

LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10.00am on 13 April 2022

Present:

Councillors Gareth Allatt, Nicholas Bennett MA J.P. and Robert Evans

Also Present:

1 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Nicholas Bennett was appointed Chairman of the Committee.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 New Application for a Premises Licence for Dream Valley / Stardust Ltd at Hayes Street Farm Hayes Lane BR2 7LB

The Application:

The applicant sought a 1-year premises licence for 2 event days:

A) Saturday 24th September 2022, with a capacity of up to 17,500 ticket holders with regulated entertainment finishing at 22:00 hrs.

B) Sunday 25th September 2022, with a capacity of up to 10,000 ticket holders with regulated entertainment finishing at 19:00 hrs.

The Case for the Applicants:

Mr Phillip Kolvin QC for the applicants made the following points:

Several concessions had been made and the application was now substantially reduced in scope. His client, Mr Miller, (one of the applicants) had a long history of hosting events on similar green field sites and as such was an expert.

The applicant had an experienced team, (including a former senior police officer), and a transport expert would provide sufficient span of control and capability.

The events were explained in detail and it was explained that Saturday would be a dance music festival and Sunday a family event. Details of the operational management plan were provided, including staffing arrangements, transport to and from the site (with buses to be provided from both Bromley South train station and London Southeast College by Rookery Lane), the monitoring of noise levels and litter picking. It was explained that agreement had been reached with the Public Health Team that a limit of 65 dB should apply on Sunday. For Saturday, the applicants asked for the flexibility of the condition setting a limit of 68db but with a requirement to use best endeavours to limit it to 65db. A number of noise testing sites had been identified which the applicant's staff would monitor. In addition, a complaints "hot line" would be advised to local residents to lodge concerns for action specifically in relation to noise, but more generally, if deemed necessary.

The applicants invited the grant of a licence with further conditions which was posited to be preferable to refusing to licence the events. The closing times of activities would be staggered, so people would gradually leave piece meal rather than en masse to promote safety.

In terms of modes of transport, the access split would be 30% shuttle bus from local destinations; 20% shuttle bus from Bromley South station, 15% pick up and drop off at college, 10% coach from further destinations, 2.5% local buses, 10% walking (including from Bromley South through Norman Park), 2.5% walking from Hayes station, 10% car parking at car park off Hayes Lane. It was stated that fewer people would come by car than for the boot fairs which have in the past been held on the site and had been the cause of congestion on Hayes Lane and Hayes Street. The representative concluded by discussing the representations. It was said that most festivals take place on sites like this with tracks for access and as such there was nothing special about this site to distinguish it in that regard or access generally.

The case for the Licensing Authority:

Mr Steve Phillips for the Licensing Authority objected to the application and said public nuisance remained a concern. The site was surrounded by residential properties so that it was inevitable there would be significant nuisance to residents, which could not be mitigated by conditions. The proposed collection and drop off at Bromley South Station with fifty buses would have a significant adverse impact on local businesses and cause a nuisance to Bromley High Street in terms of impeding already difficult and often congested road use.

The case for the Metropolitan Police:

Mr Jeremy Phillips QC in stating his objections on behalf of the police said the key problem remained the location and large number of people on a fundamentally unsuitable site. Access and egress using Hayes Lane adjacent to the site and Rookery Lane by London Southeast College were unsuitable in terms of bearing the 17,500 additional footfall / transport requirements of the

event attendees and would lead to unmanageable congestion and impede the need to allow for safe “blue light” vehicle access.

The case for the Health & Safety Team:

Ms Bywater maintained her objection on the grounds of unsuitable access and egress. Rookery Lane, where the road terminates and becomes a footpath, was unsuitable for such a substantial number of people due to its condition and Hayes Lane was very busy. Together with concerns over emergency access and evacuation, public safety would be severely compromised.

The case for the Public Health Nuisance Team:

Ms Newman accepted that noise would be heard by residents but stated there were standards for outdoor music events. The only sticking point with the applicants was whether to condition 65db on Saturday and she would leave this to Members to decide.

The case for local residents:

Ms Wallis (a local resident) focused on problems to do with access, including the shuttle buses at Bromley South and cars on Hayes Lane. She also said that there was doubt over whether vehicles had planning permission to access the car parking from Hayes Lane.

Questions to the Applicants:

Cllr Evans asked about pedestrian access from Norman Park with those attendees alighting at the London Southeast College and the applicants' representative responded that discussions had been had with Idverde with a view to allowing the removal of the boundary fence to provide for access to the events. Even without Norman Park, it was stated that there would be sufficient land available at the other evacuation points. Concerns over the safety of pedestrians in the dark on an uneven path were addressed, stating that festoon type lights and existing unevenness in the path would be addressed ahead of the events to promote safe walking. In relation to buses, there would be fifty double decker buses in total. Twenty would operate between the college car park and Bromley South station. It was estimated that 3500 people would pass through Bromley South. The buses would stop at one of the existing stops just north of the taxi rank and on part of the bus lane. There could be up to three parked there at any one time, but they would not be staged there. The frequency would depend on train arrival times. On the return from the College, the drop off would be at the same location. Discussions had been had with train operator Southeastern, Ensign and the British Transport Police. The 30 other buses would operate to and from other local destinations, with 2 buses on each route and departures every 30 minutes. In reply to a question about other festivals being so close to residential areas, it was said that this site was similar and not unusual. The visitor numbers it was said were also not remarkable and an example of

moving 25,000 people by shuttle bus in Swindon was given. It was estimated that seven hundred cars would use Hayes Lane. Cllr Allatt asked about public conveniences and the number and location provided.

The Chairman noted that the company had been established only in 2021 and questioned, Mr Miller and Mrs Beckwith's record of organising such events. Mr Miller said that he had considerable experience running such events. Mrs Beckwith explained that her background was in the hospitality industry and that she had not been involved an event of this nature before. The staffing arrangements were explained, with details for the 293 security staff. In relation to the path from Rookery Lane and the Chairman's observation from studying Google Earth that it appeared quite narrow, it was agreed that it was about 2 to 3 metres wide and from the metal gate to the perimeter of the site people would have to use it for 742 metres. From 8 pm onwards, it was estimated that just under 13,000 visitors would use it to leave the site. In case of an emergency, the emergency services would take access dependent on where the emergency was. For example, if it was on event field two, then it would be possible for vehicles to enter Norman Park through the Hayes Lane gates and that route was suitable for fire engines.

Mr Miller listed previous events he had been involved in and said that there had been no significant problems at any of them. In relation to access, Southeastern had said to the applicant, that they were comfortable with the footfall for the event. There would be a one-way system for buses to and from Bromley South. In relation to the College pick up and drop off point, this would be used by family, friends, private hire, black cab, and Uber. Litter picking arrangements were detailed. It was confirmed that setting up the event would take 5 days and then a further 2 to 3 days to dismantle everything. Mr Steve Phillips for the Licensing Authority asked about arrangements with Southeastern and said that his understanding was that aspects of the transport management plan were not as advanced as the applicants had stated. Ms Bywater pointed out the permitted hours in Bromley were 8 am to 6 pm during the week. In reply it was said that a Control of Pollution Act permit would be applied for if necessary. Jeremy Phillips QC for the Police asked about specific events Mr Miller and Mrs Beckwith had been involved in. In relation to a past event at Dagenham Central Park it was said that although the police had objected there had been some crime; there had never been a review. The applicant stated his view of the inevitability of some criminal activity with any major event. Mr Miller had only done the marketing for the Metrofest event in August 2021. With the application in Bexley, Mr Miller had withdrawn because the council could not adhere to the timetable and did not want the park used for that event or for another different event.

Ms Wallis, a local resident, asked about headlights shining into homes while exiting the car park. It was answered that the lighting could be defused by fencing, as had happened at other festivals. In terms of suitability of the existing access for lorries when setting up and taking away, it was said that if infrastructure was needed then it would be provided.

Closing for the Metropolitan Police:

The police's representative pointed out that Members were not obliged to grant the application. Although the proposal had evolved, it was still a massive event and 3 or 4 times bigger than anything seen on the site before. While hearsay evidence can be presented, the weight to be given to it here was limited.

Closing for the Applicants:

The applicants' representative said the application was better now and refusal should be a last resort. Some of the conditions have the safeguard of SAG involvement. The applicants had a good team of experienced experts. They have tried to reduce the impact on Hayes Lane compared to the boot fairs and car rally. For site access there has been no objection from the planning authority and if there were genuine concerns about the need for planning permission, Members should adjourn.

Decision:

That the application for a premises licence for Dream Valley / Stardust Ltd, at Hayes Street Farm, Hayes Lane, BR2 7LB be refused.

Reasons for the decision:

Members had regard to: - The four licensing objectives - The Council's current Statement of Licensing Policy - The Secretary of State's Revised Guidance issued under section 182 of the Licensing Act 2003 - All written and oral representations by the Applicants - All written and oral representations by local residents - All written and oral representations by responsible authorities - All written representations by the Ward Councillors and neighbouring Councillor, Mindful of Parliament's intentions in enacting the Licensing Act 2003 and transferring licensing responsibilities to elected Local Authority Members who could use their knowledge of the area and its residents. The Committee has drawn on its combined residence of more than seventy years to assist them in the process of reaching a decision. The Committee was grateful for the detailed introduction by Mr Philip Kolvin QC on behalf of the applicants and the comprehensive submissions both written and oral by the responsible authorities in their objections to the application.

The Committee noted that it was unusual to have so many objections by the responsible authorities and from local residents living adjacent to the proposed venue. The Committee considered the impact on the local road infrastructure of the proposed events. Access to the college car park for up to 80 double deck buses (50 for the Bromley South shuttle and 30 for other locations) from the A21 with vehicles turning right across the road immediately after leaving the roundabout would cause enormous congestion throughout the area and would seriously delay regular bus services on the six bus routes which use the A21. The A21 was a busy road, which leads to Princess Royal University Hospital. Even with traffic management and conditions, the events would result in gridlock, risk accidents for road users.

A grave concern was the impact for ambulances. The ambulance station was situated adjacent to the roundabout and the A21 is the main route for emergency services travelling from Bromley and the northern parts of the borough to the Accident and Emergency at the Princess Royal University Hospital situated a mile to the south on the A21. The Committee also considered the impact, on both days, of fifty double decker buses carrying up to ninety passengers on the road system in Bromley Town centre. Saturday and Sunday are the busiest days for shopping in Bromley High Street and there was already considerable congestion on the pavements and local roads.

The Committee was told that 20% of attendees at the two events would travel to Bromley South Station. This, on the organisers own estimates, would result in 3500 people arriving on the High Street in a relatively brief period at a peak time. The area near the station was a taxi rank and the area further up the High Street had two bus stops serving 17 routes. The Committee was therefore very concerned at the effects of the proposal for having up to three buses picking up and dropping off there at any one time. Equally, more buses ought reasonably to be provided in order to safely and quickly pick up the thousands of passengers all arriving at the same time and disgorging on to the High Street crowded with shoppers. However, there is no suitable location.

At the venue itself, although noise could be limited to 65db, members considered this would not be sufficient to protect residents from disproportionate and unreasonable impacts. In particular there would be disturbance caused by constant noise at such a level and with particularly noticeable bass sounds due to the music to be played. The events would be on a weekend including up to 10 pm on Saturday, with time thereafter to allow the site to clear of attendees, and residents had an expectation of quiet enjoyment of their home and garden during that time. Although extensive litter picking and public conveniences were proposed, members considered littering and public urination would still occur to an unacceptable extent. Preparation of the site and its dismantling were estimated by the organisers as five days before the weekend and three afterwards with vehicle movements up to 8 pm each evening, this would cause inconvenience to residents on Hayes Lane for up to ten days including the weekend of the events. For those reasons, granting the licence would result in a public nuisance. Access to the site for emergency vehicles would be at a single point off Hayes Lane, which was a busy route.

The Committee noted the claim that access could be through Norman Park, but this was disputed by the Council who owned the park. The Committee had serious concerns as to how, in the event of a serious disturbance, terrorist attack or other large-scale emergency blue light services could respond in adequate numbers to a venue on a field with only one vehicle entrance from Hayes Lane.

The Committee also noted the concerns of the police that this event would require considerable resources at a time when they were policing football

matches and other events. The main pedestrian access and egress would be via Rookery Lane, which was a narrow treelined, dark footpath estimated at three quarters of a kilometre in length to the venue entrance. While additional infrastructure to improve Rookery Lane could be provided, this could not overcome the narrow nature of the path. Members were particularly concerned with large numbers of visitors using the path to exit after having consumed alcohol and the attendant risk of a crush or stampede. Consequently, granting the licence would harm public safety.

Appeals against a decision of the Licensing Sub Committee:

1. The applicant, Responsible Authority or interested party (objector) may appeal against a decision of the Licensing Sub-Committee in certain circumstances. These are laid down in Schedule 5 of the Licensing Act 2003.

2. Any appeal should be made to the Magistrates Court, London Road, Bromley, BR1 1BY. An appeal must be lodged within 21 days beginning the day on which you were informed of the decision of the Committee.

3. It should be noted that there is a cost in making an appeal to the Magistrates Court that must be met by the appellant. These costs can be significant as they can include the legal fees of the person you are appealing against (Respondent). For more information on “reviews” contact the Licensing Team or see the Website www.bromley.gov.uk. If you have any questions or problems, please do not hesitate to contact me on the

4 Application for a Personal Licence by Mr Charlie Thomas Currell under the Licensing Act 2003

Chairman