

Report for: Licensing Sub Committee 25th June 2019

Item number:

Title: Application for a New Premises licence on Down Lanes Park, Ashley Road London N17 by London Oktoberfest.

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

Ward(s) affected TH

**Report for Key/
Non Key Decision:** Not applicable

1. Describe the issue under consideration

1.1 An application has been submitted by Mr C Raun for a licence to allow licensable activity namely , the sale of alcohol and regulated entertainment to hold an 4 day event each year between 24th-27th October for a 3000 capacity. Dates will be agreed with the Parks year to year prior to the licence being brought into use. The applicant will need to provide 3 months notice period to Police and Licensing Authority.

1.2 The applicant is seeking the following hours:

Regulated Entertainment: Live Music (indoors)

Thursday to Friday	1600 to 2200 hours
Saturday	1100 to 2200 hours
Sunday	1230 to 1930 hours

Regulated Entertainment: Recorded Music (indoors)

Thursday to Friday	1600 to 2245 hours
Saturday	1100 to 2245 hours
Sunday	1230 to 1930 hours

Recorded music will provide by a German DJ playing German and international Pop Music, the DJ only plays during the set breaks of the traditional Bavarian folk band)

Supply of alcohol (On sales only)

Thursday to Friday	1600 to 2230 hours
Saturday	1100 to 2230 hours
Sunday	1230 to 1900 hours

For consumption **ON** the premises

Hours open to the public

Thursday to Friday	1600 to 2300 hours
Saturday	1100 to 2300 hours
Sunday	1230 to 1930 hours

Representations have been received against this application by 'other persons', namely residents as well as Responsible Authorities.

1.3 As such, in accordance with the legislation the Licensing Authority must hold a hearing to consider the application and any relevant representations.

1.4 Representations

The Residents representation can be found at Appendix 2.

Responsible Authority Representations can be found at Appendix 3

- Licensing Authority
- Met Police
- Building Control - Now withdrawn

2 Background

2.1 The applicant has described the event as a Bavarian party with live music and traditional food and beer. The tents will be decorated in Bavarian colours inside and the waiters and waitresses will wear lederhosen and dirndl. Music will be provided by a German band with support from a DJ who will play popular music inbetween the live music sessions.

2.2. Part M of the application details the proposed steps to be taken to promote the licensing objectives and this is further supported by an Event Management plan (EMP) which details the following:

- Event management; key contact details, event overview
- Communication on site, security, staff training, insurances
- Site facilities and environmental considerations
- Risk registers, including alcohol management action plan
- Emergency, fire, first aid, food safety, egress and crowd management plan.

2.3 Due to the level of confidential and the detailed operational material in the EMP, this document has not been made available to the public. Copies were originally supplied with the application to the Responsible Authorities and was revised following representation from Building Control, Licensing Authority and Police.

2.4 Council officers are satisfied that the application has been made and advertised correctly.

3 Relevant Representations

3.1 All representations have to meet a basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person or body sending the representation must be written and an explanation for rejection given in writing.

3.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.

3.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives" Likely means something that will probably happen, i.e on balance more likely than not.

3.4 Representations from responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.

3.5 The representations from the residents (Appendix 2) states that events taking in place

in Downs Park would have a negative impact on their lives and their enjoyment of the park.

- 3.6 The representations also finds the offer of food available onsite to be inadequate and stewarding proposals to be inadequate, it highlights concerns with the probability of crime and disorder taking place from the event crowd.
- 3.7 At present the 3000 capacity public will be leaving the park via The Ashley Road Gate to make use of the tube /overground or bus network. TFL or the Police have not requested any special measures to be put in place in this area for the egress as the transport systema are able to adequately deal with such small numbers on an egress. Patrons who live locally will make their way home by their own chosen walking route as they are able to do so.
- 3.9 Food will be available onsite for patrons if they wish to consume whilst at the venue.
- 3.10 The event is for On sales only so there is no ability for patrons to take alcohol off site with them. The timings agreed with police and Haringey Licensing Authority allow for a 'cooling down period' and SIA will be briefed to ensure that patrons are not leaving the tent with alcoholic drinks, they are permitted to leave with soft drinks/water.

There will be cleaning carried out after the event that will clear any waste emanating from the event and over into Station Place also.

- 4 All the responsible authorities have been consukted about this application. They are as follows:

- The Licensing Authority
- The Metropolitan Police
- The London Fire and Emergency Planning Authority
- Planning
- Health and Safety (includes Building Control)
- Noise Environmental Health
- Food Envirnomental Health
- Trading Standards
- Child protection
- Public Health.

- 4.1 No representations have been received from any responsible authorities.
5. The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would have deemed the licence granted under the legislation, with conditions consistant with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and are asked to incorporate any conditions as appropriate to address the licensing objectives, it is possible that no additional conditions are required.

Conditions Consistent with Operating Schedule:-

The licence holder shall at all times comply with the arrangements as detailed in the Event Management Plan (EMP) submitted with the application or any subsequent revised document. Any minor revisions and or updates to the current version of the EMP attached to the licence will be circulated to all the Responsible Authorities annually at least 3 months prior to the event taking place, along with confirmation of the dates of the next event.

The licence holder will attend Safety Advisory Group meetings to present plans for each event.

Adequately trained SIA staff will be deployed for event days when the tent is open. Numbers to be agreed with Police and Licensing Authority each year.

Door searches will be carried out at point of entry.

Patrons engaging in anti social behaviour will be denied entry.

SIA will be deployed on the egress route to ensure patrons are provided with information and wayfinding.

SIA will ensure that no alcoholic drinks are taken off the premises as patrons leave.

The tent will be closed once capacity is reached and messaging provided for late arrivals of the situation.

People under the age of 18 are only allowed entry on the family days (Sunday) and only when accompanied by an adult.

Challenge 25 will be in operation at the entry point and bars throughout the entire event days.

Challenge 25 will require valid photo ID, passport etc .

CCTV will be in operation throughout the event. Police and Licensing Authority have access to Event Control throughout the event period.

Images will be shared with Police on request in order to promote the prevention of crime and disorder objective.

An Event management plan will be agreed at a planning meeting with Police and Haringey Council at least one month prior to event taking place.

A complaints line number to be made available for the public for complaints to be logged, this number to be placed on the Park noticeboard and provided to the Licensing Authority.

6 Licensing Officer comments

6.1 The following information is intended to advise Members of the relevant aspects of the Statement of Licensing Policy, guidance issued by the Secretary of State, legislation and good practice. Members may depart from the Councils Policy and or Section 182 Guidance provided they consider it appropriate to do so and provide clear reasons for their decision.

6.2 Committee will also wish to be aware of the guidance issued under section 182 of the Licensing Act 2003. Licensing is about regulating the provision of licensable activities on licensed premises, by qualifying clubs and at temporary events 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.

6.3 The objective of the licensing process is to allow for the carrying on of retail sales of alcohol and the prevention of public nuisance, prevention of crime and

disorder, public safety and protection of children from harm. It is the Licensing Authority's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.

- 6.4 In considering licence applications, where relevant representations are made, this 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.
- 6.5 Where relevant representations are made, this authority will demand stricter conditions with regard to noise control in areas that have denser residential accommodation, but this will not limit opening hours without regard for the individual merits of any application. 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.
- 6.6 Also 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.
- 6.7 The Licensing Act 2003 permits children of any ages to be on the premises which primarily sells alcohol provided they are accompanied by an adult. It is not necessary to make this a condition.
- 6.8 In cases Members should make their decisions on the civil burden of proof, that is the balance of probability.
- 6.9 Members should consider in all cases whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.10 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.
The Councils Licensing policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

7 Options:

- 7.1 The Authority 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 steps are:

In determining this application the Sub-Committee may take any of the following steps as it considers appropriate for the promotion of the licensing objectives, namely:

- To grant the licence subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the authority considers appropriate for the promotion of the licensing objectives.

- To exclude from the scope of the licence any of the licesable activities to which the application relates.
- To refuse to specify a person in the licence as the premises supervisor.
- To reject the application.

For the purposes of the Licensing Act 2003 the conditions of the licence are modified if any of them are altered or omitted or a new condition added.

- 8 The licensing authority's determination of this application is subject to a 21 day appeal period or if the decision is appealed the date of the appeal is determined and /or disposed of.

9. Other considerations

Section 17 of the Crime and Disorder Act 1998 states:

"Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can to prevent crime and disorder in its area".

9.1 Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 – Right to respect for private and family life.
- Article 1 of the First Protocol – Protection of Property
- Article 6(1) – Right to a fair hearing.
- Article 10 – Freedom of Expression

10 - Use of Appendices

The Met Police representation and the event management plan appendices are noted and attached to the exempt part of the report.

Appendix 1 – Application and Event Management Plan (exempt)

Appendix 2 – Representations from residents

Appendix 3 – Representation from Metropolitan Police – (exempt)

Representation from Licensing Authority

Representation from Building Control

11 - Local Government (Access to Information) Act 1985

Appendices are NOT FOR PUBLICATION by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Part of this report is not for publication as it contains information classified as exempt under Schedule 12A of the Local Government Act 1972 in that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)'.

Background papers: Section 82 Guidance
Haringey Statement of Licensing policy