

# **Merton Council**

## **Licensing Sub-Committee**

### **30 January 2019**

#### **Supplementary Agenda 1**

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- Applicant's Statement
  - External Waste Management
  - External Toilet Locations
  - Example of correspondence sent to Interested Parties
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**Application for New Premises Licence  
Morden Park  
Blue Fox Events / We Are The Fair Ltd  
Eastern Electrics Music Festival**

## **Applicant/Organiser's Statement**

My name is Robert Dudley and I am a Director of We Are The Fair. We are assisting Blue Fox Events Limited (the premises licence holder) with the licensing application for the 2019 (and onwards) event. The matter is now scheduled to come before the Merton BC Licensing Committee on the 30<sup>th</sup> January. The application has attracted a number of representations expressing concern about the extent of the application and last year's event.

I produce this statement in order to set out some detail and explanation of the application, the process and last year's event, as well as explaining proposed amendments to the application going forward. These are proposed having digested the representations and comments made as well as dialogue and discussions with both the responsible authorities, the licensing authority and our client.

### **1. Noise –**

Following on from the event in 2018 we are aware that a large number of noise complaints were received by Merton Council as well as complaints made directly to ourselves.

Whilst the overall site layout and sound system design in 2018 was similar to that of 2017's event, the sound system used on the second stage (Skreamizm) was bolstered and larger in scale than that used in the 2017 event.

The system used in the Skreamizm stage (RC1 System) does not allow for a great degree of output control, meaning that the sound levels can vary considerably from track to track. Additionally, the fact that the system is unable to run in a suitable cardioid arrangement means that there is greater rear projection of bass.

During the course of the event our team were highly focused on ensuring that the Premises Licence conditions were adhered to and our consultants in turn focused on adherence to the levels set out in the Noise Management Plan. On reflection we should have seen the bigger picture and made sure that the event did not unduly disturb neighbours.

The comparative lack of noise complaints in 2017 gives us confidence that a good number of the complaints received in 2018 can be at least partially attributed to this system. Indeed, through direct consultation with local residents at stakeholder meetings and via email, we have been told that 2017 sound levels did not cause such a nuisance and that one of the greatest causes for noise nuisance in 2018 was low frequency. We therefore feel confident that our new proposals for noise management

will ensure the successful longevity of the event, whilst reducing the impact of event sound levels on local residents.

The RC1 system will not be used in 2019 or other future events. All other sound systems used throughout the site will be festival specific and more focusable (to help minimise off site noise bleed – inc bass frequencies) from manufacturers such as D&B Audiotechnik, L-Acoustics or Martin Audio (all of whom are recognised as industry leaders in terms of quality, controllable and focusable flown line array sound systems).

For 2019 the Main Stage PA will be flown at a greater height compared to 2018. In 2018 the PA was flown at 7m. For 2019 the PA will be flown at a height of 9m. This increase in height means that we can provide a greater degree of curvature to the PA system, meaning that it is even more focused down towards the crowd, as opposed to projecting the sound over a greater distance.

The overall sound system design for 2019 will also include additional in-fill delay speakers at certain stages. This will help the audience experience by allowing an acceptable level of volume through the performance area by having more, smaller speakers in the middle and towards the rear of the audience area, to ensure the entire audience can experience the performance at an acceptable level without having to have the main speakers at the stage end operating at a louder level.

All systems on site will operate on a sub cardioid arrangement which helps in reducing off site bass frequency nuisance. This was not the case in 2018.

For 2019 and all future events, all sound systems on site will be managed and engineered by one competent supplier, meaning that the Noise Consultants have just one point of contact when liaising with Sound Engineers.

A Noise Management Plan is currently in development and will be shared with EHO at the earliest opportunity. The NMP will outline the location of proposed off-site measuring locations as well as identifying the dB levels agreed on and off site. The off-site monitoring locations (receptor points) will take in to account the locations of complaints received in 2018 and the representations received in regards to this application.

Management of noise on and off site this year will be undertaken by a different Noise Consultant and the approach to on site management will be significantly different. The Noise Consultant will have fixed monitoring positions at the main 4 stages (where there is a front of house position). Sound engineers here will have a real time indication of the dB levels emanating from their stage. Stages without fixed monitoring positions will also be monitored by means of handheld sound meter, undertaken by the Noise Consultants.

Additionally, in 2018 we experienced an unprecedented level of hot, dry weather which may have also impacted on the number of complaints received. Planning for 2019 will take this into account.

In both 2017 and 2018 we operated a Noise Hotline (which was advertised to local residents by means of a letter drop – in 2018 this was delivered to 17,000 local addresses). The purpose of the hotline is to allow residents to call and inform us that they have a noise concern relating to the event. We can then arrange for the Noise Consultant to visit their address and take dB readings to ensure that we are

compliant with the levels agreed with EHO and provide them with information regarding stage times etc.

We will be revising our approach to managing our Noise Hotline for 2019 by having a dedicated member of staff responsible for answering and responding to resident's calls. In addition, there will also be a dedicated Community Page on the event's website featuring real-time information relating to noise monitoring as well as a direct email address for residents to inform us of their complaints.

One of the concerns aimed at us has been the inability of residents to either get through on the Noise Hotline or leave a message on the answerphone. The email address and web page will assist in providing information to local residents, as a lot of the calls are relating to similar issues. We are confident that the bulk of these issues can be addressed by updates to the web page or by automated replies to emails. These pages/responses will include information such as the location of the agreed receptor points, the most recent dB levels recorded at the agreed receptor locations (updated hourly), locations of any complaints that the Noise Consultants are responding to as well as the timings of individual stages.

The content and distribution radius of the resident's information letter will be agreed with the Local Authority during the SAG process. The letter will aim to manage the expectations of residents by informing them of key details regarding the event (timings, duration etc) as well as the methods we will be employing to minimise disruption to them.

## **2. Friday –**

Reflecting upon the representations raised (including MPS, Licensing and the Registry Office) we have agreed to withdraw the Friday element from this application. Therefore, the revised hours applied for will be as follows:

### *Regulated Entertainment –*

Saturday 11:00 – 22:30

Sunday 11:00 – 22:00

### *Sale of Alcohol –*

Saturday 11:00 – 22:00

Sunday 11:00 – 21:30

### *Hours the Premises are open to public –*

Saturday 11:00 – 23:30

Sunday 11:00 – 23:00

### **3. Sunday –**

As part of their representation, MPS raised have raised concerns regarding the style and genres of music played on Sunday 2018.

*““Grime Royalty” and a notorious “Drill” artist”*

The musical content of 2018’s Sunday event did feature an element of Grime performers, but it was by no means exclusively Grime or Drill music. It featured performers from a wide range of dance music styles including House, Disco, Garage, Reggae and Drum’n’Bass.

The headline artist for Sunday 2018 was David Rodigan MBE. Rodigan is 68 year old and a World renowned Reggae and Dance Hall DJ who appears regularly on BBC Radio 2 and BBC Radio 1 Xtra, as well as performing at multiple festivals and events across the globe, such as the Royal Albert Hall and Camp Bestival.

The inclusion of established performers such as David Rodigan and others was intended to appeal to a more diverse and older demographic from Saturday’s event. As these artists have been playing shows and festivals for at least 20 years, their fan base therefore tends to be slightly older than that of acts playing on Saturday.

The intention for Sunday 2019 is to again attract a differing audience to Saturday. Indeed, the commercial success of the Sunday events is dependent upon attracting a broader audience than that of Saturday.

The provisional line-up for Sunday 2019 includes the following artists: Goldie, Trevor Nelson, Ms Dynamite and Luck & Neat. Once again, the addition of these established performers is designed to attract an element of an older crowd to the event.

Sunday’s event will operate on a smaller scale to Saturday. Last year the Sunday event operated to an audience of 8500. Based on anticipated development of the event it is foreseeable that an attendance of 15000 could be applicable to 2019. This figure would in reality represent a decrease of 4999 in Sunday capacity, based on the Premises Licence that was granted for 2018.

Proposed licence duration and associated capacities are discussed in greater detail below.

### **4. Licence Duration –**

After reviewing the representations and comments from both Licensing and Metropolitan Police Service we propose to amend the licence application to be time limited. We would like to propose that if the Committee are minded to moderate the application in line with the points made below, that it does so for a period of three years.

We appreciate that Licensing and MPS propose that it be limited for a period of 2 years and we understand that this will be discussion point at the Sub Committee Hearing.

Therefore, the application would be limited to one event per year (specifically taking place on either the last weekend of July or the first weekend of August) in 2019, 2020 and 2021 only.

The rationale behind applying for a non-time limited Premises Licence was threefold:

- a. To allow the promoter a greater degree of stability from the reassurance of knowing that the event is licensed to continue, without having to re-apply each year for a new Premises Licence. (Each event would still need to receive permission from Morden events team as well as SAG).
- b. The cost savings from not having to apply for a new Premises Licence each year.
- c. The fact that Responsible Authorities and concerned residents are able to call the Premises Licence in to review should afford the necessary reassurance that the Licensing Objectives will be promoted and any conditions attached to the Premises Licence adhered to.

## **5. Capacities -**

The maximum capacity stated and paid for in this application for was 29,999.

It has never been the intention to immediately sell to a capacity of 29,999, the idea being that the event would be able to grow year on year until a maximum capacity of 29,999 was reached. Additionally, it is not the intention to operate Sunday events on the same scale as Saturdays.

As such, and bearing in mind the proposal to now restrict this Licence to a duration of two years, we further propose that the Licence be conditioned to restrict the maximum capacities as follows:

*2019 –*

Saturday 23,500

Sunday 15,000

*2020 –*

Saturday 27,000

Sunday 17,500

*2021 –*

Saturday 29,999

Sunday 20,000

In 2017 the event licence was applied for with a capacity 19,999 and was granted by the Committee with a reduced capacity of 17,000 (which was the previous maximum capacity that the festival had operated at in another location).

In 2018 we applied for and were granted a two-day licence with a capacity of 19,999 for both days.

We are grateful that both the MPS and Licensing representations state that they are satisfied with a capacity of 29,999 for Saturday events as requested and having taken in to account their request for a maximum capacity of 8000 for Sundays hope that these proposed conditions represent a fair

compromise. Indeed at a recent meeting with both MPS and Licensing both parties suggested that they would be satisfied with these capacities.

## **6. Artists –**

The MPS Representation raises concerns over a particular performer at 2018's event. A list of all performers appearing at Eastern Electrics 2018 was provided to MPS prior to the event taking place. This was provided by email on 10/05/2018 (and again on 12/05/2018 due to email bounce back). If there had been an opportunity for dialogue regarding artists of concern, we would have been able to investigate further and withdraw that particular artist from the bill. However, their concerns were not made known to us until the day before the event, meaning we were unable to alter the line up at such a late stage.

We propose to amend Condition 9 of the Application (Prevention of Crime & Disorder) to the following:

*"A list of all artists and performers who will be appearing at the event will be provided to the Police a minimum of 3 months prior to each event"*

*"If MPS identify concerns within 14 days of the submission of this information regarding a particular artist or group the event organiser will remove that artist or performer from the event line up"*

*"If at any time, MPS identify valid concerns regarding a particular artist or group, the event organiser will work closely with them to attend to the issue raised"*

Indeed, we have already provided MPS (by email on 21/12/2018) with the initial line up for 2019.

## **7. Response to Representations / Nuisance –**

Below is a list of the main concerns raised by local residents and other stakeholders with regards to the previous Eastern Electrics Festivals that have taken place in Morden Park. Whilst appreciating that this list is not exhaustive and does not respond to each representation individually, the bulk of the topics of concern are addressed here. We are confident that our proposals amending the application and our suggested conditions address these concerns and promote the licensing objectives.

### **a. Litter**

The majority of complaints regarding litter seem to relate to either the untimely clear up of the park or the impact on the wider area (nearby residential streets, resident's gardens, churches, schools and the town centre in general).

In 2019 we will be engaging two separate waste management contractors – one responsible for the interior of the event footprint, the other focusing exclusively on the exterior (including the routes used by the public in travelling to and leaving from the event). Both will be experienced festival and event cleaning companies (we are currently in discussion with A1 Event & Exhibition Cleaners, RTS Waste Management and Greenbox Events and others to provide quotes for this service).



This approach will assist in cleaning and litter picking being carried out in a more timely fashion, as there will no longer be a need to wait for staff to redeploy from the interior to the exterior and vice versa.

The Internal Cleaning Team will be responsible for litter picking the routes from the park entrance to the festival site, the queue lanes and search area, individual stages and arenas and the wider event site. They will also be responsible for collection and removal of waste from the catering and bar operators.

The External Cleaning Team will be responsible for litter picking the routes to and from the main transport hubs (Morden Underground (Northern Line), South Morden and St Helier (National Rail/Southern) as well as the locations agreed for Black Cab PUDO, PHV PUDO and bus/coach parking), nearby residential streets, local churches and schools as well as having a permanent presence in Morden Town Centre. The External Cleaning Team will provide additional litter bins/waste receptacles/recycling bins in the Town Centre and on the primary routes to the event. A location needs to be identified for a skip to be used by the external team.

The External Cleaning Team will also have a 'Response Team' who are able to respond to specific location requests for litter picking/waste removal. The Residents Information Letter (distributed in advance of the event to a radius agreed with LA and SAG – minimum of 17,000 addresses) will feature a Complaints Line and an Email address to allow residents to call and report issues including litter.

I attach an external waste management plan disclosing all of the surrounding streets that we propose to cover as part of the waste management procedures.

***b. Public Urination –***

We are disappointed to read from the representations the concerns expressed about this topic, as we had a number of external WCs along the ingress and egress routes to and from the event, in line with our discussions with the SAG and Local Authorities following on from feedback received after 2017's event.

For 2019 and future events, we will look to increase the number and location of off-site toilet facilities (including within the wider park and at agreed taxi/private hire Pick-Up/Drop-Off locations). As with litter, we are now aware of 'hot spots' for public urination and will factor these locations in to planning when considering where/how many off-site toilets are required.

In addition to the toilets themselves, there will be signage deployed on routes to and from the event informing festival goers of the location and distance to the nearest toilets.

All off-site toilets will be cleansed and emptied overnight. Attendants from the toilet provider will be on duty and able to respond to issues such as blockages/lack of consumables etc. Off-site toilets will also be staffed by SIA Security personnel.

As with Waste Management, we will be engaging a different company (to that providing toilets for the interior of the event) to supply and manage external toilets.

I attach a plan disclosing all of the external toilet locations (currently proposed) around the premises licence area leading back to significant transport locations.

**c. Nitrous Oxide canisters –**

We are confident that the Committee are aware of the current scourge of this ‘recreational drug’ and the extent of the problem throughout the UK. It seems impossible these days to visit any area or locale without seeing these empty canisters in vast numbers. It is a problem that is by no way exclusive to music or dance festivals.

Our revised approach to cleaning the exterior of the site should help in removing large quantities of these canisters in a more timely fashion. As we have now been made aware of several Nitrous Oxide canister/litter ‘hot spots’ we will ensure that the External Cleaning Team are aware of these locations.

We are also looking in to the possibility of the Local Authority amending it’s existing Public Spaces Protection Order (PSPO) during the course of the event. The current PSPO is related to street drinking, littering, spitting and public urination. If amended to include Nitrous Oxide, this would allow Trading Standards or other Local Authority Officers and appointed Wardens to seize products and issue Fixed Penalty Notices. This approach has worked well in other locations (Brockwell Park and Streatham Common in Lambeth to name one example) and has seen a decline in complaints relating to this scourge.

LB Merton already have an arrangement in place with Kingdom Environmental Services to provide an Enforcement Team who work alongside the Local Authority’s own Enforcement Officers in issuing Fixed Penalty Notices to discourage littering and other Anti Social Behaviour.

We intend to engage with Kingdom (at no expense to LB Merton) to provide Enforcement teams for the duration of the event to target persons involved in the sale of Nitrous Oxide and to discourage other ASB.

**d. Lack of visible Security / Police**

In addition to implementing separate waste management and toilet suppliers for the internal licensed area and the external space, we will also be engaging separate Security companies to manage customers on-site and another to manage the exterior of the event site.

This external company will have no responsibilities regarding crowd management or security within the festival event footprint. Their remit will be exclusively to supervise attendees on the exterior of the event. The exact demarcation of their boundary and the procedures for cross over with the internal security company will be outlined in the ESMP Crowd Management Plan and agreed during the SAG process.

As such, compared to 2017 and 2018 there will be a significantly larger number of visible security staff on the ingress and egress routes, the Town Centre and other off site 'positions of concern.

The external security company will have staff in dedicated static positions as well Response Teams. The exact number, location and shift times of these static positions will also be outlined in the ESMP Crowd Management Plan and agreed with the SAG.

In 2017 the event organisers were able to pay MPS to have a festival specific deployment of officers on site. In 2018 MPS were unable to provide this arrangement and staffed the event at their own expense. The event organisers are currently in discussion with MPS to assess the possibility of again either paying for or financially contributing towards a dedicated presence of officers in the immediate environs of the festival.

We are confident that the appointment of Kingdom Environmental Services to be on duty during the course of the event will assist in alleviating all four of the issues addressed above. They will be an additional, visible presence on the streets surrounding the park and leading to and from the nearby transport hubs and they will be empowered to issue fines to persons littering and publicly urinating. If the PSPO is amended, they will also be able to seize items from persons involved in the sale of Nitrous Oxide as well as issuing Fixed Penalty Notices.

***e. Park out of use / Damages to Park -***

Although not specifically related to the licensing objectives, several of the representations make mention of the fact that set up and break down of the event means that a large area of the park is out of use for residents for several days.

The area the park occupied by the event (approx. 99,432m<sup>2</sup>) equates to approx. 18% of the overall total size of the park, meaning that a sizeable portion of the park still remains available for local residents to use.

The total amount of days on site (inclusive of build, live and break down) is 17. We do not feel that this therefore causes too much inconvenience for local park users.

We also try and work closely with not only the Parks team but the Friends and other key stakeholders to ensure that any disruption and inconvenience is minimised.

Tree conservation, arboreal works and other park restoration works are not within our remit and are handled by private contractors on behalf of LB Merton. Please see the following comments relating specifically to the removal of certain trees:

*“This mail will need to be enough to use to inform people that tree work did not take place because of your event. We retain deadwood in trees and indeed whole dead trees for reasons of bio-diversity and nature conservation. Such deadwood does pose a level of risk. Those two factors are in constant competition with one another. Increased footfall anywhere such trees moves the balance. Morden Park is always busy and there are many major events annually with many attendees. We always prefer exclusion from such risk areas to tree work but there is a limit to what we can achieve”.*

Dave Lofthouse  
Dip. Arb. (RFS) M.Arbor.A.  
Arboricultural Manager Greenspaces  
London Borough of Merton

The handover of the event site back to the Parks Team will not be completed until the Parks Team are satisfied with the cleansing of the park. This was procedure was undertaken in both 2017 and 2018 and refund of the damage deposit paid was paid in both instances.

Indeed, the amount of damage deposit that was refunded in 2018 increased from the amount refunded in 2017.

However, whilst not all of these issues may not directly be applicable to the promotion of the Licensing Objectives, a member of the event organiser’s team will now be dedicated to community sensitivities.

***f. Drug Dealing / Drug Use***

We believe that the majority of references to drug dealing in the vicinity of the event relates to the sale and use of Nitrous Oxide, rather than other controlled substances.

However, the additional security personnel will help to deter, detect and disrupt these activities in the proximity of the event, especially as we will now have staff located at known ‘hot spots’.

The additional Police resourcing on site will also help in responding to and preventing these activities in the vicinity of the site. During the SAG process and on site Event Liaison Team (ELT) meetings, we will liaise with MPS regarding the best deployment of personnel.

***g. Egress / Traffic Management***

Concerns have been raised over egress from the event and the risk to either customers or local residents from potential road traffic collisions.

In 2018 a comprehensive Traffic and Pedestrian Management Plan was in place for the event, including a lane closure on London Road, parking suspensions, a dedicated

London Taxi black cab rank and an Uber 'blackout' to promote a dedicated Pick Up / Drop Off (PUDO) location.

In 2019 the Traffic Plan has been developed to incorporate a revised Emergency Vehicle Route, a wider egress lane from the park to London Road and an increased lane closure on London Road. The first draft of this is with TFL for their comments.

The plan will continue to be developed and agreed with SAG. The plan will detail the number, shift pattern and location of Traffic Stewards and Chapter 8 Supervisors.

The event organisers and promoter take their responsibilities seriously and are keen to continue working in partnership with the Local Authority and both our residential and business neighbours.

As such, for 2019 and future events, Eastern Electrics will be implementing a social responsibility campaign to festival goers encouraging them to appreciate their impact on the local residents. The campaign will focus on litter reduction, anti-social behaviour and public urination by informing customers in a light-hearted way of the location of bins and toilets, information regarding taxi locations and the importance of respectful behaviour.

The campaign is pitched at the audience in question, but this does not mean that the message is in anyway flippant. The event organisers and promoter agree that the 'friendly' delivery to the festival audience (18 – 35) will be received more positively than harsher, prohibitive messaging. The strategy is designed to encourage attendees to self-police themselves and their peers.

The strategy will be delivered by via the following methods:

1. **Video #1** Dedicated Video detailing the locations of toilets are bins, both on the interior and exterior of the event, together with information about the repercussions of anti- social behaviour.
2. **Video #2** Dedicated *animated* Video detailing the places the toilets and bins are located all around the event, with the information about the repercussions of anti- social behaviour.
3. **24 E-flyers** One posted per week which include the 'respect' messaging
4. **4 Dedicated E-Flyers** Posted in April, May, June and July detailing the steps and measures the event organisers have put in place together with our expectations for audience behaviour.
5. **Text message** To all ticket holders in the week leading up to the event reiterating the 'respect' message.
6. **Web Site** Dedicated pages on the Festival Web Site highlighting the 'respect; message as well as information for the local community.
  - . <https://www.easternelectrics.com/info/initiatives/>
  - . <https://www.easternelectrics.com/info/community/>

I attach a community respect poster disclosing highlights of our campaign to ensure that attendees respect the local community.

## 8. Cooperation & Collaboration with Officers

We are delighted to see the comments of MPS that confirm they are satisfied in our ability to produce suitable and satisfactory plans for the event:

“I am confident in the applicant’s ability to produce satisfactory Management Plans for Eastern Electrics going forward”

We appreciate the anxiety regarding our initial application for the event in 2017 and were delighted that we were able to quickly establish a good rapport with officers from the various Responsible Authorities. This enabled us to develop a good working relationship so that we were able to work together to produce a safe and successful event.

We are pleased that both Licensing, MPS and Parks consider that there is a future for Eastern Electrics in Morden and are confident that the proposed amendments to the application that we propose will ensure that we will be able to work alongside our partners to deliver a safe and successful event.

## 9. Dialogue with Officer/Residents/Stakeholders –

Various meetings have been held post Eastern Electrics 2018 between ourselves and relevant stakeholders. A timeline of these meetings is demonstrated here:

- a. 03/10/2018 – Meeting with Barry Croft (LB Merton, Licensing Manager) and PC Russ Stevens (MPS Merton Licensing), Anita Cacchioli (LB Merton, Asst. Director Public Space), Doug Napier (LB Merton, Greenspaces Manager)
- b. 30/10/2018 – Meeting with John and Linda Kingsley ([REDACTED]) and Dave and Elaine O’Keeffe ([REDACTED])
- c. 31/10/2018 - Meeting with Barry Croft (LM Merton, Licensing Manager) and PC Russ Stevens (MPS Merton Licensing)
- d. 05/11/2018 – Meeting with Elizabeth Sherwood ([REDACTED]), Elspeth Clarke ([REDACTED]) and Dudley Sessford ([REDACTED])
- e. 22/11/2018 – Community Engagement Meeting (open meeting held at Merton College, advertised by posters alongside the statutory Blue Notices as well as by direct invitation to our stakeholder list), attended by approx. 100 local residents
- f. 14/01/2019 – Meeting with Barry Croft (LB Merton Licensing Manager), PC Russ Stevens (MPS Merton Licensing), Sgt Steve Grant (MPS Licensing), Inspector Graham Norman (MPS), Neil Thurlow (LB Merton Head of Community Safety)
- g. 17/01/2019 – Meeting with Andrew Pickup (LB Merton Principle Environmental Health Practitioner), Marc Dubet (LB Merton EHO Manager)

Should the Committee be minded to grant the application, there will be numerous subsequent meetings including Safety Advisory Groups and other specific sub-group meetings (Transport, Police, Parks etc) as well as continued engagement with key local residents and stakeholders.

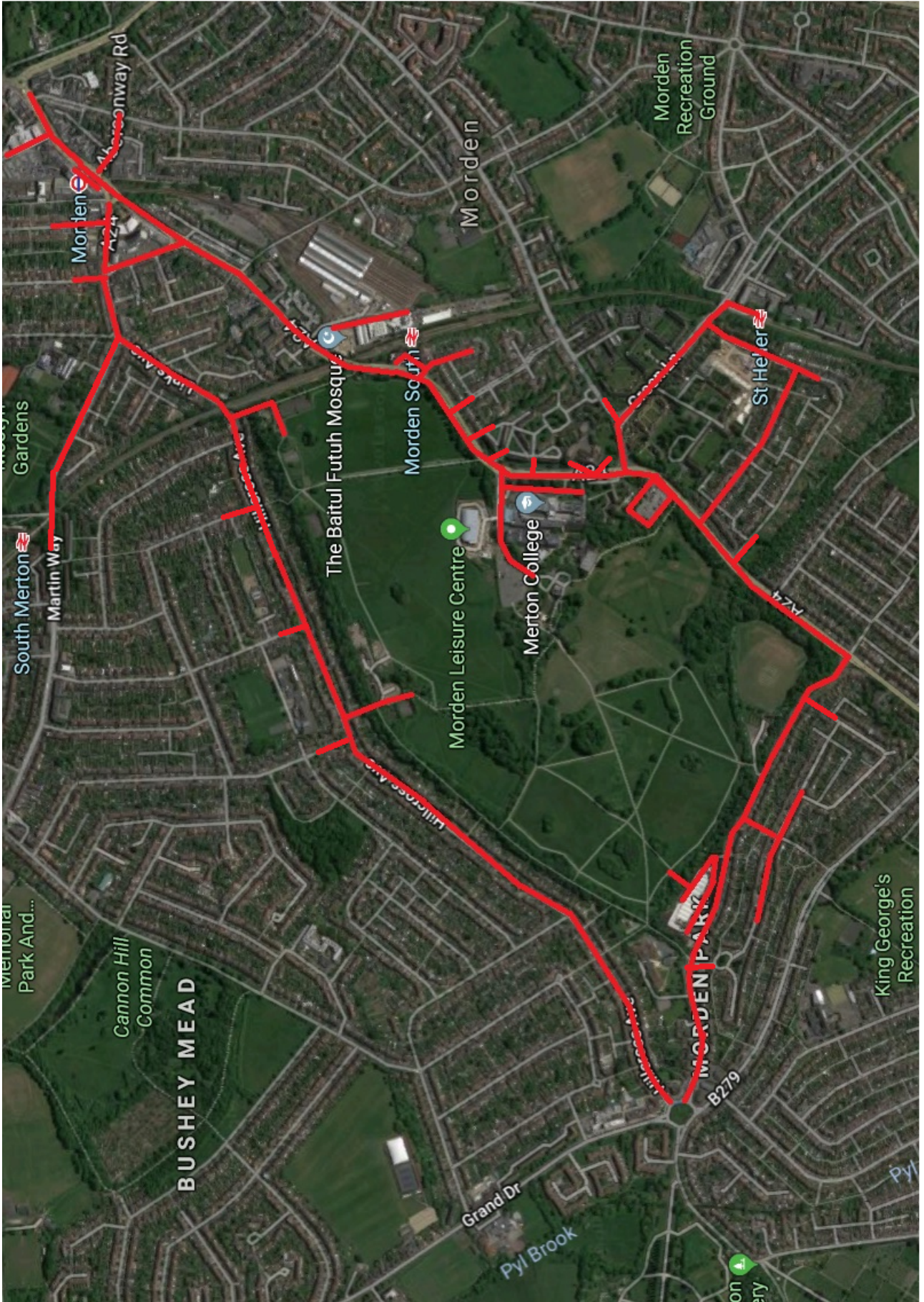
#### **10. Conclusion**

We are hugely disappointed and sorry that the 2018 event did not pass off as well as it could have done, but we are fully committed to ensuring that the trust and confidence we built up in 2017 is restored promptly.

Now that we have amended the application, combined with the additional measures we have proposed we are confident that the causes for concern amongst residents will be significantly reduced for 2019 and future events.

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Martin Way

**6 x WC + 6 Ur**  
MORDEN TUBE



**6 x WC + 6 Ur**  
MORDEN CIVIC CENTRE



MORDEN CAR WASH

**4 x WC**



**6 x WC**

OPP. MOSQUE



**4 x WC**

MORDEN SOUTH

Morden Leisure Centre



**8 x WC + 6 Ur**

MORDEN COLLEGE CAR PARK



**2 x WC**

ST HELLIER



**6 x WC + 6 Ur**

HARVESTER CAR PARK



**4 x WC + 6 Ur**

ARTIST CAR PARK

**2 x WC**

GARDEN CENTRE

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# EASTERN ELECTRICS

SAT 3RD & SUN 4TH AUGUST 2019  
MORDEN PARK, LONDON

## COMMUNITY RESPECT

# RESPECT THE COMMUNITY



**DON'T urinate on the street or on private property, use the toilets provided**

**DON'T throw your litter on the street or into private property, use the bins provided**

**DON'T be a D\*ck on the way to and from the event, be respectful of our neighbours and keep the noise down**

**DON'T buy laughing gas, or encourage these people to be a nuisance to the local residents**

**You could be fined £100 on the spot for any of the activities listed here!**

**Carrying out any of our 'Don'ts' put's the future of Eastern Electrics festival at risk!**

All the above is classed as Anti-Social behaviour. To keep Eastern Electrics at Morden Park, we all need to do our part to combat these issues. For more information please visit:

[WWW.EASTERNELECTRICS.COM/INITIATIVES](http://WWW.EASTERNELECTRICS.COM/INITIATIVES)  
[WWW.EASTERNELECTRICS.COM/COMMUNITY](http://WWW.EASTERNELECTRICS.COM/COMMUNITY)

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23<sup>rd</sup> January 2019

Dear [REDACTED]

**Re: Eastern Electrics / Blue Fox Events Limited - Application for a new Premises Licence - reference WK/201809200.**

We are in receipt of your representation regarding the above application and would like to inform you of some significant material changes to the application since you raised your objection. In addition to your representation we received a number of other representations relating to the application and we have considered all of the points raised.

We are in constant communication with and have had numerous meetings with a number of residents and Local Authority officers regarding the application and the concerns that have been brought to our attention.

As such we will be amending the application as follows:

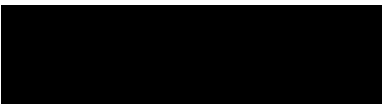
1. **Friday** – the initial application was for events to take place on Friday, Saturday and Sunday. Friday has now been removed from the application. Therefore, the application is now restricted to Saturday and Sunday only (hours of entertainment: Sat 11:00 – 22:30, Sun 11:00 – 22:00).
2. **Capacities** – In line with the restriction to the application to now be for a duration of 3 years, we propose that the maximum numbers of persons permitted on site be conditioned as follows:
  - a. 2019 Sat 23,500  
Sun 15,000
  - b. 2020 Sat 27,000  
Sun 17,000
  - c. 2021 Sat 29,999  
Sun 20,000
3. **Licence duration** – initially we had applied for an open-ended Licence. This has now been amended so that the application will be for 3 years only. Therefore, the application will be for 1 event per year (taking place on either the last weekend in July or the first weekend in August) in 2019, 2020 and 2021 only.
4. **Noise** – we are working with Merton's Environmental Health team to agree additional Licence conditions that will satisfy them that our proposals for the management of noise at future events will be considerably less impactful on local residents. For future events we have removed a particular sound system from the event which we believe was the cause for a significant number of complaints in 2018. These capacities would be reviewed on an annual basis with the Safety Advisory Group

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Following our constructive ongoing dialogue with both Police and Licensing we have agreed a number of additional conditions to attend to concerns they have raised.

We have also developed our management plans to address the other issues raised in the various representations received. These include (but are not limited to) improved procedures and protocols in respect of litter, anti-social behaviour, nitrous oxide (the sale of and the subsequent empty canisters), traffic & transport and damage to the park.

Yours sincerely,



Robert J Dudley  
Director



I just feel its utterly inappropriate for this area. The costs in policing and clearing up don't justify what the council are being paid. The organisers have no security on hillcross, at the station or in morden. There are up to NINE acts performing at once plus crowd noise and its impossible not to hear as it vibrates through the entire house. I dont see how they can control (over 3 days), nearly 90k people. The drunkenness, open drug dealing and taking (there were CO2 sparklets outside my house where people had been using a dropping them as well as open dealing on the corner and by/in the woods). Plus people congregating in the woods until the early hours. Their attitude of 'well its a festival' when we complained, no answer to facebook messages except pretty much 'put up with it'. We don't want it AT ALL. Let alone for 3 days and as someone disabled who cant afford to go away I feel trapped by the event, frightened to leave my house and yet my life is made a misery by it. My MS relapsed last year as a direct result of the stress. Please, refuse the licence ENTIRELY, send it elsewhere thats more appropriate. The disrespect and utter disdain the organisers and attendees have for local residents is unfair and intolerable. I will feel incredibly upset and stressed if this is allowed to go ahead. Detrimental to my physical and mental health. I LIVE here. Why should this event be allowed to take place when it does nothing to enhance the area and costs money to police and clean up. Its not fair on us. No festival licence should be granted at all, its bullying and discriminatory behaviour if its allowed.

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IN THE BOROUGH OF MERTON

BETWEEN:

BLUE FOX EVENTS LTD

Applicant

-and-

Mr & Mrs Skriczka (THE RESIDENTS)

Respondent

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POSITION STATEMENT PREPARED ON BEHALF OF THE RESIDENTS FOR THE  
HEARING IN FRONT OF THE SUB-LICENCING COMMITTEE (“THE COMMITTEE”)  
ON 30.01.19

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### Introduction

1. The Festival was first held in 2017 after which a number of complaints were raised by the local residents, mainly that of public nuisance. The Festival was again held in 2018. It was noted that Merton Council received over 400 complaints about noise for the 2018 event even though volume levels were kept to below the agreed limits.

### Background

1. In the light of new recently available documentation and information we, Mr & Mrs Skriczka, would like to add few points to our representation. Amongst other points and as stated in our representations submitted to the council, the main issue experienced by our family was the continuous noise and hearing poor language. At one point on the Sunday in 2018 it was so loud that we could hear in our back garden these exact words: “put your f\*\*\*ing hands up in the air”. My 2.5 year old son was exposed to this language! We were unable to use our garden due to the disturbing noise. The noise from the music and later from the attendees leaving the site considerably disturbed our family’s sleep.

### This hearing

2. This hearing is consequential to the Applicant’s application to obtain a permanent licence, whereby the Applicant has stated but not adduced evidence which purported to tackle the Residents’ concerns, which is in fact suggestive in particular of the scale of

unreasonable interference of the Festival suffered by the Residents. Therefore, notwithstanding that the Residents resisted the application on the basis that substantive welfare decisions ought to be made, and that the Applicant's application was a deliberate attempt to draw the Committee in to entertaining their further efforts to undermine the intentions of the use of the Park and the residential area surrounding it, it is hoped that the Committee will share the view of the Residents that its welfare, and the welfare of its children matters, and that the issues that had occurred by the Festival are nothing short of public nuisance.

3. The Applicant has now suggested a number of proposals that are deeply disappointing to the Residents and in our view contain a preliminary analysis which is deeply flawed. It is inconceivable to the Residents that the Applicant cannot see that the Festival in its previous years is the cause of material unreasonable interference with the enjoyment of one's land, the safety of our children, and the character of the Park and the surrounding area.

#### The Applicant's proposals

4. In relation to noise - the Applicant states they have employed Noise Management Consultants whose recommendation was that the specific sound system which leaked low base frequency causing noise inside and outside of the event area would no longer be there. Even if the redundancy of this sound system reduces the noise levels further off site, there are still properties situated in close proximity to the Park as well as children's playgrounds being located inside the Morden Park. During the public meeting on the 22<sup>nd</sup> November the applicant stated that they have a strategy for managing complaints during the event and operate a noise hotline that residents can call to log a complaint. If complaints are received the noise consultants visit residents to take a dB reading and ensure levels are not being exceeded. This was not the case in 2018 as we have phoned the hotline and was told this will be logged. We didn't not receive a visit from anyone to measure the dB levels. Regardless of the compliance to the agreed decibel levels the nuisance experienced by the local residents is much too great and too long in duration. Having a telephone hotline in no way alleviates the disturbance suffered by the residents from being exposed to loud music. We here also refer to the Environmental health memorandum dated 3<sup>rd</sup> December 2018 by A. Pickup which states that noise management plan had to that date not been submitted and also pointing out that having a complaints hotline lacks substance in regards to achieving any form of "noise management". We would like to add that we have lived on Hillcross avenue for number of years and have witnessed and attended several events that were held in Morden Park. None of these events had caused this amount of nuisance to our daily lives and certainly none of them had forced us to submit formal complaints.
5. In relation to the use of misogynistic and poor language – the Applicant states that they have advised the organiser to move away from having MCs using such language. It is critically important to understand psychological impact of such language on our

children who have heard profanity and vulgar language whilst playing in their garden. Not only do the Residents nor any parent for that matter, wish to expose children to such language, but being able to hear it in your own garden only further demonstrates the close proximity of our land to the Park. We fail to see how simply “advising organiser to move away from this style of music” (as stated at the community meeting on 22<sup>nd</sup> November 2018) guarantees no poor language will be heard. [see case of *Thompson-Schwab v Costaki* in re: emotional distress which is also deemed interference].

6. In relation to security and stewarding – the Applicant states that they will have increased security and 2 mobile units patrolling the streets. The Applicant has failed to adduce evidence of the number of people comprising the security and mobile units teams. Given the Applicant’s proposal to have capacity up to 30,000 attendees, merely stating there will be increased security is insufficient.
7. It is also vital to consider the emotional harm suffered to date by the children and the Residents (including the residents of a nursing home) to consider the harm they will suffer as consequence of the application sought being approved.
8. In relation to public urination – the Applicant suggests they would raise awareness that if one is to see someone urinating in the street, that one should tell them it is not ok to do so. This is absurd! This is a residential area populated by many families and young children, approaching attendees who are likely to be intoxicated and seem to think that public urination is acceptable, is unrealistic. In any event, the attendees are unlikely to listen nor physically stop themselves from urinating. The suggestion that there will be increased provision of external toilets is also insufficient. This is only likely to encourage more anti-social behaviour such as drug taking. It is clear that having to factor in toilets off site, means that the event is not sufficiently equipped to deal with 30,000 capacity since there are inadequate number of toilets on site!
9. In relation to litter – the Applicant admits that they were unable to cope with the volume of litter due to being busy with clearing litter inside the event area. This only further demonstrates the large scale of the Festival and how it is out of control and impossible to manage. The Applicant suggests they will employ an external team to deal with the litter off site. With respect, it is evidently clear from the last year’s event, that it is a matter of common sense, and the people employed to clear the litter, simply didn’t think to do a thorough enough job of it. It is bad enough that the families are unable to take their children to the Park for 3 days over the weekend (family time), but to have to suffer ongoing nuisance of waiting for the area to be cleared thoroughly before it can be used for its original intention such as family time, or indeed weddings, is simply not acceptable.
10. In relation to drug use – the Applicant acknowledged that the provision of external toilets could result in drug use and other anti social behaviour. The Applicant suggests

that the external toilets will be accompanied by security. With respect, once again, this is a residential area, and it is inconceivable that the Residents have to accept that during the duration of the event there could be drug taking in the area.

11. In relation to considering the organisers experience and proven track record of handling events of this size – It should be noted that the applicant for the 2019 event is Blue Fox Events Ltd. The Metropolitan’s Police objection to this application states that “*From my experience of the operator and the quality of the Event Safety Management Plans submitted to the relevant authorities for the 2017 and 2018 events, I am confident in the applicant’s ability to produce satisfactory Management Plans for Eastern Electrics going forward....*” However the 2017 and 2018 applications were made by “We Are the Fair” not “Blue Fox Events Ltd”. So while the event planned is for “Easter Electrics” there is no clarity on the connection between Blue Fox Events Ltd and We are the fair Ltd or any guarantees provided that a large experienced events company will be managing these events in the future.

## Conclusion

16. Public nuisance materially affects the reasonable comfort and convenience of life. It is evident from the Residents’ submissions that there has been unreasonable interference. It is evident that the Park is not purpose-built for an event of this scale. Allowing the Festival to take place in the Park each year is a clear departure from its historical use which ought to be preserved. The Festival is out of place with locality [*see Sturges v Bridgman*]

17. The Park is in close proximity to a large number of residential properties, several children’s nurseries (some of which are open all year such as the Busy Bees) and to a nursing home which is next door. It is evident from the past events that the attendees are incapable of normal behaviour causing noise and emotional distress.

18. The Festival is proposed to be a 3 day event, this only means ongoing nuisance for the Residents, and preventing comfort and convenience of life for unreasonable amount of time [*see case of Halsey v Esso Petroleum in re: time and duration which demonstrates unreasonableness*]. It is understood from the Licensing Sub-Committee Report distributed to the interested parties that recommendations have been made for the event license to be granted only for a two day event, not a three day event applied for. We wish to stress that even a one day event of this size and volume presents an unbearable nuisance and disturbance to our daily life. We have the right to quiet and peaceful enjoyment of our property and the Park. The weekend is the only time that we can spend as a family together and we will be unable to do that in our own home or even the Park if this event goes ahead.

19. The Committee simply cannot ignore that the application for the September event (MJMK Limited - “Dynamic Festival”, Notice of determination dated 17 August 2018) was rejected largely based on the experience and the mechanics with the

Festival. This only further demonstrates the serious impact that the noise, anti-social behaviour, lack of safeguarding, and plain nuisance has on a largely residential area.

20. It seems to us that the local residents are being treated as guinea pigs given that the Applicant is each year increasing the capacity and proposing further increases which it clearly cannot cope with. Local residents have the right to quiet and peaceful enjoyment of their properties, and the Park. We are not guinea pigs who should be denied our rights for the Applicant's or anyone else's profit.

Mr & Mrs Skriczka

20.01.2019

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