



IN THE MATTER OF AN APPLICATION FOR A PREMISES LICENCE BY ASKERN MUSIC
FESTIVAL LIMITED

LICENSING ACT 2003

WITNESS STATEMENT OF ANDREW DELANY

I, Andrew Delany, will state as follows:

This statement relates to my representation of the licence for Askern Music Festival (**AMF**) at Askern Events Field, Askern, Doncaster DN6 0AA (the **Event**) by Askern Music Festival Limited (the **Company**).

Introduction

The representation has been submitted as part of my role as a Responsible Authority representative, under the Licensing Act 2003. I act as the relevant enforcing authority under the Health and Safety at Work etc Act 1974.

The representation is being made in relation to public safety and the protection of children from harm. The content of this statement is based on the information I had been provided with up to and including 2nd April 2024. This includes,

- 'AMF Safety Plans 2024' version 3. This document is marked as exhibit AD1 (pages 1-42 of the bundle).
- Site plans as below:
 - Main event site location plan marked as exhibit AD2 (page 43 of the bundle).
 - Main event, parking and camping site location plans. This document is marked as exhibit AD3 (page 44 of the bundle).
 - Camping/campervan and car park A site location plans. This document is marked as exhibit AD4 (page 45 of the bundle).

- Emergency exit field site location plan – south. This document is labelled as AD5 (page 46 of the bundle).
- The Company's Road Traffic Management Plan version 3. This is labelled as exhibit AD6 (page 47-78 of the bundle).

1. Summary of reasons for representation

- 1.1. The location of the proposed Event, with its current topography, infrastructure and site design is not suitable or safe for an event of its size and duration (9,999 capacity over a 3-day annual event).
- 1.2. The Company have failed to provide a satisfactory event safety management plan to show how they intend on controlling the risks associated with a festival of this size in accordance with relevant health and safety legislation and associated guidance, such as the Purple Guide (further details are contained in section 5 of this statement).
- 1.3. There has also been a failure by the Company to adequately demonstrate their competence to safely manage such a large event and associated risks.
- 1.4. The Company also demonstrated a similar lack of competency and failed to reduce risks to as low as reasonably practicable during their previous event at Thornhurst Manor, in July 2023.
- 1.5. Consequently, I believe the Company will be putting the health and safety of their customers, employees, and others at risk by not adequately ensuring that health and safety risks will be reduced to as low as reasonably practicable for the following reasons, which are described in more detail in sections 6-8 of this statement,
- In the planning stage to date, the Company have failed to prove that the site location is safe for an event of its size and duration. The Company have not demonstrated an understanding of the critical factors which are relevant to safe site design.
 - The Company have not demonstrated that the site is safe to accommodate a crowd of 9,999 people. Capacity calculations by the Company do not reflect the true nature of the site.
 - Proposed emergency evacuation routes are not sufficient in relation to safety and do not meet the requirements of industry guidance.

- The Company have failed to demonstrate sufficient competency within their organisation to plan, manage and deliver a safe event of this scale and nature.
- The Company's plans in relation to the safe provision of a camping field are inadequate.
- The Company have a legal duty to reduce the risk to the health and safety of festival goers outside the Event. The Company have failed to demonstrate that they have done this, or that this can be adequately achieved.

2. Background

2.1. I am employed by City of Doncaster Council as a Senior Environmental Health Practitioner on the Food, Animal Health and Health & Safety Team. I have been in this role since 2008. I have a Master's degree in Environmental Health, and I am a voting member of the Chartered Institute of Environmental Health. I have been awarded a Certificate of Registration with the Environmental Health Registration Board to enable me to practice as a fully qualified Environmental Health Practitioner. I am authorised as an Inspector of Health and Safety under Section 19 of the Health and Safety at Work etc. Act 1974 by the Council. My role includes inspecting workplaces to ensure compliance with health and safety legislation and the investigation of complaints and work-related accidents.

2.2. I am also a member of the Council's Event Safety Advisory Group (**ESAG**) and act as the health and safety responsible authority, as set out in the Licensing Act 2003. The aim of the ESAG is to help organisers with the planning, and management of an event and to encourage cooperation and coordination between all relevant agencies.

2.3. The ESAG is made up of various bodies including other Council departments, South Yorkshire Police, South Yorkshire Fire & Rescue & Yorkshire Ambulance Service. The ESAG is chaired by Nick Stopforth, Head of Service for City of Doncaster Council's - Culture & Commercial department.

2.4. This statement relates to my involvement with the Event which is operated by the Company. According to Companies House records, the directors are Andrew O'Grady, Kristian Robson and Ashley Towler.

3. 2023 Event, Thornhurst Manor

- 3.1. In April 2023, the Company were granted a licence to host a 3-day music event on the grounds of Thornhurst Manor for a maximum capacity of 4,999. The site is accessed via the A19, a busy major road with no pedestrian footpaths close by. The Company organised on-site car parking, a park and ride with shuttle buses to and from Askern and buses into Doncaster city centre at the end of the Event.
- 3.2. The Company failed to properly prepare for the Askern Music Festival on 8th July 2023 and they failed to reduce the risks to the health and safety of festival goers, contractors and employees to as low as reasonably practicable. They put the health and safety of their customers, employees and others at risk. In addition, and as a consequence, the Company also failed to meet two of their license conditions.
- 3.3. The site was not an appropriate location for an event of its size to be held. This was exacerbated by the sale of alcohol. The A19 road was the main access route into the site. There are no pedestrian footpaths to the A19 for approximately 1 mile to the north of the site and approximately 1.5 miles to the south. The speed limit is 60 mph and there is no street lighting.
- 3.4. On 8th July 2023, whilst leaving the site, a festival goer was struck by a vehicle on the A19, sustained serious facial injuries and was taken to hospital by ambulance. The Company had a duty to reduce the risks to visitors when arriving and leaving the site to as low as reasonably practicable but failed to do so. There is evidence that a large number of those attending left on foot. This is a clear breach of the licensing objective in relation to public safety.
- 3.5. Additionally, the management of vehicles arriving on, and leaving the site was poorly organised on 8th July 2023. This, combined with a lack of control over pedestrian movements around the drop off zone and vehicle exit area, put individuals at serious risk of injury from moving vehicles. The safe management of pedestrians and vehicles was inadequate. The Company did not adequately plan and underestimated what was required to allow pedestrians to safely leave the field and access either car parks or shuttle buses. This could have also seriously compromised emergency vehicle access should there have been a need for it.
- 3.6. Furthermore, on 8th July 2023, stewards responsible for advising and guiding festival goers were not all adequately trained on all areas of safety relevant to the Event. Had

there been an incident on the day, this may have seriously compromised the safety of those on the site.

3.7. In September 2023 following a debrief meeting with ESAG representatives on the 2023 event, which I attended, the group's chair sent out a list of recommendations to the Company for any future events. This document is labelled as AD7 (pages 79-81 of the bundle). The first point on this list states, "*Ensure all planning for the event is carried out in line with relevant guidance laid out in the 'Purple Guide to Health, Safety and Welfare at Music and Other Events'.*"

4. Legal duties of the Company relating to the Event

4.1. The main law governing health and safety at work in the UK is the Health and Safety at Work etc. Act 1974 (**HSWA**). This places general duties on the Company as an employer to ensure, so far as is reasonably practicable, the health and safety of their employees and anyone else that may be harmed by work activities or the workplace. This includes people attending the event, volunteers and contractors.

4.2. Other regulations support the HSWA and set out more detailed legal duties or specific activities or topics. For example, The Management of Health and Safety at Work Regulations 1999 complement and expand on the general HSWA duties mentioned above. In summary, these regulations require employers, in this case, the Company to, among other things:

4.2.1. Examine activities and workplaces to identify what could cause harm to people and decide whether they have taken enough action to prevent harm, or if they need to do more. This process is known as a 'risk assessment'.

4.2.2. Follow the 'preventative principles' of removing a risk or, if this isn't reasonably practicable, controlling it so that the risk remains as low as reasonably practicable.

4.2.3. Have effective arrangements in place for managing health and safety (including emergency arrangements).

4.2.4. Have access to competent health and safety advice.

5. Event Safety Guidance - The Purple Guide and its relevance to the Event

5.1. To assist event organisers with their legal duties, The Purple Guide to Health, Safety and Welfare at Music and Other Events (www.thepurpleguide.co.uk) (**The Purple Guide**) has been drawn up by the Events Industry Forum in consultation with the UK events industry, including representatives from regional and national Government. The publication is supported by the Health and Safety Executive and highlights legal responsibilities and non-legislative good practice. It is designed to establish consistently safe standards for the running of outdoor events.

5.2. There was a condition on the Company's Licence for the 2023 event relating to this guidance, which stated, "*All planning for the event will be in line with recommendations laid out in the online 'Purple Guide' and HSG154- Managing Crowds Safely*".

5.3. The Purple Guide gives advice on several factors that are deemed important to event safety which have not been adequately managed by the Company during preparations for the Event. These are listed below, and each relevant section of The Purple Guide is identified in brackets. Each factor, and its relevance to this representation, is described in more detail later in this statement.

5.3.1. Venue capacity/available space for the audience. The capacity of a venue generally depends upon the available space for people (the audience, staff and contractors), taking account of the event infrastructure/temporary structures, the number of emergency exits and the sight lines for the audience to view the entertainment (Purple Guide – section 3).

5.3.2. The importance of having plans in place to effectively reduce and mitigate risks; prepare and respond to disruption; health and safety incidents and emergencies. These plans, amongst other things, should identify adequate escape routes that are unobstructed and sufficiently illuminated. These plans should also show how additional assistance will be provided to disabled people, those with limited mobility, and children, in the event of an emergency (Purple Guide – section 4).

5.3.3. The importance of an adequate Crowd Management Plan, prepared by a competent and qualified person who has the knowledge and experience necessary to identify crowd specific hazards and propose suitable measures to reduce risk (Purple Guide – section 13).

5.3.4. Effective planning, appropriate management arrangements, risk assessment, arrangements to monitor health and safety, competent health and safety advice and thorough investigation of the site (Purple Guide – section 2)

5.3.5. Consideration for the safety of the crowd when arriving and leaving the site, known as 'Zone Ex' or the 'Last Mile' (Purple Guide – parts of section 4, 7 and 13).

6. Suitability of the site

6.1. Emergency access lane

6.1.1. The site plan (AD2 – page 43 of the bundle) and event safety plan (AD1) identify a 10-metre-wide emergency access lane around the perimeter of the Event field (section 2.3 – page 9 of the bundle). The plan shows a dike present to the south and west of the site. I also observed this during a site visit on 1st March 2024. Additionally, there was a body of water present to the east of the perimeter. I am not sure if this is a dike, also. Section 2.3 of the event safety plan states the emergency access lane is '*delimited by Heras fencing..... providing ample room for emergency vehicles.*' The site plan shows the outer fence line in red. This fence line appears close to the marked perimeter dike on the plan and the body of water to the east.

6.1.2. No information has been provided to show the safety and feasibility of this route for its intended purpose, for example, in relation to suitability of ground conditions, slope of the land etc.

6.1.3. During a visit to the site on 1st March 2024, I took several photographs of the perimeter of the site which show this proposed route and proximity to the dike and trees/foliage.

- West side – exhibit marked as AD8 (page 82 of the bundle).
- South side – exhibit marked as AD9 (page 83 of the bundle).
- East side – exhibit marked as AD10 (page 84 of the bundle).
- North side – exhibit marked as AD11 (page 85 of the bundle).

6.2. Capacity calculations

6.2.1. The Company have not demonstrated that the site is safe to accommodate a crowd of 9,999 people. They appear to have disregarded restrictions on available

space when determining capacity. A true representation of the viewing area is essential in the process of an accurate determination of this.

- 6.2.2. The Company have not identified all the site features that would have an impact on any final capacity figures, such as trees. The photographs marked as AD9, AD10 and AD11 (pages 83-85 of the bundle) show trees that are present of the site, these are not identified on the site plans. Furthermore, there does not appear to be consideration of restricted viewing areas relating to audience position, such as behind trees or to the rear/side of the temporary structures that will be present, as identified on exhibit AD2.
- 6.2.3. It is also not evident from the plans how close to the edge of the site the 10-metre emergency access lane will be constructed. The photograph marked as exhibit AD8 (page 82 of the bundle) shows the relevance of this – there is a high sloping bank which will affect the point at which the fire lane can safely start, which in turn will have a knock-on effect to the viewing area calculations. There is also a sloping bank to the south and east side of the site.
- 6.2.4. To the north of the site there is a playground area and trees. I took a photograph of this area on 1st March 2024. This is labelled as exhibit AD12 (page 86 of the bundle). The event plan identifies that this area will not be used during the Event and will be fenced off. However, the Company have not stated whether this area has been discounted from the viewing area's capacity. The site plan (AD2 – page 43 of the bundle) shows the 10-metre emergency access lane right up to the edge of the site.
- 6.2.5. In addition to accurate viewing area calculations, it is important that entry capacity calculations, 'normal' evacuation calculations and 'emergency' evacuation calculations are all considered when determining the final capacity of the site. Safety guidance states that when all these calculations are complete the 'P and S factor' should be applied. The 'S' factor is a safety management assessment, which must be carried out by a competent person. The 'P' factor is an assessment on the physical condition of the venue.
- 6.2.6. The Company have not provided capacity calculations in line with the above-described process. They appear to have based their calculations on guidance which relates to purpose built sports stadium with standardised turnstile widths.

No P or S factor have been identified or applied to calculations. Additionally, the flow rates calculated in the event safety plan are not based on the figures from the latest edition of the Purple Guide or Green Guide. They appear to be based on older industry safety guides.

6.3. Proposed emergency evacuation routes

- 6.3.1. The proposed emergency exit at the southwest corner of the field is identified on site plans provided by the Company (AD2, page 43 of the bundle). It currently consists of a narrow footbridge which crosses the perimeter dike into an area which is currently muddy and overgrown with a narrow path running through it. I observed this during a site visit on 1st March 2024 and took a photograph of the bridge. This is labelled as exhibit AD13 (page 87 of the bundle). I also took a photograph of the path on the south side of this bridge. This is labelled as exhibit AD14 (page 88 of the bundle).
- 6.3.2. The Company's safety plan (AD1) states that a 6-metre-wide bridge will be constructed '*to allow passage over the dike for patrons to an area of safety*' and that '*this would eventually lead to Doncaster Road or can be used as a holding area if necessary.*' I received an email from Andrew O' Grady on 2nd April 2024 which stated that they will do '*any remedial work required to make the land good.*' I have visited the site, the land on the other side of this bridge is muddy and overgrown. Large scale remedial works would be required to bring it up to a safe standard. The Company have not provided adequate details of how they will achieve this or when these works will be carried out.
- 6.3.3. I do not know where this proposed emergency exit leads to and if it could be considered a safe evacuation route to a place of safety, as is required. I do not know if the route traverses the land of more than one owner and authorisation has been given. The Company have failed to show this. A review of google maps indicates a vast green space adjacent to what appears to be a brownfield site. There is a dike to the south and west of this area and a trainline to the east.
- 6.3.4. The organisers have provided no further information regarding it, or how they would ensure this is fit for people with disabilities. I believe the organisers have put little thought and planning into the effectiveness of this route off the field as safe and in line with the industry safety guidance.

6.3.5. In addition, the route of the northwest emergency exit feeds straight back into the main pedestrian entrance and exit to the event field. There is a potential of risk to the health and safety of festival goers from crushing due to the possibility of high crowd densities in the event of an emergency.

7. Competency

7.1. Health and safety law requires that employers must appoint a 'Competent Person' to enable them to meet their health and safety obligations. A competent person being someone who has sufficient training and experience, or knowledge and other qualities that allow them to assist.

7.2. The Company have employed the services of a Safety Officer for the Event. This person was identified as being responsible for overseeing health and safety during a meeting I attended on 22nd February 2024.

7.2.1. I have queried the qualifications and experience of this individual and their relevance to the type of event the Company propose. The Company have failed to provide sufficient evidence that this individual has the necessary knowledge and experience. I do not deem that this person meets the requirements of a 'Competent Person' in accordance with Regulation 7 of the Management of Health and Safety at Work Regulations 1999

7.3. I was informed on 1st March 2024 that the Company had employed the services of a second individual to assist with the Event's safety.

7.3.1. During a meeting I attended on 4th March 2024, it was obvious to me that this individual was unfamiliar with the safety plans and some key site details.

7.3.2. I have been informed that this person is employed as the Safety Officer at a football stadium. The following has been provided by the Company regarding this individual's competency in event safety,

- A certificate which indicates the individual has a Level 4 NVQ Diploma in 'Spectator Safety Management.'
- An event plan, dated 13th July 2018, for a concert held at a football stadium. The plan was attached to an email from Andrew O'Grady in which he stated this was an example of work carried out previously by the Safety Officer.

7.3.3. The Company have not provided sufficient evidence that shows this individual has the necessary experience of leading on safety roles at events of this nature and size. The event plan was for a football stadium which is very different to a greenfield site which has not been used previously for an event of this nature.

7.3.4. Paragraph 13.16 of the Purple Guide also identifies this and states, '*Greenfield sites usually require a great deal of temporary infrastructure and in crowd management terms may present a variety of challenges, including; access routes, positioning and number of entrances, underfoot conditions and inclement weather.*'

7.3.5. The Company have failed to demonstrate sufficient competency within their organisation to plan, manage and deliver a safe event of this scale and nature.

8. Camping

8.1. The Company's plans in relation to the provision of a camping field as part of this application appear to be in their infancy and are currently not aligned with industry guidance. Amongst other things, sufficient information on the following is not included,

- Contingency planning,
- Suitability of the land to accommodate the proposed amount of people and vehicles (including emergency),
- Public health considerations,
- Fire safety,
- Site services, such as first aid, lost children, for example,
- Risk assessments,
- Refuse.

9. External zone

9.1. The Company have a legal duty to reduce the risk to the health and safety of festival goers outside the Event field. The extent of this is likely to encompass main pedestrian and vehicle routes leading from the Event field to car parks, camping location, train station and bus stops. The Company have failed to adequately demonstrate that they have done this or are capable of doing so.

9.2. At the end of the 2023 event at Thornhurst, I believe the Company's poor planning led to a lack of control over pedestrian and vehicle movements around the collection/drop off zone and vehicle exit area which put individuals at an unacceptable level of risk. The safe management of pedestrians and vehicles was inadequate.

9.3. Section 3.1 and 3.2 of the Company's 2024 Road Traffic Management Plan identifies that shuttle buses will be operating at the end of the Event from Askern and a drop off and collection location of festival goers at Askern Spa School. However, there is no indication of the safety measures in place to safely manage these areas other than the provision of stewards and marshals to direct people at Askern Spa School.

9.4. Section 7 of The Purple Guide identifies that these areas can become very crowded and need to be safely managed. The guide suggests several safety factors that should be considered and planned for. The Company have not addressed these considerations.

9.5. I also have the following concerns regarding the external zone, which have not been addressed by the Company,

- The rail crossing on the A19 which will potentially be crossed by thousands of people in a short space of time as they make their way to the camping and car park site.
- Crossing the road on the A19 where it reduces from a pavement on both sides to just one. The speed limit is 40 mph.
- Crossing the A19 to access the camp site and parking facilities. The entrance to which is on the opposite side of the road.
- Access to the public right of way over the rail crossing at the southeast corner of the site.

10. Conclusion


10.1. This statement has identified how the Company have failed to meet the licensing objectives regarding public safety and the protection of children from harm in relation to preparations for the Event.

10.2. The site is not currently suitable for a safe event and the plans shown to me do not adequately address how this can be satisfactorily achieved in relation to health and safety law.

- 10.3. The Company have failed to provide a satisfactory event management plan to show how they intend on controlling the risks associated with a festival of this size in accordance with relevant health and safety legislation and associated guidance, such as the Purple Guide.
- 10.4. The Company has also failed to show how individuals involved in key safety roles are competent to plan for and manage such a large event.
- 10.5. Consequently, I believe the Company will be putting the health and safety of their customers, employees, and others at risk by not adequately ensuring that health and safety risks will be reduced to as low as reasonably practicable. This is a similar issue that was identified following the Company's 2023 Event.

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed

A solid black rectangular box redacting the signature of the witness.

Date: 4th April 2024

Name: Andrew Delany