

## **LICENSING SUB-COMMITTEE**

Minutes of the meeting held at 2.00 pm on 3 September 2019

### **Present:**

Councillor Stephen Wells (Chairman)  
Councillors Robert Evans and Michael Turner

### **20 APPOINTMENT OF CHAIRMAN FOR THE MEETING**

Councillor Stephen Wells was appointed as Chairman.

### **21 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **22 APPLICATION FOR A PREMISES LICENCE FOR WINDRUSH 2020, CRYSTAL PALACE PARK, SE20 8DT**

#### **Licensing Decision**

The Sub-Committee decided to adjourn the original hearing for approximately 8 weeks, to allow the applicant time to provide the licensing authority with specific information details in respect of the application.

#### **LICENSING FORMAL DECISION NOTICE (Made subsequent to the original meeting on 3<sup>rd</sup> September)**

23<sup>rd</sup> December 2019

**Members: Councillors: Stephen Wells (Chairman), Robert Evans, Michael Turner**

**Licensing Officer – Steve Philips**

#### **Licensing Decision**

The Panel made the following decision having regard to:

- the four licensing objectives
- the Council's Statement of Licensing Policy 2016 – 2021
- guidance issued under the Licensing Act 2003
- written and oral representations from the Applicant, Ms Wendy Cummins
- written and oral representations from Local Resident, Ms J Caddy
- written representations from Ward Councillor – Cllr Wilkins and oral representations from Ward Cllr Ahmad

- written and oral representations from Bromley's Environmental Health Department.

On 3<sup>rd</sup> September 2019, the decision of the Panel was to adjourn the hearing for approximately 8 weeks, to allow the applicant time to provide the licensing authority with specific information details in respect of the application.

The applicant subsequently provided the Licensing Authority with the information required and the decision of the Panel was to grant the application as applied for, subject to the following timings and conditions:-

- Sale or supply of alcohol on 19<sup>th</sup> June 2020 from 16:00 – 2130, 20<sup>th</sup> and 21<sup>st</sup> June 2020 from 12:00 to 21.30
- Recorded music on 19<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup> June 2020 from 09:00 – 2130
- Live music and regulated entertainment on 19<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup> June 2020 from 12:00 to 21:30
- Hours open to the public 09:00 to 22:00hrs on each day

**Conditions:**

1. Music from the event is only permitted between the following hours: 12:00 hours to 21:30 hours on 19<sup>th</sup>, 20<sup>th</sup>, 21<sup>st</sup> June 2020. The activities being held from 9:00 hours and 12 hours on 19<sup>th</sup> June 2020 are not regulated activities and can go ahead as planned.

2. A Noise Management Plan must be submitted to and approved in writing by the Local Authority at least 28 days prior to the event. Once approved, the Management Plan shall be implemented in full.

3. A letter is to be sent by the event organisers to all local residents who may reasonably be affected by music from the event. The letter should advertise the existence of the event, timings for regulated entertainment, and a dedicated noise contact line for the event (to be manned throughout the event). A copy of the letter and the circulation area should be included in the Noise Management Plan.

4. The Organiser shall appoint a suitably qualified and experienced independent consultant as approved by the Local Authority. The consultant must be experienced in noise propagation and control, particularly from music events. The Noise Control Consultant shall liaise between all parties, including the promoter, sound engineer and the Licensing Authority on all matters relating to noise control prior to and during the event.

5. The locations and directions of any stage/speakers must be shown on the relevant noise management plan.

6. A sound propagation model shall be submitted to and approved by the London Borough of Bromley's Environmental Health Department. Where necessary, background levels, L90, shall be undertaken at a representative time prior to the start of the event. Sound propagation modelling shall

demonstrate that the Music Noise Level does not exceed 65dB (A) above typical background measured at the nearest noise sensitive receptor, as indicated in the Noise Management Plan.

7. A logging noise level meter shall remain at the mixing desk so that the noise consultant and sound engineers can ensure that the predetermined noise levels are not exceeded. The results of the monitoring shall be provided to the licensing authority within 10 working days following the event.

8. During the event, the Noise Consultant shall monitor noise levels at locations determined appropriate in the Management Plan. A monitoring report, demonstrating compliance with the relevant licensing conditions shall be submitted to the London Borough of Bromley's Environmental Health Department within 14 days.

9. The organiser shall ensure that the promoter, sound supplier and all individual sound engineers are informed of the sound control limits.

10. The exact times of all sound checks and performances shall be detailed in the Noise Management Plan and approved by the licensing authority. In order to prevent disturbance to local residents no sound checks shall be carried out before 9.00 hours.

11. Details of the time, date and duration of set up and dismantling of the stage and other associated noise generating activities (refuse disposal, provision and emptying of toilets, generators etc.) outside the times of the performances shall be detailed in the Noise Management Plan and submitted to the Licensing Authority for approval. Whilst the event is being held, the licensee, event organiser or other competent person shall take appropriate steps where necessary to control noise levels in order to prevent disturbance to local residents.

Secondly, the production of a clear and accurate plan of the site to suitable scale, showing the revised position of the stages and any noise sources-- indicating clearly the direction of the speakers; also showing any structures, marques or similar showing what is occurring in each location.

Thirdly, a clear and accurate time line showing what is happening, at what time and where on the site. This should begin from the start of the licensable period to the end of the licensable period. It should show all the timings licensable activities will be occurring.

### **Hearing:**

The sub-committee considered the application for a premises licence for the 19<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup> June 2020 for the retail sale and supply of alcohol and regulated entertainment at Crystal Palace Park, Penge SE20 8DT.

The applicant, Ms Wendy Cummins put forward representations in support of her application. She stated that it was her first time to attend a hearing. She explained that the purpose of the event is to celebrate Windrush, an event

which she organised in 2017, to mark the contributions made by the Caribbean community to the UK. She described Crystal Palace as 'iconic' and made reference to the area being bombed during the blitz. She also highlighted the difficulties she had experienced getting funding to develop her idea.

Under section 13 of 21 of the application (provision of anything of a similar description to live music, recorded music or performance of a dance), the applicant applied for a start time of 6am to 22:00 on Saturday 20<sup>th</sup> and Sunday 21<sup>st</sup> June 2020. She explained that she wished to hold sunrise events, including a silent disco over the two day period. However she agreed to the sale and supply of alcohol from 12:00 noon.

The applicant explained how she proposed to safeguard children at the event. She explained that children would be in a concentrated space. On the 19<sup>th</sup> June 2020, there would be four 'lost children points' (ABCD). In addition, there would be a register and wrist band policy and parental codes and child codes to safeguard children would be provided to the parents.

Cllr Turner asked the applicant about the Event Management and Site Management Plans. In particular the location of the stage, speakers and direction of noise levels so has not to cause a nuisance to local residents.

Members were concerned that the applicant had no DPS to cover in the event she fell sick. It was recommended that she get at least one additional DPS to cover the event and the plan would need to be amended to reflect this.

The applicant was unable to explain with certainty some points raised by members regarding the Event Management and Site Management Plans and acknowledged that changes in the plans were necessary to address changes in the application relating to timings, DPS and layout.

The applicant explained that she had run two festivals for two years without any issues. She accepted that the noise issues experienced during the last event was a lesson learnt. She stated that she was committed this time round to appointing a noise consultant but currently did not have one in place.

A local resident who objected to the application stated that the applicant managed to overcome some concerns, but revisions to the Management Plan still needed to be made and specific issues still needed to be ironed out.

Cllr Marina Ahmad made representations on behalf of Cllr Wilkins, who had raised objections to the application. She was particularly concerned about possible noise arising from the sunrise event. In particular the fact that the attendance of 200 people in the early hours of the morning may cause noise and a nuisance to local residents. The applicant explained that there would be stewards who would escort guests in silence to the tented area--which would be covered with acoustic panels. She also stated that they would have placards which read 'silent sunrise this way please consider residents'. She explained that there would be no children at the sunrise events, access for

children would be permitted at 12 noon. In addition no alcohol will be sold before 12 noon.

Public Health Officer (Ms Jo Dickerman) raised concerns regarding the applicant's management of noise levels. She submitted that the application could not be accepted unless it was subject to the prescribed conditions. The applicant agreed to be subject to noise level conditions.

The applicant explained that the Management Plan was a living document. She stated that she would be happy to make changes to the document in order to make the application acceptable.

**Sub-committee's findings and reasons:**

Taking all the circumstances into consideration, the sub-committee considered that the imposition of the additional licence conditions listed above was necessary and proportionate in order to promote the four licensing objectives, the prevention of public nuisance, the prevention of crime and disorder, the protection of children from harm, and public safety licensing objectives.