

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 24 APRIL 2019**

COUNCILLORS

PRESENT (Chair) Chris Bond, Vicki Pite and Jim Steven

ABSENT

OFFICERS: Ellie Green (Principal Licensing Officer), Catriona McFarlane (Legal Services Representative), Jane Creer (Democratic Services), Hakema Kharoti (Senior Parks & Business Officer)

Also Attending: Mr Adrian Webb (Festival Director), Mr Mark Sellers (Director), Ms Sarah Le Fevre (Counsel), Ms Abby Freed (Event Management & Safety Consultant), Mr Richard Vivian (Principal Consultant, Big Sky Acoustics Ltd), on behalf of the applicant
28 representatives of Interested Parties (IP's)
Councillor Edward Smith (Cockfosters ward councillor)
Councillor Derek Levy (Southgate ward councillor)

**1105
WELCOME AND APOLOGIES FOR ABSENCE**

Councillor Bond, Chair, welcomed all those present and explained the order of the meeting.

**1106
DECLARATION OF INTERESTS**

NOTED there were no declarations of interest.

**1107
FANCY FAIR MARKETS LIMITED, LAND, BRAMLEY SPORTS GROUND,
CHASE SIDE, LONDON, N14 4AB (REPORT NO.225)**

RECEIVED the application made by Fancy Fair Markets Limited for the premises situated at Bramley Sports Ground, Chase Side, London, N14 4AB for a New Premises Licence.

NOTED

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1. The introduction by Ellie Green, Principal Licensing Officer, including:
 - a. Fancy Fair Markets Limited had made an application for Land, Bramley Sports Ground, Chase Side, London, N14 4AB.
 - b. The proposal was for the licence to be used annually with no more than four event days per year. This year, the proposed event was from Saturday 25 to Monday 27 May 2019 – the second May Bank Holiday weekend.
 - c. The application sought a maximum capacity of 9,999 people at any one time.
 - d. The application sought licensable activities Friday to Monday 10:00 to 22:00 and sale of alcohol 10:00 to 21:30, as amended through mediation.
 - e. The officers' report set out licensing hours at three nearby premises for information. This application was the first of any kind for this site.
 - f. There had been 151 representations received from other persons, including local residents, sports associations and ward councillors, all against granting the application, and based on all four licensing objectives. Copies of the IP representations were set out in Annex 6 of the agenda. The road names of those objecting were listed in para 3.4 of the officers' report.
 - g. In response to the representations, the applicant provided documents set out in Annex 4, 7, 10 and 11 in the agenda.
 - h. The Metropolitan Police and Licensing Authority sought the removal of alcohol off sales and modification of conditions. These were agreed by the applicant and subsequently the responsible authorities' representations were withdrawn.
 - i. Further conditions were also offered by the applicant. Annex 8 in the agenda set out the final list of proposed conditions.
 - j. The proposals had been considered by the Safety Advisory Group (SAG), and an overview report was included as Annex 5 in the agenda.
 - k. It was for the Licensing Sub Committee (LSC) to determine whether the application supported the licensing objectives.
 - l. The applicant was represented by Counsel Sarah Le Fevre. The Festival directors were also present, as well as the Event Management and Safety Consultant, and the Principal Consultant, Big Sky Acoustics Ltd.
 - m. Local residents making objections were referred to as IP reference numbers. 24 had confirmed their attendance at the hearing and more were also present. The spokespeople were confirmed as Peter Basham and Beverley Spinks. Councillor Edward Smith, Cockfosters Ward Councillor, was also present to represent the objectors.
 - n. In response to the Chair's query, Ellie Green confirmed recent case law in respect of the ruling in the case of 'AEG Presents Limited v London Borough of Tower Hamlets'. This meant that the LSC did not have the powers to apply a time limited licence when the applicant sought an indefinite licence. If the LSC was satisfied that the conditions, times and activities were suitable for one year, they should be strong enough

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- to grant the licence for any period of time – the test was the same, regardless of the length of period of a licence.
- o. The Chair advised that after any event there was an opportunity for review of the licence. A review of the licence may be sought by any person, should the need arise following the first event. Residents would need to gather actual evidence that one or more of the four licensing objectives were prejudiced by the carrying on of the licence.
2. The statement on behalf of the IP representations, including:
- a. Peter Basham as spokesperson lived in De Bohun Avenue and represented the views of local residents against the application. These views were reflected in the sheer volume of objection letters.
 - b. The site was located in a densely populated residential area, some distance from transport links, and the event was proposed for a bank holiday weekend when there would be reduced services on two of the three days.
 - c. The site was used for sports, for informal recreation, and by local schools for regular PE activities.
 - d. Local residents did not want this event now or ever, and they had not asked for a festival.
 - e. There was a gang culture in the borough and a high level of knife crime, and there did not seem to be sufficient Police resources to deal with it. The local MP had made a statement in Parliament that Enfield needed greater Police resources to try to combat these issues. This event showed no attendance by Police at any time. This was of massive concern to residents.
 - f. A meeting was held in the community to discuss the application, where uninvited members of Fancy Fair Markets Limited turned up and gave information of what they proposed. Those in attendance felt that the applicants were doing nothing for the community, but were seeking personal and financial gain.
 - g. The applicant stated there may be around 10,000 attendees at any one time. This could equate to potentially 5,000 cars and therefore concerns about parking. Conversations with contacts at Oak Hill College implied they could provide parking for 150 at most rather than for 1000 as claimed by the applicants. Similarly, staff at De Bohun School had expressed surprise at claims there may be event parking at the school.
 - h. Residents had been informed that streets would be closed to all but password holders during the bank holiday weekend, and were concerned it may be difficult for their families to visit.
 - i. There were concerns that there would be only 30 to 40 stewards to manage all the people, and of what might happen in an emergency situation. There was no quick or easy way out of the site except for two narrow emergency exits, and there did not seem to be any set procedures.
 - j. This event would prevent local residents freely accessing their park over a bank holiday weekend for recreation, dog walking, etc. The

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Bolingbroke Park apartments' residents had no gardens: they made use of this recreation space yet had not received any notification about this event.

- k. There had been assurance that portaloos would be provided for visitors on site, but they would also lead to disturbance from their maintenance. It was also likely that attendees would relieve themselves in the bushes and that there would be illegal fouling and public exposure, and residents did not want this in their sports ground.
 - l. Residents had concerns about litter control and how disposal lorries would gain access.
 - m. Anti-social behaviour would be inevitable at an event with alcohol and music. Searching attendees for drugs would be important. An event of this size would be almost impossible to police.
 - n. There were cricket matches scheduled in the upper part of the ground on the same days, leading to health and safety concerns and child grooming fears.
 - o. The festival had been advertised as far away as Waltham Cross, Cheshunt and St Albans and could not be classed as a local community event.
 - p. In total, residents would be affected for 12 days, including days for set up and take down as well as the event days. The noise and inconvenience resulting to local residents was totally unacceptable.
 - q. At this time of year, Saracens rugby club re-seeded their pitches. This event would prevent that, and there could be damage from equipment, animals and people. There was no reasonable access for large vehicles other than parking on those pitches for which Saracens held a long licence. This was wholly inappropriate.
 - r. The event would generate noise, fumes, and light pollution. Music was proposed to 22:00, and there would be noise from people leaving at the end. There would also be fairground workers on site overnight, leading to public nuisance and possible hygiene issues.
 - s. There had been assurances that the applicant had public liability insurance, but a check via Companies House showed share capital of £2 only for this company.
 - t. The local residents paid Council Tax to LB Enfield and should be heard. They loved their area and wished to protect it. They were more than happy with Saracens as their neighbours, but this event would have a negative effect on the lives of local residents, and would do more harm than good.
3. The statement on behalf of the applicant, including:
- a. Sarah Le Fevre, barrister, had been instructed to represent the applicant.
 - b. The nature of the event was an annual family oriented festival, with appropriate entertainment including a children's circus, donkey rides, funfair, and trade and food stalls, to take place over the second bank holiday weekend in May every year.

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- c. Music was a supporting part of the application, to attract parents and grandparents. Children were expected to make up to 70% of those attending, similar to Winchmore Hill Fancy Fair.
- d. It was expected for a high proportion of stall holders to be local businesses.
- e. Fancy Fair Markets Ltd held a land licence for the site for this purpose for three years. Another licence was held and a premises licence had been granted to the company for The Green, Winchmore Hill. The Winchmore Hill event had grown as a family festival and was similar in scale and attendance (15,000 people) to this proposal, though a single day event, with on and off sales of alcohol.
- f. At Annex 11 of the agenda, the letter from Councillor Barnes, Winchmore Hill ward councillor advised that he had received not one complaint regarding operation of that festival. The event was a highly valued part of the local community's calendar. It was normal for communities faced with a new and unknown, untested event to assume the worst impact and have concerns. This had also been the case in Winchmore Hill before the festival was established, but now the community was asking for two festivals per year. Councillor Barnes recognised the likelihood of trepidation, but his view was that it would be sad to deprive the local community of a joyful event that would draw them together.
- g. This festival would earn its reputation through word of mouth. There was likely to be a soft start, and the applicants would have no issue with an LSC decision which reflected this, for example by restricting capacity to 7,000 in the first year, 8,500 in the second year, and 10,000 in the third year.
- h. The hours sought were consistent with a genuinely family event, with alcohol to 21:30 and music to end at 22:00. The SAG report confirmed the expectation that entertainment should end at 21:30 and suggested that consideration be given in the first year to reducing those hours. The applicant would be comfortable with this: they did not want late hours.
- i. Neither through the entertainment type or the hours was the event likely to attract anyone but peaceable families. There had been extensive, detailed and competent planning of all aspects. This event had been six months in the making, with £250,000 investment made. The applicant had been advised not to submit the full event management plan, or the risk assessment, for the public papers, but those documents contained detailed plans for emergency evacuation, dealing with emergencies, or incidents of worst case scenarios. They had sufficient staff to manage the event, and a full drugs policy and searching policy. Annex 5 contained an overview of all the documents.
- j. The site was fitting in scale to accommodate many more than 10,000, and there was an appropriate traffic and transport plan, noise assessment and plan, and acoustic report.
- k. The transport plan would ensure safety, circulation, management of vehicle access to and away from the site, and parking and safety of

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organisers' control during and after the event. All litter would be collected into a large container at the top of the site near Chickenshed Theatre, to be taken away after the event. Caterers would also take away a lot of their own rubbish as part of their terms and conditions. There would be a £7,000 bond with LB Enfield to take care of any damage or litter, but the organisers would leave the site as it was when they arrived. The fairground workers had sleepers in the back of their trucks and a couple of caravans and were all professionals. No tents or camping would be permitted. (POST MEETING NOTE: No tents or camping would be permitted confirmed in respect of event attendees.)

- e. In response to the Chair's queries regarding the numbers of stewards, it was advised that a security plan had been formulated with 30-32 stewards for the three days. All would be there one hour before opening and all would be in radio contact, with a central control unit able to reach every one. Every possible step had been taken under professional advice and the Director's 30 years' experience, and a great team. This would be a professionally and properly run event. As a local resident, Mr Webb understood concerns, but wanted to prove his way as he had in Winchmore Hill, that he could do a great job.
- f. Councillor Pite raised the points made including marketing and potential range of visitors, and whether if people came from far away there were risks they were not part of the local community. It was advised that with organisers' experience and using Winchmore Hill Fancy Fair as a benchmark, the 15,000 attendees came in the main from the local area. The only advertising apart from the internet was from their own website. There would be no sale of tickets in advance. Generally people knew about the event because they lived close by. Word of mouth and social media worked for them. People were looking forward to Fancy Fair coming to Cockfosters, but they would not expect people to travel long distances to attend. This site was in the middle of the community. It was expected that 70% of people would arrive on foot, while some would use the Underground or buses. Attractions were deliberately not specified, for example there was no advertised headline act. This was just a slightly larger version of the event already held at Winchmore Hill. If people did travel to attend they would not necessarily behave themselves any worse than others: it was a question of management and assessment at the gate, and supervision of the festival.
- g. Councillor Pite re-iterated that a lot of the local community were not in favour of the festival and questioned why it was over three days rather than the single day Winchmore Hill event. It was advised that the applicants did not canvas the area to gain any ground with the residents. They stood by their history. The difference from Winchmore Hill to this event was only in size. Space was very restricted in Winchmore Hill and there was not room for a circus for example. This site allowed presentation of better and more interesting attractions and to move the event along. A similar event was also being held in LB Ealing. The model was a very well run professionally supervised event

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for a good day out. It involved £250,000 investment and a large amount of equipment so on a commercial basis it would be impossible to put it on for just one day. Organisers needed a chance to get their investment back and to make a profit.

- h. Councillor Pite queried that the risk assessment was to be updated, that outstanding documents were referred to in the SAG recommendations, and that LSC had not received an update. It was confirmed that documents were submitted and reviewed by the Chair and were satisfactory to SAG, and there were no further observations to make. Working documents were continually being reviewed, but were comprehensive and contained mitigation of any issues.
- i. In response to Councillor Pite's query regarding a First Aid tent, it was confirmed that St Johns Ambulance service had been contracted and were providing an on-site unit where people in need of medical assistance could be accommodated.
- j. In response to the Chair's query regarding parking, and liaison with LB Barnet, it was confirmed that the traffic plan had been prepared by a professional company with local knowledge, and signed off by the Council's Traffic and Transportation Team, with liaison with Barnet.
- k. In response to objectors' questions about where and how much car parking for attendees was to be provided, it was advised the applicant had agreement with the college opposite for parking, and the number of spaces was being assessed and was ongoing. Stripping of four fields they would have access to would take place two weeks before the event and an assessment would then be made. The expectation was that the college would take substantial numbers of cars. Pedestrian walkways had been agreed, plus zebra crossings, but there was still more work to do. A car parking team would come in.
- l. In response to objectors' questions about steward numbers on site and on surrounding roads, it was confirmed that the staffing package included more than just stewards. There would be a security team and gatekeepers also and other staff. There was an agreed security plan and technical issues had been agreed. The professional security team had been approved by SAG and all planning was up to date. Residents should have no fears about safety as a massive amount of work and collaboration had gone on, with professional supervision, and that the job would be done correctly and rules complied with. The staff types and responsibilities were included in detail in the management plan. The Chair pressed for a guide to expected steward numbers and this was confirmed as an average of around 30 at any one time.
- m. Objectors questioned why the festival had been advertised in Waltham Cross and Cheshunt. It was advised that it had not been advertised in those towns as the organisers had not placed an advert or had any leaflet or poster printed.
- n. A resident and member of Saracens had ongoing concerns about children using the playing fields being hurt by sharps, plastics, glass or cans which may be brought on site and turn up later in the mud, and queried the plans for bag searches in the security plan. It was

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- confirmed that all festival goers would be subject to searches of bags and their person and that staff would wear body cameras. There would be scrutiny at the point of entry and throughout the site. There would be non provision within the site of such articles.
- o. Councillor Smith queried the numerous references to Winchmore Hill Fancy Fair, but that had been set up by volunteers and was non profit making whereas this was a commercial operation, and asked when Mr Webb took over managing the Winchmore Hill event. Mr Webb confirmed he worked as festival director at every Fancy Fair and took over the reins at Winchmore Hill in 2007. There was no charge for entry there – the event was financed by local businesses, advertisers and stall holders. It was run as a free community event and would continue as such. The Cockfosters event and others by the nature of the event had to be run commercially otherwise they would be impossible to put on.
 - p. Councillor Pite asked for further reassurance regarding pending documentation to SAG, and that comparison with the Winchmore Hill event did not seem 'like for like'. It was advised that the events would attract exactly the same people: the community in and around the area. The only difference was in scale, and allowing it to have more interesting and larger attractions. SAG's comments would stand for any new event, and plans had been put in place for monitoring and testing so the event was constantly evolving. The evidence from SAG and the Winchmore Hill event were both important evidence. It was also confirmed that Fancy Fair Markets Limited had responsibility for public safety.
 - q. In response to an objector's query regarding mitigation of issues given the cricket match at the same time on the adjacent pitch, it was advised that the cricket ground had been carved out from the event and that in future years that match would be scheduled at a different time. This was queried by the objector as there was an exclusive right to use the cricket pitch whenever the club wanted between the end of April and end of September.
 - r. In response to objectors' queries in respect of emergency vehicles being able to access Chase Side, it was confirmed that full scrutiny had taken place by the SAG and relevant officers, and there was planning in the traffic management plan.
5. The summary statement by Councillor Edward Smith, on behalf of the objectors, including:
- a. Comparisons with Winchmore Hill Fancy Fair were not comparing like with like. The Winchmore Hill event was popular because it was free entry and included numerous craft stalls. The majority of attendees lived locally and there was a lot of local community support. This proposal was a larger event with alcohol on sale. He had seen a poster calling the event Cockfosters Music Festival. This would attract a different audience and would be much larger, much noisier and more disruptive to local residents. The idea that large numbers of local

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- people would walk to this event and be supportive were unrealistic in his view.
- b. In respect of car parking at Oak Hill College, there had been no answers or even estimates of numbers of parking spaces. The LSC needed to know if sufficient car parking would be available. It was realistic that a lot of people would come by car and would park in adjacent streets and lead to nuisance for residents.
 - c. In respect of stewarding, 30 people to complete all roles including searching attendees and looking after traffic issues particularly marshalling and managing cars in Chase Side seemed unrealistic.
 - d. In respect of public safety it was still not known if there would be any Police present. Unless there was better reassurance, the LSC should think very carefully about granting a licence.
6. The summary statement of Sarah Le Fevre, barrister, on behalf of the applicant, including:
- a. The extent of the relevance to the Winchmore Hill Fancy Fair was in respect of scale, community appeal, park site and number of attendees.
 - b. It had been asserted that the Winchmore Hill event was popular because it was free and that in this event ticket sale on the door would be a barrier. If that was the case then this festival would fail pretty quickly. That was not the expert assessment of those that wished to operate and had invested in this event. The organiser had a proven track record and was local.
 - c. The licence should be granted in perpetuity, subject of course to review on any of the licensing objectives, in which case the LSC would be asked to redetermine.
 - d. She was sorry if the number of parking spaces had not been stated clearly at the hearing, but the management plan confirmed enough parking spaces for 1,000 vehicles had been arranged and there was capacity for that to be increased.
 - e. A maximum capacity of 10,000 attendees was not likely in the first year at any one time. The numbers and deployment of security staff had been developed by Envisage Security who would operate the security, and had been scrutinised by SAG.
 - f. The Council could not dictate to the Police where they deployed resources. The SAG was clear that the event needed to be able to stand on its own two feet without Police presence. All assessment by expert bodies including the Metropolitan Police and British Transport Police were satisfied.
 - g. The LSC had hard evidence and expertise before them of mitigation giving sufficient confidence to grant the application. No voice of expertise had been raised against this festival. If unsuccessful, the directors would have learned a hard commercial lesson, but they believed they could do well and have a successful event.

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7. The summary of Ellie Green, Principal Licensing Officer, that, having heard the representations from all parties, it was for the LSC to consider the steps appropriate and in support of the licensing objectives, assisted by relevant guidance and policy.

RESOLVED that

1. In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

The Panel retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Chair made the following statement:

The Licensing Sub Committee had read and listened to the submissions of all parties, and the Chair thanked everyone present for their attendance at the hearing and for sharing their views and participating in the hearing.

Councillor Pite had been feeling unwell and had gone home after taking part in the decision-making process, and was wished well.

The Licensing Sub Committee agreed to grant the application in part with the conditions previously agreed as set out in Annex 8 and additionally that licensable activities should have a terminal hour of 21:00 and sale of alcohol to end at 20:30; that maximum capacities be limited as suggested by the applicant; and that there must be a minimum of 32 stewards at any one time.

3. The Licensing Sub-Committee **RESOLVED** that the application be **GRANTED IN PART** as follows:

(i) The maximum capacity at any one time is – see condition.

(ii) The licensable activities and times are:

Licensable Activities	Friday to Monday
Opening Hours	10:00 to 21:00
Alcohol Sales (On Sales only)	10:00 to 20:30
Live music (indoor and outdoor)	10:00 to 21:00
Recorded music (indoor and outdoor)	10:00 to 21:00
Performance of dance (indoor and outdoor)	10:00 to 21:00

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Indoor sporting events	10:00 to 21:00
Films (indoor and outdoor)	10:00 to 21:00
Plays (indoor and outdoor)	10:00 to 21:00
Anything of a similar description, eg funfair, amusements, circus (indoor and outdoor)	10:00 to 21:00

Conditions (in accordance with Conditions in LSC Report – Annex 8)

- (iii) Conditions 1 to 8, which are not disputed.
- (iv) AND the following additional conditions:
 1. In 2019 the maximum capacity at any one time is limited to 7,000.
 2. In 2020 the maximum capacity at any one time is limited to 8,500.
 3. In 2021 the maximum capacity at any one time is limited to 9,999.
 4. That there must be a minimum of 32 stewards at any one time.