

APPEAL UNDER S.181 & PARAGRAPH 2 OF SCHEDULE 5 OF THE LICENSING
ACT 2003 AGAINST A DECISION BY THE LICENSING SUB COMMITTEE OF THE
LONDON BOROUGH OF LAMBETH ON 25 JUNE 2020 relating to the premises known
as the Clapham Common Event Site

BETWEEN

LIVE NATION (MUSIC) UK LIMITED

Appellant

-v-

THE LONDON BOROUGH OF LAMBETH

Respondent

ORDER

UPON the Court being informed that the parties have reached agreement as to the disposal of this appeal;

AND UPON the Court being satisfied that it is appropriate and proportionate for the promotion of the licensing objectives to make the Order sought;

IT IS ORDERED THAT:

1. The appeal against the decision of the Licensing Sub-Committee of the London Borough of Lambeth on 25 June 2020 to refuse the Appellants application for a Premises Licence in respect of the Clapham Common Event Site is allowed.
2. The Premises Licence shall be granted on the conditions set out in the attached Schedule.
3. There shall be no order as to costs.

We agree to an order in these terms.

Signed Ashton Bond Gigg
Ashton Bond Gigg Solicitors
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Friar Lane
Nottingham
NG1 6BX

Solicitors for the Appellant

Signed [Signature]
Director of Legal Services
Lambeth Legal Services
Room B9, Lambeth Town Hall
Brixton Hill
London, SW2 1 RW

Solicitors for the Respondent

Signed: [Signature] (District Judge/ Justice of the Peace)

Dated this 22nd day of April 2021

**IN THE CROYDON
MAGISTRATES' COURT**

CASE NO : 2001528703

BETWEEN

LIVE NATION (MUSIC) UK LIMITED

Appellant

-v-

THE LONDON BOROUGH OF LAMBETH

Respondent

SCHEDULE

SCHEDULE

General

1. This Premises Licence is limited to authorise Licensable Activity for up to 6 Major Events (up to 39,999 ticket holders (including guests, or such lower figure as advised by the Safety advisory Group) and 4 Large Events (up to 19,999 ticket holders, including guests or such lower figure as advised by the Safety advisory Group) in each calendar year throughout the duration of the Premises Licence, namely 2021 – 2024 inclusive. The events shall be held between 1st June and 15th September in each year.
2. This Premises Licence shall come to an end on 16th September 2024.

Each year the following conditions shall apply.

3. The maximum capacity on Bank/Public Holiday Mondays' shall be limited to 19,999 ticket holders including guests or such lower figure as advised by SAG.
4. The maximum capacity on Sundays shall be limited to 39,999 ticket holders including guests or such lower figure advised by SAG on up to 2 Sundays and on Sundays before a Bank/Public Holiday. On any other Sunday, the maximum capacity shall be limited to 19,999 ticket holders including guests or such lower figure as advised by SAG.
5. The Premises Licence Holder shall provide at least 6 months prior notice in writing of event days for that year together with an outline of the programme of proposed events to the Safety Advisory Group (SAG) and such dates shall be agreed with the SAG.
6. Local residents and business' will be given at least 6 months' notice of any upcoming events. The method(s) of communication and the areas identified as being local shall be agreed with the SAG.
7. The Premises Licence Holder shall work in partnership with SAG to ensure events are planned to take place safely and successfully.
8. The Premises Licence Holder shall ensure a member of the management team or persons from the management team attend SAG Meetings to update participants upon progress throughout the planning process.
9. The Premises Licence Holder shall appoint a member of the management team to prepare and implement the plans included in the Event Safety Management Plan (EMP).

10. The EMP shall contain but not be limited to the following:-
- COVID 19 Action Plan;
 - Drugs policy;
 - Alcohol policy;
 - CCTV plan;
 - Command, control and communication plan;
 - Crime prevention/ reduction plan;
 - Crowd management plan;
 - Fire safety management plan;
 - Food safety management plan;
 - Health and safety risk assessments;
 - Lighting Plan;
 - Major incident plan;
 - Medical and welfare plan;
 - Noise management plan;
 - Production schedule;
 - Sanitary facilities plan;
 - Security and stewarding operational plan;
 - Access and Egress Plan;
 - Site plan (gridded with clear RV points for speedy access);
 - Under 18-year olds Policy;
 - Ticket and entry policy;
 - Trader information and management plan;
 - Transport and Traffic management plan;
 - Venues plan;
 - Waste and Litter plan;
 - Water safety plan;
 - Schedule of key dates;
 - Adverse weather plan.
11. The first draft of the EMP shall be presented to SAG for consideration and discussion no later than 5 months prior to the first event day.
12. The final draft version of the EMP will be published 30 days before each event and is subject to the approval by the Licencing Authority as advised by the SAG and the Responsible

Authorities. Should changes to the EMP be required after this date they will be considered for approval by the Licensing Authority.

13. The contents of the final EMP as endorsed pursuant to condition 12 shall be fully complied with.
14. A debrief meeting will be undertaken with the SAG within 3 months of the event.
15. Upon request authorised Enforcement officers of the Responsible Authorities on duty in that capacity of the Licencing Authority, Environmental Health Team, MPS and the London Fire Brigade must be provided with security passes for full and free access at all times to each and every part of the licensed area.
16. The Premises Licence Holder shall hold at least one consultation meeting for local residents, local businesses and stakeholders, a minimum of 2 months prior to each event. An email address published on the event website will be available to enable local residents, local businesses and stakeholders to request information about the event.

Prevention of Crime and Disorder

17. A Crowd Management Plan and an Access and Egress Plan shall be drawn up in agreement with the SAG. These plans shall be implemented whilst licensable activities are taking place and until 30 minutes after the premises close.
18. A Crime Prevention/Reduction plan for the event will be prepared by the Premises Licence Holder and submitted as part of the planning process. It will focus upon reducing criminal activity within the event footprint and working in partnership with the MPS.
19. The numbers and deployment of on site and off site Security personnel (SIA) and Stewards shall be agreed by the SAG prior to the event and included in the final EMP.
20. Representatives from all security companies shall attend event liaison team meetings.
21. A Drugs Policy and a Search Policy shall be drawn up in agreement with the SAG. This shall be implemented whilst the premises are open for licensable activities.
22. Prior notification that the event organisers operate a strictly no drugs policy shall be provided to ticket holders, including details of the bag policy for that event (as agreed with the SAG). The drugs policy will not be made available to members of the public to uphold the security of the site.

23. If a need is identified by the Premises Licence Holder and/or SAG, Security shall use private security drugs dogs at the entrances to identify dealers/users and encourage the use of the amnesty drug bins for those with personal possession.
24. A record of all persons detained in the Enhanced Search Tent, any quantities of drugs found on their person, their name, address and date of birth (as much as can reasonably be obtained) is to be kept and sent to MPS licensing officers upon request.
25. Notices shall be displayed at all entrances to the event site declaring that individuals found to be in possession of illegal drugs and or prohibited items shall be removed from the event.
26. The Premises Licence Holder shall have the right to refuse entry to any unauthorised/disorderly person or any person not complying with the conditions of entry.
27. Anyone who appears to be drunk or intoxicated shall not be allowed entry to the event site.
28. A designated member of staff shall be responsible for the emptying and packaging of amnesty bins in the presence of MPS officers, this person shall identify themselves to the MPS at event control at the start and conclusion of the event.
29. CCTV cameras shall be installed and maintained throughout the duration of the event days. A plan detailing the location, number and viewpoint of the CCTV cameras shall be agreed with the Safety Advisory Group at least 30 days prior to the commencement of an event.
30. A steel shield fence will be erected around the perimeter of the event as shown on the site plan and constantly monitored by security staff during the event.
31. Whilst the premises are authorised to sell alcohol, there shall be a personal licence holder on duty at all times, at each bar or location where the sale of alcohol takes place.
32. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard to age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs.
33. All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be kept at the premises and made available upon request to either Police Officers or an authorised officer of Lambeth Council.

34. A Challenge 25 proof of age scheme shall be operated at each bar on the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
35. Signage advertising the aforementioned proof of age scheme shall be prominently displayed at each bar with a particular emphasis on the alcohol display area and service area.
36. Each bar shall have a record detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the bar by the MPS or an authorised officer of Lambeth Council at all times whilst the site is operational.
37. No alcoholic drinks shall be permitted to leave the perimeter of the site. Off sales for the purpose of this licence shall be contained within the licensed site.
38. Customers shall not be permitted to bring alcohol on site and may only consume alcohol which has been purchased from the premises.

Public Safety

39. Unless otherwise agreed with the Licencing Authority, the total number of people to be accommodated for the purposes of this licence at the event site at any one time shall not be more than 39,999 (this figure includes ticket holders and guests but excludes all security staff, contractors, performers and employees).
40. The ticket manifest must be sent or shown to the MPS and Licencing Authority upon request.
41. The occupancy levels of the marquee/tented structures within the licensed site will be continually monitored and will not exceed the capacities specified in the final EMP agreed through the SAG process.
42. There shall be no admittance to the premises after 21:00.
43. The event will have clear conditions of entry as follows – “No glass bottles, no alcohol shall be brought onto site, no illegal drugs or prohibited highs, no weapons of any kind, or anti-social behaviour will be tolerated, and the organisers reserve the right to refuse admission.”
44. The licence holder will operate an Event Liaison Team on site. This will consist of key people within the event including first aid, MPS, security, event managers, Licencing Authority and

health and safety representatives. This team will meet at regular intervals during the event to review the event and make any agreed changes needed.

45. There shall be a central control point on site within the licensed premises at which the Premises Licence Holder or their nominated representative shall be available. A radio and a working land line telephone for contacting the emergency services shall be installed. The number shall be made known to all members of SAG. The central control point shall be manned at all times by a person capable of communicating with the emergency services in a comprehensive manner and the plan and contact telephone numbers to two local hospitals and their addresses, that are less than 30 minutes by road to the site, as identified by the first aid provider shall be available in this room. Access to the site for emergency vehicles shall be maintained at all times through LONG ROAD.
46. Free potable water shall be freely available from standpipes across the event site and clearly signposted throughout. Empty plastic bottles shall be permitted into the site for drinking water from standpipes.
47. The licence holder will provide a welfare/chill out space on the site and a vulnerable persons' policy will be in place for those who may need assistance.
48. The COVID-19 Action Plan shall include a specific risk assessment and shall be a dynamic document which will be updated on the basis of guidance and advice received from Government and Responsible Authorities, in particular the Licencing Authority, NHS, medical providers, health and safety authorities, MPS and welfare providers. Best practice to mitigate and minimise the impact of the epidemic will be adopted throughout the build, live event and derig. A dedicated COVID-19 Safety Officer shall have specific responsibility for implementing the Action Plan.
49. The Premises Licence Holder shall engage an event safety officer to oversee the build, live event and derig. His duties will include but not be limited to the following:
 - Assessment of contractors and their safety documentation prior to their arrival on site;
 - The undertaking of site and task specific risk assessments;
 - Sign off Policy for temporary installations by contractors;
 - Checks relating to integrity of temporary structures by independent structural engineers;

- Protection of audience and staff from noise;
 - Installation of appropriate front of stage barriers;
 - Adherence to food hygiene standards;
 - Safe installation and operation of generators and temporary power supplies;
 - Designated access routes and trackway roads around the site perimeter;
 - Appropriately illuminated signage above exits;
 - Clear demarcation of specific hazards through highlighting and signage;
 - Adequate provision of medical facilities on site as documented in the Medical and Welfare Plan;
 - Appropriate provision of firefighting equipment throughout the site in accordance with Fire Safety Management Plan;
 - Appropriate provision for people with specific needs including accessible viewing platforms and sanitary provision;
 - Provision of a crowd management plan including arrangements for safe ingress, circulation, egress and dispersal of audience members;
 - Assessment of occupancy levels of marquees and tented structures within the licence site throughout the event to ensure agreed capacities are not exceeded;
50. No glass drinks containers or serve-ware shall be allowed within the arena. Drinks shall not be sold in glass containers or serve-ware at any concession outlet or bar within the site, except in designated controlled areas, such as VIP or hospitality areas to be agreed with the SAG. Drinks in glass containers or serve-ware glass shall not be permitted to be removed from such designated controlled areas by patrons. All drinks sold in the arena shall be in opened cans, plastic cups or PET containers. Any trader in the arena found selling glass containers shall be asked to remove them from sale or face closure.

Prevention of Public Nuisance

51. A suitably qualified and experienced acoustic consultant will be appointed by the Premises Licence Holder and will prepare a noise management plan (NMP) as part of the EMP to monitor,

assess and manage on and off-site noise at the event. The agreed NMP will be implemented by the Premises Licence Holder at each event.

52. The Premises Licence Holder shall ensure that the event is managed in accordance with the noise limits set in Lambeth Council's "Guidance on the Control of Sound at Outdoor Events" as it applies to Clapham or any other limit as identified in the NMP. The noise levels shall be monitored at the locations as defined within this Guidance and any other location identified in the NMP.
53. The Premises Licence Holder shall have its own acoustic consultant, who shall at regular intervals, take noise measurement readings both within the perimeter fence and at the points agreed with the Council's noise officer, outside the perimeter fence to ensure noise levels are complied with at the event. A contact name and the details of the Premises Licence Holder's acoustic consultant on duty on the day of the event shall be provided to the Council's noise officer.
54. Bass levels from the music shall be set at the time of the sound check by the Council's noise officer in conjunction with the Premises Licence Holder and its acoustic consultant. The sound check timings shall be agreed with the council's noise officer and the SAG and the bass noise levels set during the sound check shall not be permitted to exceed the levels in Lambeth Council's "Guidance on the Control of Sound at Outdoor Events", as it applies to Clapham. The agreed level shall be noted by both the council's noise officer and the Premises Licence Holder's acoustic consultant.
55. The Premises Licence Holder's acoustic consultant shall be in control of noise levels throughout the event and shall operate independently of the DJ and artiste in all music areas within the licensed site. No performance shall cause noise nuisance and the Premises Licence Holder shall act upon any reasonable requests from the Council's noise officer or its own acoustic consultant during the event, including but not limited to the reduction of the sound level.
56. Complaints concerning noise will be investigated by the Premises Licence Holder's appointed acoustic consultant during the event and measurements will be taken to ensure compliance with music noise limits.
57. The noise sensitive monitoring positions shall be agreed with the Council's noise officer and inserted in the Noise Management Plan each year.
58. The details of all complaints received, actions taken, and measurements made in response to complaints of music noise will be recorded and provided to the Licencing Authority as part of

the acoustic consultant's post-event report which shall be provided within 1 month following the event.

59. There shall be a close down schedule of licensable activity timings so that close down is phased to ensure closure before the terminal hour of licensable activity.
60. The Premises Licence Holder will work closely with suppliers to minimise disruption to local residents from the event and will ensure that the event production schedule specifies deliveries/collections from the site between 08:00 and 20:00 where possible.
61. The Premises Licence Holder shall appoint an experienced transport and traffic consultant to develop an appropriate Transport and Traffic Management Plan including but not limited to the modelling of methods of attendance and egress, public transport, queueing, associated staffing deployment , signage , route direction/closures to facilitate the safe egress/ingress around the event whilst ensuring the disruption is kept to a minimum to local traffic and providing advanced warnings of potential disruption. The Transport and Traffic Management Plan shall be agreed with SAG and included in the final EMP.
62. Crossings at the following locations must be stewarded 1 hour prior to the end of the event and 1 hour after the closure of the event
 - Battersea Rise - crossing with A205
 - Windmill Drive - crossing point with lights assist with transit over common to Clapham Common South
 - Crossing point off Clapham Common to Clapham Common South tube station
 - Rookery Road crossing point.
63. Key points of the Transport and Traffic Management Plan will be made available to ticket holders and on the Event website.
64. A resident contact telephone line to contact the site management team will be operated during the build, event and derig. The operational hours will be 08.00 – 20.00hrs during build and derig and 08.00 – 00.00 hrs during the live event. In addition, an email address will be available on the Festival website to contact the site.

65. A Waste and Litter Plan shall be provided which will include measures for the clearance of litter both inside the site and in a designated area outside the site. Such plan shall be agreed with SAG and included in the final EMP.
66. An Access and Egress Plan shall be provided which will contain measures to mitigate nuisance and anti-social behaviour which may be caused by the arrival and departure of the audience. Such plan shall be agreed by SAG and included in the final EMP.

Protection of Children from Harm

67. The age policy for each event will be agreed with the SAG before ticket sales commence. For those events identified as suitable for children under the age of 18, it will be part of the age policy that children under 18 shall be accompanied by a responsible adult whilst on the premises. Where an event is for 18 and over this shall be advertised.
68. All relevant security personnel will enforce the age policy by requiring adequate identification (an ID bearing the PASS hologram, photographic driving licence or a passport) where there is any doubt as to the age of the ticket holder.
69. The event conditions of entry and the procedures for safeguarding any persons under the age of 18 who are refused entry will be contained in the EMP.
70. The event will operate a Challenge 25 Policy which will be fully referenced in the EMP.