

<b>Committees:</b> Public Relations and Economic Development Sub Committee – for information Epping Forest and Commons Committee – for decision	<b>Dated:</b> 02 July 19  08 July 19
<b>Subject:</b> Application for use of Epping Forest Land at Wanstead Flats for a music concert. SEF 29/19	<b>Public</b>
<b>Report of:</b> Colin Buttery - Director of Open Spaces	<b>For Information</b>
<b>Report author:</b> Jacqueline Eggleston Head of Visitor Services	

### Summary

Wanstead Flats has a strong tradition of staging events of importance for London and beyond. Major event organisers MAMA Festivals Ltd are proposing a three-day concert event to take place on Wanstead Flats in September 2020. The proposals are in accordance with the recently approved Open Spaces Events Policy Parts 1 and 2 and the City of London Corporation (Open Spaces) Act 2018.

Proposals for two concert series were approved in principle at your committee on 10 September 2018. Officers are confident that a pilot single concert series can be successfully staged without lasting damage to Forest Land and wider environmental considerations. As a result of the feedback received, and following further discussions, a revised proposal is now presented in this report for your approval. A financial proposal presented in the Non-Public section should be considered alongside this report.

### Recommendation

Members of the Public Relations and Economic Development Sub Committee are asked to:

- Note the report and consider any reputational issues.

Members of the Epping Forest and Commons Committee are asked to:

- Approve the provision of a licence to use of land with Mama Festivals Ltd for an outdoor temporary event on land at Wanstead Flats for the purposes of a three-day music concert as proposed in this report and in line with the Epping Forest Events policy, subject to:
  - a. Mama Festivals Ltd mitigating against any environmental issues arising from the Preliminary Ecological Appraisal and undertaking any additional protected species surveys if required within the appraisal.
  - b. Mama Festivals Ltd successfully obtaining a Premises Licence for the event under the Licensing Act 2003 and any other necessary consents.
  - c. the Director of Open Spaces being satisfied that the final proposals and agreed mitigating actions are consistent with the Events Policy and in compliance with the duties of the Conservators.

- Authorise the Director of Open Spaces, in consultation with the City Surveyor, to complete final negotiations and agreement of contractual terms; taking in to account the specific environmental considerations and constraints in relation to the use of this land.
- Authorise the Comptroller & City Solicitor to enter into the necessary agreements on such terms as he and the Director of Open Spaces consider appropriate.

## **Main Report**

### **Background**

1. The City of London Corporation (Open Spaces) Act received royal assent on 15 March 2018. The Act provides the Conservators with additional statutory powers in relation to the holding of events, including entertainments, which must be exercised having regard to an approved Events Policy.
2. Following consultation, an over-arching Open Spaces Departmental Events Policy (Part 1) was subsequently approved by the Open Spaces and City Gardens Committee and a site-specific Epping Forest Events Policy (Part 2) was approved by your Committee. These came into force on 16 July 2018. The Policy (Part 2) sets a framework for making decisions in relation to the use of Forest Land for events. It also identified the process for approving events. For those events above a threshold of 5,000 participants and/or of 3 or more days duration, approval is required from the relevant Committee.
3. The agreed Policy determines the following parameters for timing and frequency of events:
  - No more than one large event will normally be approved to take place on the same day;
  - Events will not normally be approved on consecutive weekends over the period from May to September in each locality;
  - The overall number of events approved will be restricted to maintain the balance of public enjoyment and unfettered access of the normal character and environment of the Forest;
  - Large events will be limited to three per year throughout the Forest and will have restrictions on noise, scale and impact.
4. Epping Forest is a regional resource and serves all Londoners and beyond as a place for recreation. Wanstead Flats is a fine example of this, hosting up to 79000 players annually for football. The largest events held on Forest Land in the past have been the Newham Fireworks Display, held annually on Wanstead Flats with an average attendance of 20-30,000, and the in-house 'Forest Festival' held on Chingford Plain with an attendance of approximately 10,000. The London Borough of Newham also staged a series of Melas or 'gatherings' in 1993, 1994 and 2000 on Wanstead Flats with attendance ranging from 30,000 in 1993 and 35,000 in 1994. A successful 2-day event in 2000 was attended by 56,000 event goers.

5. Event promoters MAMA Festivals Ltd (a wholly owned subsidiary company of Live Nation Entertainment, the largest entertainment company in the world) approached officers in 2018 with a proposal to hold new concert event on Wanstead Flats. Officers met with the event promoters to scope the potential location for the event, identifying sites without prohibitive environmental designations and that would also meet the access needs of the promoters. The Football pitches between Aldersbrook and Capel Road were identified as most suitable.
6. An indicative proposal for two mutually exclusive events was presented at your meeting of 10 September 2018. Your Committee agreed to receive further details and a formal application for two large-scale events; *Kayam* and *Steel Yard* to be presented in a later report.
7. A number of residents (around 30 in total) corresponded with officers and members to express their opposition to the outline proposals contained in the report. Given the strength of feeling in the initial feedback to the indicative proposals in the September report, officers brought forward plans for wider engagement. Discussions were held with licensing officers from neighbouring authorities to explore potential impact on residents. Proposals were discussed in the Liaison meetings with councillors from neighbouring boroughs. Officers also held surgeries with resident representatives as well as continued correspondence with individuals.
8. Officers and MAMA Festivals Ltd have listened to the concerns raised and have revised their proposals to take these in to account. The proposals now presented in this report reflect the changes made such as; reducing the number of proposed events to just one and postponing the date of the event from 2019 to 2020 in order to allow additional time for preparation, planning and community engagement. They also chose September as the timing of the event to sit outside the bird breeding season.

### **Current Position**

9. Wanstead Flats is an area of mixed use, including areas of long-standing formal recreation and areas managed for nature conservation. The formal recreation areas consist of football pitches, a large fairground site and model aircraft strip. Zones managed for formal recreation cover over 25% of the 187 hectares of the Wanstead and Bush Wood Flats area. The location proposed for the concert is entirely within the formal recreation zone, in an area set aside for football provision and has little conservation value.
10. Under the Epping Forest Act 1878 the Conservators must preserve the natural aspect of the Forest as far as possible whilst also facilitating its use as an open space for the recreation and enjoyment of the public.
11. The application presented is now for a single large-scale concert event over one weekend of three nights to take place on Wanstead Flats in September 2020. The anticipated audience will be up to 50,000 per night.
12. Since the initial report in September 2018, which asked for approval to develop an event application in more detail, your Officers have presented the proposals to two

meetings of the Epping Forest Consultative Committee, held two meetings with local residents' representatives and met with Licensing Officers in Redbridge and the immediately neighbouring authorities.

13. Live music events can offer many benefits to audiences: it enhances social cohesion is mood-enhancing, provides health and well-being benefits, offers a unique experience, forms a fundamental part of people's identity, is inspiring and engages all the senses.<sup>i</sup> This reflects some of the City of London Corporate objectives.(see Corporate and Strategic Implications below) The proposed concert could potentially also raise awareness of Epping Forest and introduce it to an additional audience.
14. Live music is an important part of the economy and cultural life of London. Some inner London outdoor venues have hosted several large concerts during recent growth years. Promoters are seeking to diversify locations to lessen the impact on individual sites whilst still providing accessible events to Londoners.
15. If the event went ahead it would generate significant income for the Epping Forest charity which would be re-invested in to the management of the Forest. Public consultation undertaken in recent years around the forward planning of the management of the Forest demonstrated a desire for increased litter management, grounds maintenance and infrastructure provision, which would all represent a growth in expenditure for the charity. Tackling tree and plant disease, fly tipping and anti-social behaviour also present additional and increasing cost obligations for the management of the Forest which could be offset by increased income.

## Options

16. Your Committee are asked to consider two options:
  - 16.1 **Option 1.** To agree to the proposals for a large-scale concert event with an audience up to 50,000 per day, to take place on Wanstead Flats over one weekend in September 2020 and subject to the necessary consents from the London Borough of Redbridge.

The timescale allows for thorough community engagement and communications exercise, to proceed as early as possible, undertaken by MAMA Festivals Ltd.

Environmental mitigation measures, which would be largely aimed at protecting the areas of nature conservation interest and, in particular, the acid grassland habitat and ponds, would be integral to the final proposals being signed off by the Director of Open Spaces under delegated authority. Such mitigation would centre on careful control of access routes to the event as have been managed with other recent events on Wanstead and Bush Wood Flats (e.g. London Borough of Culture). In addition, the September date for the event would avoid direct impacts on the breeding Skylarks (see also *Environmental Implications* section below).

The income generated from the event would be reinvested into the management of the Forest including maintenance and improvements across Wanstead Flats such as improved signage, interpretation, entrances and grassland and scrub habitat conservation works.

An area not more than 3.2% of the total recreational area of Wanstead Flats would be set aside for the event build up and break down over a three-week period.

- 16.2 **Option 2.** Do not approve the proposed event. This would avoid all possibility of any harm or disruption being caused as a result of the event being held. However, a significant funding opportunity would be lost that could otherwise be used to ensure continued levels of investment in the management of the Forest.

## Proposals

17. MAMA Festivals Ltd are proposing a large-scale concert over one weekend (3 days) in September 2020. The event would attract an audience of up to 50,000 per day and run from 12noon – 11pm, subject to licensing consent. The concerts would be big name popular music artists but the exact profile of performance, stage structures and site plans for the event is yet to be determined.
18. MAMA Festivals Ltd is a London based company with 50 staff. They have a long track record of delivering successful large-scale events including Lovebox and Citadel (since 2003), Wilderness (since 2011) and The Great Escape (since 2006). The event proposed at Wanstead Flats would be a new venture rather than a transfer of an existing event from another site.

## Location (see map at Appendix 1)

19. The proposed location will be on and between the football pitches at the Aldersbrook Road end of Wanstead Flats. A proposed layout for the event is shown in Appendix 1 with the affected pitches indicated, but this may be subject to alteration as plans for the event develop – for example the shape and exact position of the event arena may change. This area is easily accessed by bus and by rail. Access to the event site for event vehicles would be from Aldersbrook Road and adjacent to the Alexandra Lake Car Park.
20. Public access would be carefully guided from nearest transport nodes in particular Manor Park Station.
21. The area utilised is proposed to be contained by security fencing and would cover no more than 6 hectares within the zone managed for formal recreation. The 6 hectares represents 3.2% of the total area (187ha) of the Wanstead and Bush Wood Flats area.
22. The area of occupation for the proposed event is over 750m away from the section of the Epping Forest Site of Special Scientific Interest (SSSI) at Wanstead Flats. and separated by a road and buildings. The site is adjacent to the Aldersbrook Conservation Area (to the north) and does fall within the Green Belt. The event site also lies within the boundaries of the Wanstead Flats Site of Importance for Nature Conservation (SINC), which follows the Forest Land ownership boundaries and, therefore, encompasses the whole of Wanstead and Bush Wood Flats.

23. Use of the land for the event proposed and moveable structures for a cumulative period of fewer than 28 days (when taken together with any other events during the year) would be classified as permitted development, but any longer period would require planning permission.
24. There would be an impact from the event on visitors, both casual and those participating in football. We would not expect the area utilised to be restored in time for the football season and so there would be a small reduction in available pitches for use during the football season. However, such a reduction in area occupied by pitches is already being planned for future seasons with more efficient use of the dedicated pitch space.

### **Licensing Processes**

25. There are two separate approval processes that MAMA Festivals Ltd would need to successfully complete in order to stage the event.
26. Your committee is deciding whether to approve a legal agreement for the use of the land. This agreement would be subject to a range of terms and conditions being met about the use of the land.
27. A Preliminary Ecological Appraisal of Wanstead Flats has been commissioned by the City of London (Appendix 5). This is expected by 24.6.19 and will be presented alongside this report at your committee.
28. Mama Festivals Ltd will be required to commission a full Environmental Impact Assessment based on their more detailed proposals for the event. Any mitigation measures suggested in the assessment, or required by the Director of Open Spaces as a result of the assessment, would then be written in to the legal agreement along with other details regarding the use of the land. When all these conditions were met, officers would have delegated authority to enter into the agreement, to allow the event to take place on Forest land. An indicative timeline for the process is outlined in Appendix 3. One of the conditions would be that Mama Festivals Ltd additionally secure a Premises Licence under the Licensing Act 2003 from the London Borough of Redbridge, which is in any event a legal requirement before the proposed event could go ahead.
29. Under the Licensing Act 2003 the London Borough of Redbridge would require MAMA Festivals Ltd to successfully apply for a Premises Licence in accordance with the prescribed statutory procedure. Mama Festivals would be required to advertise their application for a minimum of 28 days, involving posting notices around the site, a notice in the local newspaper and a copy of the application to be sent to other statutory bodies such as Fire and Police Services and Planning and Environmental Health within the local authority.

If *any* objections to the application were received by the London Borough of Redbridge there would be a full public hearing of their Licensing Sub Committee at which objectors could make additional oral representations.

30. The hearing would be chaired by Councillors trained in the licensing process. They have four objectives:
- The prevention of public nuisance
  - The prevention of crime and disorder
  - The protection of children from harm
  - Public safety
31. Mama Festivals Ltd would be asked to show how they will address these issues normally through a series of plans including;
- Event Safety Management Plan
  - Noise Management Plan
  - Crowd Management Plan
  - Traffic and Travel Management Plan
  - Crime Management Plan
  - Waste and Sustainability Plan
32. There are three possible outcomes from the hearing: to reject the event, allow it or to allow it based on a series of conditions.
33. The Licensing Sub-committee would make their decision and there is a right to appeal to the Magistrates Court.
34. If the event were approved the application and associated plans (sample list in para 30) would then be scrutinised by the Safety Advisory Group
35. The Redbridge Safety Advisory Group (SAG) is made up of representatives of bodies such as the Police, Fire, Ambulance services, Highways, Environmental Health, Community Safety and other relevant Council departments as well as other expert or relevant authorities such as Transport for London. The Head Forest Keeper attends the SAG meetings in neighbouring authorities.
36. The SAG group have the power to cancel an event if they are not satisfied that the licensing objectives will be met.
37. Mama Festivals Ltd have considerable experience of working with local authorities, Safety Advisory Groups and the police to create safe and well-controlled events.

### **Feedback from the public and the Consultative Committee**

38. Following the initial public report in September 2018 to your committee on this matter some local residents have written to voice their concern about the proposed event. Thirty letters were received by officers and verderers/members.
39. The report was discussed at the Epping Forest Consultative Committee at their meeting in October 2018. At this meeting there was general opposition to the proposal for the event and members did not support the proposals outlined in this report.

40. There has been a mixed reaction on social media with opposition voiced by some (including several who also wrote in and are accounted for in the total number above) as well as others expressing excitement at the event taking place in their area and hoping to attend.
41. An update on the proposals was presented in a further report to the Epping Forest Consultative Committee on 13 February 2019 and to your Committee on 11 March 2019.
42. Two meetings were held in March in Wanstead hosted by your Chairman. Local residents group representatives were invited to attend to hear about the proposals and to share concerns from local residents.
43. The meetings were not intended to constitute a formal consultation exercise, as it is not a requirement for the Conservators to consult the general public on individual events under the Events Policy. Your committee must have regard to the Events Policy in making a decision on an event, and it is the Events Policy itself that has previously been the subject of formal consultation. Nevertheless, the residents' feedback from those meetings is included for your committee to consider as part of this report. Residents would also have an opportunity to make representations to the London Borough of Redbridge regarding the licensing objectives at a later stage, as indicated in the timeline in Appendix 3.
44. The residents' feedback received is summarised in Appendix 4. The comments from the Epping Forest Consultative Committee are captured in the relevant minutes. The areas of concern voiced by residents, correspondents, and Epping Forest Consultative Committee members can be broadly grouped as:

#### 44.1 Lack of consultation with the public

This was voiced by those who gave an initial reaction to the report in September 2018. Residents thought the report was making a final decision on all aspects of the event and that they had not been consulted. The further report at the Epping Forest Consultative Committee explained the process for decision making and that an opportunity to make representations to the London Borough of Redbridge in relation to the licensing objectives would be available at a later stage. Letters were written to the correspondents explaining this and two meetings have been held to explain the process to residents.

In addition to the statutory notification requirements as part of Mama Festival's application to London Borough of Redbridge for a Premises licence, Mama Festivals Ltd would be required to produce a community engagement and communications plan to the satisfaction of the Director of Open Spaces as a condition of the licence from the Conservators to occupy the land. The later event date of 2020 allows a considerable length of time for the plan to be prepared and implemented. This would include public meetings, a dedicated community engagement website and a dedicated residents' phone line staffed throughout the event. Mama Festivals Ltd would also offer a free and discounted ticket scheme to local residents.

#### 44.2 Track record of promoters



The track record of the promoters has been researched and the findings are that although some residents' complaints have received press coverage there has been no cessation or revoking of licences by the local authorities involved. Detailed due diligence on the company will be undertaken as part of the local authority licence process which will have access to factual information through the statutory channels.

The proposed event is a completely new event and is not being displaced from another location.

#### 44.3 Impact on wildlife

A preliminary Ecological Appraisal has been commissioned to look at any fundamental ecological concerns that may prevent or constrain the event. This will be appended to this report prior to your meeting.

The impact on wildlife, flora and fauna will need to be addressed at the earliest stage of planning by MAMA Festivals Ltd through an Environmental Impact Assessment. Mitigation measures suggested in the assessment will be added as conditions to the licence to occupy the land issued by the Conservators. The Environmental Implications section of this report has been prepared following discussions with in house experts.

#### 44.4 Safety of the event

#### 44.5 Criminal behaviour in and around the event

#### 44.6 Disruption on local roads impeding resident access

#### 44.7 Litter and waste management

The event organisers will have comprehensive strategies in place as outlined in paragraph 30 of this report that address these remaining areas of concern which are primarily concerns that impact on local residents. It will be a requirement of the London Borough of Redbridge that all of these matters are satisfactorily addressed in order to receive the necessary consent for the event to take place.

### **Corporate & Strategic Implications**

45. Hosting a major event will help deliver the aims of the Corporate Plan 2018 – 2023:

#### **To support a thriving economy**

- We are a global hub for innovation in finance and professional services, commerce and culture.

#### **Shape outstanding environments**

- We inspire enterprise, excellence, creativity and collaboration

46. It will also deliver the Open Spaces Departmental Business Plan top line objectives:

- A. Open spaces and historic sites are thriving and accessible.
- B. Spaces enrich people's lives.

C. Business practices are responsible and sustainable.

## **Environmental Implications**

47. A Preliminary Ecological Appraisal is appended to this report.
48. Apart from the Wanstead Heath Site of Special Scientific Interest to the west of Centre Road the majority of Wanstead Flats is not subject to a statutory nature conservation designation. Wanstead Flats is recognised as a Site of Importance for Nature Conservation (SINC) which is a non-statutory planning designation.
49. Wanstead Flats is given the highest classification as an area of Metropolitan Importance because it includes one of the largest areas of acid grassland in London and is of exceptional importance for its insects and other invertebrates, including many rare species.
50. Wanstead Flats also supports breeding skylarks and meadow pipits, ground nesting birds that are respectively red and amber on the International Union for the Conservation of Nature (IUCN) List of Threatened Species. However, as noted above, the event site is located entirely within the long-standing formal recreation zone and the SINC boundaries follows those of the Forest ownership and so encompasses all areas of the Flats.
51. So, although it is within the SINC it does not directly impact on the protected acid grassland habitat. As with other events that have been held on Wanstead Flats, careful control of access routes and entry points, plus boundary fencing and a clear demarcation of the area should ensure that access onto the acid grassland areas of nature conservation importance is prevented. Such protection of an area of the Flats has been achieved to the satisfaction of the local authority in the recent past in relation to the Metropolitan Police Muster Centre for the 2012 Olympics. This particular proposed event area is also on an area that has been used for events previously such as the 1993, 1994 and 2000 Melas).
52. Any potential impacts of the event that would need to be mitigated are likely to be indirect, largely through disturbance and the visual scale of the structures to be erected. South of Alexandra Lake and to the east of the proposed site there is an area of grassland in the SINC that has been regularly occupied by breeding Skylarks. Skylark, as a species, is considered by the most recent conservation review carried out in 2015 (entitled *Birds of Conservation to Concern 4*) to have red-listed status in the UK because of a serious decline in its breeding population (62%) across the country in the last 45 years.
53. These birds could be affected by the erection of structures related to the event as a result of disturbance and as they require open vistas and are sensitive to vertical intrusions (like trees and buildings) into their favoured open landscapes. However, the timing of the event should mitigate the impact of any disturbance significantly and is within a footprint some distance from the Skylark breeding and feeding areas. In addition, in this urban environment, the event proposals allow for any vertical structure to be in line with the backdrop of trees and other buildings further mitigating any adverse visual impact on the birds. An assessment of this can be

made more precisely as part of the Environmental Impact Assessment for the event.

54. The Skylark breeding season is between March to late August/early September. Therefore, the September event is unlikely to have any direct impact on breeding. There is also already considerable summer activity at Alexandra Lake and a car park closure to general visitors during the event and its lead-in time may act to reduce general recreational disturbance.

## **Legal**

55. Under section 7 of the City of London Corporation (Open Spaces) Act 2018 the Conservators may temporarily use or permit others to use Forest land for the purposes of an event; provide, or arrange for another person to provide, equipment, facilities or services for the event; so far as necessary restrict, or authorise others to restrict, access to an area of Forest land temporarily in connection with the event; and charge for such permission or provision, or charge or authorise others to charge for admission to the event.
56. The above powers must be exercised having regard to the approved Events Policy. In deciding whether, and on what terms, to permit an event, the Conservators must have regard to the character and local environment of the Forest (or the part of the Forest in which the event is to take place i.e. in this case, Wanstead Flats). An event must not cause material injury to the amenity of the Forest or significant impairment to the public enjoyment of the Forest. The locations in the Forest to which events are confined must be specified in the Policy, and the frequency and duration of events limited.
57. The general duties of the Conservators under the Epping Forest Act 1878 to preserve Epping Forest as an unenclosed public open space and as far as possible to preserve its natural aspect also still apply, subject to the above provisions. Any decision taken must be in the best interests of the Epping Forest charity.
58. Consent may be needed under Section 28E of the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017

## **Financial**

59. All costs associated with the staging of the event and reinstatement of the land will be met with Mama Festivals Ltd in addition to a hire fee for the use of the land.
60. The financial proposals and implications of the proposed concert are covered in the non-public report elsewhere on the agenda

## **Reputational**

61. There is an expectation that this event would attract negative media coverage. However, the proposed event would be accompanied by a comprehensive community engagement plan to explain the proposals and answer queries. A

detailed communications plan would also be drawn up between the event organisers and the City of London Corporation to provide clear information and response to the public and media. The Events Policy and licensing legislation provides a clear requirement for event managers to engage with the appropriate legislative and licensing regimes to ensure events are being run safely and professionally.

## **Property**

62. Events on the Forest should be governed by suitable licence terms to ensure that the City of London Corporation is suitably indemnified and that consent to use represents best value according to the charitable operating requirements.

## **Equality**

63. The Events Policy requires event organisers to provide an Equality Policy. An equalities impact assessment would be undertaken by MAMA Festivals Ltd for the event as a condition of the licence from the Conservators to occupy the land and any areas for improvement addressed to the satisfaction of the Director of Open Spaces prior to the event.

## **Conclusion**

64. MAMA Festivals Ltd are a well-established and professional large-scale event organiser. Their proposal to hold one event of a three-day duration in 2020 allows time for full planning, preparation and community engagement to take place to mitigate against any areas of concern. If the event goes ahead there will be significant financial benefit to Epping Forest charity for reinvestment into the management of the Forest.

## **Public Appendices**

- Appendix 1 - Map of Location of Proposed site for 2020 event at Wanstead Flats
- Appendix 2 – Open Spaces Events Policy Part 2 – Epping Forest
- Appendix 3 – Indicative timetable
- Appendix 4 - Summary of Epping Forest Consultative Committee and residents' feedback
- Appendix 5 – Preliminary Ecological Appraisal (due 24/6/19)

## **Non-public appendices**

- Application for use of Epping Forest Land at Wanstead Flats for a music concert. SEF 28/19b: Financial Proposals

## **Background Papers**

Open Spaces Events Policy Part 1 – Open Spaces & City Gardens Committee, 16 April 2018.

Epping Forest Events Policy – Part 2 – Epping Forest and Commons Committee, 14 May 2018

Application for major event on Wanstead Flats: consideration of pre-application options -Epping Forest and Commons Committee 10 Sept 2018

Application for major event on Wanstead Flats: further detail for approval – Epping Forest Consultative Committee 10 October 2018

Major Event Wanstead Flats Update – Epping Forest Consultative Committee 13 February 2019

Major Event Wanstead Flats Update Epping Forest and Commons Committee 11 March 2019

**Jacqueline Eggleston**

Head of Visitor Services

T: 020 8532 5315

E: [jacqueline.eggleston@cityoflondon.gov.uk](mailto:jacqueline.eggleston@cityoflondon.gov.uk)

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i. (UK Live Music Census)