

LICENSING SUB-COMMITTEE DECISION

Monday 11 September 2023 at 10.00 am
Assembly Hall, Lambeth Town Hall, 1 Brixton Hill, London SW2 1RW

Present: Councillor Fred Cowell, Councillor Linda Bray and Councillor Adrian Garden

4c O2 Academy Brixton Decision

The meeting ended at 5.25 pm, 12 September 2023.

CHAIR
LICENSING SUB-COMMITTEE

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Councillor Fred Cowell (Chair of LSC) Summary of the Licensing Sub Committee's Decision on the O2 Academy Brixton 15 September 2023

On the 11 and 12 September the Licensing Sub Committee (LSC) heard two combined applications: one from the Academy Music Group (AMG) to reopen the O2 Brixton Academy and the other from the Metropolitan Police to revoke AMG's premises licence. Following the orders of the LSC in an emergency summary review hearing in response to the serious incident of 15 December 2022, when tragically Rebecca Ikumelo and Gaby Hutchinson lost their lives and others were seriously injured, the Academy had been closed. The legal purpose of this current hearing was not to conclusively make judgements on the facts, establish the full causes or assign blame for the events of 15 December 2022, that is the task for other separate proceedings. Our sole responsibility, as a matter of law, was to look at past events and determine whether the venue was safe to reopen.

The LSC have decided, subject to the fulfilment and maintenance of an additional 77 conditions on the premises licence, to grant AMG's application to vary their premises licence and allow the venue to reopen. The detailed reasons for this are set out from paragraph 87 of the LSC's full determination and the full list of new licensing conditions are set out at Annex A. The conditions agreed with AMG are all designed to protect and enhance public safety at the venue and negotiated with and agreed to by Lambeth's Licensing Officer. These conditions address what were established by the LSC as being necessary for the venue to operate and include enhanced ticket checks, phased queuing systems, reinforced doors and many other measures, summarised at paragraph 50 of the full decision.

The LSC were satisfied that these new measures appropriately and proportionally met the public safety and prevention of crime and disorder objectives of the Licensing Act 2003. In hearing the police's case to revoke the licence the LSC were mindful there was a lot of material that was confidential, as it related to potential future proceedings, and consequentially large parts of the hearing were in closed session. Even then there was a range of evidence that the

police could not present to us which was understandable, given ongoing criminal investigations, but limited the LSC's options. The LSC cannot and must not act on an absence of evidence. We considered their submissions in relation to the deterrence effect of revoking the licence but were satisfied there was no need in this case (see paragraph 85). We also imposed a condition requiring AMG's risk assessment of future events to incorporate a modified version of the public sector equality duty. This was an unusual step, but we were concerned to prevent enhanced risk assessments of future concerts inadvertently 'blanket-banning' certain genres of music and AMG fully supported us on this point noting the importance of the academy to the BAME community.

We would like to extend our thanks to all of the third-party submissions we heard on day one of the hearing and all of the members of the public who made written submissions. Finally, the LSC extends its condolences to the bereaved families and those who suffered loss on the 15 December 2022.

LONDON BOROUGH OF LAMBETH'S

LICENSING SUB-COMMITTEE

Sub-Committee Members: Cllrs Fred Cowell (Chair), Linda Bray and Adrian Garden

Democratic Services Officer: Jacqueline Pennycook

Licensing Officer: Ola Owajori

Legal Advisor: Gary Grant, Barrister.

DETERMINATION OF APPLICATIONS TO VARY & REVIEW A PREMISES

LICENCE RELATING TO:

“O2 ACADEMY BRIXTON”

211 Stockwell Road, London, SW9 9SL

Hearing Dates: 11th and 12th September 2023

Summary of decisions

1. The application to vary the premises licence, made by the premises licence holder Academy Music Group Ltd (“AMG”) under sections 34-35 of the Licensing Act 2003 (“LA2003”), is allowed subject to the replacement of all conditions currently in Annex 2 and 3 of the premises licence by the 77 conditions set out in Annex A to this decision.
2. The application to review the premises licence, made by the Metropolitan Police (“the Police”) under sections 51-52 of the LA2003, is determined in the same way as the variation application, namely by the modification of the premises licence to replace all the existing

conditions currently in Annex 2 and 3 of the premises licence by the 77 conditions set out in Annex A to this decision.

3. The effect of these decisions is to permit the O2 Academy Brixton to re-open, but only once it is compliant with all of the new conditions imposed. Once open, the operators will be subject to rigorous independent scrutiny to ensure public safety. The licensing sub-committee expects the licence holder to comply strictly with every condition imposed.
4. This has been a unanimous decision by the Members of the licensing sub-committee (“LSC”).

Introduction and purpose of licensing

5. On the night of Thursday, 15 December 2022, at the O2 Academy Brixton (“the Academy”), Rebecca Ikumelo, a concert attendee, and Gaby Hutchinson, a security operative and dog handler employed at the Academy, lost their lives. They were utterly blameless and their deaths are a tragedy.
6. On that night the Academy was hosting a concert by the musical performer Asake. He had performed twice previously that week on the 11 and 12 December at the Academy without incident. But things went very wrong on the third night.
7. A large crowd numbering about 1,000 people had gathered outside the front of the Academy on that Thursday evening. Some were ticket holders. There are reasons to believe that many others were not. Shortly after 10pm, and just minutes after Asake began his delayed performance, some members of the crowd violently forced open the front doors of the Academy. Others surged behind. With the doors now open, the crowd rushed into the

Academy's foyer under its distinctive dome. The two individuals who lost their lives were crushed under the weight and force of this surging crowd. Other individuals were taken to hospital. We understand that one individual remains in a critical condition. Our heartfelt condolences go out to the families of those who died and others who remain seriously impacted by this event.

8. In common with other serious incidents of this kind, there is rarely a single cause. None of the parties dispute that a number of things went wrong. We agree. There are currently ongoing criminal investigations being carried out by the Metropolitan Police arising out of the incident. We expect there will also be inquests, and possibly civil proceedings, that will fully investigate the details of the incident and will seek to determine culpability and apportion blame, whether criminal or civil or both. If justified, punishment and compensation may follow from those other proceedings.
9. But that is not the task of the London Borough of Lambeth's Licensing Sub-Committee when considering the two specific applications before it, both of which have been made under the LA 2003, namely: (a) an application to vary the Academy's premises licence made by the licence holder Academy Music Group Ltd ("AMG"); and (b) an application to review the premises licence made on behalf of the Commissioner of the Metropolitan Police ("the Police") inviting the LSC to permanently revoke AMG's licence.
10. Instead, the role of the LSC in considering these matters is:
 - a. To take account of the evidence and submissions the parties have placed before it;
 - b. In so far as possible, to seek to establish the cause or causes of the incident;

- c. Not to determine legal culpability, assign blame or seek to punish any party involved;
- d. Not to legally exonerate or excuse any party involved;
- e. To take account of past conduct, but to focus on whether in the future the Academy can operate safely with AMG as the licence holder;
- f. To recognise that deterrence is a factor that may properly be taken into account in licensing decisions in certain circumstances;
- g. To recognise the need to ensure that our decision does not undermine confidence in the licensing regime more generally, whilst recognising that each case must be decided on its individual merits;
- h. Finally, to take one or more of the steps available to us as, in our evaluative judgement, are appropriate in promoting the licensing objectives as set out in the LA 2003 because they address the causes of the incident in a proportionate way.

11. The two licensing objectives engaged in this matter are: (a) public safety and (b) the prevention of crime and disorder. The focus in this hearing has been on the first of these objectives which, on the facts of this case, is closely related to the second objective.

12. The overarching concern of the LSC has been to ensure: (a) that public safety is protected if the Academy is permitted to re-open for licensable activities following the fatal incident on 15 December 2022; and (b) to ensure that any future risk of injury or death for people attending or working at the Academy is minimised in so far as is humanly possible. Our focus has been on these objectives throughout our deliberations.

13. If we had concluded that the public safety and prevention of crime and disorder objectives could not be promoted by permitting AMG to continue to hold the licence for the Academy, then we would have determined, without hesitation, that the licence should be revoked. However, for the reasons set out below, that is not our conclusion.
14. We wish to re-emphasise that nothing in this licensing decision should be taken to be determinative of any facts or causes of the incident which may be considered, after fuller investigation, in other legal proceedings. Nor should this decision be taken into account in those other legal proceedings. As indicated above, our role has been a discrete one: to consider the limited evidence made available to us at this point in time and assess whether the Academy can safely be re-opened for licensable activities. No more and no less.
15. We wish to record our thanks to Counsel and their supporting legal teams acting for the Metropolitan Police (led by Mr Gerald Gouriet KC), for AMG (led by Mr Philip Kolvin KC), and for the Licensing Authority acting as a responsible authority (led by Mr Horatio Waller). We are grateful to the expert witnesses who have prepared reports on the principal issues raised in this case and other witnesses. We have also been assisted by representations from trade bodies, public bodies and members of the public, both in support of the Academy and AMG and those against them. The written and oral submissions before us have been extremely helpful. The constructive and professional approach of all these parties, both before and during the hearing, has greatly assisted the LSC in its difficult task. This meant that at the end of the two-day hearing all the principal parties were able to confirm that they had had a full opportunity to make all the submissions they wished to on behalf of their respective clients.
16. The LSC has read all of the voluminous documentation, representations and skeleton arguments placed before it. In this decision notice we do not intend to refer to every

document, or every issue raised during proceedings, but will instead only refer to those matters that have been most pertinent to our decision.

17. This decision will now outline the history of proceedings that led to the hearing on 11-12 September 2023.

History of Proceedings

18. Shortly after the incident, on 20 December 2022, the Metropolitan Police applied for a summary review of the premises licence held by AMG relating to the Academy under section 53A of the LA2003. The application was accompanied by a certificate signed on 19 December 2022 by Superintendent Daniel Ivey in which he expressed his opinion that the premises is associated with serious crime and serious disorder.

19. A remote interim steps hearing was held before a LSC of the London Borough of Lambeth on 21 December 2022. The LSC's only role then was to consider whether it was necessary to impose interim steps pending the full determination of that review application. Having heard representations made on behalf of both the Metropolitan Police and Premises Licence Holder, the LSC determined it was necessary to suspend the premises licence until the main review hearing which took place on 16 January 2023.

20. On 16 January 2023, at the main summary review hearing, both the Police and AMG expressed the view that the ongoing investigations were at too early a stage to identify clearly the cause or causes of the fatal incident on 15 December and the extent of the remedial steps required to prevent any repetition of a serious incident.

21. Counsel for the Police, then as now, Mr Gouriet KC, indicated that five matters needed to be considered in detail before the venue could safely open again:

- a. The risk of recurrence and whether that risk has been adequately risk assessed;
- b. What procedures and protocols are in place to address the risk;
- c. Do the responsible authorities approve these procedures and protocols as sufficient to mitigate the risks;
- d. Does this Council, acting as the licensing authority, approve the procedures and protocols;
- e. What amendments to the conditions on the premises licence are appropriate that legally require the venue to follow the necessary procedures and protocols.

22. Given the very early stage of investigations at this point, by both the Police and AMG, the Police proposed, and AMG then agreed, to the following course that was approved by the LSC back in January 2023:

- a. The premises licence be suspended for three months; and
- b. The following condition be added to the premises licence (“the re-opening condition”):

“No licensable activities shall take place at the premises unless and until an application to vary the premises licence has been made by the premises licence holder under section 34 of the Licensing Act 2003 and granted by the licensing authority. The variation application must address the steps that are required to promote the licensing objectives in light of the serious incident at the premises on 15 December 2022.”

23. The suspension and conditions were also imposed as interim steps pending any potential appeal and so they had immediate effect. There was no appeal against the decisions taken at the summary review.
24. The purpose of the re-opening condition was to ensure that the LSC of Lambeth Council, and not AMG or the Police, were the arbiters of if and when the Academy could safely re-open.
25. The Academy has been closed since 15 December 2022. The three-month suspension imposed back in January 2023 has already ended. But the Academy could still not re-open for licensable activities until the re-opening condition was satisfied and removed from the licence.
26. In January 2023, AMG lodged, prematurely, a variation application which they subsequently withdrew.
27. On 22 March 2023 AMG applied (again) to vary the premises licence. This was the application considered in the hearing on 11-12 September 2023. Their application, in brief, sought to:
 - a. Trigger the re-opening condition so it could be removed from the licence;
 - b. Add or vary a number of conditions in order to promote the licensing objectives;
 - c. Vary a current licence condition to permit standing in the balcony of the premises following expert advice. (There has been no objection to this discrete part of the variation application and, subject to further conditions being added to the licence, it was effectively unopposed).

28. The Police and Licensing Authority (acting as a responsible authority) made representations opposing AMG's variation application. Five members of the public made representations supporting the variation application.
29. On 17 April 2023, the Police applied to review the premises licence. Their application asked the LSC to consider revocation of the premises licence.
30. The Licensing Authority made a representation supporting the police review application as did three members of the public.
31. A great number of persons, including trade and live music representative bodies, other professional bodies (including Brixton Business Improvement District "BID"), and members of the public made representations against the Police's review application and in support of AMG and the Academy. These parties spoke to the professionalism of AMG as an operator and the importance of the Academy to the cultural and economic life of Brixton and the wider community, in addition to the significant role it plays in promoting live music in the UK.
32. In the course of case management meetings, the Police, AMG and the Licensing Authority ("the principal parties") all expressly agreed that the two applications, namely the variation and review, could and should be considered together at a "rolled-up hearing". The same ultimate question arose to be determined in both applications: could the Academy safely re-open with AMG as the licence holder?
33. Therefore, with the consent of the principal parties, the two applications were heard together on 11 and 12 September 2023. An order of proceedings and speaking time limits

were also agreed before the hearing commenced to ensure a fair hearing to all parties, including “other persons” who had made representations.

34. This decision is therefore a determination of both the variation and review applications.

The Hearing on 11-12 September 2023

35. The hearing of the two applications was heard before the LSC on 11 and 12 September 2023 in person at Lambeth Town Hall.

36. Given the ongoing criminal investigations by the Police, the principal parties agreed that it was essential that nothing was aired in public sessions that risked jeopardising future legal proceedings. To do so risked undermining the pursuit of justice for the bereaved families and also risked undermining the right to a fair hearing for any party involved in future potential legal proceedings whether criminal or civil.

37. The LSC therefore considered and applied the test set out in regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005:

Hearing to be public

14.—(1) Subject to paragraph (2), the hearing shall take place in public.

(2) The licensing authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

(3) For the purposes of paragraph (2), a party and any person assisting or representing a party may be treated as a member of the public.

38. The LSC recognised the public interest in holding as much of the hearing in public as possible. However, the LSC also determined that it was necessary to hear parts of the

hearing in private session as the public interest in doing so outweighed the public interest in hearing that evidence in public for the reasons given above.

39. Some of our conclusions are based on material considered in private sessions. We therefore intend for this main decision to be published but have also prepared a “Confidential Annex” dealing with important matters considered in private and relevant to our determination. The Confidential Annex is only to be disclosed in relation to any appeal of this decision, or in relation to future licensing proceedings, or if the reasons for confidentiality no longer apply (because, for example, no further legal proceedings are contemplated, or have been concluded).

The night of 15 December 2022

40. Asake was booked to play at the Academy for three nights in December 2022. The Academy has a capacity of approximately 5,000 persons. The concerts were sold out.

41. AMG risk-assessed the events at level four on its five-point scale. Security was contracted out to an experienced and professional security contractor. AMG stated that they provided some 165 members of security for the concerts in addition to the deployment of crowd control dogs.

42. The first two nights passed off without any significant incident.

43. The events of 15 December 2022 are described in detail in the papers before us which include timelines and witness statements. We have also viewed, in private session, CCTV

video footage from both inside and outside the Academy provided by both the Police and AMG.

44. The LSC sets out a brief timeline of events on the night of 15 December in our Confidential Annex.

45. AMG instigated its “Show stop” procedure, the concert was terminated and the concertgoers inside peacefully dispersed.

46. AMG immediately shut the venue and resolved not to re-open until it was fully satisfied that it could do so safely.

Submissions of AMG

47. The case for AMG is set out in detail in their Counsel’s skeleton argument, AMG’s Statement of Case, expert reports, witness statements and accompanying exhibits. We only provide a summary here.

48. In short, AMG submit that they have analysed the cause or causes of the incident and they now propose to put in place extensive measures to strengthen all relevant areas of their systems and procedures to ensure that a similar incident does not happen again.

49. These remedial measures have been cemented into legally enforceable proposed new conditions on the premises licence (a breach of which can amount to a criminal offence in itself). The new measures either have been, or will be, subject to independent scrutiny and audit by relevant experts. Officers of the Licensing Authority and Police will also have the opportunity to scrutinise these measures should they wish to do so.

50. The measures AMG proposed include the following:

- a. Structural adjustments and strengthening measures to the front doors so that they cannot be forced open by a crowd in the future. These works have been independently assessed by chartered engineers who confirm they are fit for purpose.
- b. The Divisional Manager and venue manager in position on the night of the incident have been replaced by other highly experienced individuals.
- c. Closer liaison with the police and licensing authority including prior notice of events.
- d. Enhanced risk management to introduce resilience into the risk assessment process with more checks and balances including mandatory oversight by senior management of higher risk events. Any event risk assessed as posing a significant risk of crowd disorder shall not take place.
- e. Employment of a new security team provided by Showsec.
- f. Every event will be subject to an Event Management Plan – a procedure usually only used for large music festivals.
- g. Advance messaging to ticket-holders to assist with orderly ingress to the Academy.
- h. New operational measures to address the fragility of the soft ticket check procedures, and improved procedures for the hard ticket check including new barrier systems. These measures include the implementation of a phased queuing strategy.
- i. The event personnel structure has been enhanced to ensure that it is comprehensive, effective and resilient.
- j. A new medical personnel contractor will be employed at events.

- k. The CCTV system will be enhanced both inside and outside.
- l. The ticket checking system will be upgraded to Safetix which provides encrypted mobile tickets that cannot be stolen or copied in any way. Ticket checking will only be carried out by venue staff and not external security contractors.
- m. Enhanced radio systems to enable all relevant personnel to communicate.
- n. Body worn cameras to be deployed by relevant personnel inside and outside.
- o. More external lighting and, in an emergency, use of an external tannoy system.
- p. The front of the venue, and the steps leading up to the doors of the venue, are to be maintained as a “sterile zone”, with security surrounding them, to prevent a gathering of people outside the front doors of the venue.

51. The measures proposed have been approved by experts (whose unchallenged reports the LSC have considered).

52. AMG also submit that they are highly professional and experienced operators and there are few other companies who could run the Academy as well as AMG. AMG point to a number of national bodies and respected individuals who have made a similar point in their representations before the LSC.

53. Therefore, AMG submit, in so far as possible, they have identified what went wrong on 15 December and have put forward a plan of rigorously-tested systems, procedures and changes to ensure there can be no repetition.

Submissions of Police

54. We thank the Police for their submissions in this case. Much of the Police case had to be heard in private session and so cannot be summarised in this public decision. The Police have asserted, and we accept, that there is material that they cannot place before the LSC in these licensing proceedings - even in closed session - given the ongoing criminal investigations.

55. We expressly find that the Police have acted in good faith throughout these licensing proceedings. Where Police have been unable to continue their engagement with AMG before this licensing hearing we find that they had good and sufficient reason to do so, namely to ensure that criminal investigations were not compromised.

56. The Police submissions, in so far as can be made public, may be summarised as follows:

- a. The police do not have confidence in AMG as the licence holder although they would not resist the Academy re-opening under a different licence holder.
- b. The police rely on the legal authority of *Regina v Knightsbridge Crown Court ex parte International Sporting Club (London) Ltd* [1982] QB 304. They suggest that given the seriousness of the events of 15 December 2022, it risks undermining public confidence in the licensing system if AMG's licence is not revoked simply because of the restructuring of personnel in the Academy.
- c. Therefore, the Police submit, AMG's variation application should be refused and the premises licence should be revoked as the appropriate and proportionate response to their review application.

We refer to further submissions made by Police in private session in our Confidential Annex.

57. Save for one important matter, relating to the front doors, which the Police were right to bring to our attention but which we can only address in the Confidential Annex to this decision, the Police, when asked by members of the LSC, were not in a position to explain to us what other “internal causes” they, the Police, had identified. Instead, they placed the onus on AMG to do so.
58. The police’s reasoning for this approach is understandable though ultimately unhelpful to our task: they do not wish to compromise current criminal investigations. We sympathise with the Police’s position.
59. However, the LSC cannot and must not act on an absence of evidence. We cannot speculate on what may or may not be contained in the police’s undisclosed evidence. We can only take into account and act on the evidence placed before us by the parties in these licensing proceedings. We have done so in good faith. Of course, it may be that sometime in the future the Police will be in a position to disclose substantive new evidence about the “internal causes” to which they allude. If so, they may be entitled to consider applying for a further review application which will be considered on its merits at that time.
60. In approaching the Police submissions, we have had in mind paragraph 9.12 of the section 182 Guidance to the Licensing Act 2003 which advises: “*The police should usually ... be the licensing authority’s main source of advice on matters relating to the promotion of the crime and disorder licensing objective.*”

61. But we also place considerable weight on the final sentence of that paragraph which reads:

“However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.”

62. We make further observations on the Police submissions in the Confidential Annex.

Submissions of Licensing Authority

63. We are particularly grateful to Mr Paul Richards, an experienced licensing officer with the London Borough of Lambeth and his senior managers. Mr Richards has made representations in relation to both the variation and review applications on behalf of the Licensing Authority acting as a Responsible Authority under the Licensing Act 2003. Mr Richards’ role is separate to, and independent of, the Licensing Sub-Committee’s role. He makes submissions in relation to the promotion of the licensing objectives on the basis of his expertise as a licensing officer. However, it is the LSC which assesses his evidence, together with that of others, and we make our own independent determination in light of all the evidence we have considered.

64. Mr Richards has worked tirelessly to scrutinise and analyse the causes of the incident and the measures proposed by AMG. He has done so independently of AMG and the Police. We are indebted to him.

65. At an earlier stage Mr Richards was *not* satisfied that AMG’s proposals went far enough to satisfy him that the Academy could re-open safely. His initial representations therefore suggested that the LSC should reject the variation application as it now stands. He also supported the Police review.

66. But licensing is never static. After considerable engagement, and with the robust encouragement of Mr Richards, AMG have agreed to a number of substantive improvements to their proposals. As a result, by the time of the hearing Mr Richards' position had evolved. In the final analysis, we agree with Mr Richards' approach and stance.
67. The Licensing Authority's eventual position at the hearing was that, with the addition of further important measures, agreed to by AMG, and solidified in enforceable conditions, the Academy *could* re-open in a manner that promoted the public safety and prevention of crime and disorder objectives with AMG as the licence holder. This evolution is exactly how licensing is intended to proceed – through partnership and engagement. In words attributed to the economist John Maynard Keynes: “*When the facts change, I change my mind. What do you do Sir?*”
68. Mr Horatio Waller, Counsel for the Licensing Authority, helpfully and eloquently, explained the Licensing Authority's position in his public address during the hearing. Given the weight the LSC has placed on the independent, detailed and expert advice from its licensing officers, we think it helpful to set out the entirety of Mr Waller's oral submissions at the hearing below with the helpful interjected words of Mr Richards himself. We have taken the words below from the speaking notes of both Mr Waller and Mr Richards:

“Introduction

1. The licensing system is designed to support live music events, and in chorus ensure that the public are kept safe and crime and disorder are prevented and minimised.

2. The tragedy of 15 December ought to have never occurred. There was a failure or multiple failures at some point across the licensing system.

3. *Rebecca Ikumelo and Gaby Hutchinson lost their lives in the crush of a crowd that occurred that night at the O2 Academy. As I understand it, a third person remains in a serious condition in hospital.*

4. *Our thoughts are with the families of the victims, and with everyone affected by the trauma of the event. They deserve answers and accountability for what happened.*

5. *Over the course of this year, officers of the LB Lambeth were charged with investigating the causes of the tragedy, and then deciding whether to support AMG's request to re-open the venue under new management, enhanced infrastructure and new proposals to strengthen risk assessment and operation.*

6. *Mr Paul Richards, Licensing Officer, led that process within the Council and with the support of senior officers, including the Assistant Director Public Protection, Assurance & Regulatory Services, and the Council's legal team. I am Horatio Waller, their barrister, and I represent them.*

7. *Our role is to present a considered opinion to the LSC, independent from the views of AMG and also of the MPS. The key issues are whether AMG should be permitted to re-open the premises and on what terms.*

8. *The initial position of the RA was one of support for the MPS position, who sought revocation of the licence.*

9. *Since then officers of Lambeth have carefully scrutinised the available evidence for the causes of this tragedy. This included a fine toothcomb analysis of AMG's evidence regarding the causes of the tragedy.*

10. *Mr Richards presented his opinions in a full 21-page report to the LSC. At that time, there were sufficient residual concerns that the RA remained in support of the MPS. Some of Mr Richard's conclusions cannot be stated in public, nor can his detailed reasoning. Yesterday there were references in Mr Kolvin's submissions to parts of the report but only the parts that are publicly available.*

11. What the public did not hear was Mr Richards' analysis of the causes of the tragedy. We have not shied away from our duty to identify what went wrong and where responsibility lies.

12. This is necessary to ensure lessons can be learned and the measures necessary to enable the premises to re-open without a repeat of this tragedy.

13. It is fundamentally important that due process is followed, for the reasons stated by the Chair in opening.

14. Mr Richards and I will therefore not be saying anything that could thwart separate legal proceedings, which may or may not be brought.

15. This is necessary to safeguard the promise of justice for the victims.

16. Mr Richards will now explain his investigation, so far as he is able to divulge.

[Paul Richards then stated:

“Good afternoon. I am Paul Richards, I am a Licensing Officer, within Lambeth Council's Commercial Licensing Team.

The investigation

I have over 13 years Licensing experience working as either a Contractor for many Local Authorities, within and outside of the London area, or as a Licensing Consultant for Business owners, large and small. In both of these roles, I have undertaken Licensing Applications on both sides of the camp for High-Capacity Venues and Events, such as Summer Festivals, Night Club, Bars and a Sport Arena.

Therefore, I believe I am qualified to act on behalf of Lambeth Council, as the Responsible Licensing Authority, in this case.

1. AMG operated the venue under a premises licence granted by LB Lambeth, to which conditions were imposed to the Licensing objective with a focus on Public Safety and Crime and Disorder.

2. All elements of the licence and its responsibilities fall upon AMG, even if it chose to sub-contract elements of the operation of the premises such as security to organisations like APS.

3. The licence provided for risk assessments to be completed and for a procedure to be in place for dealing with “unsafe crowd concentration”. These systems are also required under health and safety legislation.

4. I investigated compliance with these requirements, finding that there were written risk assessments and procedures in place before the night in question. The event specific risk assessments assigned the Asake concert to a high level, to either level 4 or level 5. They highlighted the risk of a door rush, the same risk that ultimately materialised and led to the tragedy.

5. This reflects well on AMG but was not sufficient for me to be satisfied that AMG managed these premises properly in accordance with the licensing objectives.

6. The licence required AMG to maintain CCTV cameras, and to retain recordings. I wanted to see the footage so that I could view it to watch what happened on the night. It was provided upon my request.

7. What I saw showed me that the crush occurred after crowd control measures failed, with the foreseeable consequence that disorder was likely to occur. The main doors of the premises were breached on multiple occasions before the fatal crush occurred. I set out detailed conclusions and reasoning within my report that has been shared with the committee in full, but can only be made public subject to significant redactions.

8. The conclusion I came to, having reviewed the material supplied by AMG, was that AMG failed on the night of the 15th December 2022, in their duties to uphold the following licensing objectives:

Public Safety; and

Prevention of Crime and Disorder.]

[Mr Waller then continued]

The proposals

17. The licensing system does not prevent the operator of a venue from re-opening the premises where disorder occurs, even where it failed to uphold the licensing objectives at a particular event and the consequences are as tragic as in this case.

18. It is open to an operator to seek permission to re-open the venue under its management, by demonstrating it has adopted a new, robust approach towards preventing incidents from re-occurring.

19. Licensed premises are an important part of the UK economy and culture. Lambeth officers will support operators of licensed premises to enable them to run events safely, while scrutinising their behaviour in the public interest.

20. Officers in particular support the representations highlighting the particular importance of the O2 Academy within Brixton and nationally.

21. That said, the singular focus of my clients is to scrutinise the proposals that AMG have developed. The cultural and economic value of the venue has not for one moment led officers to relax that focus.

22. With respect to those proposals, it is fair to say that they amount to a complete overhaul of AMG's approach towards risk assessment, and its systems for crowd control.

23. Lambeth officers attended meetings in the Spring where they inputted into the measures when they were at the formative stage. In accordance with the timetable for managing this hearing, the full extent of the measures and their reasoned justification were shared with licensing officers on 16 August.

24. Those measures have been independently audited by consultants, Shield Associates, and commended as comprehensive and robust. The recommendation of independent consultants in particular has given officers confidence to work with AMG to help develop their proposals yet further.

25. Officers scrutinised those measures for sufficiency and workability, and to ensure that they are fully complied with going forward. AMG has been put under full scrutiny, at the level of its management of the O2 Academy, and at an institutional level.

26. My officers' approach has been to communicate legitimate and evidence based concerns to see how if at all these can be addressed through further measures.

27. As we would expect, AMG have been constructive and attentive to the issues that our team has raised, within Mr Richards' report. Consequently, arrangements have been made for those measures to be strengthened.

28. During the course of this hearing, the arrangements have been strengthened yet further, in response to LBL concerns.

29. The result is that the RA now in principle supports the reopening of the venue, on the basis of new conditions. The public deserve need to hear why, and so I will highlight the key additional protections that have been determined to be necessary and are agreed.

Revised ingress system

30. The crush occurred after a crowd developed outside the front of the premises.

31. A new, revised system for ingress into the venue has been developed. Officers have seen plans showing the nature and extent of the system, and a report by consultant Momentum that produces its modelling to demonstrate the robustness of that system to manage a crowd, across a variety of scenarios. This is much more comprehensive, prescriptive and controlled than the system that existed on 15 December.

32. The tragedy likely would not have occurred if the revised ingress system was in place.

33. There is to be an independent audit of the operation of the ingress system, as a check to ensure it operates as it should.

34. As Mr Kolvin stated, there is a need for a separate consent to enable barriers to be positioned on the highway through the medium of a Temporary Traffic Regulation Order. The need for this arises from the restriction to the general public's use of the highway areas where barriers would be positioned: the footways, as well as the parking bay on Stockwell Road. A further condition will secure this.

Event risk assessment

35. There is to be a standardised process of risk assessment in respect of each event before the venue agrees to host.

36. We entirely agree with the proposition underlying a question from the Chair to AMG yesterday, that this new process should not lead to a tunnel vision situation where risk is associated with genre or race.

37. The format of the risk assessment is prescribed, and its form accords with best practice. The risk assessment and escalation system would be secured by a condition on the premises licence.

38. There is also a system inbuilt into the condition requiring proposed events to be escalated to senior leadership within AMG for higher risk events. This will assist in ensuring checks and balances.

39. That process of risk assessment however as originally devised by AMG lacked a specific requirement that events that are assessed to pose a significant risk of crowd misbehaviour may not take place. That requirement has since been agreed.

Auditing and training

40. Assessments and protocols will not prevent disorder from occurring unless they are understood and implemented in practice.

41. In order for the venue to reopen, the LSC should be satisfied that training will take place in venue risk assessments and that there are processes in place to review and confirm

- a. The adequacy of its risk assessments;*
- b. The venue manager's understanding of applicable risk assessments; and*
- c. The implementation at each show of the control measures identified in risk assessments.*

42. Thus, it has now been agreed as necessary for the committee to impose a condition requiring an annual independent audit of these matters.

43. To ensure accountability in the implementation of this condition, training records and auditor reports are to be retained and available for inspection by LB Lambeth.

44. To ensure senior leadership within AMG play a role in ensuring oversight of health and safety, it is also agreed that the H&S board within AMG will produce minutes that will be shared with the AMG Board.

45. We now have the terms of reference for that Board. Content includes:

- a. Role defined as making recommendations to the Board across specified matters listed at 2.1.*
- b. Defines independent health and safety consultant as the chair. 4.1.*
- c. Defined membership. 3.1.*
- d. Meetings minuted. 4.3.*
- e. Meetings no less than four times per year. 5.2.*
- f. Produces quarterly reports. 8.1. And annual report. 8.2.*
- g. Procedure involves agenda papers circulated in advance . 5.3*

A back-stop

46. The proposed new ingress system and operational measures notwithstanding, it is simply not adequate to assume that crowds of a significant size could never develop again outside this venue were it to re-open.

47. To deny that possibility however remote is to fail to plan properly. Things can always go wrong, as the night of 15 December reminds us.

48. The public requires the reassurance that there is a back-stop in place to deal with crowd disorder were it to reoccur.

49. Officers at Lambeth have given careful thought to what that procedure should look like. AMG have pointed to the new proposed front door emergency procedure, and a venue emergency operations plan, as guiding the fall-back.

50. LBL having scrutinised those documents and consider they represent best practice.

51. In addition to those documents officers have highlighted to the LSC the new show stop policy. It is expected that this policy will set the parameters for deciding whether to stop the show, to enable a crowd to disperse.

52. Of course, the ultimate back-stop is the right of the police and Lambeth officers to call a further review. That does not need to be a reactive approach. There will be audits routinely by independent experts. They can be reviewed.

New infrastructure

53. New tannoys are proposed for use in circumstances of an emergency, for example to quickly communicate an announcement that an event has been stopped or paused.

54. A condition has been requested and agreed to ensure the tannoys are only used in the event of an emergency, so as to not disturb residents.

55. New external lighting has been proposed the plans for which detail that the lights will be 4m above ground level, and be cantilevered to point down. The plans show light will not spill over to neighbouring occupiers.

56. The premises will not reopen until the necessary separate permissions for this new infrastructure are in place.

Balcony variation

57. The premises licence as it exists includes a condition restricting persons on the balcony to seating only.

58. Shield Associates reason that it is hard to enforce seating.

59. The historical origin of that restriction can no longer be discerned. The licence was converted following the 2003 Act. AMG also are not aware when the condition included.

60. However the apparent purpose of restricting patrons to seating is

a. Conceivably necessary to mitigate various risks for example of falling from the balcony.

b. To reduce the potential for the structure swaying as a result of vibration from the speakers and circa 1,000 people standing and dancing on the balcony.

61. AMG have provided two documents to address those issues:

a. A risk assessment assessing the risk associated with standing is acceptable: Tab 19, p.140

b. A report from Event Engineers, exploring the potential for it being impacted by dynamic resonance. Tab 20, p.147

62. Our understanding is that dynamic resonance does not risk the structural integrity of the balcony. Rather the concern is that people on the balcony, if they perceive swaying, may become agitated and that could lead to disorder.

63. As we understand the methodology, the engineers sought to determine the frequency at which the structure begins to sway. The report concludes that with the exception of the front two rows, all other areas of the balcony will not move unless a higher level of frequency arises above the standard of 6hz recognised in guidance.

64. Because of the conclusions regarding the two front rows, operational strategies are suggested, for example providing prior guidance to ticketholders about the potential for the structure to sway. It also recommends additional inspections of the structure periodically, to look for example at whether the plasterwork is shifting.

65. A condition is approved that is agreed.

Conclusion

66. For the reasons I stated the RA now approves re-opening subject to the new conditions. The Academy can now be supported to re-open safely and recontinue the important role it is playing culturally in Brixton and nationally.”

69. Having independently assessed all of the evidence in this case, the LSC agrees with and endorses the views expressed on behalf of the Licensing Authority.

Submissions of other persons

70. We have summarised already the evidence of “other persons” (as they are formally known under the LA2003) in support of AMG and the Academy. These persons included trade bodies, live music bodies, national and local representative bodies and a great number of

individuals who have either signed petitions (with over 100,000 signatories), signed a template representation prepared by the NTIA (some 18,000 of them) and other individuals who would benefit from the Academy re-opening and have enjoyed attending concerts in the past, including those with disabilities (and we have had closely in mind the public sector equality duty under section 149 of the Equality Act 2010 to which we must have due regard).

71. Several industry leaders have attested to the high reputation and professionalism of AMG as an operator of music venues around the country. Some expressed the view that AMG set the benchmark by which other operators measure themselves.

72. We accept this evidence and recognise that even the best operators can get things wrong. We are grateful for the contribution to these proceedings made by these persons and bodies – both in their written representations and oral submissions at the hearing.

Relevant law: promotion of the licensing objectives and deterrence

73. We have set out our approach to these two applications in the introduction to this decision.

74. At the front of our mind is this test in relation to determining both the variation and review applications: given the past conduct of AMG and the events of 15 December 2022, what are the appropriate steps we must take to promote the licensing objectives in a proportionate way?

75. We bear in mind the words of the Court of Appeal in the case of *R (Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court* [2011] EWCA Civ 31, where Toulson LJ stated at [42]:

“Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on. Sometimes a licensing decision may involve narrower questions, such as whether noise, noxious smells or litter coming from premises amount to a public nuisance. Although such questions are in a sense questions of fact, they are not questions of the "heads or tails" variety. They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location. In any case, deciding what (if any) conditions should be attached to a licence as necessary and proportionate to the promotion of the statutory licensing objectives is essentially a matter of judgment rather than a matter of pure fact.”

76. We have also been referred to the section 182 Guidance to the Licensing Act 2003 (August 2023 revision) which, in relation to reviews states at [§11.19 – 11.20, with emphasis added]:

“11.19 - Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);*
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- suspend the licence for a period not exceeding three months;*

- *revoke the licence.*

*11.20 In deciding which of these powers to invoke, it is expected that **licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.***”

77. Where there have been any factual disputes (and here there have been few), we have determined them on the balance of probabilities.

78. The Police have made legal submissions to the effect that AMG’s licence should be revoked so that public confidence in the licensing system is not undermined. We address that point specifically below.

79. We have been referred by Police to the well-known legal authority of *Regina v Knightsbridge Crown Court ex parte International Sporting Club (London) Ltd* [1982] QB 304. That case involved misbehaviour by corporate operators of casinos who had their gaming licences cancelled on the ground that the companies owning the clubs were not fit and proper persons to hold a gaming licence. Before the appeal against that decision was heard in the Crown Court, the entire shareholdings of the companies were sold and the purchasers replaced the old with new management and put in hand the necessary reforms. The companies contended that in light of these changes, and despite past misconduct, the companies were, at the time of the appeal, fit and proper persons. The Crown Court rejected the operators’ appeals. In the course of his judgment in the Divisional Court, Griffiths LJ stated obiter:

“It is also right that the licensing justices or the Crown Court on an appeal should have regard to the fact that it is in the public interest that the sanction of the

cancellation of a licence should not be devalued. It is obvious that the possibility of the loss of the licence must be a powerful incentive to casino operators to observe the gaming laws and to run their premises properly. If persons carrying on gaming through a limited company can run their establishment disgracefully, make a great deal of money and then when the licence is cancelled sell the company to someone who because he is a fit and proper person must be entitled to continue to hold the licence through the company, it will seriously devalue the sanction of cancellation. But logically this is a consideration that falls to be taken into account when deciding whether or not to exercise the discretion to cancel and not at the point at which the court is considering whether or not one of the grounds for cancellation has been established. As we have already said, if the court concludes that even at the date of the rehearing and taking into account the restructuring the company is not a fit and proper person to hold a gaming licence, it is difficult to see how they could exercise their discretion otherwise than by cancelling the licence. On the other hand if because of the restructuring the court considered that the company was now a fit and proper person, but it also found that in the past the company had used the premises for an unlawful purpose, it would certainly be open to the court in the exercise of its discretion to cancel the licence. A licensing authority is fully entitled to use the sanction of cancellation in the public interest to encourage other operators or would-be operators of gaming establishments to observe the law in the area of their jurisdiction.”

80. Whilst we accept Mr Kolvin’s submissions that there is no longer an express concept of “fitness and propriety” in relation to a licence holder under the Licensing Act 2003 and licensing is now primarily concerned with the *prospective* impact on the licensing objectives of the premises opening under a particular licence holder, we also accept the general proposition suggested by Mr Gouriet that a restructuring of a company that holds a premises licence will not always be sufficient to remedy past errors. Therefore, we conclude that past misconduct may be relevant to our consideration as to whether we can have confidence in AMG as the licence holder in the future.

81. We are fortified in this view by two decisions of the High Court, both of which confirm that the separate but related concept of “deterrence” is a proper consideration in licensing where criminal activity has taken place, even though “punishment” is not. In *R (Bassetlaw*

District Council) v Worksop Magistrates' Court [2008] EWHC 3530 Admin, Slade J stated at [32]:

“Where criminal activity is applicable, as here, wider considerations come into play and the furtherance of the licensing objective engaged includes the prevention of crime. In those circumstances, deterrence, in my judgment, is an appropriate objective and one contemplated by the guidance issued by the Secretary of State.”

82. Similarly, in *East Lindsey District Council v Abu Hanif* [2016] EWHC 1265 (Admin), Jay J set out a helpful test to which we have had regard at [18]:

“The question was not whether the respondent had been found guilty of criminal offences before a relevant tribunal, but whether revocation of his licence was appropriate and proportionate in the light of the salient licensing objectives, namely the prevention of crime and disorder. This requires a much broader approach to the issue than the mere identification of criminal convictions. It is in part retrospective, in as much as antecedent facts will usually impact on the statutory question, but importantly the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence.”

83. We have therefore considered whether in light of the actions or lack of actions taken by AMG both before and during the events of 15 December 2022: (a) we no longer have confidence in AMG as the licence holder; (b) whether any previous failings are so severe that no further restructuring or measures can remedy those failures; (c) whether it may bring the licensing regime into disrepute if we were to permit AMG to continue as licence holder; (d) the importance of deterrence in licensing decisions.

84. Having considered the matters carefully, we have come to the conclusion that we do, now, have confidence that AMG can operate the Academy safely and any failures in the past (which we expect will be fully investigated in other proceedings) do not require us to take the view that AMG must not be permitted to hold the premises licence. We do not accept

that this position will bring the licensing system into disrepute or otherwise undermine the important deterrent element of decisions taken at licence reviews. We are aware that, as a result of this incident, the Academy has not operated since December 2022 with the resulting heavy financial losses to AMG. If a deterrent element were appropriate in this case, the closure of the Academy for some 10 months would have served that purpose.

85. On the facts of this case, we do not think that either AMG, or other operators, need to be deterred from actions or inactions that may have contributed to the extraordinary events of 15 December. Evidence presented by representatives from the Music Venues Trust and the Night Time Industries Association gave us confidence that the response to the tragic events of 15 December 2022 by the licence holder had in fact exceeded the industry standard and what one would expect from an operator in this position. Furthermore, when asked about what the effect of deterrence would be in this situation the police were unable to give us any specific comments on what the wider deterrence effect would be in this situation. Therefore, we came to the conclusion that revocation would not serve any specific deterrence objective.

86. Whilst taking into account past failings, our focus must be on the future.

Conclusions

87. The thrust of the Police case is that AMG have failed to identify, and so address, the *internal* causes of the incident on 15 December 2022. (We have already noted that the Police, due to the ongoing criminal investigation, were only able to point us to one “internal” issue, which we have considered in the Confidential Annex).

88. In any event, the LSC does not accept that criticism of AMG. The LSC have, in fact, identified a number of significant internal (to use the Police's phrase) issues relevant to the incident. We set these out in the Confidential Annex.
89. We are satisfied that all these internal issues have been adequately addressed by AMG's proposed measures and proposals which are reflected in the conditions that we are imposing on the licence.
90. In relation to "external causes", no party demurs from the suggestion that AMG have sufficiently identified those causes and fully addressed them. Once again, these proposed measures will be conditioned into the licence.
91. We are fortified by the analyses and reports by experts in their respective fields who have certified that the new measures proposed by AMG are fit for purpose.
92. We accept the independent assessment by the Council's licensing officer that the measures now proposed and/or agreed to by AMG are sufficient to promote the licensing objectives of public safety and prevention of crime and disorder.
93. In relation to conditions that require certain high-risk events not to take place, or be cancelled, the LSC were concerned to ensure that this did not inadvertently lead to certain genres of music popular among BAME communities being blanket-banned at the Academy. We are therefore grateful that AMG have accepted a condition that ensures they must have due regard to equality principles in making their assessments (see condition 6 on Annex A). The LSC was reassured that, when questioned on this point, Mr Kolvin for AMG emphasised that this was not AMG's intention at all and as a venue operator it was aware

of its importance within the wider Brixton community as a venue for a variety of different music.

94. In our overall assessment, we have determined that the licensing objectives can be promoted in an appropriate and proportionate way by allowing AMG's variation application subject to the existing conditions in Annex 2 and 3 of the Premises Licence being replaced by the 77 conditions set out in Annex A.

95. Similarly, in response to the Police's application for review, we determine that the appropriate and proportionate step required to promote the licensing objectives is to replace the existing conditions in Annex 2 and 3 of the Premises Licence by the 77 conditions set out in Annex A.

96. Given the question for the LSC to determine was effectively the same in relation to both the variation and review applications, and it was a task we needed to grapple with rather than avoid, we took the view that the only logical approach to these two applications was to decide them in the same way rather than leave the position in limbo.

97. In relation to the conditions at Annex A, we would add that before finally determining this matter, a draft of these 77 conditions were provided to the principal parties for comment (in line with the High Court's guidance in *R (Westminster City Council) v Merran* [2008] EWHC 1202). AMG and the Licensing Authority have expressly agreed them. The Police, whilst not agreeing to the principle of conditions as a resolution of this matter, have not indicated any specific objection to the wording of these conditions.

98. We wish to encourage the Police and AMG, in so far as is reasonably practicable, to cooperate in a spirit of partnership to ensure that the re-opening of the Academy can be achieved in a manner that secures public safety and promotes the licensing objectives. This

approach is, as the parties are aware, endorsed by the section 182 Guidance which states at (§8.48):

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively.

And in relation to reviews at (§11.10):

11.10 ... Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this cooperation.

99. We wish to re-emphasise that this decision is being made on the basis of the evidence before us now, which was understandably limited. This decision is made without reference to any future proceedings, which may or may not occur, or the possible disclosure of further evidence in other proceedings that has not been placed before us.

100. The robust, far-reaching and enforceable measures we have determined must be taken by the Academy, subject to independent oversight and scrutiny, will result in the Academy being among the most highly regulated licensed venues in the country. In our assessment, with the addition of the 77 conditions we order to be imposed on the premises licence, the events of 15 December will not be repeated, and the Academy can safely re-open for the good of the live music loving community in Brixton and beyond.

Appeal rights

101. This is the full and final decision of the Council. The premises licence holder, police, and any party that has made a formal representation in relation to either the review or variation applications (as appropriate) has the right to appeal this decision to the magistrates' court. That appeal must be commenced by notice of appeal given by the

appellant to the designated officer for the magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Cllr Fred Cowell

Chair of the Licensing Sub-Committee

Friday, 15 September 2023

O2 Academy Brixton

Annex A to Determination: Conditions

All conditions currently in Annex 2 and 3 of the premises licence are to be replaced by the following conditions:

Liaison with Police and Licensing Authority

1. The Premises Licence Holder will provide an Events List of forthcoming events including a summary of the nature of each event to the Police and Licensing Authority both three months and one month in advance.

Any change to the Events List occurring less than a month before the event will be provided within 48 hours of the information becoming known and in accordance with a Protocol agreed with the Police and Licensing Authority.

The Premises Licence Holder will arrange a meeting at least once a month and invite the Police and Licensing Authority to attend to discuss the details of forthcoming events and any specific security or safety issues or requirements.

Event Risk Assessment

2. An Event Risk Assessment shall be prepared in advance of any event at the premises which shall set out risks and control measures for each identified risk. The Event Risk Assessment shall include:

(a) the nature of the event;

(b) relevant risks;

(c) appropriate control measures.

3. The Event Risk Assessment shall be available for inspection at the premises on immediate request by the licensing authority and the Police during all trading hours. The Event Risk Assessment must include the age profile of the audience in assessing

the need for any increased levels of security, stewards and medical or welfare provision.

4. (a) The Event Risk Assessment shall be carried out on the form appended to this licence (per Tab 23 in AMG's evidence bundle served for the hearing on 11 and 12 September 2023) by the General Manager or Deputy General Manager, who shall have received appropriate training in risk management.

(b) The risk assessment shall consist of:

- i) an evaluation of each risk as set out in the form;
- ii) an overall assessment of risk on the scale 1-5 as set out in the form.
- iii) an assessment whether there is a significant risk of crowd disorder.

(c) Any event with an overall assessment of 3 shall be escalated to the Divisional Manager.

The event shall not take place unless approved in writing by the Divisional Manager.

(d) Any event in which any individual risk is rated as amber (i.e. "Risk Acceptable with Adequate Control Measures" or red (i.e. "Unacceptable Risk") or which has an overall assessment of 4 or 5 shall be escalated to the Group Operations Manager or Chief Operations Officer.

The event shall not take place unless approved in writing by the Group Operations Manager or Chief Operations Officer.

5. No event that is assessed to pose a significant risk of crowd disorder shall take place.

6. The premises licence holder must, in carrying out an Event Risk Assessment, have due regard to the need to:

(a) eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Equality Act 2010 (or superseding legislation);

(b) advance equality of opportunity between persons who share a relevant protected characteristic (as set out in the Equality Act 2010) and persons who do not share it;

- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Risk assessments: general

7. The use of the balcony by customers including the stewarding arrangements will be subject to a suitable and sufficient specific risk assessment for any events held at the premises.
8. Risk assessments for the premises shall be carried out (and reviewed as and when new hazards are introduced into the premises). All significant hazards identified should be recorded and remedial measures/systems put in place.
9. All risk assessments applicable to the venue shall be reviewed and signed at least annually. The name and position of the signatory shall be recorded on the risk assessment.
10. All venue managers shall be trained in venue risk assessments at least annually by an independent trainer. A signed record of the training shall be held on file and produced immediately for inspection during trading hours by the London Borough of Lambeth. The record shall state the name and qualifications of the trainer, the names and job titles of those attending the training, and whether they have completed the training to the satisfaction of the trainer, and it shall be signed and dated by the trainer.
11. There shall be an annual independent audit of
 - (a) the adequacy of the risk assessments;
 - (b) the venue managers' understanding of applicable risk assessments;
 - (c) The implementation at each show of the control measures identified in risk assessments.

The audit report shall be held on file and produced immediately for inspection during trading hours by the London Borough of Lambeth.

Event Management Plan

12. An Event Management Plan shall be prepared in advance of any event at the premises, which shall take into account the Event Risk Assessment for the Premises. The Event Management Plan shall include measures for crowd safety, including but not limited to:

- (a) announcements and advance messaging to customers;
- (b) queuing systems;
- (c) the deployment and location of barriers outside the premises to control the queue and protect the front of the premises;
- (d) queue management and control;
- (e) deployment of security personnel outside the premises and in the lobby to control ingress;
- (f) the location of preliminary and final ticket inspections;
- (g) procedures to ensure that the maximum capacity for the venue is not exceeded;
- (h) Emergency Door Close Protocol and Procedure.
- (i) Show Stop Procedures and Protocol;
- (j) Emergency Evacuation Plan.
- (k) Procedures for the provision of first aiders and first aid equipment for the event and arrangements for medical treatment, including numbers and types of medical personnel.

The Event Management Plan shall be available for inspection on immediate request by the licensing authority and the Police during all trading hours.

Show Stop procedure

13. The Venue Show Stop Procedure (“the Procedure”) shall be amended to state that:
 - (a) in deciding whether to implement the Procedure the decision-maker shall take into account the audience reaction to the announcement of the Show Stop;
 - (b) upon announcement of a Show Stop, SIA operatives shall clear and staff all exits to facilitate egress from the venue;
 - (c) all venue staff shall be trained in the Procedure.
14. All venue hire contracts for performances at the premises shall oblige the artist to cooperate fully in the Show Stop Procedure.

Emergency evacuation procedure

15. Emergency evacuation procedures shall require that in the event of an emergency evacuation, security personnel are to be stationed at all emergency exits during a live event.
16. In the event of an emergency evacuation, security personnel must be stationed at all emergency exits.

Emergency operations plan

17. The Emergency Operations Plan (“the EOP”) shall be reviewed and signed at least annually by the General Manager.
18. All venue managers shall be trained in the EOP at least annually by an independent trainer, including the response to emergency scenarios. A record of the training shall be held on file and produced immediately for inspection during trading hours by the London Borough of Lambeth. The record shall state the name and qualifications of the trainer, the names and job titles of those attending the training, and whether they have completed the training to the satisfaction of the trainer, and it shall be signed and dated by the trainer.
19. There shall be an annual independent audit of

- (a) the adequacy of the EOP;
- (b) the venue management's understanding of the EOP.

The audit report shall be held on file and produced immediately for inspection during trading hours by the London Borough of Lambeth.

Security personnel

- 20. All security operatives at the premises shall be provided by a contractor holding approved contractor status from the Security Industry Authority.
- 21. The control room shall be supervised by a Security Supervisor.
- 22. Ingress to the premises shall be supervised by a Security Supervisor.
- 23. The Security Supervisors supervising the control room and ingress shall be equipped with radio communication devices.
- 24. All security operatives and Security Supervisors shall be named on a register held at the premises. The register shall be available for immediate inspection by the Police or licensing authority during trading hours.
- 25. The Venue Duty Manager or, in his absence, the Deputy Duty Manager or next line manager, will be responsible for activating any Emergency Door Close Procedure and any Show Stop procedure, after consulting with the Head of Security. Any police officer present may also be consulted.
- 26. There shall be experienced security operatives deployed outside the premises and in the foyer area who wear body worn cameras. The number of body worn cameras shall be assessed as part of the Event Risk Assessment.
- 27. The minimum number of SIA licensed security on duty at the premises at all times the premises is open for licensable activities shall be risk assessed for each event subject to an absolute minimum of 1 x SIA licensed security per 100 customers.
- 28. Stewards employed at the premises must be over 18 years of age and wear distinctive clothing so as to be easily identified as stewards.

29. Registered door supervisors shall be provided to carry out searches on persons and to exclude those who may be carrying illegal drugs or offensive weapons.
30. Door supervisors shall be provided to the licensed premises to maintain orderly queuing outside of the premises.
31. Door supervisors working at the licensed premises shall display their names badges on their outer most clothing, such that it is visible to the public and can be easily verified.

Ingress

32. The system for ingress shall be protected by barriers as shown in Showsec Method Statement, External Operations dated 5th July 2023.
33. Barriers may not be placed in the highway without the consent of the relevant highway authority or the written confirmation of the said highway authority that it does not require the premises licence holder to apply for such consent.
34. The venue shall not re-open until SC-610 tannoys have been installed onto the external elevations of the building arranged and positioned in accordance with elevation plans 3676-003 C and 3676-004.

External tannoys are not to be used except in the event of an emergency.

35. The venue shall not re-open until cantilever external lighting, of the type specified in drawing 3654-002, has been installed on the building, arranged and positioned in accordance with drawing 3654-002.

The external cantilever lighting shall be installed at 4m above ground level and be directed downwards as provided in drawing 3654-002, so that light does not spill onto neighbouring residential properties.

36. The external tannoys and lighting must be periodically checked to ensure they are in good working order.
37. The installation of external tannoys and lighting must be carried out in accordance with any necessary lawful authorisation (including planning permission and listed

building consent).

38. There shall be an independent audit of the premises' queuing and ingress procedures at least every six months. The audit shall include crowd safety, security and unauthorised or fraudulent entry. The auditor's report shall be provided to the licensing authority or the Police immediately upon request during trading hours.

Ticket inspections

39. All final ticket inspections at the premises shall be carried out by authorised employees of the premises licence holders.
40. In order to avoid crowding around the front doors of the premises, the crowd safety measures in the Event Safety Management Plan shall be such as to ensure that:
- (a) the final ticket inspection takes place away from the front doors of the premises;
 - (b) the area in front of the doors may only be accessed by those whose tickets have been subject to final inspection;
 - (c) the area in front of the doors is adequately protected by barriers and security personnel.

Capacity

41. The number of persons accommodated at any one time shall not exceed the following:
- Balcony -1083 persons Balcony Seating Area, Balcony Rear Standing 78 persons
VIP Bar 150 persons, Ground Floor with folding partition in use 3540 persons.
Ground Floor with folding partition between Ra Bar and Auditorium locked in the open position 3760 persons. The total accommodation for the premises shall not exceed 5071 persons.
42. The Premises Licence Holder will have a procedure in place for dealing with "unsafe crowd concentration." A record of this policy shall be maintained on site and shall form part of the Event Management Plan.
43. A manual or electronic system of counting in visitors to events on the premises shall be implemented and maintained.

44. The maximum occupancy figure shall be clearly displayed at the point of entry along with all relevant licences and insurance documentation.
45. The premises shall have a procedure in place to ensure that the maximum occupancy capacity is not exceeded on all events.
46. Tickets will be issued for the ground floor or the balcony. Stewards will be so positioned at the ground floor auditorium doors and the balcony seating doors as to ensure that customers may only enter the area for which they hold a ticket.

CCTV

47. The premises licence holder shall install and maintain a comprehensive CCTV system. The CCTV system shall continually record whilst the premises are open. All recordings shall be stored for a minimum period of 30 days with date and time stamping. Viewing of recordings shall be made available upon the request of Police or authorised officer of Lambeth Council subject to and in accordance with Data Protection legislation.
48. A suitably trained and licensed individual in the management team who is able to operate the CCTV system shall be in the premises at all times when it is open for licensable activities. The individual 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 in accordance with Condition 9a).
49. Any CCTV breakdown or system failure will be remedied as soon as reasonably practicable. Repair records / invoices shall be kept on site for at least 12 months and be readily available to be viewed by all authorised persons upon request.

Public safety

50. All digital tickets for events at the premises shall be accompanied with online information which includes a link to the terms and conditions, important messaging for arrival, entry and egress and the venue's neighbour friendly policy.
51. When the premises is open to the public, at least one employee shall be on duty who has practical experience in fire prevention and extinction. Such employees shall act as fire-fighters and wear fire-fighters uniform.

52. A public address system, in addition to that used by the performers, shall be provided. Both systems shall be under the direct control of the licensee so that broadcast messages can over-ride the performers amplifiers and be clearly audible.
53. A fully equipped first aid point staffed by adequate numbers of first aiders shall be maintained for the duration of the event. [Existing condition 6]
54. Drinks and refreshments shall only be supplied in plastic or paper containers.
55. Patrons must not be allowed to sit on stairs or otherwise block exits or exit ways during the event. Stewards shall patrol the premises during an event to ensure compliance with this requirement.

Prevention of nuisance

56. The secondary lobbies to all final exit doors to street are to be maintained to reduce noise leakage to the immediate environment.
57. All exit doors to the premises are to be stewarded by security personnel during an event to ensure that customers to the premises do not accidentally open doors when live sound source is taking place.
58. The premises licence holder or club official shall ensure that prominent, clear and legible notices are displayed at all exits requiring customers to respect the needs of local residents and to leave the area quietly.
59. The premises licence holder will encourage customers to use public transport or taxi services and leave the premises promptly when the event finishes.
60. The clearance of equipment and the loading into vehicles shall be completed not later than one hour and a half after the end of the event.
61. The deliveries of liquor to the premises shall take place between 09:00 and 18:00.
62. The premises shall have a procedure in place to ensure that the immediate vicinity of the premises (including pathways to and from the premises) are cleared up.
63. The premises shall maintain its active policy against flyposting and its contract of hire specifically precluding such activity.

64. A direct telephone number for a member of management at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

65. The Premises Licence Holder shall organise and participate in a meeting for local residents to discuss the operation of the premises at least once every six months.

Prevention of crime and disorder

66. All front of house staff shall undergo welfare and vulnerability engagement training at least annually. A record of such training shall be kept on the premises for immediate inspection by the licensing authority and Police during all trading hours.

67. The premises shall participate in any local pubwatch scheme.

68. The premises shall operate a zero-tolerance policy to the supply and use of drugs.

69. The premises shall operate a staffed cloakroom operated via a secure ticketing system.

70. The restrictions inherent in the Licensing Act 2003 will apply at all times within the premises.

Works conditions

71. No licensable activities shall take place at the premises until the works to strengthen the front doors of the venue as identified in the Report from William J Marshall dated 9th August 2023 have been satisfactorily completed and a certificate of completion following an inspection by William J Marshall or other suitably qualified structural engineers has been provided to the licensing authority.

72. The premises licence holder will carry out a Health and Safety Audit of the premises to be undertaken by an independent and suitably qualified Health and Safety Consultant. The Audit shall be provided to the Licensing Authority and the Health and Safety Officer of Lambeth Council and no licensable activities shall take place at the premises until the Audit has been confirmed by them as satisfactory.

Health and Safety Committee

73. The premises licence holder's Health and Safety Committee shall be chaired by an

independent person with expertise in health and safety governance.

74. The terms of reference for the Health and Safety Committee shall include the Protect Duty, Crowd Management and Safety, and event risk assessment.

75. The minutes of all Health and Safety Committee meetings shall be placed before the Board of the Premises Licence Holder.

Off sales/Bottles

76. No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.

77. No off sale of alcohol shall take place within the premises.