

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on TUESDAY 9 MAY 2023 at 7pm and held remotely via Microsoft Teams.

Present

Councillor Wise (Chair) Councillor Anifowose (Vice-Chair) Councillors, Brown, Hayes, Howard, Huynh, Kestner, Shrivastava and Warner

Apologies for absence were received from Councillor Jackson.

Also Present

Matt Lewin – Counsel – Legal advisor
David Curtis - Safer Communities Operations Manager.
Angela Mullin – Safer Communities Officer

Garage Nation Mountsfield Park, London SE6 1AN.

Applicants

James Shadimehr - Applicant
Bernard Ralph – Legal representative
Milton Demi – Applicant

Objectors

Chair of Mountsfield Park
A local resident

1. Minutes

The minutes of the meeting held on 25 April 2023 will be submitted to the next meeting of this Committee.

2. Declarations of Interests

None.

3. Garage Nation Mountsfield Park, London SE6 1AN.

- 3.1 The Chair welcomed all parties to the Licensing Committee. She introduced those present and outlined the procedure to be followed for the meeting. She then invited the Safer Communities Officer to introduce the application.

Introduction

- 3.2 Ms Mullin said that this hearing was being held to determine a premises licence application made by The Festival Crowd Ltd in relation to a Festival in Mountsfield Park, London SE6 1AN. She clarified that the application was for a one-off weekend event only and would not be an annual event as stated in the agenda.
- 3.3 The application for the premises licence had been advertised in accordance with regulations. The last date for receiving representations was the 19th April 2023. During the 28-day consultation period, 3 objections were received by the licensing authority from members of the public. Any objections received after this time were not relevant and could not be considered by the committee when determining this application. The objections, and reasons for these objections, were contained in the report. The representations were received within the specified consultation period and were not considered vexatious or frivolous.
- 3.4 Ms Mullin then outlined the options available to members under the licensing objectives, when making their decision.

Applicant

- 3.5 The applicant's legal representative, Bernard Ralph made a presentation in support of the application. He made the following points.
- The application supported the council's licensing objectives in encouraging well managed, diverse entertainment. The event would also be good for the local area because it would provide a temporary boost to the economy over the weekend of 12 and 13 August 2023.
 - There had been objections to the application from 3 residents. There were no addresses for these residents; they may not live in the vicinity.
 - Objections were not supported by the responsible authorities, which had not submitted any representations against the application and this was an indication that there was no substance to these objections, received from just three residents.
 - The applicant had collaborated with the events team to ensure that the event was run safely and responsibly. Conditions had been agreed that promoted the licensing objectives and addressed the concerns raised by the objectors.
 - The objections relating to public nuisance were unfair and unduly alarmist, and the event was for a limited period only.
 - Families would be able to enjoy parts of the park for free when the event was taking place.
 - An event management and operating plan would be produced that would be acceptable to relevant authorities including the Police. It would contain details of accredited SIA staff who would operate a zero tolerance drugs policy and search procedures. The plan would also contain details of noise management and any potential dangers at the venue including fire, crowd management, traffic management and extreme weather.
- 3.6 Councillor Shrivastava asked how many security staff would be employed for the event and the name of the company. The applicant said that the security ratio would be a minimum of 1 SIA staff member to 80 customers. Several security companies were employed for each event. Safer Security for the front door, Ministry Protected for external security, Security Nation for static positions and a specific response team who respond to any calls. All these companies had worked successfully with the applicant, on the last 5-6 festivals.

- 3.7 Councillor Howard asked how long the company had been established, what problems they had experience in the past and what arrangements were in place to ensure that there was no re-occurrence of these issues. Mr Shadimehr said that the brand had existed for about 25 years, he took it over in 2004 and had been running festivals since 2014. There had been many problems, particularly in the early years but this had enabled him to create a process that ensured that festivals were safe and well run. He had worked with the Police for a festival in Croydon which had been successful. He explained the procedures that were in place to manage the flow of patrons and said that there was a procedure in place for all the problems experienced in the past.
- 3.8 Councillor Warner asked whether there would be a point of contact for residents if they had any concerns about the event, particularly with regard to noise. Objectors had expressed concerns about the type of people that this event would attract and he asked what work had been done to address these concerns. The applicant confirmed that there would be a contact number, he did not want residents to experience any unnecessary discomfort. A community liaison manager would be employed and would leaflet neighbouring properties about a week before the event. This manager would be the point of contact, able to respond rapidly to complaints of sound and arrange for the cleaning team to clear rubbish.

Objectors

- 3.9 The first objector said that he lived next to the park for many years. It was a family friendly park with open green space used by hundreds of people every day. It was set in a residential area and a number of apartments had been built in recent years. These homes did not have gardens, so these residents relied on the park to enjoy open space. The lack of open space can affect people's mental health and Mountsfield Park enables residents to enjoy a number of activities which is positive for wellbeing and should not be put at risk from the noise and pollution of a festival.
- 3.10 Granting an application for the sale of alcohol for an exclusive festival over the Summer holidays would not promote the use of a free family open space for all local residents. Previous festivals held in the park had been free and family friendly.
- 3.11 The objector said that due to the economic crisis in this country, resources were limited and he did not believe that the local authority and local Police should have to pay for the services required to manage this event safely. The private security employed by the applicant would only control the perimeter of the festival; extra police would be required in the surrounding area to manage the large number of people who would be attracted to this event.
- 3.12 The Chair of Mountsfield Park then addressed the Committee. He said that the Park was an important venue for local community events. The proposed Garage Nation event was not a local community event because it would not benefit the local community. Local residents would not have the same access to park facilities during a busy summer weekend.

- 3.13 It was not clear how much of the park the event organisers would need for the festival or how it would affect the enjoyment of those using park facilities. The festival would create a lot of noise nuisance and fumes from diesel vehicles and generators.
- 3.14 Mountsfield Park was a designated site of importance for nature conservation. Two or three large events were held in the park every year, after which the wildlife habitat needed time to recover.
- 3.15 Traffic and parking was not managed adequately during previous events in the park due to lack of resources. Wildlife was damaged by vehicles; they compacted the soil and damage tree roots. The festival would have an adverse effect on air quality and would be disruptive
- 3.16 Councillor Hayes said that any event held in the park would affect the wildlife. He did not believe that this event should be treated differently. The Chair of Mountsfield Park said that there should be a balance. The park needed to recuperate after every event

(At this point Cllr Brown had internet issues and left the meeting)

- 3.17 The proposed area for the festival within the park was shown to those present at the meeting. It clarified the areas that would be available for those not attending the festival.

Conclusion

- 3.18 Mr Ralph clarified that the plan clearly showed the area within the park to be used for the event. Licensing activity could only take place in this area. He also clarified that the points raised by the objectors regarding the ecological impact of the event and the need for the wildlife to recover, were not relevant to the licensing objectives.
- 3.19 Mr Ralph said that there were many people in the borough of Lewisham who would enjoy a responsibly run licensed event in a public park. Interested parties had the right to be consulted and have their comments taken into consideration. They did not have the right to veto an event through raising potential problems that might not happen and could be resolved if they did occur. The applicant had produced a very detail operating schedule and the conditions addressed all the points that had been raised and was the reason why relevant authorities had not objected to this application. The applicant was an experienced licensee, he had managed many successful events and wanted the opportunity to manage another event in Mountsfield Park. The objectors had not provided any justification for modification or refusal of the application.
- 3.20 In his summation, one of the objectors said that the question about why residents had to endure noise nuisance and rubbish on their streets had not been answered. The applicant had referred to a designated community officer who was a point of contact and could address any issues, but residents should not be subjected to issues. Mountsfield Park was used for family events, and Garage Nation was not a family event. It was fee paying and would attract people from outside the borough.

There would not be benefit to the local community because patrons would be drinking inside the festival. The friends of Mountsfield Park agreed that there should be time for nature to recover within that Park and was the reason why People's Day was held every other year. The proposed festival was not conducive for this area.

- 3.21 Councillor Brown had lost connection and had left the meeting. He did not take any further part in the proceedings. The remaining members confirmed that they had been present throughout the meeting and had not lost connection.
- 3.22 A decision letter would be sent out within 5 working days. She thanked all parties for their attendance, and they left the meeting.

Exclusion of the Press and Public

RESOLVED that under Section 100 (A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12 (A) of the Act, as amended by the Local Authorities (Executive Arrangements) (Access to Information) (Amendments) (England) Regulations 2006 and the public interest in maintaining the exemption outweighed the public interest in disclosing the information:

3. Garage Nation Mountsfield Park, London SE6 1AN.

The following is a summary of the item considered in the closed part of the meeting.

Garage Nation Mountsfield Park, London SE6 1AN.

The application, as applied for, was granted.

4. John Charles Butchers 12 Blackheath Village, SE3 9LE

This item was withdrawn.

The meeting ended at 7.45pm

Chair