBER IN BUNDLE |
|------------|---|-----------------------|
| 1 | Review application form by Friends of Finsbury Park | |
| 1A | Supporting review documents from FofFP | |
| 1B | Big Sky Acoustics report submitted by Fof FP | |
| 1C | Newspaper reports submitted by Fof FP | |
| 1D | Westminster City Council review documentation submitted by Fof FP | |
| | | |
| 2 | Copy of Live Nation Premises licence | |
| 3 | Minutes of 2013 LSC hearing and decision to grant licence. | |
| | | |
| 4 | Residential representations | |
| 5 | Residents Associations representations | |
| 6 | LB Hackney representation | |
| 7 | LB Islington representation | |
| 8 | Resident in support of Premises Licence Holder | |
| 9 | Haringey Lic Authority Representation | |
| 10 | Haringey Noise RA representation | |
| 10A | Haringey Noise RA response to conditions proposed by Hackney | |
| 10B | Code of Practice on Noise at Outdoor Events | |
| 11 | Haringey Parks representation | |
| | | |
| 12 | Live Nation Response to | |

| | | |
|-----|---|--|
| | review by Friends of Finsbury Park | |
| 12A | Vanguardia noise report in response to Blue Sky submission. | |
| 12B | 2 nd Submission – P Kolvin | |
| 12C | Additional listed documents Licence holder. | |
| 13 | Police nil representation | |
| 14 | Overview & Scrutiny recommendations following Finsbury Park Events Review | |
| 15 | Wireless 2017 Safety Advisory Group Debrief | |
| 15B | Hackney side road management plan 2018 | |
| 15C | 2018 Wireless Safety Advisory Debrief. | |
| 16 | Comparative complaints data | |
| 16A | Noise management briefing | |
| 17 | Event Management Plan selected documents | |

**Background papers: Licensing Act 2003
Section 182 Guidance
Haringey Statement of Licensing policy
Report Pack**