

**MINUTES OF THE LICENSING COMMITTEE
MONDAY, 3 AUGUST 2009**

Councillors Demirci, Dodds, Newton, Thompson and Aitken

Apologies Councillors Beacham, Edge, Lister and Scott

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCO10.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Cllr Beacham, for whom Cllr Aitken was substituting, and from Cllrs Lister, Scott and Edge.</p>	
LSCO11.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>	
LSCO12.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>	
LSCO13.	<p>AFRICA, CARIBBEAN AND ASIA FASHION WEEK, FINSBURY PARK N4 - 8TH AND 9TH AUGUST 2009</p> <p>Cllr Dodds was nominated and agreed as Chair of the proceedings, and presented an outline of the procedure to be followed in hearing the application. The Committee noted the additional paperwork that had been tabled at the meeting, but felt that it was unreasonable for the Committee to be asked to take this information into account in their decision due to the lack of time to read the late documents fully. The Committee sought legal advice on whether the hearing could progress if officers of the responsible authorities and Members had not had the opportunity to read the information submitted late. The Legal Officer advised the Committee that they should ask the responsible authorities present at the meeting whether they had received information which would enable them to withdraw the representations they had made, and that if any representations remained unaddressed by the written information provided, it would be for the applicant to address those issues to the satisfaction of the Committee at the meeting. The Committee was mindful that the application was for an event scheduled for the 8th and 9th August 2009.</p> <p>The Licensing Officer, Ms Dale Barrett, presented the report on an application for a new premises licence for the Africa Caribbean and Asia Fashion Week, Finsbury Park, 8th and 9th August 2009, to allow the provision of regulated entertainment. Representations against the application had been submitted by the police, noise team, fire services, parks service, building control and a local resident on the grounds of noise nuisance and public safety issues.</p> <p>Mr Derek Pearce, representing the Council's Noise Team, reported that</p>	

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the noise team representation had been made on the grounds of public nuisance. Organisations holding music events in the park usually employed an acoustic consultant to manage the noise output and ensure that noise did not exceed a certain level, and a dedicated phone number for complaints was also usually provided, but that these measures were not included in the application. Mr Pearce reported that the main concern of the noise team was that residents may be disturbed by noise from the event unless the noise levels were adequately controlled. In response to a question from the Committee, Mr Pearce reported that he had not seen any information in the late documents which would specifically address the representation made by the noise team.

The Committee asked whether the fact that the event was due to finish at 7pm had any bearing on the concerns of the noise team, and Mr Pearce confirmed that noise nuisance could occur at any time during the day. In response to a question from the Committee, Mr Pearce confirmed that the noise team's representation would only be withdrawn if they were satisfied that the applicant could comply with the requirements to set and control the sound levels, carry out sound tests and monitor the sound levels throughout the event.

The applicant reported that the event was intended to be a family day out, and was scheduled to start and end at appropriate times. The applicant confirmed that the event's stage manager was experienced in working with acoustics and would monitor the sound levels to ensure that levels were within the acceptable limit. Mr Pearce advised that it was important for the sound manager to have the flexibility to move around the site to check the levels in various locations throughout the event. It was noted that it was for the Committee to determine whether the proposals put forward by the applicant were adequate.

The Committee noted the written representation from the Parks service, and would give this submission the appropriate weight as part of their deliberations. In response to a question from the Committee, Ms Barrett confirmed that the Parks service had discussed the concerns raised in their representation directly with the applicant at the statutory meeting held on 17 June 2009.

The police advised that their representation was based on their responsibility to ensure that all events held in the borough were safe. The police advised that they had met with the applicant to discuss their concerns, and that a number of versions of the event management pack and map had been produced for the event by the applicant. The police expressed concern that the event appeared to be poorly planned, and that a number of concerns remained despite the latest version of the event management pack having been produced. The police noted that a third different security company was now listed for the event, and requested further information on what experience this company had of managing an event of this nature. Concern was expressed regarding the lack of detail provided on issues such as how staff would communicate with the emergency services, how occurrences such as bomb threats would be dealt with, the number of security staff to be employed, what

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training would be provided for staff at the event and where stewards would be situated. No control point for the organisers or emergency services was indicated in the information provided, and concerns had also been expressed regarding the safety of the event build. No information had been provided regarding the control of vehicles entering the site. There was a lack of information on how the event organisers would communicate with those attending the event in order to locate the parents of lost children. The police indicated that they wished to speak to the event's safety officer in order to ascertain their experience, as the named person was not known to the police and this was a critical role in ensuring the safety of the event. The police expressed concern that no details of how crowds entering or leaving the event would be controlled, and concern was also expressed regarding the exit gates indicated through the fence onto the narrow footway on the Seven Sisters Road, as it was not known whether it was possible to open up the fence at the points indicated, or whether permission had been granted to do so. It was further noted that the first aid point indicated was situated too close to the main entrance. The police welcomed the motivation behind the event and acknowledged that the application had developed substantially since discussions had first been entered into with the applicant, but sincere concerns were expressed regarding the number of significant issues still outstanding at this late stage.

The Committee asked the police whether the dialogue they had had with the applicant had provided assurance that the applicant would be able to comply with all the requirements of the responsible authorities, in order to ensure that the event could proceed safely. The police reported that the applicant had improved the event management pack and map as a result of the recommendations made, but that a number of issues remained to be addressed and the police expressed continuing concern at the lack of experience demonstrated by the applicant in relation to safety and security. The Committee asked whether there was any enhanced assistance that could be offered to the applicant in order to ensure that appropriate safety measures could be implemented. The police responded that there were areas on which the applicant could be offered additional guidance, but that it was the responsibility of the organisers to manage the event and that, on the basis of the information provided to date, the police did not have confidence that the event could be held safely. The applicant would need to supply sufficient information at the meeting to provide the police with assurance that this was possible. In response to a question from the Committee, the police clarified that their concerns related to the event being enclosed, close to a busy road and having a possible capacity of 10,000 as, if staff organising the event were insufficiently experienced, this could lead to endangerment of those attending.

The fire officer presented their representation, and expressed concern relating to the lack of information regarding the specific number and size of exits proposed, and the basis on which these were calculated. It was reported that the details provided in the latest information still required further clarification, as the size and location of some of the exits indicated were completely impractical. Concern was raised that the issue

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of staging safety, certification of electrical equipment and exit signage had not been addressed, and the event management pack did not give details of who would be responsible for contacting the emergency services and how the emergency services would access the event if required. There was a lack of consistency in the information on the type of fencing that would be used at the event, and there was no information on the size of the VIP tents. The fire officer reported that they had held a number of discussions with the applicant since the initial meeting and that the applicant had been provided with information on sources of guidance, but that information requested had yet to be provided.

In response to a question from the Committee, the fire officer stated that he did not believe that it was possible for the outstanding concerns to be addressed in the time available, given that the information required had been requested over the course of the previous three months and had not been resolved satisfactorily. The fire officer felt that there was insufficient time left in order to ensure the event could take place safely.

A local resident spoke in objection to the application on the grounds of potential noise nuisance, as this had been a problem with some events held in the same location previously. The local resident requested that a dedicated noise control officer be on hand throughout the event to ensure that at no point did the noise level exceed 15 decibels above the accepted background level, and that a complaints line be in place for the event. The resident confirmed that noise nuisance could be a problem for residents at any time of day, and expressed concern that, as this was a new event, it was unknown how much noise would be generated.

In response to a question from the Committee, the local resident confirmed that if noise could be contained to ensure that noise nuisance did not occur, this would address her concerns. The resident confirmed that she had no objection to the event taking place, as long as this did not result in noise nuisance.

The applicant addressed the Committee, and was advised that it was important for her submission to address each of the specific issues raised by the representations made by the responsible authorities and the objector. It was confirmed that the applicant could call on witnesses to provide additional information as required. The applicant was advised that the Committee had sympathy with the reasons for the event, but had a very specific role in their capacity as Licensing Committee to consider issues such as those relating to public safety and noise, and that it was essential for the applicant to address these issues.

The applicant reported that they had taken on board the recommendations of the noise team and that their stage manager, who had appropriate experience, would ensure that noise was no louder than 15 decibels above accepted background levels at any point. It was also reported that the proposed line-up of acts to perform at the event had been changed in response to the concerns raised regarding noise. In respect of safety, the applicant confirmed that they had repeatedly amended the event management plan in order to address the concerns

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raised by the responsible authorities.

The representative from the security company to be used at the event addressed the Committee and reported that their firm had been responsible for security at five events over the previous weekend, each of which had 10,000 attendees and that they had experience with events such as the concerts at Kenwood House, the Camden Mela in Regents Park and the Somerstown Festival. Similar daytime events of a family nature that they had worked at included the Innocent Smoothie event, attended by 25,000 people and the Winter Wonderland, which was in total attended by 750,000 over the course of the event. Very few security issues had arisen at these events. It was confirmed that the company was an SIA-approved contractor, and was a member of the Aspire 100 group of top-performing SIA companies. It was confirmed that 54 officers would be deployed at the event, and that a security plan had been produced for the responsible authorities. The security company would welcome any support offered by the police.

In response to questions from the Committee, the security representative confirmed that they would be able to engage with the police and fire officer to address outstanding concerns relating to the security remit, and confirmed that they had experience of getting involved successfully with an event at very short notice. The fire officer asked for details of what fell within the security remit, and was advised that this would include the management of security within the site only, as the issue of managing security at the perimeter had not to date been raised by the event organiser. The Committee asked about the security firm's role in the management of traffic within the site, and was advised that, other than during the build and de-rig, it was not anticipated that there would be any vehicle movement on site but that the security firm would be involved in marshalling if required.

In response to a question from the Legal Officer, the security representative confirmed that no contract had been signed with the event organiser. The applicant reported that the issue of staffing at the exits would be raised with the contractor when the contract was signed. The event management pack had been read by the security firm, but they confirmed that they were not in a position to put their name to it as yet. It was confirmed that a risk assessment tailored to the event had been produced by the security firm, but this had not been provided to the Council or responsible authorities to date. The Licensing Officer advised that they would also expect a spreadsheet indicating the specific roles of the officers on duty at the event, which would need to be incorporated within the event management pack. The Committee asked about the number of security officers on duty, as this had reduced from 78 to 54, and the applicant reported that this was because the budget had reduced as a consequence of the changes made to meet the concerns raised by the responsible authorities.

The applicant reported that queues into the event would be managed by having four rows, demarcated by heavy-duty barriers and that there would also be a side entrance. Once tickets had been purchased, those

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attending would be security checked before being permitted into the event. Numbers would also be counted on the way in to ensure that capacity was not exceeded. The applicant apologised that the map presented to the Committee showed incorrect exits, and confirmed that the Finsbury Park and Manor House exits would be used. Eight exits would be used in total, and these would be sufficiently large. The applicant reported that they were encouraging the use of public transport to travel to the event via their website, in order to avoid any parking issues.

The Committee asked whether the applicant intended to enter into a contract with the security firm represented at the meeting if the licence were granted and the applicant confirmed that this was the case. The applicant reported that they had not entered into a contract to date as they did not wish to lose any further money. The applicant confirmed, in response to a question from the Committee, that they would be willing to work closely with the responsible authorities to address all their concerns and reported that they had asked for support from the responsible authorities from the very beginning of the process. The Committee asked about the reasons for the change in security agencies involved in the event, and the applicant confirmed that the police had not carried out the background checks on the previous agencies, after saying that they would do so.

The fire officer asked the applicant for details of the size of the proposed exits, and the calculations on which the size of the exits had been determined. This information had been requested throughout the process. The applicant asked what information would be sufficient for the fire service, and the fire officer responded that they needed evidence of the assessment made by the event organisers of the size and number of exits required, based on the publicly-available guidance. The fire officer confirmed that the size of the exits was important information in terms of fire safety, and that this information had still to be provided by the applicant. The applicant confirmed that they did not have this information to hand, but could provide it outside the meeting.

In response to a question regarding the proposed exits onto the Seven Sisters Road, the applicant reported that this was an error on the map and that there would not be exits at the locations indicated onto Seven Sisters Road. The applicant apologised that the wrong map had been provided, but confirmed that a final, agreed map had been produced and was in the possession of the stage manager. In response to a question from the Committee, the applicant confirmed that they had met with the Council's Parks service, who had given them advice on what usually happened when the park was used for events of a similar size. The Licensing Officer raised concerns regarding the seating area indicated on the map, in response to which the applicant confirmed that there would be no chairs in this area, but this area of ground would be reserved for those wishing to sit down.

It was confirmed that the safety officer for the event was present at the hearing, but would not be addressing the Committee. The police

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requested details of what the safety officer's roles and responsibilities during the event would be. The applicant reported that the safety officer would be liaising closely with the security contractor and would be monitoring for any alerts, being aware of the assembly points and ensuring that the public were directed appropriately in the event of any emergency. The police asked whether the safety officer had any input into the event management pack, and the applicant reported that he had identified the assembly points from the point of view of speed and safety. In response to a question from the police regarding the experience of the safety officer with similar events, the applicant reported that the safety officer had experience of acting in this role at previous events, but it was not known whether these events had had a capacity of 10,000 or not. The police asked for information on the proposed signage, and the applicant reported that this would be purchased by the safety officer and erected the night before the event. In response to a question regarding the way in which vehicle movement around the site would be controlled, the applicant reported that vehicles would use the main staff entrance to access the site. The applicant reported that the event organisers would only be concerned with the management of vehicles accessing the site itself, and would not be managing the movement of public vehicles using the far end of the park, however it was confirmed by the Licensing Officer that the event organisers would be responsible for vehicle movement in the park beyond the site of the event itself, and this would need to be written into the event management pack.

The local resident asked how the applicant intended to deal with any complaints, and the applicant responded that a member of the management team would be on hand at the front entrance to respond to any complaints immediately. In response to a question regarding how residents would know who to complain to, the applicant confirmed that all volunteers would be clearly identifiable by sight so that residents would know who to approach. The applicant confirmed that they would be willing to set up a dedicated line for complaints and notify local residents of the number to call in the event of any complaints by distributing leaflets to local residences.

In summing up, the applicant asked the Committee to trust the event organisers to ensure public safety and control noise levels appropriately. The local resident concluded that they were not certain that it would be possible to control the noise levels without a dedicated officer to fulfil this role, and the fire officer and police reported that at this late stage they still had outstanding concerns relating to public safety, and were not sufficiently happy that the event could take place safely. In response to a question from the Committee, the police confirmed that there could never be 100% certainty that an event would go ahead safely, but that they had less confidence in relation to this event than others. The police reported that they were only 60-70% satisfied that the event could take place safely.

RESOLVED

The Committee thought long and hard about this application. The

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	<p>Committee was extremely grateful for the senior officers who attended from the relevant responsible authorities and for the attendance of Ms Smith and the applicant. The decision of the Committee was to refuse the application outright. To be clear, this meant that the Africa, Caribbean and Asia Fashion Week set for 8th and 9th August 2009 could not go ahead. To do so would be a prosecutable offence under the Licensing Act 2003. The Committee considered adding conditions in relation to security, site maps and event management packs to deal with public safety and public nuisance concerns that the Committee had. However, the Committee did not feel that it could sufficiently condition to ensure a safe event took place. The Committee needed to give a great deal of weight to the fire authority and police submissions. The Committee echoed their grave concerns that the documentation provided at the meeting was inaccurate, inconclusive and simply could not be relied on, especially when the Committee was considering an event which might potentially play host to some ten thousand people. Should the applicant take on board the many representations she had received over the previous months and at the meeting from the responsible authorities and the objector and move forward and gather around her appropriately skilled staff, then the Committee would encourage her to return at a later date with a more robust, thorough and comprehensive application for a new premises licence.</p>	
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COUNCILLOR RAY DODDS
Chair