

LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10.00 am on 23 November 2020

Present:

Councillor Pauline Tunnicliffe (Chairman)
Councillors Vanessa Allen and Robert Evans

4 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Pauline Tunnicliffe was appointed Chairman for the meeting.

5 DECLARATIONS OF INTEREST

There were no declarations of interest.

6 PREMISES LICENCE APPLICATION FOR FESTIVAL REPUBLIC AT CRYSTAL PALACE PARK, THICKET ROAD, PENGGE

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
- written and oral representations from Local Residents
- written and oral representation from Mr Kolvin QC and witnesses in support.

The decision of the sub-committee was to grant the licence as applied for with the conditions and amendments as stated.

The decision of the licensing sub-committee would be subject to an appeal process by any party. Full details of this process will be supplied in the full decision letter which would be released within the next 5 working days.

As this would be the first event of its kind in the borough, it would be subject to extreme scrutiny to ensure that it complied with all of the stated conditions and also the advice given by the Safety Advisory Group (SAG). This would be to ensure that the event went ahead in a safe and secure manner and had the

minimum disruptive impact (so far as it was reasonably practicable) on the residents of the borough.

Hearing:

The sub-committee considered the application made by Festival Republic for a new premises licence on the 23 November 2020 for the sale and supply of alcohol, recorded, live music and regulated entertainment at Crystal Palace Park, Thicket Road, Penge Crystal Palace.

Applicant

The applicant's legal representative set out the background of the application. He submitted that Live Nation was the world's leading live event company which had organised and promoted 40,000 shows over 100 festivals. He stated that Live Nation was a parent company of the applicant, Festival Republic. He highlighted the experienced backgrounds of the applicant's management. For example, the Managing Director had forty years' experience of organising events, which included the Glastonbury and Reading festivals. He had a team of contractors, "tried and tested", noise engineers, security, medical professionals and waste inspectors. He also sat on major groups, which covered matters such as counter-terrorism intelligence.

The applicant's legal representative submitted that in accordance with Guidance issued under the Licensing Act 2003, the applicant had continued to work through the consultation and planning process. The applicant had reached out to local residents and attended residents' meetings. They had also consulted with local societies, the MET Police, the Local Authority, (including Licensing, Environmental Health, Highways and Child Protection). The intention was to continue the consultation process through the SAG Forum.

The applicant presented the sub-committee with a list of additional conditions which they would accept as part of the licence. Reference was made to conditions 3, 4 and 5 of the proposed conditions. He emphasised that specific approvals would be required before any of the events went ahead. The applicant referred to various plans within their business structure including the Event Management Plan, which comprised of 21 appendices, and a multi-agency forum to ensure that the licensing objectives were met. He submitted that the process presented to the sub-committee was robust enough to grant the licence.

The applicant's legal representative referred the sub-committee to page three of the committee report. He submitted that from the list of Responsible Authorities, one objection had been raised by the Public Health Nuisance Team. However, he stated that the parties had reached an agreement and the objection had been withdrawn prior to the hearing.

The applicant explained that the Public Health Nuisance Team accepted the proposed conditions to address potential noise nuisance issues and recently

submitted a copy of their sound management plan (Vanguardia Report) to the Council. The applicant highlighted and explained to the sub-committee how sound issues would be effectively managed and how they would address the other licensing objectives, including crime and disorder, through the use of security and CCTV.

The applicant also explained how they would manage the ingress/egress of event attendees, signage, traffic and waste management through the Event Management Plan.

The applicant stated that a Covid-19 risk assessment would be carried out yearly and no event would go ahead unless it was in line with Government guidelines.

The applicant concluded that the festival would be of great benefit to the local community of Crystal Palace.

Sub-committee

The Chairman was satisfied with the information presented and asked whether a three-year licence was typical of such applications. The applicant stated that it was typical to apply for a multi-year licence including, in some cases, 15-year licences.

Cllr Evans was concerned about the potential noise nuisance. He referred to the applicant's noise report and highlighted that the noise levels appeared to conflict with the approved code of conduct in respect of noise management. The applicant accepted Cllr Evans' point and explained the reasons for the increase in noise level in terms of standard decimals used at events.

Cllr Evans questioned whether the licence could cover a one-year period to begin with. The applicant explained that it would result in commercial implications for the company and artists.

The applicant's legal representative pointed out that there was a right of review which was not limited to Responsible Authorities if they breached the terms of the licence.

Cllr Allen thanked the applicant for a very thorough presentation. She pointed out the importance of having the right noise levels at events. She stated that some artists would not perform unless the noise levels are right.

The Chairman, Cllr Tunnicliffe, wanted to ascertain the measures to be put in place in order to address the egress of almost 50,000 people from the events. The applicant highlighted how it would be achieved in practice, based on years of experience and stated that the process was set out in their Egress Plan.

Steve Philips, Licensing Officer asked the applicant for clarification on the number of events that would take place and the course of days. The applicant

explained that they proposed to hold two concurrent three-day weekend events, 9th; 10th; 11 July and 16th; 17th and 18th July in 2021.

Objectors Oral Representations

A local resident, (a member of the Dulwich Society), put forward oral objections to the application. She was deeply concerned about the access and egress points. She was puzzled how 50,000 people could leave a venue within 30 minutes. She stated that Brockwell Park held events for 35,000 people and with two exit points it took more than 1/2hr for people to leave in an orderly manner. She expressed her disappointment about not being informed about the amendment to the application in relation to the additional conditions and stated that it left objectors at a disadvantage. She submitted that the applicant's plans did not meet the licensing objectives. She felt that the application would be more acceptable with a reduction of people and a yearly licence.

Further oral objections were raised by a local resident who felt that 50,000 festival attendees would be excessive in Crystal Palace Park, particularly in relation to noise levels and nuisance. He stated that no full consultation had been carried out with the neighbouring boroughs and that the licence should be refused.

Supporters Oral Representation

Philip Kolvin QC made representations in support of the application and called three witnesses in support.

He stated that he sat on the Board of the Crystal Palace Trust and the grant of a licence to the applicant would bring in an income necessary to help restore the park and give it a sustainable future. He also emphasised that every penny received would go back into the development of the park.

He summarised the history of Crystal Palace Park and its value to the local community. He believed in the applicant's ability to manage the events successfully based on their knowledge and expertise. He submitted that there had been no objections from the Police and Health & Safety to the application. He expressed the view that the applicant was 'fit and proper' to run events in their park, while respecting the licensing objectives.

Applicant's Closing Submissions

The applicant sought to address the concerns raised by the two local residents during the hearing in their closing submissions. They also asked for the licence to be granted with conditions and subject to two amendments concerning waste and litter.

Sub-committee's findings and reasons

Taking all the representations into careful consideration, the sub-committee considered that the additional licence conditions were necessary and proportionate in order to promote the prevention of crime and disorder, protection of children from harm, public nuisance and public safety licensing objectives.

The Meeting ended at 2.30 pm

Chairman