

Proposed conditions: comments of Belinda Harley

GENERAL

1. **All events taking place in the Garden will be subject to individual Risk Assessment.**
The condition is too vague at present. More information is needed as to what the risk assessment will cover; when it will be produced; if it will be open for inspection; who will produce it etc.
2. The Grosvenor Square Management Group (which comprises of Grosvenor GBI, local stakeholders, including amenity societies, residents, businesses, The Royal Parks and relatives of the Memorial to the victims of 9/11) will be informed of all events taking place within the Garden.
We are not aware what this group is: what amenity societies are members; what 'stakeholders' are members; what residents are members; how membership is achieved. Genuine representation is key.
3. There will be a maximum of **68 days** of events taking place per calendar year.
A number of points arise.
 1. It is noted that this is an increase on the number of days of events permitted under licence ref: 18/03517/LIPN (albeit we understand that licence may now have lapsed in any event).
 2. It is very important for the Sub-Committee to appreciate these events will not be evenly distributed throughout the year. The events will be focussed on, and largely take up, the summer months of school holidays. This is of course when local residents – including children, for whom the Gardens are an invaluable and safe open space; they use the park to play in the evenings. For many, it is their one and only 'back garden'.
 3. Up to 21 days of Temporary Event Notices could be held on top of this.
 4. The infrastructure - e.g. hard-standing - required for the type of events proposed like will irretrievably degrade the Square Gardens at the very time when Grosvenor has announced that the square will be restored as a 'haven' for wildlife, nature and green space. Three week-long builds will destroy grass, planting, natural wildlife.
 5. There seem to be problems with the proposed site allocation: although the 'red line' is drawn around the entire Square, the area where the applicant could actually hold events without impinging on sensitive areas such as the 9/11 Memorial Garden is much smaller. This Memorial garden – a point of pilgrimage 365 days a year – can only be accessed from within the square, and allowance has not been made for the space needed for this. This increases the risk of overuse.
 6. Events will coincide – audibly - with the Hyde Park summer pop concerts. Clearly, events in Grosvenor Square Gardens taking place at the same time will impact even more on residents.
4. Events will be split into 4 categories: A, B, C and D.
5. **Category A events** will take place on no more than **28 days** per year, with a terminal hour of **20:30** and a maximum capacity of **2000** persons.
The park closes at dusk, or 20.00, whichever is earlier. The terminal hour should be, at most, 20.00. The maximum capacity for 'Category A' events is far too high. It is

unsustainable given the existing site. Presumably, 'Category A' events are earmarked for the 'Summer in the Square' event? Whilst this 3 week-long event does include some examples of a genuinely community-focused programming, the intensity of use is inappropriate and over-scale. In any event, the brochure at Appendix 2 of the LSC Report states that the event '[welcomed] over 40,000 people across its three weeks.' That equates to an average of approx. 1900 people *in total* per day. If the event is from, say, midday to 8pm, this equates on average to approx. 237 people per hour. It is therefore unclear why such a high capacity is requested, unless it refers to the total across the entire day. We note also that this previous figure must include a proportion of those using the square – as is customary – simply to access Oxford Street/Piccadilly? In such a case the proposed capacity seems excessive and we suggest should be reduced.

There is also scant detail as to how dispersal will be managed to ensure minimal disruption for local residents - and safety, given that for much of the square, high density crowds would disperse round a single-file pavement up against heavy traffic.

6. **Category A events** will be free, un-ticketed and open to the public.
7. **Category B events** will take place on no more than **10 days** per year, with a terminal hour of **23:00** and a maximum capacity of **500** persons.
As noted above, the park closes at dusk, or 20.00, whichever is earlier. The terminal hour should be, at most, 20.00, for the reasons referred to at (3) and (5) above. 500 people leaving at 2300 would inevitably cause prolonged nuisance to residents.
8. The sale of alcohol during **Category B events** will be ancillary to the serving of food.
More detail is required.
9. **Category B events** will feature 2 distinct service times: Lunch and Dinner, with no licensable activities taking place between the 2 service times (for example 12:00 – 15:00 / 17:00 – 22:30). Full details will be outlined in the Event Management Plan.
Full details should be available in time for the hearing, to enable the parties and the Sub-Committee to be able to fully assess the potential impact of what is proposed.
10. **Category C events** will take place on no more than **26 days** per year, with a terminal hour of **20:30** and a maximum capacity of **850** persons.
See the points made at (3), (5) and (7).
11. **Category C events** will be free, un-ticketed and open to the public.
12. **Category D events** will take place on no more than **4 days** per year, with a terminal hour of **18:00** and a maximum capacity of **1000** persons.
See the points made at (3), (5) and (7).
13. **Category D events** will be free, un-ticketed and open to the public.
14. Each event will be presented to WCC's Events and Filming Team for consideration as to whether or not the event should be subject to Safety Advisory Group discussion.
15. The premises Licence holder shall comply with all reasonable requirements of Westminster Police Licensing Team, the London Fire and Emergency Planning Authority and Westminster City Council's Environmental Health Consultation Team and Westminster City Council's Filming & Events Team.
16. **Licensable activities and the consumption of alcohol at the premises shall only be provided ancillary to the primary use of the premises as a Garden Square.**
Grosvenor Square falls within the ambit of the Roosevelt Memorial Act ("the 1946 Act"). We also note that the newly adopted Mayfair Neighbourhood Plan reserves

the months June-August for community activities; the greater part of these months would be taken away by commercial events and licensable activities.

The preamble to the 1946 Act provides that it is an Act " to provide for the erection in Grosvenor Square of a statue of Franklin Delano Roosevelt, the laying out of the square as a garden and its operating for the use and enjoyment of the public in perpetuity, and for matters connected with the aforesaid". It was further intended that the Square "shall be opened for the use and enjoyment of the public and kept for that purpose in perpetuity"

s1(b) of the 1946 Act provides that the Square shall be laid out "as a garden and shall forever hereafter be kept open as a garden for the use and enjoyment of the public, and shall be managed and maintained by the Minister of Works for that purpose". We understand that up until recently that responsibility had been delegated to Royal Parks under the auspices of the DCMS but since May 2018 responsibility has been passed to the applicant.

The applicant would therefore need in any event to ensure that any licence which may be granted does not offend the principles laid down in the 1946 Act.

Any grant of a premises licence cannot constitute a material encroachment and/or interfere with the amenity of Grosvenor Square and/or the laying out of the Square as a garden for the use and enjoyment of the public in perpetuity.

17. Non-intoxicating beverages, including drinking water, shall be available to patrons throughout the permitted hours for the sale or supply of alcohol.

THE PREVENTION OF CRIME AND DISORDER

18. The Westminster Police Licensing Team and Police Events Planning Team shall be notified 14 days in advance of any event during which licensable activities will be provided. **The Police have the right to veto any event following notification.**
19. **An agreed minimum number of SIA licensed door supervisors shall be on duty at the premises at times when licensable activity is taking place.** The minimum number of SIA security shall be agreed with the Westminster Police Licensing Team and/or Police Events Planning Team 14 days in advance of the event.
20. All SIA Door Supervisors shall wear yellow or orange high visibility tabards or jackets at all times with the word Security clearly displayed. When they are on duty they shall have their SIA licences on display at all times.
21. A search policy shall be agreed with the Westminster Police Licensing Team and/or Police Events Planning Team 14 days in advance for all events for customers and staff. The search policy will set out the extent of the search i.e. bags or bags and full outer clothing pat down and will be based on a written risk assessment, that can be provided to the Responsible Authorities upon request. Male and female Security will conduct searches of customers of the same gender. Notices shall be displayed

stating that a refusal to be searched will result in a refusal of entry. Any such refusals will be noted in an Incident and Refusal Log

22. An Incident and Refusal Log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
- (a) All crimes reported to the venue
 - (b) All ejections of patrons
 - (c) Any complaints received concerning crime and disorder
 - (d) Any incidents of disorder
 - (e) Any refusal of the sale of alcohol
 - (f) Any visit by a relevant authority or emergency service
 - (g) Any faults to the CCTV system
23. **All instances of crime and disorder shall be reported to the police.**
24. On request of a senior Police Officer, the premises shall cease all licensable activities and only resume licensable activities when authorised by a senior Police Officer.
25. **At times when the Licence is in operation, the premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.** All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
26. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

PUBLIC SAFETY

27. A suitable and sufficient Event Management Plan that helps to promote the licencing objectives shall be drawn up prior to an event and submitted for approval to the Licensing Authority, Environmental Health and Police Licensing & Police Events Planning Team. **A draft of this document will be submitted a minimum of 28 days prior to the event with a final version being submitted a minimum of 14 days prior to the event.** This shall be kept for at least one year following the event and shall include where necessary, details on the following aspects:
- (a) Emergency and Evacuation Procedures
 - (b) Crowd Management and Stewarding arrangements
 - (c) Overnight Security arrangements
 - (d) A detailed site plan showing all permanent and temporary structures and all access and egress points
 - (e) Capacity at any one time

- (f) Information on certificates from competent persons on Structures, Electrical Power Supply and Gas equipment (including LPG)
- (g) First Aid and Lost Children arrangements
- (h) Noise Management Plan
- (i) Risk Assessments
- (j) Waste Management Plan
- (k) Sanitary accommodation
- (l) Public Liability Insurance
- (m) The setup and break down arrangements for the event
- (n) The dispersal of customers at the end of the event
- (o) The nature, style and content of the event

The words 'suitable' and 'sufficient' are, without further context, too vague. In particular, points (b), (d), (e), (h), (k), (m), (n) and (o), are directly relevant to residents' concerns and need to be 'fleshed out' in much more detail.

28. When creating the Event Management Plan, reference will be made to the following publications (or any replacement thereof): The Event Safety Guide (purple guide), Guide To Safety At Sports Grounds (green guide), FRSA - Open Air Events and Venues.
29. A communication system shall be provided to ensure the effective operation of the site under both normal and emergency evacuation conditions.
30. All drinks sold or supplied shall only be in open polycarbonate or crushable vessels unless prior exemption has been obtained from the Environmental Health Consultation Team for a specific event in writing or by email.
31. Events featuring glassware on site will feature the following measures:
 - Cleaning/Back Bar staff to be on duty to clear any breakages promptly
 - Spot Sweep (long handled dustpan and broom) to be available to facilitate the safe clearing of breakages.

How will the applicant ensure that glassware (and for that matter, drinks in general) will not be taken off the licensed premises? How will litter and cigarette butts be collected?
32. Following Risk Assessment certain events will operate with an Event Safety Advisor on duty. This will be detailed in the Event Management Plan.
33. In the absence of daylight, there will be sufficient lighting installed whilst the premises are open to the public.
34. When disabled persons are present, there must be sufficient numbers of staff and adequate arrangements in place to ensure their safe evacuation in the event of an emergency.
35. Disabled persons on the Premises must be made aware of such Emergency arrangements by staff and the use of appropriate signage.
36. Suitable and sufficient supplies of First Aid equipment and materials must be available on the Premises at all times.

THE PREVENTION OF PUBLIC NUISANCE

37. Music shall not emanate from the premises so as to cause nuisance to nearby properties.

How can this be achieved, in practice? Residents already suffer greatly, still, with noise from the Hyde Park concerts. These concerts would coincide with events in Grosvenor Square.

38. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises which gives rise to a nuisance, including the setting up and breaking down of an event.

See (37) above.

39. No waste or recyclable materials, including bottles (bottling out), shall be moved, removed from or placed in outside areas between (21.00) hours and (08.00) hours on the following day.

40. A direct telephone number for the manager at the premises shall be publicly available at all times licensable activities are taking place at the premises. This telephone number is to be made available to residents and businesses in the vicinity.

How would the number be 'made available'? This condition is on the previous licence, but we are not aware of how it was, in fact, complied with.

41. Where regulated entertainment is provided a **Noise Management Plan shall be submitted to WCC EHCT at least 14 days** in advance of the event.

More detail would be helpful. See points made at (37) and (38) above.

42. All deliveries and collections relating to events will be scheduled to take place between 07:00 - 19:00. Should it be necessary for any deliveries to take place outside of these hours, prior notification will be made to the Grosvenor Square Management Group and residents in Grosvenor Square.

07:00 seems too early.

43. Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

This in itself is nowhere near enough to manage dispersal adequately.

THE PROTECTION OF CHILDREN FROM HARM

44. In relation to the sale of alcohol, a **Challenge 25 policy** will be in operation at all events and only approved ID will be accepted: Passport, Photo Driving Licence, Prove It Card with PASS hologram, Military ID Card.

45. **Challenge 25** signage will be on display at all alcohol service points.

46. The PLH, DPS and staff should record any refusals of alcohol to young people in the Incident and Refusal Log. The Log shall be checked and where necessary updated and signed monthly by the Designated Premises Supervisor (DPS). The refusals log shall be made available for inspection by the Licensing Team, Police or Trading Standards.

47. Unaccompanied children will not be permitted on the Premises after 21:00 during any event.

48. A 'Lost and Found Child Policy' will be prepared and implemented.

49. Events operated by Grosvenor directly will feature an appropriate number of DBS checked staff (based on a written Risk Assessment within the Event Management Plan). For events operated by approved third parties, similar assurances will be sought.

Has the applicant assessed the potential for harm to children who may be using the Square Gardens when an event is taking place elsewhere in the Gardens?

It should also be noted that as per the points made at (3) above, will children have access to the Gardens at all during events, with the holistic health benefits this provides?