

COMMUNITY AND HOUSING DEPARTMENT

Simon Williams - Director

To: Licensing Department
London Borough of Merton
Merton Civic Centre
London Road
Morden SM4 5DX

Public Health
London Borough of Merton
Merton Civic Centre
London Road
Morden SM4 5DX

Direct Line: 020 8545 4833

Date: 13th April 2017

Re: Application for a Time Limited Licence to be granted under the Licensing Act 2003 – We Are The Fair Ltd

Application ref	WK/201613562
Applicant	We Are The Fair Ltd
Premises address	Morden Park Open Space, London Road, Morden
Ward	Morden Park Ward
Summary of the application	One day house and techno music festival in Morden park with a capacity of 19,999 people. <u>Proposed hours premises are open to the public:</u> Saturday 5 th August 11:00-23:00 <u>Proposed hours for the supply of alcohol:</u> Saturday 5 th August 11:00-22:30

As a responsible authority under 2012 amendment to the Licensing Act 2003, the Director of Public Health for Merton wishes to make representation to the application on the following licensing objectives:

- 1. The prevention of crime and disorder**
- 2. The prevention of public nuisance**
- 3. Public safety**

Tackling alcohol misuse is central to achieving the outcomes in Merton's Health and Wellbeing Strategy: giving every child a healthy start in life, supporting people to improve their health, improving wellbeing, resilience and connectedness, and reducing the gap in life expectancy between the east and west of the borough. We want to create an environment and a culture in the borough that prevents problem drinking from starting and provides early help for people who are struggling. One of the ways we will be doing this is ensuring health and wellbeing considerations are presented for consideration in licensing decisions, in order to tackle alcohol-related crime and anti-social behaviour, ensure public safety and prevent harm to children.

The Merton Joint Strategic Needs Assessment (JSNA) chapter on alcohol sets out a summary of the available evidence on alcohol-related behaviours and consequences, as background to the importance of tackling alcohol effectively in the borough: <http://www.merton.gov.uk/health-social-care/publichealth/jsna/lifestyle-risk-factors/adults-substance-misuse/alcohol-jsna.htm>

1. The prevention of crime and disorder

Those under the influence of alcohol are more likely to commit crimes and engage in anti-social behaviour. They are also more likely to be the victim of crimes such as common assault and robbery. Nationally around 50% of violent crime and 30% of domestic violence is alcohol-related.

National and international scientific evidence shows the following:

1. Overall, more alcohol is consumed when it is easily available.¹
2. An increase in alcohol sales is strongly linked to an increase in drinking-related damage, for instance injuries and assaults.²
3. Harmful use of alcohol is a major contributor to violence: alcohol use commonly precedes aggressive behaviour, and harmful drinking is associated with being both a perpetrator and a victim of violence³

Additionally, research shows a large proportion of festival attendees use illicit drugs. A survey completed in Australia found 46% had used illicit drugs (principally cannabis) in the past month, a significantly higher proportion than among respondents to the 2004 National Drug Strategy Household Survey (18%). Of note, the study found participants who favoured dance/house or rap music were more likely to have used illicit drugs recently than the remainder of the sample⁴.

The Crime Survey for England and Wales found that in the year ending 2016 in 19% of violent incidents the victim believed the offender(s) to be under the influence of drugs⁵.

Whilst the cashless system has many merits in reducing theft, we have concerns that attendees will find it easier to settle any remaining balance by purchasing further drinks at the bars due to the non-automated refund system currently in place.

Due to the significant proportion of drug and alcohol use likely to occur at the festival, we have significant concerns on the consequent crime and disorder that will descend on the area. Steps taken by the event organisers to mitigate this include a 3 point search and a suggested no-re-entry policy, although the extent to which this is conducted on the day is key to its success. We advise there are further steps which can be taken to promote this licensing objective.

2. The prevention of public nuisance

The event will be covering a large area of Morden Park Open Space and we were informed at the Safety Advisory Group⁶ that the festival will require 10 days of construction preceding the event date, and a further day for the breakdown of the structures constructed after the event. This will disrupt local residents usage of the area and have an impact on residents living near the site.

On the day of the event, there will be noise and visual disturbance to local residents. Of note, weddings occurring at Morden Hall have also expressed distress at having the event so close to the registry office. Whilst some steps for noise and visual mitigation have been taken, the applicant did not provide sufficient such concerns must continue to be considered in all planning for the event.

Additionally, the license application states the 'hours premises are open to public are 11.00-23.00', although the organisers evacuation plan extends until 24.00. The evacuation plan for attendees after the

¹ Alcohol Concern UK (2012) Response to The Government's Alcohol Strategy (March 2012)

² Popova et al 2009, Hours and days of sale and density of alcohol outlets: impacts on alcohol consumption and damage: a systematic review. Alcohol & Alcoholism Vol. 44, No. 5, pp. 500-516

³ WHO 2009 Preventing violence by reducing the availability and harmful use of alcohol

⁴ Lim et al, 2008. A cross-sectional survey of young people attending a music festival: associations between drug use and musical preference. Drug and Alcohol Review 27 (4), 1465-3362.

⁵ Home Office Statistics. Drug Misuse: Findings from the 2015/16 Crime Survey for England. s.l.: National Statistics, 2015-16. Second Edition.

⁶ The Safety Advisory Group was held at the Merton Civic Centre on 04/04/201 and attended by Public Health.

event conclusion is vital to limiting the extent of public nuisance. Concerns regarding noise, litter, and antisocial behaviour disturbing local residents as attendees gradually make their way home can be mitigated with thorough planning. In particular, if there are still public onsite after 23.00 this raises serious concern about the timing of their journey home and the impact on local residents.

Furthermore, the dispersal of attendees to local areas raises concerns of capacity of the borough in accommodating 20,000 people following the event, either via the transport links to onwards destinations, or to premises in the borough. The applicant does not provide sufficient detail on how they intend to ensure an adequate evacuation of the attendees within keeping of the licensing objective to prevent public nuisance.

3. Public safety

Firstly, the safety advisory group meeting highlighted concerns regarding the single site entrance which will be utilised by attendees, suppliers, and emergency services. In an emergency this limits vehicle entry and exit access to the site and is an area of high risk. Whilst table top exercises will enable us to fully identify the risk, the lack of alternative entrances remains unmodifiable.

Secondly, the license application reports an Alcohol Management Plan will be made available to authorities, and due to the likelihood of intoxicated individuals requiring extra support, we feel there should be sufficient time period between the plan being made available and suggested changes incorporated before the event. A key point to include in the plan would be an alcohol recovery area (not currently on the site map) in addition to, and separate to the medical provision area. This would ensure appropriate triage of medical provisions and personal, but also ensure the safety of vulnerable individuals.

Thirdly, the safety of attendees, who may be under the influence of drugs and alcohol, on their journey home must be considered and the nearby presence of a dual carriage way is an area of concern. Mitigating these risks with adequate marshaling and signage for attendees is key. We would like to stress that the applicant should have sufficient provisions to marshal attendees from the event site to the nearby transport links, ensuring they provide adequate crowd control at the transport link sites (e.g Merton Underground Station). Planning for those who have no means of returning home and are vulnerable will also need to be addressed in the Alcohol Management Plan.

Finally, attendees are likely to consume food and drink onsite. In the interest of health protection, caterers should have sufficient hygiene standards that will be maintained onsite to prevent an outbreak.

Conclusion

As a responsible authority it is our duty to ensure the licensing objectives are upheld and this event is safe and sociable with sufficient consideration for risk mitigation in its planning. After discussion with the other responsible authorities, and having attended the Safety Advisory Group we feel that although the applicant has provided a detailed application, the risks outlined above are insufficiently mitigated in part due to the physical constraints of the site, but also due to the limited time frame remaining to discuss and agree the alcohol management plan (among others they have suggested but not yet published).

Therefore we would recommend that the license be rejected on this occasion.

If the committee is minded to approve the application, based on the information provided, we would recommend that the following conditions are applied to the licence (phrases with bold are adapted from the applications current wording):

1. "All **persons entering** the event **to include all staff, attendees, artists, suppliers, and caterers** will be subject to search on entry."
2. Electronic scanning ID equipment will be utilised in addition to visual confirmation to check ID for all attendees.

3. A strict no re-entry policy for attendees to the event which is adequately sign posted at the entrance will be enforced.
4. An amenity bin will be present at the site entrance to allow visitors to voluntarily dispose of drugs before entry.
5. For suppliers and caterers who need to leave the site during the opening hours of the event there will be a thorough search of all personal and equipment or supplies brought into the festival.
6. The event organisers will provide marshals at the event exit, along the dual carriageway, along the route to the nearest transport links, and adequately crowd control at the transport link.
7. A staffed alcohol recovery area will be available in addition to the medical premises onsite.
8. A transport plan for intoxicated individuals who are vulnerable will be included within the Alcohol Management Plan.
9. "An Alcohol Management Plan will be drawn up and agreed with the authorities at a **minimum of six weeks before the event.**"
10. "The Event Management Plan will be signed off by the Safety Advisory Group at a **minimum of six weeks before the event.**"
11. Licensable Activities will cease at 22:00hrs to allow sufficient time for the attendees to evacuate the site which should closed to the public by 23.00
12. All catering premises employed onsite will have a Hygiene Rating of 3 or above.
13. "Noisy construction works audible beyond the site boundary shall only be undertaken between the hours of 08:00 – **18:00hrs** Monday to Saturday and 08:00 – 18:00hrs on Sunday."
14. "A noise "hot line" number will also be included on the **local residence notification letter** to allow residents to contact an event representative should they need to make a complaint."
15. Intoxicated individuals attempting to place further orders at any onsite bar will be escorted off the premises site.
16. All remaining credit on the cashless system will be automatically refunded to the attendee.
17. To have health promotion material available and prominently on display such as Drinkaware and FRANK.

We believe that these conditions are reasonable and proportionate in order to promote and maintain Merton's safe and sociable approach to licensing.

Yours sincerely,

Dr Aalaa Jawad
Public Health Speciality Registrar

On Behalf of Dr Dagmar Zeunar
Director of Public Health