

## **LICENSING SUB-COMMITTEE MINUTES**

**Wednesday 9 June 2021 at 7.00 pm  
Microsoft Teams**

**Present:** Councillor Fred Cowell, Councillor Linda Bray and Councillor Liz Atkins

**Apologies:**

### **1 Election of Chair**

MOVED by Councillor Linda Bray, SECONDED by Councillor Liz Atkins

RESOLVED: That Councillor Fred Cowell be elected Chair for the meeting.

### **2 Declaration of Pecuniary Interests**

None were declared.

### **3 Licensing Applications for the Grant / Review of a Premises Licence**

#### **3a London Cocktail Club, 182 Clapham High Street, SW4 7UG (Clapham)**

##### **Presentation by the Licensing Officer**

The Sub-Committee was informed that this was an application for a review of a premises licence. The Sub-Committee's attention was drawn to Chapters 2, 3, 9, 10 and 11 of the Statutory Guidance, and to sections 1 and 5 of the Statement of Licensing Policy, as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraphs 6.2 of the report on page 11 of the agenda papers.

The Licensing Officer confirmed:

- This was an application for a review of a premises licence.
- The applicant was a resident who had submitted the application along with seven other individuals.
- The application was based on historic issues relating to the premises licence,

including the view that the licence should have lapsed before it was last transferred.

- Additional concerns included nuisance and distress caused to residents.
- The licence became Insolvent on 18 October 2018, but the licence was transferred prior to this date (on 14 March 2017).
- The licence was subsequently transferred to the London Cocktail Bar on 17 January 2019.
- Five representations have been received from members of the public in support of the premises.
- Additional submissions had been circulated to all parties.

The Chair stated that there was currently a judicial review regarding the lawfulness of transfer of the licence. The Sub-Committee had revised carefully the submissions that had been made in support of the review and could not on the six grounds presented make any distinctions between matters that were going to be decided by way of that judicial review in the High Court and matters that would fall within the review powers set out in the Licensing Act (2003). The advice given to the Sub-Committee was that it must ignore the representations not relevant to the Sub-Committee's function, including duplicating other regulatory regimes or intervening in disputes that were being decided elsewhere. The Sub-Committee was not a court of law. The section 182 guidance stated that licensing applications should not be a 're-run' of planning decisions. The Sub-Committee interpreted this to mean that it should not be relitigating any matter that was going to be heard by another body and therefore the Sub-Committee proposed that this hearing be deferred until such as time as the judicial review proceedings had been concluded and a determination was made at the High Court. The Sub-Committee could then hear the application at that stage.

In response to questions from Members, Mr Nelson Richardson, the applicant, informed the Sub-Committee that:

- He was happy with the Sub-Committee's suggestion.
- The challenge to the licence was part of the judicial review proceedings.
- At this time, the court had ruled that challenge out of time and had not and may not ever hear any submissions on this challenge.
- Today, the residents had submitted a final CPR 52-30 appeal which was the final appeal available. It was not clear how long it would take to get a response to this.
- If nothing changed, no argument had been or would be heard by the court, hence a review application was submitted.
- The Council and the premises licence holder had been notified in advance that an appeal would be submitted so all parties had been aware of it.

In response to questions from Members, Ms Sarah Le Fevre, representing the premises licence holder, informed the Sub-Committee that:

- The unfortunate issue from her client's point of view was the cost of hiring legal representation for this hearing and then re-hiring legal representation for the next

hearing.

- She had not had any foreshadowing of this as being a potential issue.
- She did not want to force the Sub-Committee into a decision.
- It was her understanding that permission had been refused by High Court to challenge the refusals to date in the court of appeals. Therefore, this was a renewed challenge against all existing decisions.
- It was unattractive to have these review proceedings and have a decision on the licence be undetermined.
- The “life blood” appeared to have been “washed out of the judicial review proceedings”.

### **Adjournment and Decision**

At 7:23pm, the Sub-Committee withdrew from the meeting together with the Legal Advisor and Clerk to deliberate in private. The Sub-Committee had heard and considered representations from all those who spoke. Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to adjourn the hearing of the application.

RESOLVED: To adjourn the hearing of the application.

### **Announcement of Decision**

Members returned to the meeting and the Chair informed those present of the decision to adjourn the hearing of the application.

The Sub-Committee was required to provide a prospective date and had decided on the date of 6 September 2021. Under regulation 12 of the Licensing Hearing Regulations Act 2005, the Sub-Committee was empowered to defer a hearing of an application to an assigned date. This would be on two grounds. Firstly, due to ongoing judicial review proceedings. The applicant had made it clear that he had made an appeal under CPR 52-30. The subcommittee understood the matter that was raised by the premises licence holder’s representative but the Sub-Committee was in not in a position to make a determination on the application. It was still a realistic possibility that the appeal in respect to the judicial review proceedings succeeded and that the judicial review may cover the same grounds to be covered in the review hearing. There were a number of matters raised in the application that did not fall under the Licensing Act 2003. Therefore, the Sub-Committee asked the applicant to examine and focus his submissions on the sixth ground for the review hearing (public nuisance) and submit further evidence in this respect before the next scheduled date for the review hearing. The Sub-Committee had considered section 52 of the Licensing Act and explained the limits of what the Sub-Committee could consider in a review hearing. If the Sub-Committee was to proceed with hearing this application at this meeting, the Sub-Committee was not confident that it was likely to be coherent. This was because matters which were so adjacent to the Licensing Act were intertwined with matters that were not so related. The review application should be focused and give certainty to what the licence holder was supposed to respond to relating the review application.

## **3b We Are The Fair (Kisstory), Streatham Common, SW16 3ET (Streatham South)**

### **Presentation by the Licensing Officer**

The Sub-Committee was informed that this was an application for a time limited premises licence. The Sub-Committee’s attention was drawn to Chapters 2, 3, 8, 9, 10 and 16 of the

Statutory Guidance and to section 5 (policies 1, 3, 4, 8, 13 and 14) of the Statement of Licensing Policy, as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraphs 6.2 of the report on pages 92 of the agenda papers.

The Licensing Officer confirmed:

- This was an application for a time-limited premises licence for the dates of 25 and 26 September 2021.
- Since the publication of the report, the applicant had revised his application and was applying for regulated entertainment and sale of alcohol with amended hours. The applicant was seeking the hours of 11:00 to 22:00 on Saturday and 11:00 to 21:00 on Sunday for regulated entertainment. Sale of alcohol was being sought for the hours of 11:00 to 21:30 on Saturday and 11:00 to 20:30 on Sunday.
- The new hours sought by the applicant replicated those granted in 2019 for a similar event held by the applicant.
- 21 representations had been received in respect of the application, but Police, Public Protection and Licensing had withdrawn their representations as a result of the revised application and the applicant having accepted additional conditions.
- The remaining 18 representations consisted of 16 members of the public and MP Bell Rebeirio-Addy against the application, and one representation in support of the application.
- All additional papers had been submitted to all relevant parties.

### **Presentation by the applicant**

Mr David Dadds, Mr Rob Dudley and Mr Pete Nash informed the Sub-Committee that:

- The Sub-Committee had information on the operating schedule regarding noise, security plan, how the coronavirus regulations will be followed, and other information.
- This was a music event for Kisstory. It had a positive track record at the premises for a number of years.
- The applicant, Rub Dudley, was available to answer questions more specifically about the event.
- The large majority of individuals attending were people from the local area. The applicant had the postcodes of the individuals who had bought tickets.
- The applicant had held multiple events across Lambeth and had worked with EventLambeth.
- The applicant had a strong partnership with Lambeth Council and worked well with residents and various groups to communicate and discuss any matters arising as a result of the application. The applicant had an open line of communication with all residents.
- If matters arose, they would be dealt with and last year there were only six calls regarding issues throughout the entire event.
- The application was a rigorous process. The applicant went through the Safety Advisory Group process and had consulted with responsible authorities.

- The Police should be considered the main source of advice regarding crime and disorder. This could be found in section 9.15 of the Statutory Guidance and they had not objected to the application. Neither had Public Protection or the Licensing Authority.
- All music would be turned off by 22:00 on Saturday and 21:00 on Sunday.
- The premises licence holder had been compliant with all conditions in the last event and had been compliant with all the noise limits as set by Licensing.
- The applicant wished to work with responsible authorities and residents for a safe music festival for the public and striking a balance between the commitment for putting on the festival and ensuring that the event was still safe.
- The Council had its own guidance regarding environmental noise relating to concerts. In relation to the events and the size of the festival, limits had been set regarding background noise and there were 3 to 4 consultants at the event. The Council had its own offices which monitored the noise at the event.
- There were three monitoring positions as per the guidance.
- If complaints were made from other areas, then those particular areas would be investigated. This had occurred in the previous event and included three or four other areas which were monitored for noise.
- The event had a low frequency level of noise and would not concede 80 dB in the monitoring locations. There were almost no other events that could be able to have such a strong limit of noise. This was not exceeded in 2019.
- It was important that the event met the sound limits set. As long as the weather conditions were good enough to monitor the sound (it was very difficult to monitor in heavy wind or rain).
- If the wind changes and certain areas became affected, then the event would reduce the sound.
- One of the complaints received by the event in 2019 was from a particular area which was investigated. Although the noise levels did not exceed the maximum amount, noise was still adjusted as a courtesy to the resident.
- The event operated at around 95 dB 'front of house' levels. If the levels were adjustable, then they would be adjusted. It was important for the event to meet its noise limits and also ensure that the event was delivered as expected by patrons.
- Different locations had different levels of noise. There could be issues of distance or barriers which affected the sound. The residents were nearby Streatham Common and close to the event. The sound equipment used by the applicant was of high quality for this reason.
- Not all music amounted to noise nuisance. It was important to ensure that the limit was met.
- Condition 147 was a condition that had been applied to the licence that was granted in 2019. It was something that had been expanded upon from the application in 2018. The original wording of it was removed from this application as the applicant thought that it was excessive as the applicant was being tasked with cleaning the exterior areas of the land which may not have been affected by the litter relating to the event.
- Revised wording had been put in place which stated that following the event the applicant would undertake cleaning of the Common and the surrounding areas to the

satisfaction of the Event team and the Parks team, and whilst the applicant was still de-rigging from the event, should any members of the public report event related litter in their vicinity, the cleaning team would respond and clean up the reported litter. This could occur up to three days after the event.

- The applicant had contracted Veolia, which was the Council's street cleaning team and they were tasked with the post-event sweep of the area. This had occurred in 2019 and were complemented by the applicant's cleaning team. There were no issues relating to litter that were raised after the event in 2019 that the applicant was aware of.
- On the Common the applicant had increased exterior litter bin provisions. Also, on the Common the applicant had a dedicated cleaning team on perimeter of the site. There would be a separate team working on common and additional bins would be provided on the common.
- The nature of the event had changed.
- The event held at Streatham Common in 2015 and 2016 was different from the event held in 2018 and 2019. There was a different genre of music and a different profile of patrons.
- The event had improved and the applicant had implemented ideas having learned from previous years and this was reflected by complaints the event received year on year. In 2018, the event received 20 complaints and in 2019, the event received 6-7 complaints. Event Lambeth had recorded an improvement over time.
- The event had portaloos on the exterior of the event and in 2019 the event had 14 portaloos on the common itself.
- The applicant had also looked at toilets at other locations. The applicant had worked with the Council, TFL and private land owners to identify suitable areas along the egress route.
- The event had stewards and security staff along those routes, directing people to where the nearest toilets were and discouraging antisocial behaviour.
- The event would have signs reminding people that the area was holding an event in a residential area and not to commit antisocial behaviour. The event tried to educate its audience that negative behaviour could have a detrimental impact on the event being held in future and therefore they were at risk of harming their own enjoyment.
- In relation to antisocial behaviour, following the SAG debrief, complaints on Saturday totalled to five, complaints on Sunday totalled to four and there was one complaint received on the Monday. These complaints pertained to antisocial behaviour, parking, wheelchair access and sound levels. There did not seem to be any specific issues with regard to urination on the debrief or on the complaint line.
- In terms of preventing nitrous oxide from getting to the event, the applicant had a fairly robust search policy. This was a three stage search policy. The policy included metal detectors and if the detectors were triggered, then the people who had set the detectors off would be searched via a wand and if the wand had an alert, then individuals would be taken away for an enhanced search or refused entry. This took place on the public and artist entrance. This policy was subject to everybody that attended the event including bar staff.
- In relation to the wider common, posters were put around the perimeter informing people that it was an offence to use nitrous oxide as it was banned.
- The applicant worked with the Public Protection team who would have a team of

officers at the event. They liaised with the applicant via the ELT meetings which occurred regularly throughout the event. Any concerns they had would be addressed. If they had concerns more immediate which could not wait until the next meeting, then they would be able to use radios to get through to the event staff.

- The applicant had an exterior and interior security team. They were tasked with looking after the perimeter of the event. If Public Protection spotted something, event staff would send the team to look at the issue and vice versa.
- Police would be on site and had powers to seize cannisters and issue Fixed Penalty Notices (FPNs).
- The applicant had a process to deal with issues relating to other types of drugs. This included the search process and the bag search process. Individuals were obliged to empty their pockets and be physically patted down.
- Once this procedure had been passed, there were K9 detection dogs that would be working at the event. There would be two dogs working at any one time. There would be four to five available dogs at the event for drug detection purposes.
- There were also amnesty bins prior to entry lane.
- There would be signage at the event in relation to the drugs policy.
- The applicant would agree with the Police on what the drugs policy would be if an individual was found with a particular quantity of drugs or a particular substance. This was dependent on what the substance was, how much of the substance had been discovered and the behaviour of the individual the drug had been discovered upon.
- The Police feedback on the previous event had stated that a lot of work had been done prior to the event taking place. They felt that the mobile Police station at front was good and gave people a focus point which had been made clear where the Police would be located. There were no antisocial behaviour complaints that had been made. There was a good Police presence which worked well and on the Saturday, there had been 22 stops and five searches. There were also five dispersals. Regarding some searches that were made, there had been two individuals who had been searched and the issues were escalated to the Police. There were four arrests made.
- Considerable effort was made to ensure that there was no supply of drugs and if drugs were found on any individual, they would be confiscated.
- There appeared to be a lower use of nitrous oxide since the event had changed from Garage Nation to Kisstory.

In response to questions from Members, PC Constable informed the Sub-Committee that:

- He concurred with the number of arrests and searches.
- There were two separate events in 2018 and 2019. In 2018, the event was Garage Nation and the event held in 2019 was Kisstory. He felt that the Kisstory event was different. In 2018, he was on night duty doing patrols but he remembered attending the Garage Nation event and this had a completely different demographic in terms of the genre of music and the profile of patrons.
- It was possible to have a record of zero drug use at an event, but it was well known that festivals attracted drugs and or psychoactive substances. This was something

that was realistically difficult to measure.

- He did not see a huge number of parking issues. He understood that this was not a huge problem. There were issues with residents struggling to get into their roads as part of the Traffic Management Plan (TMP). It was something that was hard for event organisers to regulate as it was difficult to let all individuals through; otherwise those allowed into the area would be people who were not residents of the area.

In response to questions from Members, Mr Dadds, Mr Dudley and Mr Nash informed the Sub-Committee that:

- Managing traffic in the area was a balancing act.
- A TMP was put in place in 2015 and it had received criticism from residents that it did not go far enough or wide enough or prevent event related parking.
- In 2016 and 2017, the TMP was expanded further, but in 2019, there was a large TMP with multiple road closures. All residents in the catchment area received permits so they could access their roads. If they needed more permits, they could contact the applicant.
- Whilst the event was being advertised as Garage Nation, the patrons used to largely drive to events, despite the applicant encouraging public transport. Since the change to Kisstory, patrons did not drive to the event as much.
- Some objectors submitted a photo of Streatham Common South which showed a clear road.
- During some of the ELT meetings, Event Lambeth had raised issues about traffic restrictions. It turned out that the very measures put in to assist residents, as they had been so far and wide reaching, it had reached a point in 2019 that there was no event related traffic to manage and the traffic being managed was simply the residents they were trying to assist.
- The drug graph submitted by the residents continued to climb even though the event was not present in the area.

At this point in the proceedings, the Chair stated that any statutory instruments relating to the coronavirus crises fell outside the remit of the Sub-Committee. If the licence was granted, then the applicant was required to meet the restrictions of the Safety Advisory Group and it was they who had the responsibility for determining any additional risk relating to the coronavirus crises, not the Sub-Committee. Were there to be new restrictions imposed by the government under the Public Health Act (1984), these would automatically come into operation for any licence holder. Therefore, the Sub-Committee would not consider any submissions or objections regarding the application relating to the coronavirus crises as it could not lawfully do so. Furthermore, any damage that may be caused to Streatham Common as a result of the event was a contractual matter between Event Lambeth and the applicant and did not affect the licensing objectives. Therefore, this was also a matter that could not be considered by the Sub-Committee.

### **Presentation by interested parties**

The Sub-Committee was then addressed by residents. Mr Roger Wood, Streatham Lodge

Community, informed the Sub-Committee that:

- He appreciated the comments made by Mr Dadds who was a councillor in Billericay and was about to become the mayor of Basildon.
- He had recently made comments stating “we need to listen to our residents”.
- The following views were those of the Streatham Lodge Community.
- This was an appeal from the heart of the community.
- One of the main concerns was access to the common before, during and after the Kisstory events.
- Streatham Common was very small (not as big as Brockwell Park).
- When fully enclosed by all the security and fencing, the event took up approximately 40% of the usable common. This was quite a sizeable amount of the area to which residents would be denied access.
- During the direction of the site, double light and heavy-duty vehicles needed to cross the common. Event staff that erected the event put down metal plates and rubber matting across the footpaths delete leading to the site.
- Local residents had expressed that it was it difficult for people to cross the common especially with pushchairs or wheelchairs as the metal plates were obstructive.
- In relation to the portable toilet blocks, it was important to note that the event site was close to a children’s playground. The toilet blocks could be smelly on a hot or windy day. This created restrictive access to the common on the week before and during the event to local residents.
- The common should be for available for use to all individuals.
- The common was small and was surrounded by dense housing on all sides and the event was close to Streatham Common North.
- It was mentioned that the sound recording stations on previous years were on Streatham Common North and Streatham Common South, but both of these locations were on the top end of the common. The actual event was on the bottom end of the common with the stage facing away from sound monitoring stations.
- The sound monitoring stations were located poorly and did not give an accurate sound recording.
- One of the main concerns was about drug-related crime.
- He lived half a mile away from the common on the south side and he could hear the music from the event.
- London was in the middle of a crime wave.
- The situation looked like it could get worse over the summer as doors would be ‘unlocked’ and a lot of the violence was fuelled by drug gangs selling drugs by ‘county lines’ which had resulted in stabbings.
- There were stabbings in and around the Clapham area and there had been a stabbing near his home on Saturday when some youths chased another young person in the nearby supermarket where he was stabbed. The local Police were under-resourced and was suffering from budget restraints which had led to protests and riots.
- There were 80 officers sent to the event in previous years and Police could be better

deployed.

- The BBC in July 2018 had reported that it was well known that dance music events attracted a disproportionately large number of drug users. This would include drug gangs who carried knives.
- The Gateway Foundation had conducted a study regarding popular substances used at festivals. One study, found in outdoor electronic dance music events that ecstasy and NDA was a popular drug and the survey of the music festival attendees found that 73% of attendees had reported drug use in the past year. 59% of polled festival attendees reported using cannabis and 34% had reported using cocaine.
- Police in East London had been quoted in the press saying that gangs from across the UK would come to East London if a music event was being held for more than 23,000 people was allowed to go ahead. Gang members could compete in 'turf wars' to boost profits hit by closure of pubs and clubs.
- If the event was allowed to go ahead, then the Sub-Committee needed to consider who the event would attract.
- The BBC in May 2021 quoted the government saying that "the government had grave concerns regarding the potential for deaths from illegal drugs at festivals this summer. Charities were worried that pent up energy would increase the number of drugs people took and were also concerned with the strength of the drugs and lack of testing in order to identify bad batches". People's tolerance for drug use would have declined as a result of the lockdown regulations in the last year.
- Public Protection had sent a letter on 30 April 2021 stating that the event should not go ahead for the prevention of public nuisance and public safety and that they had also said in relation to the event that they had concerns regarding the operating schedule, the event medical plan, the noise and traffic management plans and the event in general.
- Allowing the event to go ahead would have a detrimental effect on the public that used to come in, especially families who used it for recreational purposes.
- There would be noise pollution and an increase in drug related crime in the community, there were concerns about gang-related crime and the representation was supported by the local MP and the local community. The Sub-Committee should refuse the application.

In response to questions from Members, Mr Wood and Mr Sullivan and Mr Paranandi of the Streatham Lodge Community informed the Sub-Committee that:

- Two of the monitoring stations were behind the main stage with the stage facing in the opposite direction.
- The monitoring stations were located on top of the common and the stage was situated halfway down the common facing down towards the A23 so the sound would travel down from the main stage down towards the A23.
- The monitoring stations were inappropriately placed and the event sound technicians always got around the issue by stating that these measuring points had been nominated by the Council and had not been moved by the Council for decades.
- The nature of the event had not changed. Most of the acts were still garage acts.

Ms Janet Veale informed the Sub-Committee that:

- The physics of sound never changed.
- She was the Principal Audiological and Hearing Impaired Advisor to the '12 London Boroughs'.
- Loud and generally low frequency sound would escape soft surfaces and would be reflected from hard surfaces but it would be a big and strong wavelength and it was the most damaging wavelength to children's hearing and people who were suffering from heart conditions.
- Sound did not ever remain inside the building. A soft walled building would let the sound through.
- It was unlawful to allow vehicles to cross the common. It was unlawful to enclose the common and it was unlawful to deny access to all people including children who would not be allowed to go near the event. These were issues that went beyond the law and simply affected people and residents who should not be affected as they would be protected by the law. The protection was being disregarded.

Mr Vince Sullivan informed the Sub-Committee that:

- The Police had made extraordinary efforts in keeping the events and the people safe in 2019. However, there was no reduction in noise or the widespread misery in the community.
- It was not just the duration of the event; there were issues with antisocial behaviour, intimidatory behaviour from people parking on pavements and drug use during the event. This never happened before 2015 on the common.
- There was compelling evidence that Streatham Common was a totally inappropriate area to use as a venue for such an event.
- There was no financial benefit to the community from any revenue garnered from the event.
- A petition had been signed which had 145 signatories against the concert.
- If the event went ahead, he would have no choice but to organise a peaceful protest with a view to gaining media interest.
- The Sub-Committee would be asked to refuse the application.

Mr Raj Paranandi informed the Sub-Committee that:

- People were parking on adjoining roads and by the time they reached the event, they would have consumed drugs.
- He had a 6 year old and a 2 year old child, who was newly born the last time the event was held in 2019.
- There was a 'tsunami' of cannisters at the last event. This was not something that could be mitigated and the issue needed to be considered in conjunction with the parking controls because unfortunately, in the last four to five years, the parking controls were strictly controlled for the first few hours of the day before those managing it left their station. Residents' permits were not examined closely enough.

At this point, people parking on adjoining streets consumed cannisters.

- His daughter had picked up a cannister and enquired why people were sniffing things off their hands.
- It was not clear how the issue would be solved.
- Although there were metal detectors, and sniffer dogs at the event, the issues related to occurrences in and about half a mile or so around the event.
- Other than having widespread searches around the common it was not clear how it would be controlled.

Ms Anna Lanbourn informed the Sub-Committee that:

- When drugs were shut down at the event, they could be found outside the event.
- This was a residential community and did not have parking controls.
- Therefore there was free parking available for anybody who wanted to come.
- In 2019, the parking restrictions did not extend to her road.
- People were sitting in their cars doing drugs.
- There were all types of activity including sex, urination and defecation.
- This was the single most disruptive event that occurred in the local area.
- The application should be refused.

In response to questions from Members, Mr Wood and Mr Sullivan and Mr Paranandi informed the Sub-Committee that:

- The Police response in 2019 was better than in previous years.
- Police should be commended on their efforts, but there was no discernible change of demographic at the event.
- The issues related to lax parking controls which were enforced poorly. This was a bone of contention for every year the event had taken place leading to drug taking.
- In relation to the mitigating steps taken by the applicant, Mr Paranandi had used the helpline in 2018 in relation to parking which was not addressed and he gave up in 2019.
- Members of the community had a WhatsApp group and were in close contact.
- No amount of Police presence would be able to contain the noise caused by the event.
- There were fewer complaints because many residents would go away during the events taking place.
- There was not much change between the 2018 and 2019 events relating to the demographic.
- Many of the event patrons liked to take drugs.

- People had been seen high on drugs, littering streets.
- Mr Wood was almost hit with a nitrous oxide cannister at around 23:00 from a speeding car arriving from an after party disturbing local residents.
- The vast majority of people attended the event without breaking the law, but there were people attending who consumed and sold drugs and were generally disruptive.
- There was a Garage Nation event that had taken place in Essex which had fights and stabbings.
- In relation to 40% of common being blocked off, children used the common. Access to greenspace for younger people was very important for their mental health.

In response to questions from Members, Mr Wood and Mr Sullivan and Mr Paranandi informed the Sub-Committee that:

- The cleaning plan did not include two roads in Streatham Lodge community that saw significant amounts of rubbish, namely Cederburn Gardens and Starathbrook Road.
- The children would start school on Monday following the event. Unless there was sustained cleaning after the event the children would be walking through the rubbish on Monday morning.

Mr Rob Glass informed the Sub-Committee that:

- The event would be a useful outlet for young people in the area.
- It was worth having this event after a period of difficulty suffered by young people.

In response to questions from Members, Mr Glass informed the Sub-Committee that:

- It was worth considering the comments from residents regarding the points at which noise measurements took place.
- It was important that the applicant explained the details relating to the measurements of the sound emanating from the event.

The applicant was recalled to address matters arising. In response to questions from Members, Mr Dadds, Mr Dudley and Mr Nash informed the Sub-Committee that:

- The Event Lambeth policy set out the locations where noise measurements would take place. This was set out in the criteria.
- The Council had a policy and Public Protection had examined the application and felt that if the applicant complied with the policy, then there was minimal risk of public nuisance.
- It was clear that the applicant was responsive to noise issues that may occur throughout the event.
- Monitoring had taken place on areas such as 22 Streatham Common South and the reading on that was 60 dB.

- The policy was adopted at a full Council meeting and was what the applicant had always worked to. The policy applied to Brockwell Park and Clapham Common. The applicant had much stricter limits than in either of those locations. Limits that were applied were based on background noise levels measured by the Council a number of years ago.
- They were location specific limits.
- The applicant was happy to undertake monitoring of locations.
- For the larger events in Brockwell Park and Clapham, they had a larger fixed limit of 75 dB and 90 dB. The applicant measured limits significantly under those and were happy to stick to those limits.
- It was not possible to have a location specific limit as it was not clear what the background levels are. Those were to be established by the local authority.
- The applicant was happy to agree to other monitoring locations, but there was no set limit as to what would be acceptable at those locations. Without local authority stipulating limits for those new locations, the applicant should not be obliged to meet any particular DB levels unless it was the generic 75db.
- The applicant was happy to work with the Safety Advisory Group. This included Highways, Police, Planning, Parking teams to develop a TMP which was suitable.
- At the moment, it was not possible to produce the document until the Council had determined what the situation would be around Stratham Common such as having Controlled Resident Parking and therefore the applicant could not yet develop its TMP.
- The applicant was more than happy to commit to producing and staffing a TMP.
- SAG would reach out to resident groups regarding parking control. There would be a plan in place, but this would be advised to the applicant either by Event Lambeth or by SAG. Event Lambeth had recently changed their strategy for consulting on events in general. It now went through a two pro-forma consultation, not one. Highways and Parking enforcement were the experts in the field. The applicant liaised with them and developed a TMP with them. The applicant was happy to consult with residents on it, but residents were not experts on the matter.
- Officers were aware about residents raising the issue regarding monitoring locations as it had been raised before by residents. Noise monitoring could be done in other non-designated locations.
- The Streatham Common car park was being used as a Covid-19 testing site so another area was being sought to use as a car park. This was normal for many events and there was time to find another area.
- This was an event that had complied with all the strict limits that the applicant operated under. At all times the event noise would be monitored by other sound experts to make sure that the limit levels were being met.
- The applicant had a special agreement with the Police so that Police were paid for any Police provision.
- The representation from Public Protection had been withdrawn.
- In relation to drug use, the applicant had had conversations with welfare providers and medical providers, the Loop and NEIU.
- Mr Dadds being a mayor at another local authority was not relevant.

- Paragraph 9.14 of the statutory guidance set out clearly that the Licensing Authority would take into account representations from the Police and Environmental Health as they were the experts in their particular areas and the relevant licensing objectives.
- The event would only take up 10% of the common
- 36% of residents of Lambeth attended the event.
- Kisstory was the event held in both 2018 and 2019. Garage Nation had been held before that.
- There was no correlation between the two events.
- There are only six complaints of the weekend the last time the event was held.
- In relation to policing and door supervision, already £140,000 had been spent on public safety. The applicant had a thorough search policy inside and outside the event.
- The reported crime along with the reported complaints had reduced in size and was well-managed; this was why responsible authorities were not objecting to the application.
- Gang stabbings in other areas of London were not part of the original representations made regarding the application and the Sub-Committee should not place any weight on them.

### **Adjournment and Decision**

At 10:18pm, the Sub-Committee withdrew from the meeting together with the Legal Advisor and Clerk to deliberate in private. The Sub-Committee had heard and considered representations from all those who spoke. Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to defer the decision of the application.

RESOLVED: To defer the decision of the application.

### **Announcement of Decision**

Members returned to the meeting and the Chair informed those present of the decision to defer the decision of the application and a decision would be made within five working days.

The meeting ended at 10:45pm

CHAIR  
LICENSING SUB-COMMITTEE

**Date of Despatch:** Thursday 21 July 2021

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