

## **LONDON BOROUGH OF LEWISHAM**

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on TUESDAY 2 APRIL 2019 in Room 3 Civic Suite, Catford Road, Catford SE6 4RU at 7.15pm.

### **Present**

Councillor Stamirowski (Chair), Councillor Elliott (Vice Chair) Councillors Codd, Howard Kalu and Millbank.

Councillor Codd did not take part in the proceedings.

Apologies for absence were received from Councillors Hall, Hordijenko and Wise.

### **Also Present**

Petra Der Man – Lawyer

Lisa Spall - Crime Enforcement and Regulation Manager

## **On Blackheath, Blackheath Common SE3**

### **Applicant**

On Blackheath – Melvin Benn, Sarah Tschentscher and Terry Felgate

Nicky Hodgson – Festival Republic.

Mel Wilds – Continental Drifts

David Leversedge Aria Acoustics

### **Representation**

Councillor Geoffrey Brighty (LB Greenwich)

Emily Norton - Westcombe Society

#### **1. Minutes**

RESOLVED that the minutes of the meeting of the Licensing Committee held on 5 March 2019 be confirmed and signed at the next meeting of this Committee.

#### **2. Declarations of Interests**

None.

#### **3. OnBlackheath, Blackheath Common SE3**

- 3.1 The Chair welcomed all parties to the meeting and introductions were made. She then invited Ms Spall to introduce the application.

**Licensing Officer**

- 3.2 Ms Spall said that this hearing is in relation to representations to the full variation application for OnBlackheath, Blackheath Common, SE3 Part borders: Goffers Road, Shooters Hill Road, A2 Hare and Billet Road, Wat Tyler Road SE3. She outlined the current licence and the particulars of the full variation as follows:
- ‘To change the applicable dates of the event to:  
‘Any single consecutive two day period between 1 July and 31 September in any calendar year, with the dates for each year to be agreed at least six months in advance of the date of the event with the licensing authority, the Council’s ESAG (Events Safety Advisory Group) and the appropriate executive director (agreement to be issued by the Licensing Authority)’ and the addition of a new site plan.
- 3.3 Ms Spall said that the application had been advertised in accordance with Regulation 25. No representations had been received from any responsible authorities but representations had been received from eight interested parties, one of which was in support of the application. Conditions had been agreed between the applicant, the Police and the licensing authority which had been circulated to members.
- 3.4 Ms Spall provided an overview of the current licensing arrangements for OnBlackheath. She said that the premises licence holder is currently required to attend the Council’s Event Safety Advisory Group (ESAG) and present an event management plan at least 3 months prior to each event taking place. The final event management plan is to be confirmed and approved by the ESAG and the Licensing Authority before commencement of each event. Greenwich Council have been invited to all ESAGs where OnBlackheath has been discussed, to have input into these discussions.
- 3.5 Additionally, Ms Spall said that the premises licence holder must employ a competent noise control consultant to produce a Noise Management Plan prior to each year’s event for the approval of the licensing authority and a noise control report following each event. On each event day, the noise control consultant will continuously monitor noise levels, both on and off site, at agreed monitoring positions, throughout the period that regulated entertainment is provided and liaise with the relevant responsible authorities. Sound check times, show times and details of noise monitoring procedures are to be included in the Noise Management Plan which is incorporated into the Event Management Plan for sign off by the ESAG.
- 3.6 Last year it was agreed at ESAG, after input from a Greenwich representative, that the noise management plan be adjusted to ensure that a 65 decibel limit be imposed for Greenwich residents. This was monitored during the event by both the event’s noise management consultant and the Council’s environmental protection team and there was no evidence that this limit was exceeded in Greenwich. Ms Spall then outlined the steps available to members of the Committee.

### **Applicant**

- 3.7 Mr Benn outlined the application. He said that this application had been made so that the date of the OnBlackheath event could be held in July when it is believed that it would be more successful and have longevity. The event has been held five

times and the recommended noise levels and the conditions have been adhered to. A noise consultant had undertaken some noise modelling and is confident that the noise conditions can be met. A noise management plan had not been produced yet but this would be submitted soon after consultation with Lewisham's environmental health officers. On Blackheath agree with conditions regarding noise regulation and are able to comply with all conditions.

- 3.8 The Chair asked whether the conditions remain the same. Ms Spall said that there is one amendment to the conditions. Under the condition Capacity and Entry Control, the second paragraph has been amended to provide clarity as follows: 'The PLH will make adequate provisions for monitoring and controlling the number of persons on the licensed site.' Management need to know how many people are on site at any one time. Ms Spall confirmed that there had not been any breaches of the conditions.
- 3.9 Councillor Elliott asked why the change of dates would make for a more successful event. Mr Benn said that the festival is known as a successful event but it has been difficult to attract some artist they would like to attract so late in the season. Most festivals take place in the summer months; September is a semi fallow period for attracting artists because it precedes the autumn period when many artists are on tour.
- 3.10 Councillor Elliott asked whether the number of people attending the event had been monitored. Mr Benn said that over the past two years there were less than 15,000 people attending the event per day.
- 3.11 Councillor Millbank asked how many complaints officers have received during the events. Ms Spall said that in 2017 there were 8 complaints on the Saturday, 4 complaints on the Sunday. In 2018, 6 complaints were received on each day.
- 3.12 Councillor Howard said that 6 months notice of an event must be served. She asked whether the first July event would be held in 2020. Mr Benn said that the notification was provided outside of the six months period and it is proposed that the event will be held on the weekend of 13/14 July 2019.

#### Representation

- 3.13 Councillor Brighty said that he is ward member for Blackheath Westcombe in the Royal Borough of Greenwich. He said that over the past 5 years there have always been some complaints mostly with regard to noise. There is concern that if events are held in July, the weather will be warmer and residents will want to open their windows and doors and enjoy their gardens and open space, but it is expected that the noise issue will be greater than in September.
- 3.14 Councillor Brighty said that there had been agreement that the music should not be played above 65 decibels which was agreed for the last event but he does not believe this is in the licence and believes that this should be a condition on the licence. Two years ago the layout of the event, the staging and the direction of the speakers were changed. This has increased noise nuisance for some residents who dread the event taking place because of the noise nuisance they ensure from 12 noon until 10.30pm on Saturday and 10pm on Sunday.

- 3.15 Councillor Brighty said that the measures in place have not worked for all residents. The Royal borough of Greenwich have their own noise nuisance number in addition to the one for the OnBlackheath event. On Sunday 2018, there were several complaints from residents in Tuskar Street and on Saturday from Woodland Grove. These roads are a long way down a hill and it is not acceptable that residents living so far away are affected and this needs to be addressed particularly if the event is to be held in July.
- 3.16 Ms Norton said that she represents the members of the Westcombe Society which includes the east side of the common. Noise from OnBlackheath affects the members of this Society every year. It affects local residents every year, even in September when windows are closed residents experience difficulty watching the television because of the noise from the event. There are concerns that this noise nuisance could increase in the summer months from lunch time until late at night on two days. Patrons attend the event for enjoyment, but for residents this weekend is a difficult time. If the date must be changed she said that members of the society feel strongly that sound levels must be reduced.
- 3.17 The Chair asked whether the 65 decibel limit was set by the ESAG. Ms Spall confirmed that this limit was agreed last year by the Group. It is a Lewisham group Chaired by the Director of Public Protection & Safety, Crime Reduction, with relevant officers from parking, licensing, noise, environmental protection and food and safety teams. Representatives from the Royal Borough of Greenwich are always invited to the meetings when Blackheath is on the agenda and they attend.
- 3.18 The Chair asked whether the 65 decibels limit was checked in the Westcombe ward in Greenwich. Ms Spall confirmed that it was checked and the level was way below the limit.
- 3.19 Councillor Elliott referred to an objection on page 38 of the agenda there is a dispute that the correct limit was set. Ms Spall said that it was agreed last year that the level of sound is 65 decibels and this would have been set at this level. At the debrief after the event, the noise consultant, Vanguardia, confirmed that the limit had been set at 65 decibels.
- 3.20 Members of the Committee then withdrew to make their decision. When they returned it was:

**RESOLVED that with the amendment outlined in paragraph 3.2 of these minutes, the application, as applied for, be agreed.**

- 3.21 Ms. Spall said that an appeal may be made against this decision to the Magistrates Court within 21 days from the date of the decision letter which would be sent out within 5 days of the meeting.

The meeting ended at 8.15pm

Chair