

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE  
HELD ON WEDNESDAY, 18 SEPTEMBER 2013**

**COUNCILLORS**

**PRESENT** Toby Simon, Yusuf Cicek and Glynis Vince

**ABSENT**

**OFFICERS:** Mark Galvayne (Principal Licensing Officer), Catriona McFarlane (Legal Services Representative), Jane Creer (Democratic Services)

**Also Attending:** Matthew Watts (Parks Business Strategy & Partnerships Manager)  
Hakema Anderson (Senior Business Support Officer)  
20 Interested Parties

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**WELCOME AND APOLOGIES**

The Chairman welcomed all those present, introduced the Members, clarified speaking arrangements, and explained the order of the meeting.

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**DECLARATION OF INTERESTS**

NOTED there were no declarations of interest in respect of any items on the agenda.

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**APPLICATIONS FOR 2 NEW PREMISES LICENCES FOR ENFIELD PARKS AND OPEN SPACES - PREMISES: BUSH HILL PARK & ENFIELD PLAYING FIELDS (REPORT NO. 78)**

RECEIVED applications made by the Council's Parks Service in respect of 2 Parks and Open Spaces for new Premises Licenses.

1. The opening statement of Mark Galvayne, Principal Licensing Officer, including the following points:
  - a. Applications were made by the Council's Parks Service for two new premises licences.
  - b. The Parks Service previously held eight premises licences.
  - c. Applications by the Parks Services for 15 new premises licences were considered and granted at a Licensing Sub-Committee meeting held on 11 September 2013.
  - d. The two applications under consideration at this meeting related to parks located in Southbury Ward. They were being considered at a

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separate meeting as the Chairman of the Licensing Committee, Councillor Levy, represented Southbury Ward so was not involved in determining these applications, to avoid a conflict of interest.

e. Details of licensable activities sought were set out on page 4 of the agenda. A premises licence was sought for regulated entertainment between 08:00 and 23:00 every day for each of the parks.

f. A letter from the Parks Service to all enquirers was set out on pages 7 to 10, giving the reasons for making the applications and addressing concerns raised.

g. The proposed conditions to be imposed on each licence, if granted, were set out on pages 5 and 6.

h. It was confirmed that the applications did not seek authorisation for the sale / supply of alcohol at either of the premises.

i. It was confirmed that the applications were advertised in accordance with the regulations of the Licensing Act 2003.

j. It was confirmed that each of the responsible authorities (including the Fire Brigade, Police Service, Environmental Health, Health and Safety Service, Planning, and the Child Protection Board) were consulted in respect of the applications, and that no authority had made any representation.

k. Representations from other persons were summarised on page 2, and all letters, emails and petitions received were included as annexes 04 and 05 to the report.

l. The relevant law, guidance and policies were set out on page 2. The Licensing Sub-Committee must carry out its functions with a view to promoting the four licensing objectives, which were the only material considerations which could be taken into account when considering the applications.

m. In response to the Chairman's queries, it was confirmed that nuisance may be considered which was lesser than statutory nuisance level. The Legal Services representative also advised that parking issues did not strictly form part of the licensing objectives, but may be considered if a direct cause or link could be shown.

2. The statement of Mr Thomas Lambe, further to written representations (page 47-48) in respect of the application for premises licence for Bush Hill Park, including the following points:
  - a. The park had a set closing time, which changed according to the season, but would be broken if events were permitted to 23:00.
  - b. There were already concerns due to the ease of entering the park at night and resulting anti-social behaviour.
  - c. Lack of parking space was a major issue in the area, and the local streets were difficult to navigate. If people from outside the area drove in for an event this would cause extra difficulties and danger.
3. The statement of Ms Maria Tolly, further to written representations (page 71) in respect of the application for premises licence for Bush Hill Park, including the following points:

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- a. She had concerns as a local resident and as a member of the Friends of Bush Hill Park who had been involved in organising events in the park.
  - b. She objected to the proposed licence worded in the way it was.
  - c. Events which involved heavy equipment or large numbers of people would be damaging to the grass and trees and unsuitable for this small park.
  - d. If events involved food, there would be litter problems. If events involved alcohol there may be unsuitable behaviour. The small workforce would not be able to cope: volunteers already helped with litter picking.
  - e. The park was now a pleasant, peaceful place, but it used to be run down and vandalised. The park had now won a gold award for safety. The community had a sense of ownership, having been involved in planting flowerbeds, making the mosaic, etc: they wanted it to remain their park and did not want events which would attract people from distant areas.
  - f. Large events implied an entrance cost, which would be unfair to local people.
  - g. The park was used and enjoyed daily by local people for exercise and play. No events should be permitted which would restrict their access. Any events proposed should be subject to approval by people living around the park. Bush Hill Park had houses around all four sides.
4. The statement of Mr Roger Brockbank, further to written representations (page 21) in respect of the application for premises licence for Bush Hill Park, including the following points:
- a. Events would cause unacceptable noise nuisance to properties that backed onto the park.
  - b. There was a potential for anti-social behaviour if large numbers of people were using the park on a regular basis. It was noted that there were dispersal orders in place in Town Park.
  - c. There were more suitable parks in which to hold events than Bush Hill Park.
5. The statement of Mr Andy Chrysostomou, further to written representations (page 56) in respect of the application for premises licence for Bush Hill Park, including the following points:
- a. Events would produce a lot of noise and be disruptive to those, including himself, who lived in houses backing onto the park.
  - b. Noise late at night was a major concern as it would cause great disturbance to residents who had to get up early for work.
  - c. There was no need for their community park to become this type of venue. It was not wanted by the local residents, but was being forced on them without any consultation. It was not suitable for this area.
  - d. Traffic movement and parking were difficult in the area. If traffic increased due to events, there was a potential for arguments and fights.
  - e. Toilet facilities in the park were inadequate to cope with large events.
  - f. Residents were disappointed that this meeting was held in the daytime when many were unable to attend. Councillor Simon advised that licensing hearings usually involved businesses and responsible authorities and were

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more suited to office hours, but this feedback would be passed to the Licensing Committee Chairman for consideration in the future.

6. The statement of Matthew Watts, Parks Business Strategy and Partnerships Manager, as applicant, including the following points:
  - a. The reasons for the applications were summarised in the agenda.
  - b. He would highlight positive impacts of events organised in parks which could be of great benefit and value for the community, especially the Autumn Show, Race for Life and similar.
  - c. This was not an application for a licence for the Parks Service to put on events, but to enable community groups to organise events more easily.
  - d. Last year there were 112 events held in parks and the majority – 91% last year – were small scale events organised by the community for the community. Under current arrangements it was necessary for apply for a Temporary Event Notice (TEN) which had a financial cost.
  - e. In the eight parks where a premises licence was already in place, event organisers did not face this bureaucracy. Premises licences were therefore sought for other parks to reduce this layer of red tape and to enable mainly Friends of Parks and voluntary groups to have a reduced burden when organising events of value to the community.
  - f. There was an application process and questionnaire for parks' use via the Parks Service to ensure events were managed appropriately.
  - g. A financial bond was taken from event organisers, in case of any damage or litter clearance necessary after the event.
  - h. The aim of these applications was not to sanction large events, but to reduce the burden on community groups so that they could concentrate on organising their event appropriately.
  
7. Matthew Watts and Hakema Anderson (Senior Business Support Officer) responded to queries as follows:
  - a. In response to Councillor Simon's queries regarding the Parks Service's policies in respect of consultation and work with Friends of Parks groups, it was advised that an events guidance document had been produced by the Parks Service last year, which set out how events in parks would be managed. In the case of an application to hold any event with 1000 or more attendees, there would be consultation with local people, and consideration of issues including traffic, security and policing.
  - b. In response to Councillor Vince's further queries whether residents could be consulted in respect of any proposed event, it was advised that the vast majority of events were very small, a teddy bears picnic for example, and it would be difficult to make a commitment that there would be consultation on every event.
  - c. In response to Councillor Simon's queries regarding TENs, the Principal Licensing Officer clarified that a TEN could be applied for at short notice, with no requirement to advertise publicly, and could only be objected to by the Police or Environmental Health.
  - d. In response to Councillor Vince's question about limiting potential noise, it was confirmed that all new applications to use parks were

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assessed, and if any involved music, officers would work with the organisers to consider its effects and how to manage it. It was reiterated that there were no proposals to put on large scale events in Bush Hill Park. In considering medium sized events, it was advised that assessments would be carried out on an event by event basis.

e. In response to Members' queries regarding a maximum size and attendance of any event at Bush Hill Park, it was advised that the events guidance document classified Town Park and Trent Park as primary parks, and community parks as secondary parks and suitable for smaller events, but there were no specified limits.

f. In response to interested parties' queries, it was confirmed that sale of alcohol was not being applied for. Consumption of alcohol in parks was controlled by parks bye-laws, enforceable by the parks police. Alcohol could be confiscated and drinkers asked to leave the park. It was also confirmed that anyone could apply to hold an event in a park and parks were a resource for everyone, but the Parks Service had an application process in place and if a proposed event was deemed unsuitable it would not be allowed to go ahead.

g. In response to further queries, Hakema Anderson confirmed that she was the officer responsible for assessing applications for events. Each was assessed on its own merits. There was no history of large scale events in Bush Hill Park and she would not anticipate an influx of applications. This premises licence was sought to streamline the process.

h. In response to a query why the licensed hours needed to be so broad, it was advised that the Parks Service wished to create a framework that was flexible to all needs, but with safeguards in place for the benefit of the parks and communities.

i. It was asked whether wording could be changed to limit numbers attending events at Bush Hill Park. It was advised that the application had been guided by licensing legal terminology. Having a premises licence would not take away the safeguards put in place by the Parks Service, who did not want events which would damage parks or communities. It was confirmed that the sub-committee had the power to set additional conditions as they saw fit if they chose to grant a licence.

j. In response to interested parties' queries about the need for the licences, it was advised that the Parks Service dealt with a number of Friends of Parks groups and community organisations and was frequently asked why there were so many forms to complete. Having a premises licence would help with this.

k. Interested parties asked if, once granted, a licence lasted forever. The Principal Licensing Officer advised that if anyone felt that the operation of a premises licence was causing concern under any of the four licensing objectives they could request a review of the licence, free of charge, and a Licensing Sub-Committee hearing would be scheduled, with the power to withdraw the licence.

l. In response to queries about how potential numbers of event attendees could be assessed, it was advised that when an event organiser submitted an application they were asked about the numbers they expected to attend.

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Large scale events would be directed to Town Park or Trent Park. Numbers in a race or walk could be limited by specifying a maximum permitted to register.

m. In response to queries in relation to costs, it was advised that the fees and charges for events were approved by the Council on an annual basis. The prime motivator for the licence application was that there was a £21 fee for a TEN, which would not be required if a premises licence existed.

n. In response to interested parties' questioning of the potential encouragement of larger scale events, it was advised that the Parks Service would not market Bush Hill Park as a large scale event venue. Town Park and Trent Park were the venues for the vast majority of large scale events. They were the primary parks, with the best transport links, and best for large events.

o. It was confirmed that any party, including external organisations, would be able to apply to hold events in parks, but did not necessarily mean they would be permitted. A premises licence would provide a greater control mechanism. Residents would be consulted on any application for an event for 1000 or more people. Any party could currently apply under a TEN.

p. In response to further queries, it was advised that the Parks Service did not expect gaining this licence would 'open the floodgates' to applications to hold events. No large events had been held in Bush Hill Park in the past. The biggest event recalled would have attracted an estimated 300 to 500 people at most. It was also confirmed that any organiser who wished to have alcohol for sale would have to apply to Licensing for this, additionally to the premises licence.

q. Interested parties asked the sub-committee to consider reducing the number of attendees which would trigger consultation with residents. They would like to be consulted in respect of events below the 1000 attendee level.

8. The closing statement of Mark Galvayne, Principal Licensing Officer, including the following points:
  - a. Confirmation that if the sub-committee were minded to refuse the applications, they would not be refusing any events from taking place. A TEN may be given for events for any place for up to 21 days in a year for up to 500 people, and it would be excluded for residents, MPs or councillors to object.
  - b. If the sub-committee was minded to grant the applications, the conditions set out on page 5 – 6, with any additional conditions set by the sub-committee, would be imposed, and would be enforceable. If licence conditions were breached, the licence holder would be subject to a maximum penalty on conviction of a £20,000 fine and up to six month imprisonment.
  - c. The Licensing Sub-Committee, having received all written and oral representations, must take such steps as considered appropriate for the promotion of the licensing objectives.
9. The closing statements of the interested parties, including the following:

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- a. Consultation with residents surrounding Bush Hill Park in respect of proposed events was vital. The level for consultation should be significantly lower than 1000 attendees.
  - b. There was no knowing what would happen if the licences were granted, especially given the broad nature of the licences.
  - c. There was a disconnect between what the Parks Service said they wanted, and what was sought in the licences. It was feared there would be an increase in events and applications from external organisations who would exploit the opportunity if the licence was granted, and that the Council would promote park venues to make revenue.
  - d. Local residents liked their community park: they did not want events with noise or crowds.
10. The closing statement of Matthew Watts, Parks Business Strategy and Partnerships Manager, as applicant, re-iterating the reasons why the Parks Service were seeking premises licences, which was not to open the floodgates to events every day of the year, but to reduce a layer of red tape and to benefit the community and the parks.

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 Licensing Sub-Committee retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Licensing Sub-Committee RESOLVED that the applications be granted as follows:

ENFIELD PLAYING FIELDS – Plays, Films, Indoor sporting events, Boxing or wrestling entertainments, Live music, Recorded music, Performances of dance & Open to the public to take place indoors & outdoors, on every day of the week, between 08:00 and 23:00.

Conditions in accordance with Annex 02 to the report.

BUSH HILL PARK - Plays, Films, Indoor sporting events, Boxing or wrestling entertainments, Live music, Recorded music, Performances of dance & Open to the public to take place indoors & outdoors, on every day of the week, between 08:00 and 23:00.

- (i) Conditions in accordance with Annex 02 to the report.
- (ii) AND

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Condition 12 – The numbers expected to attend any events to be limited to a maximum of 500 people.

Condition 13 – Everybody, including the organisers, to have left the park by 23:00.

3. The Chairman made the following statement:

“In respect of Bush Hill Park, having carefully considered the written representations of all parties, and heard the oral submissions from those attending, and the applicant, the decision of the Licensing Sub-Committee was to grant a licence as applied for, subject to two additional conditions (a) to limit the numbers expected to attend to 500 and (b) to require that everyone, including organisers, to have left the park by 23:00.

These are needed to promote the licensing objective of prevention of public nuisance by virtue of the closeness of the park to residential areas and the likely noise and other impacts of large or late gatherings.

The panel believes that the applicant has taken all reasonable steps to promote the licensing objectives, and that a combination of conditions 1 – 11 as proposed and additional conditions in respect of Bush Hill Park, and the extant Events Management Guidance document devised for operational purposes, gives strength to the licence and supports all the four licensing objectives.

In making this decision, the Licensing Sub-Committee acknowledges the concerns and reservations of all interested parties who had made submissions, the strength of feeling, and the weight of opinion. We recognise this but do not feel that they have persuaded us that the controls which will be applied by the Parks Service under the conditions of the licence including our additional conditions will lead to breaches of the licensing objectives.”