

Decisions of the Licensing Sub-Committee

4 April 2023

Members Present:-

Councillor Claire Farrier
Councillor Anne Hutton

Councillor Alison Cornelius

1. APPOINTMENT OF CHAIRMAN

The meeting was opened at 10:30am by the attending Governance Officer and was adjourned until Councillor Alison Cornelius arrived.

The meeting reconvened at 10:55

RESOLVED that Councillor Alison Cornelius be appointed Chair for this Licensing Sub-Committee meeting.

2. ABSENCE OF MEMBERS (IF ANY)

None.

Apologies of lateness from Councillor Alison Cornelius arrived who arrived at 10:37am.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

None.

4. LICENSING SUB-COMMITTEE HEARING PROCEDURE

The Chair explained the procedure that would be followed at the meeting.

5. NEW PREMISES LICENCE - 51ST STATE, COPTHALL PLAYING FIELDS, OFF CHAMPIONS WAY, PAGE STREET, LONDON NW4 1PS LAPRE1/23/67918

The Sub-Committee considered an application for a variation of a premises licence under section 34 of the Licensing Act 2003.

6. MOTION TO EXCLUDE THE PRESS AND PUBLIC

RESOLVED that the parties be excluded from the meeting, together with the press and public, in accordance with the Regulation 14(2) of the Licensing Act 2003 (Hearings and Regulations 2005).

7. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION

The Sub-Committee deliberated in private session, accompanied by the Officer from HB Public Law and the Governance Officer.

8. RE-ADMISSION OF THE PRESS AND PUBLIC: ANNOUNCEMENT OF THE DECISION OF THE SUB-COMMITTEE

Notification of decision following a Licensing Panel hearing to determine an application for a variation of a premises licence under section 17 of the Licensing Act 2003

PREMISES: Copthall Playing Fields, Off Champion Way, Page Street NW4 1PS

APPLICANT: SVA Production Ltd

TAKE NOTICE THAT ON 4 April 2023 following a hearing before the Licensing Sub Committee (the "Sub-Committee"),

BARNET COUNCIL, as the Licensing Authority for the Premises **RESOLVED that:**

The application for a premises licence for two weekend long events in a calendar year until the beginning of September 2027 at Copthall Playing Fields, Off Champion Way, Page Street NW4 1PS is **GRANTED, as follows:**

Provision for the performance of a play (indoors/outdoors)

Friday:	12:00 to 22:00
Saturday:	11:00 to 22:00
Sunday:	11:00 to 21:00

Provision for the performance of film (indoors/outdoors)

Friday:	12:00 to 22:00
Saturday:	11:00 to 22:00
Sunday:	11:00 to 21:00

Provision for the performance of live music (indoors/outdoors)

Friday:	12:00 to 22:00
Saturday:	11:00 to 22:00
Sunday:	11:00 to 21:00

Provision for the performance of recorded music (indoors/outdoors)

Friday:	12:00 to 22:00
Saturday:	11:00 to 22:00
Sunday:	11:00 to 21:00

Provision for the performance of dance (indoors/outdoors)

Friday:	12:00 to 22:00
Saturday:	11:00 to 22:00
Sunday:	11:00 to 21:00

Provision for the performance of anything of a similar description to live music, recorded music or dance (indoors/outdoors)

Friday: 12:00 to 22:00
Saturday: 11:00 to 22:00
Sunday: 11:00 to 21:00

Provision for the sale of alcohol on the premises (on the premises)

Friday: 12:00 to 22:00
Saturday: 11:00 to 22:00
Sunday: 11:00 to 21:00

Hours premises are open to the public

Friday: 12:00 to 22:00
Saturday: 11:00 to 22:00
Sunday: 10:00 to 22:00

AND with the following new or amended conditions agreed with the working group:

- (1) All planning for the event will be in line with recommendations laid out in the online 'Purple Guide' and HSG154 Managing Crowds Safely and will be planned in strong consultation with local authorities and licensing staff via regular ELT meetings starting no less than 2 months before the proposed start date of any activities on the site.
- (2) The final site layout shall be as agreed with the event health and safety advisor and Security consultant and all statutory authorities (which includes but is not limited to members of licensing, highways, and blue light services).
- (3) Whenever the premises are open to the public a Personal Licence Holder shall be present within the licensed premises. Each bar will be run by a bar supervisor, this person will be under the direction of the Designated Premises Supervisor. At least one SIA trained security staff will be stationed continuously in the bar areas whilst open to the public.
- (4) Plastic 'glasses' or cans will be used at the bar. Where a drink is in a bottle and this is not plastic, the contents of said bottle will be decanted into a plastic 'glass'.
- (5) The boundaries of the licensed premises will be clearly fenced and marked so that staff, interested parties, police and members of the public can clearly see what areas are licensed.
- (6) No event shall take place until a complete Event Management Plan has been submitted to all relevant statutory bodies.

- (7) All core event staff and personnel will be issued with a radio and will be in contact with event control. All core event staff shall be clearly identifiable with clothing/tabards that state their role at the event.
- (8) All licensed door staff will use radios to contact each other and will wear hi visibility arm bands with their SIA badge clearly on display. They will also be in high visibility jackets or similar and should be clearly identifiable as security.
- (9) All stewards will wear high visibility jackets or similar and should be clearly identifiable as stewards.
- (10) The appointed security contractor will provide SIA registered security staff provision, including the mix of male/female staff will be based on a risk assessment carried out no less than one month before any event. Staff working on the main gate and with ejections will have body worn cameras as well as the static CCTV around the site i.e bar areas.
- (11) The event organisers shall ensure that CCTV is provided in specific areas across the site. (depending on the type of event) · All ticket holder entrances and searching areas · stages as per detailed in the event site management plan · All bars · General coverage of festival site the public have access Warning signs shall be displayed around the site letting the public know CCTV is being recorded. Any of these images will be made available to the Police upon receiving a request. These images must be retained for a minimum of 31 days after the event. The CCTV will be used to monitor crowd movement across the site to allow for a more efficient security operation. Fire exits need not all be applicable if they are not designated as an emergency entry/exits only.
- (12) Outside the permitted hours for alcohol, all alcoholic drinks shall be secured safely to prevent their sale or theft.
- (13) Any patrons displaying signs of drunkenness or use of drugs will be ejected from the premises where it is safe to do so or admitted to on-site welfare facilities until they are deemed safe to be ejected. The welfare area will be in operation at all times the event is open. Where anti-social behaviour is observed in connection with alcohol or drugs the patron will be ejected when safe to do so.
- (14) Refusal logbooks will be completed for any refusal of the sale of alcohol. There will be one book at every bar and will be made available upon request to officers from the Licensing Authority, Trading Standards or the Police.
- (15) Security will be posted at key locations, as identified within the EMP and agreed with all relevant statutory authorities, around the event site to ensure the protection of adjoining residencies and businesses.
- (16) All drugs or illicit substances found or confiscated on site will be logged via radio at the point of confiscation and then returned to the event HQ where it will be securely stored and logged in a drugs book

which shall be made available upon request to Officers from Met Police. All contraband along with seizure records will be handed to the Police at the end of the event.

- (17) A dedicated area in the site, located close to the First Aid section, will be provided for welfare provision to treat and ensure the safety of any vulnerable patrons in the premises.
- (18) Adequate medical provision will be made available in line with calculations from the "Purple Guide" and following a risk assessment carried out by the medical provider.
- (19) An incident book will be completed for any incident that takes place within the licensed premises. The book will be made available upon request to officers from the Licensing Authority, Trading Standards and the Police. A full copy of this log will be supplied to the police licensing team after the event by email (NWMailbox.LicensingBarnet@met.police.uk) to assist with a full event de-brief.
- (20) Waste management teams, alongside event staff and volunteers will be engaged to ensure the event site is cleaned and returned to its previous condition.
- (21) Attendees will be reminded of the residential location via digital media in advance of the event and clear signage throughout the event site will be used to remind and inform attendees of the proximity of residential areas.
- (22) Noise limits will be agreed with local authority noise management agents and adhered to vigorously. All residents within the area will be advised, by way of a letter drop, of any use of the premises, no less than one month before any event. A contact number will be provided in this letter drop for residents to be able to contact the noise management staff to ensure any complaints can be dealt with in a timely fashion.
- (23) Sufficient sanitary facilities will be made available within the premises to prevent public urination (as per the Event Management Plan).
- (24) Noise limits will be set in advance. These limits will be implemented throughout the course of the build, de-rig and live dates.
- (25) The organisers will monitor on-site dB noise levels and ensure that set noise limits will be adhered to, with regular reading to be taken and recorded.
- (26) A dedicated festival 'hotline' will be in place for local residents to contact the festival organisers, enabling them to respond to noise disturbance concerns and react accordingly.
- (27) The site will be open to people of 18+ years only. ID checks will be carried out at the point of entry to the site.

- (28) All age restricted sales training undertaken by staff members will be fully documented and recorded prior to being allowed to sell alcohol. All training records shall be made available to Officers from the Licensing Authority, Trading Standards and Met Police.
- (29) The premises will adopt a 'Challenge 25' policy whereby any person attempting enter the event/to buy alcohol who appears to be under 25 will be asked for photographic ID as proof of their age. The only ID that will be accepted are valid passports and UK driving licenses with a photograph or proof of age cards bearing the 'PASS' mark hologram. The list of approved ID may be amended or revised with the prior agreement of Met Police and the Licensing Authority without the need to amend the actual license.
- (30) A dedicated medical team with DBS clearance and sufficient facilities for predicted welfare needs will be on-site during all operational hours.
- (31) There will be a strict "no search - no entry" policy in place for this event, including all staff, acts and entourage. This search policy will be clearly explained on the website and signposted at the entry points of the event and communicated by pre-event communications with ticket holders. This will not be applicable in the event of an incident where public safety is at risk and the event management/ security at the scene deem it necessary to invacuate on to the site. Event depended.
- (32) No bags larger than A4 size will be permitted into the event as per the dress code policy within the event crowd management plan. This will be communicated to ticket holders via email/text message, on the event website and to ticket holders as they arrive at the event. Event depended.
- (33) Lost Property will be handled by the Information / Lost Property / Welfare Tent. There will be an email address for the public to contact should they have lost any items. Lost Property will be held for an agreed period to enable it to be reunited with owners after the Event.
- (34) The maximum capacity shall not exceed 19,999 people (to include ticket holders, guests, artists, staff and contractors) at any time.
- (35) The event director (as named within the EMP) has overall responsibility for crowd management safety. They will task the Security Co-ordinator to review any reports from staff working and co-ordinate any actions where appropriate to facilitate public safety across the whole site.
- (36) All infrastructure will be designed and erected with public safety in mind. Tent poles and lighting towers in key public areas will be fenced off or protected in another way or highlighted where protection is not possible and trip hazards in public areas will be minimized and highlighted where unavoidable.

- (37) Clear transport information must be made available to ticket holders prior to the event on the website and signposted at the event.
- (38) Final complete EMP will be made available to all key statutory bodies 28 days before the event with a full site plan clearly showing access points designated for emergency vehicles, medical aid and welfare. This plan shall document all provisions for medical, fire and health and safety facilities.
- (39) An Information Point will be situated in an agreed position on site and staffed by Festival personnel to provide information to persons attending the event. The information tent will have details on the location of facilities, local services, transport and entertainment.
- (40) As detailed in the EMP, the event organisers will communicate in advance (we suggest no less than 28 days before) the event date that there will likely be more passengers using the service on the event dates (times of the event will be provided) these stations must include; Mill Hill Broadway, Mill Hill East, Colindale, Hendon Central and Finchley Central.
- (41) The event control shall make provision for the recording of and notification to the Licensing Authority of any suspected instance of notifiable infectious disease or including any suspected cases of food poisoning presenting to the medical and first aid provider on the Licensed Premises.
- (42) There will be clearly identifiable free water points available to ticket holders at all times throughout the event.
- (43) In the event of a serious incident (which requires police investigation i.e. assault resulting in serious injury) the scene must be preserved for possible forensic examination. Nothing is to be removed from the area and it must be cordoned off at the earliest opportunity. The scene must be left 'in situ' until advised by police that it is no longer required.
- (44) The Premises Licence Holder shall operate a vulnerable person policy. All public facing staff will be briefed on the Ask for Angela scheme including how to deal with any approaches. All managers and supervisors in public facing roles including security staff undertake WAVE training. Each bar will always have on duty at least one manager trained in WAVE training and bar staff will be advised who that person is and of the objectives of WAVE as part of their briefing. Each bar will always have on duty at least one manager trained in ACT and bar staff will be advised who that person is as part of their briefing.
- (45) ACT Condition - The Premises Licence Holder shall engage with freely available counter terrorism advice and guidance through Counter Terrorism Protect Officers and Counter Terrorism Security Advisors. All members of customer facing staff, including those involved in the sale or supply of alcohol, undertake Action Counters Terrorism (ACT) Awareness eLearning, on as a prior condition of employment on site (as long as such, or similar, training is available). Such training is

available at <https://www.gov.uk/guidance/getting-training-and-advice-on-counter-terrorism#action-counters-terrorism-act-e-learning>

- (46) The noise levels will not exceed 65 dBA LAeq 15.
- (47) There will be only one event in 2023 that will take place on Saturday 5 August 2023 and Sunday 6 August 2023.
- (48) The Applicant may hold two events in 2024 which will take place in August 2024 and the Applicant may also include the Friday before the Saturday and Sunday of each event. The events in subsequent years will take place during school holidays and the Applicant may also include the Friday before the Saturday and Sunday of each event.

REASONS:

1. The Panel convened to determine an application for a premises licence for ("**the Premises**") under the Licensing Act 2003.
2. The Application seeks the hours for licensable activities and to include conditions on the Licence, which are set out in Annex 1.
3. The Premises are not currently licensed and are situated on land which belongs to the Council and the applicants have sought permission to use the land from the Council's Greenspaces Team.
4. The Licensing Panel carefully considered all the relevant information including:
 - Written and Oral representations made by all the parties
 - The Licensing Act 2003 and the steps appropriate to promote the Licensing Objectives
 - The guidance issued under section 182 of the Licensing Act 2003
 - The Statement of Licensing Policy of the London Borough of Barnet of January 2020
 - The Human Rights Act 1998
5. As part of the consultation process the Authority received no representations from Responsible Authorities, but the Applicant consulted with a working group including the Police, the Fire Brigade and the Licensing Enforcement team and agreed to the proposed conditions which are set out with the Application and to amend the Application as set out in the correspondence shown at Annex 2 to remove the sale of alcohol for consumption off the premises and to exclude boxing or wrestling activities.

6. Representations were received from residents in the surrounding area objecting to the Application. One representation was received from the Mill Hill Residents Association and the Mill Hill Preservation Society which is shown as Annex 3 and relates to the prevention of public nuisance and the prevention of crime and disorder. Other representations were received from Metro Golf Centre and a local resident. The representations can broadly be described as objecting to the Licence on the basis of public nuisance in relation to parking in the area and to noise levels in a residential area.
7. The Applicant also submitted representations from the Young Barnet Foundation, Hendon RFC, local residents and festival supporters and Noah's Ark Children's Hospice in support of the Application.
8. The Applicant was present at the hearing and was also assisted by Philip Kolvin KC and a Noise Consultant. In his oral representations, the Applicant addressed the objection that had been made about the change of the company hosting the event from the company that had hosted the event in August 2022 explaining that one of the directors would not be involved in the event this year and so a new company had been created to host the event. He explained that the same management team was in place as had hosted the previous event and confirmed that he had agreed to adopt all the conditions proposed by the working group which were set out at Annex 1. In addition, the Applicant explained that he had agreed to remove boxing or wrestling entertainment from his application and to restrict the sale of alcohol to consumption on the premises. The Applicant offered that noise levels would be reduced from 70 dBA LAeq 15 last year to 65 dBA LAeq 15 this year and that noise would be monitored. There would be only one event in 2023 which would take place on Saturday 5 August and Sunday 6 August. The Applicant was hoping if the application was granted to stage two events in 2024. The Applicant stated that both events would also take place on weekends in August 2024, but he hoped to add a Friday to each of the events in 2024 and in subsequent years. The Applicant confirmed that he would not be operating on Mondays whether they were Bank Holiday Mondays or not. The Applicant also confirmed and that events would not take place during term time in subsequent years.
9. The Objector on behalf of the Mill Hill Preservation Society read out the objection that she had made about the company hosting the event and was concerned about noise monitoring reports being made available to the public, about parking, about residents being notified of when the events would take place and about the numbers of people attending the events. The Licensing Officer advised that the numbers attending the events were included in the application but that there was no requirement to publish them in the report. The Objector from the Mill Hill Residents Association read out the objection that he had made and indicated that he was concerned about the application being for more than one event. The Chairman advised the Objector that any member of the public could ask for a Review of the Licence if granted. The local resident who objected was concerned about the increase in days and in numbers attending the event and about the public being consulted about the event. The Licensing Officer advised that the Application had been publicised in local

newspapers and around the perimeter of the area where the event was planned to take place. The local resident was also concerned about the licence being granted for 5 years and suggested that the Sub-Committee should only grant it for two years. The Chairman again advised that members of the public could request a review if the Licence was granted.

10. The Sub-Committee questioned the Objectors about whether there were any specific incidents from previous years that the Objectors were concerned about and took on board their concerns about the prevention of public nuisance, parking and noise levels and considered there was a risk that such nuisance might occur. The issue is then, if the Sub-Committee decided to grant the Licence, whether the assurances made by the Applicant regarding noise levels and parking and when the events would take place would be sufficient to address these concerns, given the conditions agreed with the working group.

11. The Statutory Guidance states that:

“2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

...

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

...

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of

outside, and to respect the rights of people living nearby to a peaceful night.”

12. The Licensing Authority’s own Statement of Licensing Policy 2020 also states how it considers the issue of public nuisance at section 9 of the Policy, stating that:

“9.1 In addition to the requirements of the Licensing Authority to promote the licensing objectives, the London Borough of Barnet also has a duty under the Environmental Protection Act 1990 to do all it reasonably can to prevent nuisance, including noise.

9.3 For all license applications the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance having regard to all circumstances of the case, and will particularly consider the following:

- The steps the applicant has taken or proposes to take to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices. Such measures may include sound proofing, air conditioning, acoustic lobbies and sound limitation.
- The steps the applicant has taken or proposes to take to prevent disturbance created by patron arriving or leaving the premises.”

13. As for Crime and Disorder, the Statutory Guidance says that Licensing Authorities should look to the Police as the main source of advice on this issue and should also seek to involve the local Community Safety Partnership (CSP).
14. The Panel noted this guidance and the comments in the Licensing Authority’s statement of licencing policy and noted the oral and written representations that had been received from the Objectors of their concerns about noise and nuisance.

Decision

15. Having taken all the representations into account, the statutory provisions and the Revised Guidance issued under section 182 of the Licensing Act 2003 and the Council’s Statement of Licensing Policy, the Sub-Committee grants the Applicant’s application subject to the Applicant confirming that alcohol would be for supply for consumption on the Premises only and that there would be no wrestling or boxing. The Sub-Committee has also decided to add three further conditions based on the assurances made by the Applicant regarding the noise levels and the hosting of events in 2023 and 2024.
16. The Sub-Committee considers that it is reasonable to make the Applicant’s assurances into additional conditions to add to the conditions agreed with the Licensing Officer and the working group would satisfy the licensing objectives concerning the prevention of crime and disorder and the prevention of public nuisance.

17. The Licensing Panel has therefore decided to **GRANT** the application for a Premises Licence, as amended to remove boxing or wrestling entertainments and to remove off-sales of alcohol and the non-standard hours for Bank Holiday Mondays, and with the conditions agreed with the working group plus the three further conditions, taken from the assurances made by the Applicant, which are as follows:
- The noise levels will not exceed 65 dBA LAeq 15.
 - There will be only one event in 2023 that will take place on Saturday 5 August 2023 and Sunday 6 August 2023.
 - The Applicant may hold two events in 2024 which will take place in August 2024 and the Applicant may also include the Friday before the Saturday and Sunday of each event. The events in subsequent years will take place during school holidays and the Applicant may also include the Friday before the Saturday and Sunday of each event.
 - The last sentence of paragraph 45 of the conditions agreed with the working group has been amended as it contained a weblink that does not work. The condition is otherwise unchanged and all members of customer facing staff must comply with this condition.

Right to Appeal

18. Any party aggrieved with the decision of the Licensing Panel on one or more grounds set out in schedule 5 of Licensing Act 2003 may appeal to the local Magistrate's Court within 21 days of notification of this decision.

9. ANY OTHER ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 12:58pm