

Appendix 2

Requirement/Basis of Representation (see Letter of 12 th April 2019)	Authority	Compliance by Applicant 4640/4578&98	Representation for application 4640, and for 4578 &98 (unless stated otherwise) (a)	Relevance to Licensing Objectives (CD)(PN)(HC)(PS) and (ALL) ¹	Other observations by THFC
1. Procedural Requirements	(17) ²				
Application is subject to compliance with Regulations	(17(2))				
Form of Application Prescribed form used ✓	(54) Reg ³ . 10	✓			
Compliance with Regulations required by applicant and by Licensing Authority	Reg. 4 Reg. 6	X X	For the Reasons explained below, the Application submitted by the Applicant was defective and should not proceed to a Hearing. The ability for the application to be heard at a Committee Hearing is dependent on the requirements in Regulation 17 having first been met.	ALL The Licensing Act (and Regulations) set out the statutory framework with which compliance must be achieved. This is to ensure that the Responsible Authorities and Interested Parties (and the Licensing Committee) have sufficient information to adequately consider the application before them. Without the application being made in the correct form with the correct supporting documents, there can be no guarantee that any of the Licensing Objectives will be met.	The applications are seeking late licences (operating 22 hours daily) for large capacity crowd (10,000 to 40,000). One would expect full information have been provided to the Responsible Authorities and interested parties in advance of any formal application for permanent licences being made. THFC ⁴ has no confidence that on the scant information provided by the Applicant in both applications, the Licensing Objectives will be promoted. Without limiting the aforesaid, the Applicants have completely failed to explain how their proposed “Premises” will operate safely when a (bowl) Event is taking place at Tottenham Hotspur Stadium; at Alexandra Palace; at the London Stadium and/or at other event venues in the locality
Operating Schedule must accompany application		X	X The Operating Schedule lacks sufficient clarity – see Section 2 of this Representation	ALL Due to the paucity of information provided as to how this large capacity “venue” will operate there are concerns that none of the Licensing Objectives will be promoted	See comments to the left and Section 2 of Representation

¹ CD = Prevention of crime and disorder; PN= Prevention of Public Nuisance; HC = prevention of harm to children; PS – promotion of Public Safety.
All – means that the matter (and Representation) is relevant to all four Licensing Objectives

² All references in brackets are to the relevant section in the Licensing Act 2003

³ References to Regulations are to the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.

⁴ Tottenham Hotspur Limited and Tottenham Hotspur Football & Athletic Co Ltd

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Plan in Prescribed Form					
Plan in prescribed form must accompany the application	(17(3)(b))	The Applicant has failed to comply with Regulation 23(3) including 23(3)(a) to 23(d)	X The Plan lodged for each application lacks the information required by Regulation 23 and is illegible. It provides no details as to which proposed licensable activities are to be conducted where in the proposed Premises. It therefore also fails to comply with Regulation 23(3)(d)	ALL As the plan for each application is illegible, it is impossible to see from this how the proposed “Premises” could safely be assessed to be used for, or actually used for, any licensable activities let alone those involving large-scale capacity crowds of between 10,000 and 40,000. The Responsible Authorities on receipt of the plans will not be able to adequately assess whether the proposed “Premises” can be operated safely (not least as they will not be able to take measurements from the plan). For an application of this nature, involving large scale audiences, not only should clear plans have been lodged of the proposed Premises - but also proposed layout plans (showing probable stage positions; crowd-flow modelling; medical/first aid points etc). In view of the locality of the proposed “Premises” and particularly its locality to waterways – the Applicant should have lodged clear plans showing the position of the proposed Premises with reference to the waterways; the location of roads and bridges. Reference should have been made (in the Operating Schedule) as to how the Applicants will meet the recommendations of the Purple Guide – for example in relation to Venue Capacity paragraphs (see Appendix 3)	For an application of this nature, involving planned large scale audiences, not only should clear plans have been lodged of the proposed “Premises” - but also proposed layout plans (showing probable stage positions; crowd-flow modelling; medical/first aid points etc.) for likely Events in the licensed space. One would expect the various layout plans to be provided in advance of, or certainly with the LIC 2⁵ application so that they form part of the application and the Operating Schedule therein. Such detailed plans (showing what licensable activities are likely to take place where) are of crucial importance particularly where the proposed Site has no infrastructure in place to meet any of the usual requirements – to allow for the safe access/egress of crowds (including disabled guests); security measures; first aid and toilet provisions etc... No consideration appears to have been given in advance of making the application to the Event Safety Guide (the Purple Guide).
Prescribed form of Plan	Reg.23(1)	X	X The Plan is illegible and fails to show the prescribed information at Regulation 23 (3)	ALL – see above	See above
Contents of plan	Reg.23(3)	X	X See above comments	ALL – see above	See above

⁵ Any bold or underling in this representation is for emphasis only.

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Advertising of the Application⁶	(17(5))				
Newspaper	Reg.25(a)	✓			
Site Notices	Reg.25(b)	X	<p>X</p> <p>The Site Notices do not appear to have been erected in prominent positions. In particular the Site Notices for application(s) 4578&98 were poorly displayed (see photograph at Appendix 3). Whilst a Site Notice was erected at the entrance to the wooded area – there was no Site Notice at the exit to that area – although this would have been a logical, obvious place to put one.</p> <p>The effect of Section 17(5)(a)(ii) is that the advertisements must not only be in the prescribed form but they must be advertised “in a manner which is prescribed and is likely to bring the application to the attention of persons who live, or are involved in a business in the relevant licensing authority area and who are likely to be affected by it”.</p>	<p>ALL</p> <p>The manner in which the applications have been advertised is highly confusing. Even if the applications had come to the attention of local residents and businesses, it is highly likely that the residents and businesses may have been hampered in lodging representations due to the fact that the details of applications on the website do not match those advertised in the local paper and (partially) on site.</p>	
Information for notices	Reg.26(4)				
Advertising by Licensing Authority	S.17(5) (aa)	X	<p>X</p> <p>The Applications as advertised on the website by the Licensing Authority do not match the applications advertised in the local press or the Site Notices displayed by the Applicants. The Licensing Authority has advertised three applications whereas the Applicant has made two applications</p>	<p>ALL</p> <p>The manner in which the applications have been advertised is highly confusing. Even if the applications had come to the attention of local residents and businesses, it is highly likely that the residents and businesses may have been hampered in lodging representations due to the fact that the details of applications on the website do not match those advertised in the local paper and (partially) on site.</p>	
Determination of a Premises Licence application⁷	(18)				
Application must comply with sections 17 and advertising requirements (of Applicant and LA)	(18(1))	X	<p>X</p> <p>As the Applications have not been made in the correct form (in the sense of insufficient and contradictory information being given in the Operating Schedule; insufficient advertising of the applications and/or inadequate plans being lodged) the Licensing Committee has no jurisdiction to consider the applications at Committee.</p> <p>Section 18 only permits the Licensing Authority to determine any application for a Premises licence where the application was received by it in accordance with Section 17 and where it is satisfied that the Applicant has fulfilled the requirements stipulated by the Regulations.</p>	<p>ALL</p> <p>The manner in which the applications have been advertised is highly confusing. Even if the applications had come to the attention of local residents and businesses, it is highly likely that the residents and businesses may have been hampered in lodging representations due to the fact that the details of applications on the website do not match those advertised in the local paper and (partially) on site.</p>	

⁶ Reference should also be made to the Revised Guidance to the Act, paragraphs 8.80 to 8.87

⁷ Reference should also be made to the Revised Guidance to the Act, section 9

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The Licensing Authority's powers at a Hearing	(18(3))		<p>Note: If the Licensing Committee does hear the Applications, it only has the powers available to it as set out in section 18(3) LA 2003. In terms of granting any licence subject to conditions, those conditions must be "appropriate"</p> <p>The conditions proposed by the Applicants are inappropriate for the reasons articulated in this Appendix 2.</p>	<p>ALL</p> <p>The Operating Schedule set out by the Applicants is inadequate and inappropriate for the reasons set out in section 2 of this Appendix below.</p>	<p>The Operating Schedule set out by the Applicants is inadequate and inappropriate for the reasons set out in section 2 of this Appendix below.</p> <p>It is our submission that a Licence cannot lawfully be issued on the basis that there may (or may not) be future agreement of fundamental terms (relating to the four Licensing Objectives) with third parties, which may (or may not) then be treated as "conditions".</p> <p>Such conditions (based on an agreement to the Licensing Committee to agree with other third parties) would fall foul of s.18(4)(a)(i). Such assurances (contingent on reaching agreement with third parties) do not result in enforceable conditions.</p> <p>The Licensing Authority should only grant the Applications if it is entirely satisfied (on the information already forming part of the Operating Schedule) that the Applicant has provided evidence to demonstrate that it can promote all four Licensing Objectives at a large scale event, when the emergency services and Responsible Authorities may be committed to an existing licensed event elsewhere, in close proximity.</p>
Revised Guidance to Licensing Act 2003					
Compliance with Guidance	Para.1.16	X	Conditions on Premises Licences must be precise and enforceable; unambiguous and clear; must be tailored to the individual type location and	<p>ALL</p> <p>The information provided by the Applicant in its applications (section M) is imprecise; unenforceable; and</p>	Whilst the Applicants have set out various steps in section M of their

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			<p>characteristics of the premises and events concernedshould be capable of being met.....</p> <p>The conditions proposed by the Applicants are inappropriate for the reasons articulated in Appendix 2.</p>	<p>provides assurances (for example around the future involvement of SAG members and the future possible agreement of measures) which may or may not be capable of being fulfilled.</p>	<p>applications, in most instances those steps lack precision and/or refer to future discussion/agreements/ activities (which may or may not actually happen). For example assurances are put forward that numerous plans (for example relating to Traffic Management; Noise Management; Risk Assessment; Medical Management) will be “devised” or will “define” or “detail” the specifics but this does not provide any guarantee that the plans will a) be prepared to a satisfactory standard; b) taking into account matters relating to the Licensing Objectives; c) take into account the views of Interested Parties etc.....</p> <p>For large scale events, THFC are of the view that the Applicants should have prepared the various plans in advance of making their applications and should have circulated them to the Responsible Authorities. The Plans should have been available for inspection to Interested Parties at least to the extent that those Interested Parties will be impacted by the planned large scale events.</p>
	Para 2.7 to 2.9	X	<p>Licence Holders have a responsibility to ensure the safety of those using their premises....a number of matters should be considered in relation to public safety including the 8 items bulleted in para 2.8. Applicants should consider when making their application which steps it is appropriate to take to promote the public safety and demonstrate how they achieve that...</p> <p>The steps suggested by the Applicants are insufficient comprising a standard but incomplete list of common measures without consideration of the locality; other major events and/or how the steps can be codified into enforceable conditions.</p>	X ALL but specifically public safety	See above comments and further comments in Section 2
	Para 8.34	X	<p>Plans....must be in a format with is “clear and legible in all material aspects” i.e they must be accessible and provide sufficient detail for the licensing authority to be able to determine the application including the relative size of any features</p>	The plans submitted are illegible and lack any clear information (particularly, but not limited to, lack of detail	

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			relevant to the application. There is no requirement for the plans to be professionally drawn as long as they clearly show all the prescribed information.	around the external walls of the proposed “Premises”; and access/egress from the “Premises” See comments above in relation to failure to comply with Section 17 and Regulation 23 requirements	See comments to the left and further comments in Section 2 of Representation
	Para 8.41	X	In completing an Operating Schedule, Applicants are expected to have regard to the statement of licensing policy for their area. They must also demonstrate knowledge of their local areas when describing the steps they propose to take to promote the licensing objectives. Applicants are also expected to undertake their own enquiries about the area in which the premises are situated to form the content of the application. The steps suggested by the Applicants are insufficient comprising a standard but incomplete list of common measures without consideration of the locality; other major events and/or how the steps can be codified into enforceable conditions.	X ALL The Operating Schedules fail to take sufficient account of the Statement of Licensing Policy (see below) and fail to take any account of the fact that the Applicant is proposing large scale events in an area of considerable congestion, within a “stone’s throw” of large licensed Stadia and other Event spaces.	See comments to the left and further comments in Section 2 of Representation
	Para 8.42 to 8.7	X	These paragraphs set out various expectations of the Applicants prior to making or on making any application for a Premises Licence. These include (in summary only): <ul style="list-style-type: none"> • Providing sufficient information to demonstrate (when setting out steps they propose to take) that they understand the layout of the local area and physical environment including crime and disorder hotspots; risks posed to the local area by their proposed licensable activities... • How the Applicants will manage potential risks; • Through making local enquiries – consider all factors which may be relevant to the promotion of the Licensing Objectives • Providing Licensing Authorities with sufficient information (covering their applications) to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in their area. The steps suggested by the Applicants are insufficient comprising a standard but incomplete list of common measures without consideration of the locality; other major events and/or how the steps can be codified into enforceable conditions.	X ALL The applications submitted by the Applicants fail to demonstrate that they have fulfilled any of the expectations set out in these paragraphs of the Guidance. Without limiting the aforesaid, the Operating Schedules fail to take sufficient account of the Statement of Licensing Policy (see below) and fail to take any account of the fact that the Applicant is proposing large scale events in an area of considerable congestion, within a “stone’s throw” of large licensed Stadia and licensed event spaces (such as Alexandra Palace)	See comments to the left and further comments in Section 2 of Representation
	Para 8.49	Xall Operating Schedules should be precise and clear about the measures that are proposed to promote each of the Licensing Objectives The steps suggested by the Applicants are insufficient comprising a standard but incomplete list of common measures without consideration of the locality; other major events and/or how the steps can be codified into enforceable conditions.	X ALL The Operating Schedules submitted are not precise and clear, but largely attempt to shift the responsibilities to promote the Licensing Objectives onto other parties (particularly members of a SAG). See further at section 2 of this Representation	See comments to left and further in Section 2 of Representation
	Para 9.39		Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that	X ALL	THFC are of the view that the steps proposed by the Applicants in section M of their applications are

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			<p>is merely aspirational.... Any conditions added to the Licence must be those imposed at the Hearing or those agreed when a hearing has not been necessary....</p> <p>The steps suggested by the Applicants are insufficient comprising a standard but incomplete list of common measures without consideration of the locality; other major events and/or how the steps can be codified into enforceable conditions.</p>	<p>It follows from Section 18 LA 2003 and from this paragraph in the Guidance that licence conditions can only be imposed by the Licensing Committee. A condition for third parties (e.g. SAG members) to agree terms to comprise a condition at some stage in the future is outside the powers of the Licensing Committee.</p>	<p>largely aspirational in the sense that the Applicants are stating that they will obtain the approval of fundamental operational plans from third parties (SAG). Such conditions are inappropriate and unenforceable, rendering any such conditions entirely useless. See Section 2 below</p>
Enfield Council, Statement of Licensing Policy					
Compliance with Policy					
	Para 3.3	X	<p>Conditions attached to any Licence will focus on matters within the control of individual licensees and in the vicinity of the proposed Premises.</p> <p>The steps suggested by the Applicants are insufficient comprising a standard but incomplete list of common measures without consideration of the locality; other major events and/or how the steps can be codified into enforceable conditions.</p>	X ALL	X <p>The conditions offered by the Applicants are not matters which are within their control – they are promising matters which the Applicants cannot control for example obtaining approvals from third parties such as SAG members. Such conditions are inappropriate and unenforceable.</p>
	Para. 8.3	X	<p>The Licensing Objectives should be paramount considerations at all times</p> <p>The scarcity of information in the operating schedules fails to demonstrate how in reality the LOS will be treated and enforced as paramount.</p>	X ALL <p>The Applicants’ operating schedules contain insufficient information to demonstrate that they will ensure that the promotion of the Licensing Objectives at all times will be achieved. Assurances to enter into discussions and to seek third party approval are not sufficient to amount to enforceable conditions and thus the Licensing Objectives have not been treated as paramount. See further the comments in Section 2 of this Representation</p>	See comment to the left and in Section 2 of this Representation
	Para. 9.8	X	<p>The local authority and Police are under a duty to do all they reasonably can to prevent crime an disorder in their area.</p>	X ALL <p>See comments to the right. It follows from the lack of approval operational plans that the Local Authority and Police are not in a position to meet this duty.</p>	THFC are of the view that in failing to provide sufficient operational information to the Police and to the various Responsible Authorities (and including information relating to approved operational plans in their operating schedules) in advance of making the formal applications, these Authorities cannot fulfil their

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					duty as stipulated in paragraph 9.8 of the Statement of Licensing Policy.
	Para. 11.1	X	<p>An Operating Schedule is submitted with a Licence Application and contains the information required by section 17(4). Among other things, it includes the steps that the Applicant proposes to take to promote the Licensing Objectives.</p> <p>Where a risk to the Licensing Objectives is present, the Council expects applicants to specifically address in their operating schedules how they will meet the Special Factors for Consideration.</p> <p><i>The scarcity of information in the operating schedules fails to demonstrate how in reality the LOS will be treated and enforced as paramount.</i></p>	<p>X ALL</p> <p>See comments to the right and specifically in Section 2 of the Representation below. The Applicants have failed to particularise the means by which they will meet the Special Factors for Consideration in the Statement of Licensing Policy. These Special Factors go to all four Licensing Objectives.</p>	THFC are of the view that in failing to provide sufficient operational information to the Police and to the various Responsible Authorities (and including information relating to approved operational plans in their operating schedules) in advance of making the formal applications, these Authorities cannot fulfil their duty as stipulated in paragraph 9.8 of the Statement of Licensing Policy.
	Para 12 – 12.2.1 to 12.4.7	X	<p>Special Factors for Consideration.</p> <p>The “means” by which each of the Licensing Objectives will be promoted must be detailed in the Operating Schedule.</p> <p><i>The steps suggested by the Applicants are insufficient comprising a standard but incomplete list of common measures without consideration of the locality; other major events and/or how the steps can be codified into enforceable conditions.</i></p>	<p>X ALL</p> <p>See comments to the right and specifically in Section 2 of the Representation below. The Applicants have failed to particularise the means by which they will meet the Special Factors for Consideration in the Statement of Licensing Policy. These Special Factors go to all four Licensing Objectives.</p>	THFC are of the view that in failing to provide sufficient operational information to the Police and to the various Responsible Authorities (and including information relating to approved operational plans in their operating schedules) in advance of making the formal applications, these Authorities cannot fulfil their duty as stipulated in paragraph 9.8 of the Statement of Licensing Policy.
	Para. 12.2.4	X	<p>This paragraph specifically provides that to promote Public Safety, the Applicants should provide “the means by which risk to public safety will beprevented by effective management and operation of the licensed activities including ...the adequacy of transportation arrangements to ensure that customers may safely travel to and from the premises and nuisance is avoided by concentrations of people unable to access transport in a timely manner”</p> <p><i>The steps suggested by the Applicants are insufficient comprising a standard but incomplete list of common measures without consideration of the locality; other major events and/or how the steps can be codified into enforceable conditions.</i></p>	<p>X ALL but specifically public safety</p> <p>See comments to the right. It is incumbent on the Applicant to satisfy the Licensing Committee and Responsible Authorities (and Interested Parties) that it could operate a large scale event on any day of the week when other large scale licensed events will be taking place at other venues which already have the benefit of Premises Licences and in some cases GSCs⁸.</p> <p>In simple terms the Applicants have completely failed to articulate in their application/Operating Schedule how they will ensure the safe transportation of between 10,000 and 40,000 from their proposed “Premises” when the local transport infrastructure is already fully utilised by licensed events in the vicinity.</p>	<p>No details have been provided by the Applicants as to how they intend to run safe events at the proposed premises when existing licensed events are taking place at neighbouring large venues including the Stadium; London Stadium; Alexandra Palace etc....</p> <p>Transport Plans relating to the operation of Tottenham Hotspur Stadium (and no doubt similar plans are in place for the operation of London Stadium) as part of their GSC. These plans have been approved by the Authorities</p>

⁸ GSC = General Safety Certificate

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					following considerable consultation and planning. They have been approved and adopted and are now operational.
2. Operating Schedule Deficiencies					
			<p>X Regulation 17(4); the Guidance to the Act and Enfield Council’s Statement of Licensing Policy all set out requirements regarding the contents of the Operating Schedule. These requirements are to ensure that the level of detail in the Operating Schedule is sufficient to enable the Responsible Authorities to fulfil their duties; to enable Interested Parties and/or Other Persons to consider what is planned, and ultimately to enable the Licensing Committee to consider whether sufficient measures have been offered to ensure that the Licensing Objectives (which are of paramount importance) will be promoted if the licence is issued.</p> <p>The Operating Schedules lodged by the Applicants are deficient as they lack the required detail. For example (but not limited to):</p> <p>Application for Meridian Water, Units 4, 5, 6 6a & b:</p> <ul style="list-style-type: none"> • The general description of the proposed premises is devoid of detail for example it provides no information about the size of the 4 or 5 units; where they are positioned in the overall site; whether the proposed “Premises” includes any outside space; whether the Units are single-storey • The assurance that a “detailed plan of each event” will be provided to the Responsible Authorities is meaningless – to whom at the Responsible Authorities; when will it be provided; what happens if the Responsible Authorities are unhappy about the contents of the plan? • The Application refers to the above Units but promotional materials identify different Units – See information at Appendix 3. • The Operating Schedule is devoid of any meaningful detail relating to each of the following proposed licensable activities: Plays – proposed to take place from 08:00 to 06:00 daily; • States that the activity will take place daily for 22 hours a day; 	<p>X ALL</p> <p>General Principles</p> <p>THFC’s representation in relation to the matters set out in this section are essentially on the basis that the Applicant has failed to give sufficient detail in its Operating Schedule of its intended operation let alone of the measures that will be implemented to promote the Licensing Objectives.</p> <p>The paucity of information in the Operating Schedule is obvious with the Applicant essentially stating that because the Units are not fitted out as suitable licensed premises (with bar locations; audience spaces; staging; lighting; clear access and egress points etc...) all the information will follow. In our view this approach is irresponsible and provides no details on which the Responsible Authorities or Licensing Committee could be satisfied that the planned licensable events will be conducted in a manner that promotes the Licensing Objectives.</p> <p>The lack of detail in the Operating Schedule is all the more concerning when the Applicants have already promoted and sold tickets to a large capacity Event – Field Day – in June 2019 (see Appendix 3). Arranging such an Event without first preparing the necessary operational plans (including those relating to Noise Management; Emergency Contingency Plans; Transportation; etc) and entering into full consultation with the Responsible Authorities and relevant Other Persons (such as THFC and operators of other major licensed venues in close proximity), appears incredible. If</p>	

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			<ul style="list-style-type: none"> • States that the activity indoors and outdoors but no outdoor space is identifiable from the plan submitted with the application; • No information is given relating to where in the Units the Plays will take place; the position of any staging; audience profile/numbers; • No information is provided relating to operational details <p>Films – proposed to take place from 08:00 to 06:00 daily:</p> <ul style="list-style-type: none"> • States that the activity will take place daily for 22 hours a day; • States that the activity indoors and outdoors but no outdoor space is identifiable from the plan submitted with the application; • No information is given relating to where in the Units the films will be shown; the position of any screens; audience profile/numbers; • No information is provided relating to operational details. <p>Indoor Sporting Events – proposed to take place from 08:00 to 06:00 daily:</p> <ul style="list-style-type: none"> • States that the activity will take place daily for 22 hours a day; • No information about the likely nature of the sport; • No information is given relating to where in the Units the sport will take place; the position of any sporting equipment; audience profile/numbers; • No information is provided relating to operational details <p>Boxing or Wrestling – proposed to take place from 08:00 to 06:00 daily:</p> <ul style="list-style-type: none"> • States that the activity will take place daily for 22 hours a day; • States that the activity indoors and outdoors but no outdoor space is identifiable from the plan submitted with the application; • No information is given relating to where in the Units boxing/wrestling make take place; audience profile/numbers; • No information is provided relating to operational details <p>Live Music – proposed to take place from 08:00 to 06:00 indoors daily/9:00 to 22:30 outdoors daily:</p> <ul style="list-style-type: none"> • States that the activity will take place daily indoors for 22 hours a day; outdoors for 13.5 hours daily; • States that the activity indoors and outdoors but no outdoor space is identifiable from the plan submitted with the application; • No information is given relating to where in the Units the activity will be conducted; the position of any staging or other demountable structures; audience profile/numbers; • No information is provided relating to operational details including no agreed Noise Management specifics. 	<p>those plans are in existence, they should have been provided as part of the application. Such plans are all the more important where the proposed “Premises” does not have the infrastructure (managerial or operational) for putting on events involving licensable activities.</p>	
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			<p>Recorded Music – proposed to take place from 08:00 to 06:00 indoors daily/9:00 to 22:30 outdoors daily:</p> <ul style="list-style-type: none"> • States that the activity will take place daily indoors for 22 hours a day; outdoors for 13.5 hours daily; • States that the activity indoors and outdoors but no outdoor space is identifiable from the plan submitted with the application; • No information is given relating to where in the Units the activity will be conducted; the position of any staging or other demountable structures; audience profile/numbers; • No information is provided relating to operational details including no agreed Noise Management specifics. <p>Dance (and similar activities to music and dance) – proposed to take place from 08:00 to 06:00 daily:</p> <ul style="list-style-type: none"> • States that the activity will take place daily for 22 hours a day; • States that the activity indoors and outdoors but no outdoor space is identifiable from the plan submitted with the application; • No information is given relating to where in the Units Dance performances will take place; the position of any staging; audience profile/numbers; • No information is provided relating to operational details or agreed noise management measures (if any) <p>Late Night Refreshment – proposed to take place daily from 23:00 to 05:00</p> <ul style="list-style-type: none"> • States that the activity indoors and outdoors but no outdoor space is identifiable from the plan submitted with the application; • No information is provided relating to operational details <p>Sale of Alcohol – proposed to take place from 08:00 to 06:00 daily:</p> <ul style="list-style-type: none"> • States that the activity will take place daily for 22 hours a day; • States that sales will be for consumption on and off the Premises; • No information is given relating to where in the Units bars will be situated; • The likely nature of any on or off sales. <p>Opening Hours: 08:00 to 06:00 daily:</p> <ul style="list-style-type: none"> • States that the Premises will be open daily for 22 hours a day. <p>Section M – Steps to promote the Licensing Objectives is deficient as:</p> <ul style="list-style-type: none"> • The plans listed in Section M(A) (1) are not in existence and assurances to provide appropriate plans are insufficient. If paragraph (1) is intended to be a condition on the licence it would be meaningless and unenforceable. • M(A)(3) – is unclear as suggests that for some events the capacity will not be limited to 9,999 (inclusive of staff and performers); 		
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			<ul style="list-style-type: none"> • M(A)(7) – this is vague – the applicant failing to identify numbers of door supervisors depending on capacity of event and risk assessment level; who will conduct the Risk Assessment; the form of Risk Assessment; the search policy that will apply depending on Risk etc... • M(A)(9) – The “operational plan” referred to herein does not appear to be available; the crowd management plan also appears to be aspirational. • M(A)(10) – Transport Options – this fails to demonstrate any understanding of the locality and in particular existing pressures on the transport infrastructure. • M(A)(18) – This suggested condition relating to CCTV is not sufficiently precise; • M(A)(19) – This suggested condition is vague and unenforceable; it is unclear whether a “transport statement” exists but it was not served with the application and does not form part of the Operating Schedule. • M(A)(22) – Event “Overview” – this suggested condition is vague and meaningless. The Responsible Authorities cannot be expected to manage the licensed premises; • M(A)(24) – This is a vague and unenforceable condition ; • M(A)(26) - This is a vague and unenforceable condition; • M(A)(27) to (32) These are vague and unenforceable condition, as they fail to identify who is responsible for compliance and/or refer to non-existent plans. • M(A)(36) This is vague and unenforceable as no Venue Operational Plan has been made available. • M(A)(37) This condition is inappropriate and unenforceable – see general principles. <p>Application for Meridian Water, Units 4, 5, 6 6a & b, and Land to the south of Units 4, 5, 6, 6a and 6b:</p> <ul style="list-style-type: none"> • As this application is virtually identical to the “Units only” application, the bullets listed above are repeated in their entirety as applicable to this “Festival Licence” application – save that the plan submitted in support of this application does include outdoor space. • In addition: <ul style="list-style-type: none"> • The general description is equally vague. Mention is made of “warehouses” rather than “Units”; again no details are given as to the size of the “warehouses” or whether they are one/two storeys; • The suggestion that the proposed “Premises” is suitable for 25,000 (let alone 40,000) is not supported by information in its Operating Schedule; • Again a “detailed layout plan” showing details “will be provided” and this will apparently be “agreed through the SAG progress”. This is entirely inappropriate for the reasons set out in section 3 below. 	<p>X ALL</p> <p>General Principles</p> <p>THFC’s representation in relation to the matters set out in this section are essentially on the basis that the Applicant has failed to give sufficient detail in its Operating Schedule of its intended operation let alone of the measures that will be implemented to promote the Licensing Objectives.</p> <p>In simple terms the Applicant is proposing that it will put on festivals and similar events with initially 25,000 people but then increasing to 40,000, subject only to obtaining approval from a SAG. For the reasons set out in Section 3 below, this submission is fundamentally flawed as the purpose of a SAG is not to approve events; nor to</p>	
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			<p>Section M – Steps to promote the Licensing Objectives is deficient as</p> <ul style="list-style-type: none"> • The proposal that “the running of the festival and/or large scale events and licensing requirements will be approved by a formal SAG process” is inappropriate and unenforceable. See General Principles and Section 3 below. • For the same reasons, it is a fallacy to submit that any “EMSP” or any of the Plans listed in M(b)(1(a) to (i) will be subject to “the requirements of the Licensing Authority and the Enfield Safety Advisory Group”; In relation to the former – the Licensing Authority does not have powers to approve or disapprove arrangements after a licence has been granted. The SAG has no authority to approve or disapprove operational plans provided by the Applicant. • M(b)(2) – Again this is inappropriate and/or vague – there being no defined SAG “process” and a SAG being only advisory in nature. • M(b)(4) This proposed condition is valueless as it is based on conditions which are in themselves unenforceable; • M(b)(9) to (13), (18), (19) are a repetition of the proposed conditions in relation to the “Units only” application so the comments made in opposition are equally applicable to this application. • M(b)(22) –The suggested condition regarding consulting with THFC (in view of the proximity of Tottenham Hotspur Stadium “to collaboratively manage events is vague; meaningless and unenforceable. <ul style="list-style-type: none"> • M(b)(23) – This is a vague and unenforceable condition as it appears the the Crowd Management Plan or the Drugs Policy are not yet in existence. • M(b)(26) - This is a vague and unenforceable condition • M(b)(27) - This is a vague and unenforceable condition as the Safety Advisory Group is not in a position to agree (or disagree) the measures proposed by the Applicants. • M(b)(28) and (29), (32) to(37) - These proposed steps are vague would not be enforceable condition, as they fail to identify who is responsible for compliance and/or refer to non-existence plans. • M(A)(42) This condition is rendered ineffectual as the Event Management and Safety Plan has not been provided and any EMSP that is developed 	<p>stipulate licensing requirements. Any SAG is an advisory group and it has not powers (and it is not its role) to stipulate licensing conditions – that is the role of the Licensing Committee</p> <p>See above comments</p> <p>Tottenham Hotspur Stadium, London Stadium; Alexandra Palace and other major venues in close proximity to the proposed “Premises” already have the benefit of Premises Licences (and in some cases General Safety Certification). The Applicants cannot proffer conditions which involve third parties over whom they have no control. It is for the Applicants to satisfy the Licensing Committee that they can operate their licensed premises without negatively impacting on the community including those licensed premises which have had to go through the process of obtaining suitable licences for their respective operations.</p>	
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			through the SAG as suggested by the Applicants is incapable of being “approved” and of being an enforceable condition on the licence.		
3. Inappropriate Usurpation of powers from Licensing Authority to SAG					
	(s.4) (s.5)		<p>Both applications made by the Applicants are devoid of sufficient detail (as set out in the Operating Schedules) to enable the Responsible Authorities and the Licensing Committee to properly assess whether the proposed large scale events (involving a maximum of 40,000 people) could take place without negatively impacting on the Licensing Objectives.</p> <p>It is the Licensing Committee (or Licensing Authority under delegated powers, where applicable) that has the power to grant a licence subject to conditions. Conditions cannot be developed by third parties after the event (i.e. at some stage in the future post issue of the Licence) and “slotted into” the conditions on the Licence.</p> <p>The Applicants by repeatedly suggesting that various operational and management plans will materialise (post issue of a Premises Licence) following the “agreement” with SAG are attempting to usurp the function of the Licensing Committee. It is the Licensing Committee that must carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives. In carrying out its duties the Licensing Authority must also have regard to its own Licensing Statement and the Guidance under the Licensing Act 2003.</p>	X ALL	

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4. Inappropriate delegation of operational responsibilities by Applicant to SAG					
			<p>In summary the Applicants are inviting the Licensing Committee to issue two licences for ill-defined “Premises”, for large capacity audiences (up to 40,000) on assurances that operational and management plans will follow and will be subject to the approval of a SAG. This approach is fundamentally flawed for the reasons already set out above.</p> <p>SAG does not have the power to approve plans or to stipulate that certain steps will become licence conditions. At best, the applications suggest a misunderstanding of the powers of a SAG; at worst, they risk being viewed by Interested Parties as an attempt to obtain wide-reaching; late licences for large capacity events “through the back door”.</p> <p>SAG’s are advisory and have no legal status. Further there is a dearth of information even about the SAG that the Applicant is proposing be involved, in the future, as proposed in its applications. No information has been provided concerning the proposed terms of reference for the SAG or who the core membership of the SAG is likely to comprise. No information has been adduced to demonstrate that the proposed core member of the SAG have agreed to be part of it. From the scarcity of information provided by the Applicant, there is no evidence to demonstrate that they have considered the recommendations in the Purple Guide⁹ (section 25) or similar publication concerning the role of SAGs.</p>	<p>X ALL</p> <p>The scarcity of information in the operating schedules fails to demonstrate how in reality the LOS will be treated and enforced as paramount.</p> <p>The steps suggested by the Applicants are insufficient comprising a standard but incomplete list of common measures without consideration of the locality; other major events and/or how the steps can be codified into enforceable conditions.</p>	<p>No disrespect to SAG’s is intended; they carry out an incredibly value role in providing guidance to event operators.</p> <p>However, it is highly inappropriate to advance that operational and/or management plans will be approved by SAG’s. The ground/venue/“Premises” management is responsible for formulating their plans. Where the premises do not need to obtain a GSC, those plans should, in our view, be in existence in advance of any Premises Licence being sought.</p>
5. Failure to establish that the Licensing Objectives will be promoted					
			<p>Without fully articulated plans supporting the Licensing Objectives having been produced in advance of the applications, upon which the Responsible Authorities have had time to reflect, all four licensing objectives will inevitably be negatively impacted as a result of the proposed large scale licensable events at the proposed “Premises”. Where there is a lack of infrastructure supporting licensable activities the Applicant is under a greater obligation to ensure that its Operating Schedules provide a detailed framework – confirming what processes have already been developed to ensure that the Licensing Objectives are promoted.</p>	<p>X ALL</p> <p>The scarcity of information in the operating schedules fails to demonstrate how in reality the LOS will be treated and enforced as paramount.</p> <p>The steps suggested by the Applicants are insufficient comprising a standard but incomplete list of common measures without consideration of the locality; other major events and/or how the steps can be codified into enforceable conditions.</p>	

⁹ The Purple Guide - section 25 – Working in a Safety Advisory Group – see also Appendix 3.

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