

# London Borough of Merton



## Licensing Act 2003 Notice of Determination

**Date of issue of this notice:** 13 July 2021 revised 27 July 2021

**Subject:** Radioactive Clothing Limited T/A Slammin Events, Morden Park, London Road, Morden, SM4

Having considered relevant applications, notices and representations together with any other relevant information submitted to any Hearing held on this matter the Licensing Authority has made the determination set out in Annex A. Reasons for the determination are also set out in Annex A.

Parties to hearings have the right to appeal against decisions of the Licensing Authority. These rights are set out in Schedule 5 of the Licensing Act 2003 and Chapter 12 of the Amended Guidance issued by the Home Secretary (April 2018). Chapter 12 of the guidance is attached as Annex B to this notice.

### **For enquiries about this matter please contact**

Democratic Services  
Civic Centre  
London Road  
Morden  
Surrey  
SM4 5DX

**Telephone:** 020 8545 3357

**Email:** [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)

### **Useful documents:**

#### **Licensing Act 2003**

<http://www.hmso.gov.uk/acts/acts2003/20030017.htm>

#### **Guidance issued by the Home Secretary**

<http://www.homeoffice.gov.uk/>

#### **Regulations issued by the Secretary of State for Culture, Media and Sport**

[http://www.culture.gov.uk/alcohol\\_and\\_entertainment/lic\\_act\\_reg.htm](http://www.culture.gov.uk/alcohol_and_entertainment/lic_act_reg.htm)

#### **Merton's Statement of Licensing policy**

<http://www.merton.gov.uk/licensing>

# Annex A

## Determination

The Licensing Authority received an application from Radioactive Clothing Limited T/A Slammin' Events for a 3 year Premises Licence for an annual September bank holiday music festival event taking place in Morden Park, London Road, Morden SM4. The proposed date for the 2021 event would be 4<sup>th</sup> and 5<sup>th</sup> September 2021 with the 2022/23 events on dates to be agreed with Merton Council.

The application sought a maximum capacity of 9,999 persons with the following licensable activities and times:

- Live music – outdoors on Saturday from 12:00 to 22:30 and Sunday from 12:00 to 22:00
- Recorded music – outdoors on Saturday from 12:00 to 22:30 and Sunday from 12:00 to 22:00
- Performances of dance – outdoors on Saturday from 12:00 to 22:30 and Sunday from 12:00 to 22:00
- Anything similar to the above – outdoors on Saturday from 12:00 to 22:30 and Sunday from 12:00 to 22:00
- Supply of alcohol for consumption on the premises on Saturday from 12:00 to 22:10 and Sunday from 12:00 to 21:40

The hours sought for the premises to be open to the public were Saturday from 12:00 to 22:30 and Sunday from 12:00 to 22:00

47 representations were received in relation to the application, including from the Metropolitan Police, LB Merton Trading Standards and LB Merton Environmental Health. Following agreement of conditions prior to the hearing, the representations for Trading Standards and Environmental Health were withdrawn.

At the commencement of the hearing, the Applicant's Solicitor advised that following consideration of the representations, the application had been amended to apply for a one-year Premises Licence rather than the original three years.

In reaching its decision, the Licensing Sub-Committee had to promote the Licensing Objectives, make a decision that was appropriate and proportionate, comply with the Licensing Act 2003 and its regulations, have regard to the current Home Office Section 182 Guidance and LB Merton's Statement of Licensing Policy, and comply with any relevant case law.

The Licence was granted for one year as sought with a maximum capacity of 9,999 persons per day as per the amended application with a number of conditions imposed on the licence which are detailed at the end of this decision notice. These conditions include the requirement that SIA Security staff will be deployed at the event at a ratio of 1:50 as requested by the Metropolitan Police.

## Licensing Sub-Committee Hearing

The Licensing Sub-Committee looked carefully at the application, its' supporting papers, supplemental agendas and the oral evidence submitted at the hearing by all parties present.

Matthew Phipps, Solicitor of TLT Solicitors representing the Applicant, spoke to present the application:

- The Applicant planned, Covid-permitted to stage at least a dozen similar events in various locations throughout the remainder of 2021 in various locations round the country.
- The Applicant prided themselves on building long-term relationships with Local Authorities and communities, including Haringey Council who the applicant had worked with since 2005.
- The Applicant had an excellent track record with no premises licence ever having been reviewed or an application never having been refused. The Applicant had for some time and recently undertaken successful previous events at Finsbury Park and Crystal Palace. However these locations were no longer available and therefore the applicant was applying for an event in Morden Park. The Applicant had procured a ten-year licence with Haringey until an exclusivity arrangement was agreed by the Council with another operator.
- The Applicant wished to work long-term with the Authority and did not want to “turn up for one year, upset everyone and disappear”, having found this to be the best way to work and having built a large number of long-term relationships with venues and contractors.
- The Applicant employed a number of experienced and qualified staff leading on operations who were present at the hearing and gave an overview of their experience.
- Mr Phipps reminded all present that under the Licensing Act 2003, all applications must be considered on their own merits and noted that this event was entirely separate from the Eastern Electrics Event which took place in Morden Park in 2017, 2018 and 2019, with a different operator, a different target audience, a smaller capacity and different performers and was therefore not a fair comparator with the nature of this event being very different to that of EE.
- The event was proposed to take place over one weekend on 4<sup>th</sup> and 5<sup>th</sup> September 2021 with a maximum capacity of 9,999 persons. The Applicant submitted information about the size of the site (and information from Transport for London) pointed to this park being able to successfully host a larger capacity than this.
- There remained a number of months until the proposed event would take place which would provide time for the Event Safety Management Plan to be signed off by various Responsible Authorities, including the ability for the Metropolitan Police to veto any specific artists they did not wish to perform at the event.
- 111 conditions were proposed to mitigate the concerns raised within the representations and the Applicant was happy to also discuss any additional conditions parties felt were appropriate.
- The proposed stewarding ratio was 1:70.
- Whilst the Applicant felt there were compelling arguments in their favour to allow them to proceed for more than one year and they wanted to return,

there was clearly a lack of trust and the Applicant needed to develop and win that trust. The Applicant wanted therefore to offer something to those who are concerned, hence the reduction in the application to a one-year premises licence, noting that this would then require a subsequent application for the event to return in future years.

- In relation to concerns on noise, the Applicant had engaged with Environmental Health and agreed a condition with them. A noise management plan had been submitted and circulated to all parties and noise levels would play according to the volume of attendees and what was appropriate throughout the day, noting that Slammin' Events had an excellent compliance history and had never exceeded any limit in the time they had worked with their noise consultants.
- Different departure points were proposed to keep attendees out of the public realm for longer than previous events by other operators with lighting proposed on the egress routes. There would also be significantly more lavatory provision. The Applicant was committed to providing ample and clear signage signposting the routes.
- The Applicant was committed to ensuring that the park is protected with a community impact plan proposed. Specific protection of park assets is something which the operator has done in previous parks and the security plan will reflect this as will specific community impact stewards.
- Whilst there would be some deprivation of the space, this would be a relatively small area so much of the open land would be unaffected.
- Whilst Public Health is not a Licensing Objective and there had been no representation received from Public Health, the event would proceed in a legally-compliant way and Covid-19 had been referenced within the Event Safety Management Plan and included within the risk assessment. It was noted that Public Health England had various closure powers under the Coronavirus regulations.
- It was noted that not all the representations were negative; Mr Phipps referenced the representations from Ms Sherwood and Ms Harbrecht which noted previous events had been well run and attendees had been a mixed age group.

In response to questions from the interested parties and the Licensing Sub-Committee, the Applicant responded:

- The artist profile of this event drew an older more mature crowd.
- A central control within the event would be taking phone calls if there were any noise issues reported and it would be considered whether the reportee wished to have a visit to measure noise levels at their location. The noise management plan attended to this.
- The departure plan was to take patrons as much as reasonably practicable away from traffic routes which would assist in causing less impact on the local community. This would be managed with stewarding supported by lighting including arc lighting at key junctions.
- There would be a range of toilet facilities along the route to supplement what was on site and calculations for that provision would be made in line with the industry standard purple guide.
- There would be a phased closure of each area to elongate or manage the dispersal.

- The gender composition of stewards would match the demographic of the public; from previous experience the applicant knew there to be more male than females on the Saturday night and whilst there was a shortage of female operatives in the industry, the Applicant was aware of the need for sufficient female staff.
- The Applicant had been approached by the London Borough of Merton Greenspaces Events Team and the nature of London parks was that the majority were near residential areas.
- The list of traders had not been finalised as yet, but the Applicant was actively reaching out to local traders and a local brewery.
- The Applicant was awaiting Government guidance on Covid testing and other measures, but would still be risk assessing Covid19 and which mitigations were required.
- All residents' premises would have the same noise level limit of 70db.
- The events were for a range of ages approximately 25-55 and the Applicant felt that it would be of interest to many and that whilst a core crowd would always travel to follow the event, there would also be a local contingent who would attend.
- The applicant did not feel that the Police stewarding ratio that had been suggested was fair or proportionate and believed that the previous events from other operators were skewing these proposals.

Heather Oliver, Barrister representing the Metropolitan Police, spoke to their representation:

- The Police requested a maximum capacity of 5000 persons with a stewarding ratio of 1:50.
- There were real concerns from the Police about crime and disorder and public nuisance following the experience of the Eastern Electrics Festival, which had caused significant difficulties in this area.
- The Police felt that the event was in the same location as EE, with a similar genre of music and was likely to attract a similar demographic.
- The operator was experienced but so was the operator for EE.
- The Police representation detailed the most serious crime incidents which had occurred but there were many more which were not listed and victims had been across the age demographic.
- A considerable number of the crimes reported at EE happened on the Sunday, which had a lower capacity (compared to the Saturday) of 12000 which is only 2000 more than Slammin' Events is seeking. The more people in attendance the higher the potential for crime and disorder, which would lead to diversion of police resources when they happened.
- The greater the number of stewards the greater the capacity for searching and the greater the deterrent, hence the request for a greater ratio. The Police disagreed with the Applicant's assessment of stewarding numbers.
- The Police had engaged in productive discussions with the Applicant and agreed a number of conditions that met a number of the concerns given the history of the location, which the Police submitted was entirely applicable and with the nature of the event the Police proposed that the appropriate capacity remained at 5000 persons.

Councillor Helena Dollimore spoke to her representation, urging the Licensing Sub-Committee to consider the concerns raised by the Police.

Councillor Sally Kenny spoke to her representation, having been contacted by a number of residents 80% of whom objected to the event based on its' impact and their concerns for disturbance. Councillor Kenny did not believe that Slammin' Events could replicate their success in Morden given past experience and noting that the organisers of EE had done a lot of work prior to the last event which had caused a lot of distress to local residents. Councillor Kenny expressed concern about safety at the end of the event including the safety of females leaving the park in the dark.

Councillor Nick McLean requested to put on record that he endorsed the comments from the Police and from Councillors noting that he had also received a similar level of residents contacting him stating they did not want the event to take place. Councillor McLean thanked the organisers for speaking with him and for arranging a recent public meeting to discuss the event. Councillor McLean was concerned about the suitability of Morden Park for this event as this was a residential area. Councillor McLean noted that the police had proposed a 1:50 ratio and 5000 attendee limit as they had felt this to be necessary and therefore if minded to grant the application urged the Licensing Sub-Committee to note the Police conditions. Councillor McLean noted that EE had 64 conditions imposed on their premises licence but there were still issues with crime and disorder and anti-social behaviour.

Councillor Dennis Pearce spoke to his representation, expressing concern regarding the prevention of drugs being used on site, as well as younger children who were unable to attend the event being drawn to loiter outside the event.

Naseer Dean, speaking on behalf of the Ahmadiyya Muslim Association, expressed concern regarding the operator's capacity to regulate behaviour outside the site which had not been addressed. Mr Dean noted that there were 33 businesses in the area and some of these would not benefit at all from the event and attendees at the mosque would also be perturbed by the event. Mr Dean noted that it was a narrow road with a large number of attendees who could be intoxicated and therefore would not follow instructions.

Robin Bainton spoke on his representation stating that the skeleton noise management plan did not demonstrate that this would resolve issues from the last events as there were large variations in noise levels within short distances. Mr Bainton noted that the issue of holding events in Morden Park was a contentious issue.

Brian Birch supported the comments made by Councillors on the areas of concern and noted the lack of consultation with local residents, with the public meeting taking place the day prior to the deadline for Licensing representations to be submitted. Mr Birch expressed concern that the egress route would bottleneck as it came onto the A24.

Elsbeth Clarke noted that the Dynamic Festival had a licence refused in 2018 noting that the decision notice stated that "the Morden Park site is very close to a large number of residential properties" and this had not changed. Whilst this was a different event it would still create issues with noise and litter. Elspeth expressed concern about

the current rising number of Coronavirus infections and noted that residents did not wish to invite any further infections into the area.

Susan Liang felt that the application contravened all 4 licensing objectives and that social distancing would be impossible with 9999 attendees plus stewards congregating and moving onto public transport. The area is densely populated with a number of families and vulnerable residents and Susan Liang queried how behaviour outside the event site could be controlled.

Pippa Maslin expressed disappointment at the lack of consultation and that the applicant had been unable to explain how the local community would benefit from the event.

Liz Sherwood noted that for parks to be maintained income was required and that the wildlife in the park appeared to have been unaffected by previous events.

Summing up, the Metropolitan Police representative stated that they had worked constructively with the Applicant but concerns and objections remained.

Matthew Phipps, summing up on behalf of the Applicant queried if this event did not go ahead then which event would, noting that much larger events such as Wimbledon, Glastonbury and Firework events took place successfully with much higher capacities if the capacity was a concern. The Applicant had offered 111 conditions to mitigate concerns and there were still a number of months before the event was due to take place to allow plans to be refined and signed off by the Police and other Responsible Authorities. The Applicant did not accept that there was anything exceptionally unique about Morden Park to prohibit events in that location as many events took place in residential areas. The Applicant would only operate within what was lawful and covid-compliant.

## **The Decision of the Licensing Sub-Committee**

The Licensing Sub-Committee decided to grant the application as sought for one year and 9999 attendees. The Licensing Sub-Committee imposed a condition that stewarding be at a ratio of 1:50 as requested by the Metropolitan Police. The Licensing Sub-Committee also imposed all the other conditions as offered, being:

1. A bespoke Event Safety Management Plan (ESMP) will be produced for each event to be held at the premises.
2. A draft ESMP will be submitted to Merton Council, the MET Police and other Responsible Authorities at least 12 weeks prior to the event, unless all parties agree it can be submitted in a shorter period.
3. A final plan will be agreed with the responsible authorities 30 days prior to the event taking place, subject to any unforeseen need to change due to a new safety or crime risk.
4. Any such change will only be made in consultation with the Responsible Authorities.
5. This agreement and submission timetable will also apply to any individual policy required to be part of the ESMP.
6. Where there is in existence an operating Safety Advisory Group (SAG) covering the area of the event, the premises licence holder or representative will attend any meeting on request of the SAG in order to discuss the event with the SAG members.
7. There will be a personal licence holder on the premises at all times the licence is in operation. We are seeking a licence for events Saturday and Sunday being for 18 year old and over. These arrangements will be confirmed in advance with Merton Council, Licensing and the other Responsible Authorities in advance.

### The prevention of crime and disorder

8. The premises licence holder will produce documented Search, Drugs, Alcohol, Security and Eviction policies as part of the ESMP in consultation with, and to the satisfaction of the Metropolitan Police.
9. The premises licence holder will act upon any counter terrorism or crime specific intelligence provided by the Metropolitan Police.
10. We will seek and act upon any knife crime advice provided by the Metropolitan Police.
11. The premises licence holder will carry out an Event Risk Assessment, which will include an assessment of entertainment content, and produce a security and stewarding operation and deployment plan.
12. This will be submitted to the Metropolitan Police and Merton Council at least 12 weeks prior to the event and agreed no later than 30 days prior to the event.
13. The SIA to public ratio will be set to reflect the nature of the event and individually agreed with the Metropolitan Police.
14. This will include discussions regarding any requirement for Special Policing Services.



15. Where SIA staff are employed the premises licence holder will ensure all details of SIA staff are recorded including their identity, duties and any staffing agency they have been provided by.

16. This record will be made available for inspection for up to 6 months. The premises licence holder will also ensure any required SIA or similar badge is displayed whilst on duty.

17. The premises licence holder will ensure that an incident and security log is completed throughout the duration of any event.

18. This log will be retained for at least 6 months and be available for inspection by any Responsible Authority. CCTV will be installed to cover entry lanes and for any eviction.

19. The need for any further coverage will be discussed with the Metropolitan Police.

20. It will be installed, operated and maintained in line current Metropolitan Police CCTV policy and images will be retained for at least 31 days.

21. All drinks will be provided in plastic glasses and any drinks in bottles will be decanted into glasses and the bottles retained by staff.

22. Customers will not be allowed to bring bottles on site.

#### Public safety

23. An additional health protection assessment and mitigation plan will be undertaken in respect of transmittable diseases and the premises licence holder will follow HM Government guidance, and guidance from anybody operating on behalf of the Government.

24. In addition, the organisers will further consult Merton Public Health and Health and Safety officers, London Ambulance Service (LAS) and local NHS in the production and delivery of these plans.

25. The premises licence holder will seek wider event specific H&S advice from Merton Council in addition to statutory legislation and guidance.

26. The premises licence holder will submit a Fire Risk Assessment and associated mitigation plans in consultation with London Fire Brigade (LFB).

27. This FRA will be agreed with London Fire Brigade (LFB) at least 30 days before the event.

28. The premises licence holder will provide Merton Council (MC) with full details of any catering provision including details of operators, their contact details and certification.

29. This will be provided at least 4 weeks before the event.

30. Caterers will only be used if they meet any certification level set by MC. Any introduction of a new catering provider will only be made with the agreement of MC.

31. The premises licence holder will undertake a medical risk assessment which will specify the necessary medical cover required to be provided at the event. London Ambulance Service (LAS) and local NHS will be consulted as part of this assessment.

#### The prevention of public nuisance

32. The premises licence holder will submit a Noise Management Policy to MC Environmental Health at least 12 weeks before any event and this policy will be agreed with at least 30 days before the event. The policy will include a publicised system for making complaints, logging complaints and the response to any noise issues.

33. The public contact number will be staffed at least one hour before opening and one hour after closing of the event.

34. This number will be located in the Control Room in order to inform responses by event staff.

35. The premises licence holder will submit an Ingress, Egress and Transport Management Policy to the satisfaction the responsible 'Highways Authority' and MC. This will include consideration as to reducing the impact of the event on local residents.

36. The premises licence holder will ensure that no potential nuisance or criminal flyposting advertising of the event occurs and will maintain a register of any promoters advertising the event.

37. The premises licence holder will create a litter plan in consultation with MC which will include cleaning of the park and adjacent streets.

38. The premises licence holder will engage with Friends of Morden Park and other local resident associations to minimise any impact on park users and residents. e)

#### The protection of children from harm

39. Saturday & Sunday events will be for 18 years or older.

40. A Challenge 25 policy will be applied on entry to the site and at any point of alcohol sales.

41. Acceptable proof of age documents such as passports, photo driving licences and PASS cards will be agreed with MC Licensing and Trading Standards and advertised in advance to customers.

42. A refusal register will be maintained at each bar.

43. The premises licence holder will produce a Safeguarding Policy in consultation with the Metropolitan Police and other SAG members.

#### Trading Standards conditions

1. Notices shall be placed at all points of sale detailing the restrictions on sales of alcohol to children.

2. A record of refusals shall be maintained which documents every instance that a sale of alcohol (and any other age-restricted product) is refused on the premises, indicating the date and time the refusal was made, and the member of staff making the refusal.

3. The record of refusals shall be available for inspection by authorised officers of the licensing authority, officers of the trading standards service, and officers of the Police.

4. An effective methodology shall be in place at all points of sale to ensure staff undertake appropriate age checks on potential sales of alcohol (and any other age-restricted product).

5. All staff that undertake the sale or supply of alcohol (and any other age-restricted product) shall receive appropriate training in relation to undertaking appropriate age checks on such, before being allowed to sell or supply any alcohol (and any other age[1]restricted product).
6. Records of all staff training, relating to the sale or supply of alcohol (and any other age[1]restricted product), along with any training material used, will be kept and maintained by the Designated Premises Supervisor or the Premises Licence Holder.
7. Staff training records shall be available for inspection by authorised officers of the licensing authority, officers of the trading standards service, and officers of the Police.

#### Environmental Health conditions

1. A Noise Management Plan shall be submitted and agreed by the Environmental Health (Noise & Nuisance) Manager at least 8 weeks prior to an event taking place, which shall incorporate details of pre-event information, sound check procedures, sound monitoring strategy, sound attenuation at each 'venue', noise and sound system management together with Local Authority liaison and complaint handling procedures which shall be implemented and adhered to throughout the duration of the event.
2. A post event compliance report shall be produced following each event and submitted to Environmental Health.

#### Police Conditions

The offered conditions in Part M of the application be turned directly into conditions. The conditions set out below be added to the licence.

1. Event Specific Management Document (ESMD) An Event Specific Management Document to be completed outlining the proposed management structure, responsibilities and contact details for each individual event. The event management plans for each event shall include the following information as a minimum; site plans, stewarding/security plans to include regular weapon sweeps before, during and post egress, crowd management plans, medical plan, fire plan, specific safety policies, risk assessments, traffic management plans, possible noise nuisance plans, and ingress/egress plan.
2. In all cases, this shall be submitted to the Metropolitan Police three calendar months in advance of the event.
3. The final ESMP will be agreed with the South West Metropolitan Police Licensing Team 30 days before the event.
4. The same agreement will apply to the event site plan that will be first submitted at least three calendar months in advance with a final version agreed 30 days before the event.
5. Information of Artists and Performers Details and information of Artists, Performers and Promoters must be presented to the South West Metropolitan Police Licensing Team 3 months in advance of events.
6. The Premises Licence Holder will seek assistance in risk assessing artist profiles from <https://www.safersounds.org.uk>

7. If the South West Metropolitan Police Licensing Team identify concerns that put the Licensing Objectives at risk 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 line-up.

8. CCTV shall be in operation throughout licensable hours, and must include: Main public entrance/exits including facial recognition of any evictee, back of house entrance/exits and entrance/exits for Artist, Promotors and Entourage. All Stages/viewing areas, all Arenas/Tents and all bars unless technically impossible through, for example, due to light effects. Where this is the case the organiser will discuss arrangements in advance to cover crowd management and any incident requirements through other evidence capture means.

9. During the events any CCTV request made by Police should be provided on a useable digital format as soon as technically practicable A) A closed-circuit television (CCTV) system shall be installed at the premises and positions of the cameras shall be agreed with prior to an event taking place. B) The CCTV system installed at the premises shall be maintained in effective working order and shall be in operation at all times the premises is open to the public. C) All recordings made by the CCTV system shall be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available on request to the Metropolitan Police, the Licensing Authority or other Responsible Authorities. D) At all times the premises is open to the public a minimum of one member of staff on duty will be able to operate the CCTV system. E) When the premises is closed or out of hours the Premises Licence Holder will be provide CCTV footage to the Metropolitan Police upon request.

10. The Security and Incident Log shall be kept on the premises and completed on each occasion an incident as listed in A-J below occurs: The security and Incident log (which may be electronically recorded) shall be kept with the Premises Licence Holder at least six months, and made available on request to police or an authorised officer. The following details shall be recorded:

- (a) All crimes and any incidents reported to the organisers
- (b) Location of incident.
- (c) Persons concerned, where identifiable in respect of members of public
- (d) Summary of incident
- (e) Identification of any Emergency Services Personnel who attended.
- (f) All ejections of patrons
- (g) Any complaints received
- (h) Any visit by a relevant authority or emergency service where the organiser is aware.
- (i) Any other incident or event that impacts upon the promotion of the Licensing Objectives within the Licensing Act 2003.
- (j) Record of all Security searches of the site, such as weapons searches, including dates and times.

11. The Event site will have 24/7 CCTV in operation as soon as physically practicable and at least the day before the event and until the day after the event.

12. All recordings made by the CCTV system shall be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available on request to the Metropolitan Police, the Licensing Authority or other Responsible Authorities. A minimum of one member of staff on duty will be able to operate the CCTV system.

13. The event site will be monitored 24/7 by security staff in order to prevent unauthorised persons gaining entry to the site. This shall form part of the ESMP

14. Double fence line at least 20 feet apart at all points and Height of 3.2m. The organisers will further risk assess any possible vulnerable areas and install a further outward facing overhang in such locations.

15. A weapons sweep must be conducted of the event site following completion of the event build up but prior to the event opening to the public. Regular weapon sweeps shall be carried out of the event site and shall be recorded in the Security and Incident log.

16. Admission Search Policy – All Staff, Artists, Promoters and Entourage. The Premises License Holder shall operate an admission search policy for all staff, artists, promoters and entourage to at least the same standard as public admission searching.

17. A Security Industry Approved Company to be employed providing SIA security staff at each event to search all Staff, Artists, Promoters and Entourage. The search will operate a 3 stage process: Passive Drug Detection Dogs (minimum of 2 K9 units per event), Wand Metal Detector, Visual & Physical Search (hands on) All bags will be searched and all those entering will pass through the metal detector and/or wands search area. Searches will be carried out by SIA Registered staff of the same sex.

18. All members of staff shall be instructed not to consume alcohol nor to take drugs when working on site or in uniform and shall not be under the influence of drink or drugs whilst working.

19. The provision of Body Worn Video will be subject to a risk assessment which will be discussed with South West Metropolitan Police Licensing Team. At a minimum it will include search tent supervisors, response team supervisors, eviction manager and supervisors in venues which cannot be effectively covered by CCTV.

20. When SIA Security staff are deployed ensure that records are kept by the DPS, at the premises, of the following details of any door-supervisor employed at the premises: Name and date of birth, full 16 digit SIA badge number and dates and times employed. These records must be made available, in useable form, to the Metropolitan Police, Merton Council officers or authorised officers of the Security Industry Authority upon request. SIA Security staff wearing BWV shall begin recording should there be any disruption of Crime and Disorder, or if they deem it appropriate when an incident occurs. In the event that body worn cameras are switched on, these will only be turned off again once the incident has been defused and brought under control.

21. All recordings made on BWV shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of the Metropolitan Police or authorized officer of the Licensing Authority. A staff member from the premises who is conversant with the

operation of the body worn cameras shall be in the premises at all times when the premises is open. This staff member must be able to provide to the Metropolitan Police or authorized council officer copies of recent images or data with the absolute minimum of delay when requested and within a maximum of 24 hours of the initial request. Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the cameras, and will be able to download selected footage onto a disk/USB Stick for the Metropolitan Police or authorized officers of the Local Authority or UK Border Agency without difficulty, delay or charge.

22. Any significant camera breakdown or system failure will be notified to the South West Metropolitan Police Licensing Team or another prior agreed MPS contact, and Local Authority as soon as practicable through prior agreed reporting systems and remedied as soon as practicable.

23. Any queue to enter the premises that forms outside the premises shall be kept orderly and supervised by SIA door supervisors to ensure that there is no nuisance or obstruction to the public highway and footpaths. All staff engaged outside the entrance to the premises and inside the site, or supervising or controlling queues, shall wear high-visibility jackets or vests.

24. Condition of Entry and Searching Procedures All attendees to the event will be subject to search. The search will operate a 3 stage process: Passive Drug Detection Dogs (minimum of 2 K9 units per event), Wand Metal Detector, Visual & Physical Search (hands on). All bags will be searched on entry. Searches will be carried out by SIA Registered staff of the same sex.

25. Members of public will be advised in advance that there will be a limit on bag sizes of A4 maximum.

26. Passive Drug Detection Dogs and Explosives Detection Dogs will carry out a sweep of the event site following completion of the event build up but prior to the event opening to the public. The catering, merchandise stalls and any customer lockers will be included during this sweep. The Premises Licence Holder will operate an anti-drugs policy in conjunction with a search and seizure policy in compliance with agreed memorandum of understanding with the Metropolitan Police. This will also include storage and disposal procedures. Signage will be displayed throughout the premises.

27. The Premises Licence Holder will operate an anti-drugs policy in conjunction with a search and seizure policy, in compliance with agreed memorandum of understanding with the Metropolitan Police. This will also include storage and disposal procedures. Any amendments to the policy must be agreed in writing with South West Licensing Team 30 days prior to any event.

28. A clear visible notice shall be placed at the entrances to the premises advising those attending, that it is a condition of entry that customers agree to being searched and the Metropolitan Police will be informed if anyone is found in possession of controlled substance or weapons.

29. Anyone found with controlled substances in more than the agreed quantities for personal consumption (as outlined in the drugs policy) will be refused entry and/or the Metropolitan Police will be informed immediately. Anyone found with drugs will be refused entry. If they are found with more than the agreed 'personal consumption'

quantities of controlled substances or NPS, the Metropolitan Police will be informed immediately.

30. The Drugs Policy will include New Psychoactive Substances (NPS) and No2/NOS/Nitrous Oxide. No2 will not be permitted on site and any found on entry will be confiscated.

31. Locked Amnesty Bins The Premises Licence Holder shall provide separate locked amnesty bins for the disposal of alcohol, drugs, weapons and other waste. This will also include storage and disposal procedures. Any amendments to the policy must be agreed in writing with South West Metropolitan Police Licensing Team or another prior agreed MPS contact 30 days prior to any event.

32. Weapons Policy Anyone found with an offensive weapon will be detained by SIA security staff and the Metropolitan Police informed immediately. The Premises Licence Holder will operate a weapons policy in conjunction with search and seizure. Any amendments to the policy must be agreed in writing with South West Police Licensing Team or another prior agreed MPS contact 30 days prior to any event.

33. Anti-Theft Policy The Premises Licence Holder shall operate an anti-theft policy specified in the ESMP, which will include the reporting of theft, safe storage of found items, storage and disposal procedures for all items of property found or discarded at the premises. Signage will be on display in prominent places advising customers to safeguard their property. Any amendments to the policy must be agreed in writing with South West Metropolitan Police Licensing Team or another prior agreed MPS contact 30 days prior to any event.

34. Dispersal Policy The Premises License Holder shall display appropriate signage to direct all event attendees towards the nearest transport links should be displayed and this should occur throughout the entire event. Attendees should be reminded that the event is in a residential area and that they should disperse quietly. There shall be a documented dispersal policy, as agreed with the relevant responsible authorities, implemented at the premises and a copy lodged with the South West Metropolitan Police Licensing Team or another prior agreed MPS contact.

35. Any amendments to the policy must be agreed in writing with the South West Police Licensing Team or another prior agreed MPS contact 30 days prior to any event.

36. Challenge 25 Scheme A Challenge 25 scheme must be operated to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that they are over 18 years of age. Proof of age shall only comprise a valid and in date passport, photo card driving licence, military card or a card bearing the PASS hologram.

37. All bar staff at the event will be trained, this training should reflect the Licensing Act 2003 and include the licensing objectives, proof of age, and conflict management. Given the use of agency staff in a festival environment, the organiser will:

38. Provide a bar briefing to all staff at the start of each shift.

39. The briefing will be included in the ESMP for prior agency approval.

40. The briefing will be delivered by the DPS or nominated deputy.

41. All staff will sign an individual copy of the bar brief to confirm they understand the briefing.
42. Those copies are retained and available for inspection.
43. A designated member of staff should be able to produce the records on the request of police or other authorised person.
44. Polycarbonate Drinking Vessels Drinks will not be served in glasses or glass bottles on site. Polycarbonate drinking vessels are used for all alcoholic and soft drinks served to attendees and that all drinks supplied in glass bottles will be decanted into polycarbonate serving or drinking vessels. No alcohol will be permitted to be taken off the licensed site. Customers shall only consume alcohol which has been purchased from the premises. Each Bar and Tent shall be individually managed by a personal licence holder, during licensable hours.
45. Litter - There will be a proper and adequate control of litter generated by the premises and will be stored securely in a designated area, bins should be placed near to the exits at the site. To ensure that the site is clear of litter after site break down. Staff will be removing all litter from public areas on a regular basis. The Premises License Holder shall ensure a dedicated cleaning company will be employed to pick up all litter relating the events, the two live event days and the day after – This shall form part of the ESMP.
46. The organisers will produce an external litter plan, and have the ability to respond to public complaints of litter off site.
47. ACT Condition - The Premises Licence Holder shall engage with freely available counter terrorism advice and guidance through Counter Terrorism Protect Officers and Counter Terrorism Security Advisors. All members of customer facing staff, including those involved in the sale or supply of alcohol, undertake Action Counters Terrorism (ACT) Awareness eLearning, on as a prior condition of employment on site (as long as such, or similar, training is available). Such training is available at <https://www.gov.uk/government/news/act-awareness-elearning>
48. A direct telephone number for the License Holder/DPS/manager of the premises shall be publicly available at all times that the premises is open. The organisers will provide a landline in the control room staffed at least one hour before opening and at least one hour after closure. The number is to be made available to residents and businesses in the vicinity through a letter drop and on the event website. Further contact methods will also be publicised for the build and break phases.
49. Any complaints shall be actioned within 24 hours and details to be recorded in the incident book including the action taken by the License Holder/DPS/manager.
50. The Premises License Holder shall run each event with the latest event specific management document that has been agreed in writing at the latest SAG meeting.
51. The Premises Licence Holder shall operate a vulnerable person policy, this must include WAVE training and Ask for Angela for all members of public facing staff.
52. The Premises Licence Holder will allow all uniformed and plain clothes Metropolitan Police to periodically attend the premises upon prior agreement with the Premises Licence Holder/DPS in order to carry out advance drug searching techniques, including (but not limited to) requiring customers to take part in drug



analyser testing as a condition of entry, and passive drug dogs sweeps of the premises and queue.

53. The Premises Licence Holder shall operate a vulnerable person policy. All public facing staff will be briefed on the Ask for Angela scheme including how to deal with any approaches. All managers and supervisors in public facing roles including security staff undertake WAVE training. Each bar will always have on duty at least one manager trained in WAVE training and bar staff will be advised who that person is and of the objectives of WAVE as part of their briefing. Each bar will always have on duty at least one manager trained in ACT and bar staff will be advised who that person is as part of their briefing.

### **Reasons**

The Licensing Sub-Committee gave the following reasons for their decision:

- 1) The Licensing Sub-Committee were grateful to the applicant for reducing the application to a one-year premises licence to allow the applicant to trial the event at the new location and build real trust with the community and the Council.
- 2) The Licensing Sub-Committee noted the evidence of the Metropolitan Police of their experience of previous events at Morden Park and elsewhere whereby Metropolitan Police resources were diverted during the event dealing with issues of crime and disorder and noted that it would therefore be beneficial to have a higher stewarding ratio within the site. Imposing a higher stewarding ratio would enable the applicant to be granted the capacity requested backed by the conditions and management plans proposed.
- 3) The Licensing Sub-Committee considered that the applicant was an experienced operator with a lengthy track record of running successful previous events where complaints and noise issues did not result in their applications being refused and involved events over a considerable time.
- 4) The Licensing Sub-Committee considered that the large number of conditions imposed on the premises licence would address or manage the concerns raised within the representations.
- 5) Remaining concerns relating to egress and access would and should be addressed within the finalised Event Safety Management Plan and Traffic Management Plan. This would also need to include weapons sweeps prior to the event.

The Licensing Sub-Committee noted concerns from the interested parties regarding covid-compliance of the event. These concerns would be addressed within the various Management Plans but would fall under other enforcement legislation (R (on the application of Bristol City Council) v Bristol Magistrates Court and Somerfield Stores [2009] EWHC 625 (Admin))

It is noted that any member of any Responsible Authority, Councillor or member of the public is able to request a Review of the Premises Licence by the Licensing Sub-Committee at any time before the event, if issues occur with management plans or compliance with conditions. The usual Police legal powers and ability to enforce through closure orders also remain in the event of serious issues or non-compliance with premises licence conditions or event management plans.

## **Annex B**

### **Extract from the Amended Guidance issued by the Home Secretary under Section 182 of the Licensing Act 2003 (April 2018).**

#### **13. Appeals**

13.1 This chapter provides advice about entitlements to appeal in connection with various decisions made by a licensing authority under the provisions of the 2003 Act. Entitlements to appeal for parties aggrieved by decisions of the licensing authority are set out in Schedule 5 to the 2003 Act.

#### **General**

13.2 With the exception of appeals in relation to closure orders, an appeal may be made to any magistrates' court in England or Wales but it is expected that applicants would bring an appeal in a magistrates' court in the area in which they or the premises are situated.

13.3 An appeal has to be commenced by the appellant giving a notice of appeal to the designated officer for the magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision which is being appealed.

13.4 The licensing authority will always be a respondent to the appeal, but in cases where a favourable decision has been made for an applicant, licence holder, club or premises user against the representations of a responsible authority or any other person, or the objections of the chief officer of police, the Home Office (Immigration Enforcement), or local authority exercising environmental health functions, the holder of the premises or personal licence or club premises certificate or the person who gave an interim authority notice or the premises user will also be a respondent to the appeal, and the person who made the relevant representation or gave the objection will be the appellants.

13.5 Where an appeal has been made against a decision of the licensing authority, the licensing authority will in all cases be the respondent to the appeal and may call as a witness a responsible authority or any other person who made representations against the application, if it chooses to do so. For this reason, the licensing authority should consider keeping responsible authorities and others informed of developments in relation to appeals to allow them to consider their position. Provided the court considers it appropriate, the licensing authority may also call as witnesses any individual or body that they feel might assist their response to an appeal.

13.6 The court, on hearing any appeal, may review the merits of the decision on the facts and consider points of law or address both.

13.7 On determining an appeal, the court may:

- dismiss the appeal;
- substitute for the decision appealed against any other decision which could have been made by the licensing authority; or
- remit the case to the licensing authority to dispose of it in accordance with the direction of the court and make such order as to costs as it thinks fit.

All parties should be aware that the court may make an order for one party to pay another party's costs.

On any appeal, the court is not entitled to consider whether the licence holder should have been convicted of an immigration offence or been required to pay an immigration penalty, or whether they should have been granted by the Home Office permission to be in the UK. This is because separate rights exist to appeal these matters or to have an immigration decision administratively reviewed.

## **Licensing policy statements and Section 182 guidance**

13.8 In hearing an appeal against any decision made by a licensing authority, the magistrates' court will have regard to that licensing authority's statement of licensing policy and this Guidance. However, the court would be entitled to depart from either the statement of licensing policy or this Guidance if it considered it was justified to do so because of the individual circumstances of any case. In other words, while the court will normally consider the matter as if it were "standing in the shoes" of the licensing authority, it would be entitled to find that the licensing authority should have departed from its own policy or the Guidance because the particular circumstances would have justified such a decision.

13.9 In addition, the court is entitled to disregard any part of a licensing policy statement or this Guidance that it holds to be ultra vires the 2003 Act and therefore unlawful. The normal course for challenging a statement of licensing policy or this Guidance should be by way of judicial review, but where it is submitted to an appellate court that a statement of policy is itself ultra vires the 2003 Act and this has a direct bearing on the case before it, it would be inappropriate for the court, on accepting such a submission, to compound the original error by relying on that part of the statement of licensing policy affected.

## **Giving reasons for decisions**

13.10 It is important that a licensing authority gives comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and this Guidance. Reasons should be promulgated to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act.

13.11 It is important that licensing authorities also provide all parties who were party to the original hearing, but not involved directly in the appeal, with clear reasons for any subsequent decisions where appeals are settled out of court. Local residents in particular, who have attended a hearing where the decision was subject to an appeal, are likely to expect the final determination to be made by a court.

## **Implementing the determination of the magistrates' courts**

13.12 As soon as the decision of the magistrates' court has been promulgated, licensing authorities should implement it without delay. Any attempt to delay implementation will only bring the appeal system into disrepute. Standing orders should therefore be in place that on receipt of the decision, appropriate action should be taken immediately unless ordered by the magistrates' court or a higher court to suspend such action (for example, as a result of an on-going judicial review). Except in the case of closure orders, the 2003 Act does not provide for a further appeal against the decision of the

magistrates' courts and normal rules of challenging decisions of magistrates' courts will apply.

## **Provisional statements**

13.13 To avoid confusion, it should be noted that a right of appeal only exists in respect of the terms of a provisional statement that is issued rather than one that is refused. This is because the 2003 Act does not empower a licensing authority to refuse to issue a provisional statement. After receiving and considering relevant representations, the licensing authority may only indicate, as part of the statement, that it would consider certain steps to be appropriate for the promotion of the licensing objectives when, and if, an application were made for a premises licence following the issuing of the provisional statement. Accordingly, the applicant or any person who has made relevant representations may appeal against the terms of the statement issued.

13.1 This chapter provides advice about entitlements to appeal in connection with various decisions made by a licensing authority under the provisions of the 2003 Act. Entitlements to appeal for parties aggrieved by decisions of the licensing authority are set out in Schedule 5 to the 2003 Act.