

LICENSING SUB COMMITTEE

Minutes of the meeting held on 24 July 2024 at 1.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillors Currie, Huxley and Rogers

Also in attendance:

Thanet District Council:

- Amanda Berry, Senior Environmental Health Practitioner
- Roger Hodgkinson, Interim Senior Litigation Lawyer
- Asitha Ranatunga, Barrister, Cornerstone Barristers for Thanet District Council
- Aliston Stocker, Senior Licensing Officer

Kent Police:

- Mark Davies, Barrister for Kent Police
- PC Gemma Martin
- PS Pete Pallard
- Ins. Jim Woodward

Dreamland Margate:

- Phil Crier, PBC Licensing Solicitors
- Shane Guy, Operations Director
- Eddie Kemsley, CEO
- Phillip Kolvin KC, Counsel for Dreamland Margate

1. **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **FULL REVIEW OF THE PREMISES LICENCE FOR DREAMLAND PARK AND BUILDINGS MARINE TERRACE, MARGATE, FOLLOWING EXPEDITED (S53A) REVIEW**

Alison Brock, Technical Support Manager, introduced the report and made the following points:

- Thanet District Council in its capacity as the Licensing Authority, received a premises licence review request from Kent Police on 5th July 2024. As a result, an expedited hearing was held on 9 July 2024;
- Following the hearing on 9 July 2024, a number of interim steps were agreed;
- This Sub-Committee hearing acted as a full review of the licence for Dreamland Margate, which was required under Section 53A of the Licencing Act and within the 28 days of the receipt of the initial application;
- A number of representations were received from the public following the notice of review, with one person asking to speak at this Sub-Committee hearing;
- Representations were in attendance representing Kent Police, Dreamland Margate and the Licensing Authority (Thanet District Council);
- Recommendations were submitted by the representations from Dreamland Margate;

Mark Davies, Barrister on the behalf of Kent Police spoke and made the following points:

- On the behalf of Kent Police, Mr Davies offered his condolences to the people affected by the incident that occurred at Dreamland on 29 June 2024, during a drum and bass night, featuring the band Worried About Henry, including the family of Emily Stokes and the 21 other patients admitted into hospital due to drug overdose symptoms;
- Kent Police still had an active investigation into the incident ongoing as of the time of this Sub-Committee meeting;
- He reminded the room that there was always planned to be a licence review of Dreamland Margate carried out in July 2024, prior to the incident on 29th June 2024;
- The agreed recommendations were provided by both Dreamland Margate and Kent Police as a joint agreement. The Councillors were reminded that although the recommendations was agreed, that it should not take away from the seriousness of the situation and that they acted as a proportionate means to address the issues raised;

Asitha Ranatunga, Barrister on the behalf of Thanet District Council spoke and made the following points:

- He also reiterated the sentiments from Kent Police regarding the seriousness of the incident that took place on 29 June 2024;
- The Licensing Authority's top concern with the licensing conditions and objectives was primarily concerning the prevention of crime and disorder as well as protecting members of the public, especially children from any potential harm;
- It was explained that a revised conditions list was decided through a safety advisory group (SAG) process, which included the joint undertaking of the licensing authority and the other parties involved, with the goal of ensuring incidents like this did not repeat;
- When an event was considered "high-risk", in accordance with the risk assessment matrix, a number of documents including event risk assessments and an event management plan needed to be considered, with one criteria being considered was whether or not the event is for over 18s only;
- Condition 3 was highlighted, specifically section 3C, which meant that an event management plan must be submitted for these events;
- Condition 4 detailed how high-risk events must be given 3 months' notice;
- Condition 6 detailed how all events must be planned in accordance with the event management plan;
- Condition 8 detailed how events that were high-risk must be for over 18s only, with no admittance for minors;
- The risk-assessment that got carried out required an assessment of all material risk and works to categorise the event itself as low, medium or high-risk;
- It was explained that the SAG process was reactive to the events, but it did not mean that the operators discharged any responsibility.

Amanda Berry, Senior Environmental Health Practitioner, spoke and made the following points:

- Environmental Health is a responsible authority under the Licensing Act and submitted representations for this review;
- Updates were provided regarding noise complaints of the premises since the varied licence was agreed 18 months prior;
- The Sub-Committee previously granted 40 outdoor events, 8 having a higher noise limit and 32 with a lower noise limit. A condition required a sound management plan to be produced by an independent acoustic consultant, which laid out the details behind noise monitoring for outdoor events. The monitoring data submitted by Dreamland were all within these limits with Dreamland not

utilising the high noise events, highlighting that these events had twice the limit of low level events;

Phillip Kolvin KC, counsel for Dreamland Margate spoke and made the following points:

- The Sub-Committee was reminded to consider the recommendations as proportionate measures to avoid this accordance from happening again;
- He commended the joint partnership between Dreamland Margate and Kent Police, especially in developing the agreed upon recommendations;
- Three meetings were arranged before the hearing to discuss and decide upon the conditions that were decided upon by the parties, together;
- The Sub-Committee was reminded that the safety advisory group themselves were specifically advisory and not the approval bodies;
- Condition 8 on the policy was highlighted as Dreamland Margate's zero tolerance drugs policy, which banned the use and sale of drugs in the premises of Dreamland, with a drugs drop box located in the main office of the venue, for the confiscation of said drugs;
- An event management policy was due to be drawn up, detailing how body cameras will be used on a selective basis moving forward;
- Condition 20 allowed the licensing authority access into the venue in order to conduct investigations as well as authorities such as Kent Police;
- Summing up the remaining conditions, Conditions 1 to 6 create a number of responsibilities which held the licence holder responsible for, in every respect to remain transparent;
- It was highlighted that the safety advisory group had facilitated discussions around the relationship with health services and the venue's own medical facility, including the ambulance services. The relationship between Dreamland and Kent Police was highlighted as Kent Police would police the local railway station and the fences of said station;
- Network Rail requested to be more involved in a formal forum where it can collaborate better with the remaining parties;
- Condition 9 concerned the training of security and stewards who worked from the venue itself;
- Condition 10 detailed the age verification for entering the facility during high-risk events;
- Condition 11 detailed the medical support provided for outdoor and high-risk events;
- Condition 12 was a condition suggested by the Environmental Health team which detailed that the noise levels coming from Dreamland itself had to be reported to the licensing authority, seven days ahead of a music event;
- It was said that since Dreamland Margate had obtained the licence from the licensing authority 18 months prior, that the venue had been transformed from a failing amusement park to a success one with further success in the events hosted;
- He went into detail regarding the sound management plan, which was a 20 page document drafted by Mr Hans, who had experience being an independent sound consultant, which was signed off by the Environmental Health Team;
- Dreamland Margate abided by the sound management plan which included readings from noise sensitive areas around the venue, including Arlington House;
- Following complaints from Arlington House in the previous 18 months, Environmental Health themselves visited the building several times, in order to understand those complaints. Following these visits, independent advice was sought from a leading noise consultancy, Vanguardia who advised the licensing authority that the correct levels for noise were below 75 for 8 events and below 65 for the remaining 32, he again reminded the Sub-Committee that Dreamland still have not utilised the 75 level;

- It was pointed out that the Environmental Health Department has expressed no concern with sound levels coming from the Dreamland venue in that time;

Mr John Moss, public speaker, spoke and made the following points during his representation:

- Mr Moss made a series of complaints regarding noise of the Dreamland venue a number of times over the last few years;
- He informed the Sub-Committee that his flat was in direct line with the staging area;
- 49 complaints were received by the Council, relating to 25 separate events that were held;
- There was concern that Mr Moss' complaints from 2023 were not fully acknowledged by the Licensing Team members;
- Mr Moss claimed that according to a device he used to measure the noise levels from Dreamland, they were in excess of the agreed upon levels;
- Mr Moss also had concern about some of the bad language being used at the events, specifically lyrics to some of the songs that the bands played.

The Sub-Committee responded to the statements that were heard from the other parties:

- The Sub-Committee were interested to hear more about the safety adversary group and requested that some feedback be provided following the meetings that were held amongst the members of the group, whilst acknowledging that some information would be confidential;
- It was expressed that the ratio of 1 security staff per 100 visitors to the venue be looked at going forward with some consideration going to employing more female employees to help assist with searches regarding female patrons;
- Some concerns were expressed regarding the boundary of the park, with worry of access from people who arrived into Margate through the train station;
- It was requested that a further review come back to the Sub-Committee in one year, in order to keep the Sub-Committee informed of news coming out of Dreamland.

Phillip Kolvin KC, responded to the points made by the Sub-Committee:

- He agreed that the Sub-Committee should be kept informed of the inner workings around Dreamland, he went on to say that perhaps a report should be provided to the full Licensing Board on a regular basis;
- He suggested that a de-brief could happen for some high-profile events that occur at Dreamland which would give details regarding that event and bring those details back to the Board, which would be provided by the Licensing Authority members of the SAG;
- He also suggested that if the Sub-Committee would like a review follow up in the following year, then it would be best to push it back to October, so that the whole Summer season could be detailed with the events carried out during that time;
- Regarding the ratio of male to female security staff, Mr Kolvin said that it would be something for the risk assessment of the events to consider, but either way, employing more female staff would be hard due to the difficulty of coming by more females willing to accept the job, so imposing any kind of ratio would bring strain to Dreamland;
- Following on from the ratio of 1 security staff for every 100 guests, he explained that having a blanket number would not be simple, since considerations were made regarding the type of event and the types of people the event would attract;

Mr Moss spoke again and asked the following questions:

- He asked what readings were taken by Thanet District Council in regards to Dreamland, where the readings were taken and what was the results of those readings;
- He went on to ask Dreamland Margate about the readings that they took, specifically from the general area outside Arlington House and outside Mr Moss's flat.

Amanda Berry responded to Mr Moss's questions:

- She informed Mr Moss that Dreamland provided sound logs for all of the events, which were reviewed by the Environmental Health department and had no objection to Mr Moss being provided with said logs and can go as far back as the latest variation on the licence.

Mr Korvin also responded to Mr Moss's questions:

- He informed Mr Moss that the third party readings that Dreamland Margate took were not the same as the readings taken by Thanet District Council which could be provided by a Freedom of Information request, whereas the readings from Dreamland are seen as more confidential. However in regards to the location of the readings, Mr Kolvin replied that it would not be practical for readings to take place several floors above ground level, as the readings that have been taken have been from ground level.

4. FULL REVIEW OF THE PREMISES LICENCE FOR DREAMLAND PARK AND BUILDINGS MARINE TERRACE, MARGATE - DREAMLAND SUBMISSION

This item was discussed in conjunction with Item 3 as part of the public section of the hearing.

5. EXCLUSION OF PUBLIC AND PRESS

Councillor Rogers proposed, Councillor Huxley seconded and members agreed:

That the public and press be excluded from the meeting on agenda item 6 and 7 as they contain exempt information as defined in Paragraph 7 of Schedule 12A of the Local Government Act 1972.

6. FULL REVIEW OF THE PREMISES LICENCE FOR DREAMLAND PARK AND BUILDINGS MARINE TERRACE, MARGATE - TDC SUBMISSION - CONFIDENTIAL DOCUMENTS

Mr Davies spoke regarding the restricted items.

Mr Ranatunga, spoke regarding the restricted items.

Mr Kolvin spoke regarding the restricted items.

Following the discussion, representatives of Kent Police, Dreamland Margate and the Licensing Authority were asked to leave the room whilst the Board deliberated.

Once the Board came to a decision, representatives of Kent Police, Dreamland Margate and the Licensing Authority were invited back into the meeting room and Mr Hodgkinson, Interim Senior Litigation Lawyer addressed the meeting and read out the Board decision which was as detailed below:

"The Sub-Committee has considered the evidence presented by way of written

representations, oral representations at the hearing and answers in response to questions.

The Sub-Committee has had regard to the licensing objectives, the statement of licensing policy, the Section 182 guidance and the Summary Review guidance.

The Sub-Committee has conducted the review as a full review of the licence, acknowledging that the process was originally started under Section 53A of the Licensing Act 2003.

In turn this means that the Sub-Committee is obliged to consider the evidence in the context of all four licensing objectives.

The Sub-Committee is required to consider whether the evidence presented suggests that one or more of the licensing objectives are being undermined.

In this context the Sub-Committee bear in mind that they are entitled to view Kent Police and Environmental Health as sources of advice in respect of crime and disorder and public nuisance respectively.

With regard to crime and disorder the Sub-Committee accepts that incidents of crime or disorder have occurred. In particular on the 29th June 2024, there was an event after which one person died, one person was placed in an induced coma, and 21 others received hospital attention as a result of ingesting drugs.

Also, although the event was “high risk”, under-18s were admitted. These incidents alone would warrant, in the Sub-Committee’s view, a summary review under Section 53A of the Licensing Act 2003.

In the context of noise nuisance, the Sub-Committee noted the evidence of Mr Moss. Although Mr Moss was clearly aggrieved, the Sub-Committee did not have the benefit of precise sound measurements from him. However, the Sub-Committee notes there have been a number of complaints, justifying the Sub-Committee finding that there is reason to believe that the licensing objective of preventing public nuisance is being undermined.

However, the Sub-Committee is required in both contexts to consider whether or not conditions would remedy this.

In that context, the Sub-Committee noted again that it is entitled to look to Environmental Health and Kent Police as sources of advice in their capacity as responsible Authorities.

The Sub-Committee has been presented with a set of agreed conditions, in the document headed “Dreamland – LSC Hearing 24th July 2024 – Revised Proposed Conditions”, that is to say conditions agreed by Kent Police, Dreamland Margate and Thanet District Council.

In addition, Mr Kolvin proposed on behalf of Dreamland Margate and in response to a question from the Sub-Committee, an additional condition to be listed at 3C (XIV), to read: “Event management will have to specifically cover boundary security”.

Given that the above conditions are agreed (save for that suggested by Mr Kolvin) and supported by Kent Police, Dreamland Margate and Environmental Health, the Sub-Committee is satisfied that these conditions (with the inclusion of that suggested by Mr Kolvin) will effectively address those matters that have been aired at this review and have been of concern to the Sub-Committee.

Further, the Sub-Committee is satisfied that in the context, these conditions are proportionate.

The Sub-Committee notes in particular the cooperation Dreamland Margate has given to the responsible authorities, in particular, to Kent Police.

The decision of the Sub-Committee is to amend the licence to include the agreed conditions and including that suggested by Mr Kolvin.

In addition, the Sub-Committee impose the aforementioned conditions as interim measures, pending expiry of the time for appeal or the determination of any such appeal.

These interim measures will replace any previous conditions imposed as interim steps.”

7. **FULL REVIEW OF THE PREMISES LICENCE FOR DREAMLAND PARK AND BUILDINGS MARINE TERRACE, MARGATE - DREAMLAND SUBMISSION - CONFIDENTIAL DOCUMENT**

This item was discussed in conjunction with Item 6 as part of the restricted section of the hearing.

Meeting concluded: 4.34 pm