

LICENSING AND REGULATION COMMITTEE

3 December 2003

APPLICATION FOR A PUBLIC ENTERTAINMENT LICENCE FOR AN OPEN AIR  
MUSICAL FESTIVAL ON PRIVATE LAND AT CHEESEFOOT HEAD, NEAR WINCHESTER

REPORT OF CITY SECRETARY & SOLICITOR

Contact Officers: Fred Masters Tel No: 01962 848443

RECENT REFERENCES:

LR 71 – 4 December 2002 - Application for a Public Entertainment Licence for an Open Air Musical Festival on Private Land at Cheesefoot Head, near Winchester

EXECUTIVE SUMMARY:

This report concerns an application for an entertainment licence for a music festival proposed to be held on land near Cheesefoot Head, adjoining the A31 and A272, commencing at 1pm on Saturday 29 May 2004 and continuing until 7am on Sunday 30 May 2004. Information submitted by the applicant and submissions from statutory bodies (where available) and from members of the public is appended.

The proposed event, to be known as “Homelands 2004”, is generally similar to the “Homelands” events held in May 2003 and June 2002. This application is for a maximum capacity of 38,000 persons. Members will recall that the 2003 event was originally licensed for 38,000 but was subsequently varied to limit the numbers to 33,000.

Eleven complaints were received during the 2003 event concerning noise nuisance but the conduct of this event has been generally satisfactory.

This application proposes revised stewarding arrangements which includes the use of a Closed Circuit Television system and a reduction in the number of stewards. The new proposals are being considered by the Police, the Fire Service and appropriate Council Officers.

RECOMMENDATIONS:

- 1 That the City Secretary & Solicitor be given authority to grant the application for a music festival on land near Cheesefoot Head, between the hours of 1pm on Saturday 29 May 2004 and 7am on Sunday 30 May 2004 and to issue an entertainments licence accordingly, subject to:
  - (i) The imposition of licence conditions, based on the 2003 event with such further amendments or additions, having particular regard to the stewarding arrangements, as the City Secretary and Solicitor may deem necessary (in consultation with the Chairman in the case of major changes);
  - (ii) The maximum attendance not exceeding 35,000 paying audience and 3,000 guest ticket holders (total 38,000).
- 2 That the applicant be requested, prior to the issue of the licence, to undertake in writing with the Council to implement the entirety of the Event Management Plan and the Traffic Management Plan (including any amendments subsequently agreed with the Council).
- 3 That the applicant be reminded that the Committee attaches the greatest importance to the protection of the SSSI and to maintaining the value of the AONB generally.
- 4 That in the event of a funfair being provided on site, permission be given under the relevant byelaws for this to continue in operation through the night until 7am on Sunday 30 May 2004.

## LICENSING AND REGULATION COMMITTEE

3 December 2003

### APPLICATION FOR A PUBLIC ENTERTAINMENT LICENCE FOR AN OPEN AIR MUSICAL FESTIVAL ON PRIVATE LAND AT CHEESEFOOT HEAD, NEAR WINCHESTER

Report of City Secretary & Solicitor

#### DETAIL:

#### 1 Introduction

- 1.1 This report concerns an application for a licence under Section 1 and Schedule 1 of the Local Government (Miscellaneous Provisions) Act 1982 for an open air musical entertainment to be held on private land at Matterley Estate near Cheesefoot Head. The proposed event is generally similar to the event held in 1998 and the "Homelands" events in 1999, 2000, 2001, 2002 and 2003. The applicant, Mr Melvin Benn of the Mean Fiddler Music Group, is the same. The application is for 38,000 (35,000 paying audience and 3,000 guest ticket holders). Members will recall that a licence for 38,000 capacity was granted for 2003 but this was subsequently varied to 33,000.
- 1.2 Later parts of this Report give further details of the application and the results of consultation with the Police, other statutory agencies, parish councils and the public, together with some comments on the experience of the event in May 2003. Details are also given of a Section 106 Agreement entered into with the landowners.

#### 2 The Application

- 2.1 On 2 October 2003 an application for an entertainment licence was made by Mr Melvin Benn of the Mean Fiddler Group plc. The application is for an event to be continuous from 1pm on Saturday 29 May 2004 until 7am the following morning. The application indicates that the licensed attendance would not exceed 38,000 persons, which would include 3000 guest tickets. A copy of the application is attached as Appendix 1A.
- 2.2 As in previous years an Event Management Plan has been prepared by the applicant and submitted to the Council with the application. A condition of the Licence in previous years has required the approval of the Council to the Event Management Plan 28 days before the Event takes place. That plan is discussed at the Safety Team meetings at various times prior to the Event, and includes details of the stewarding arrangements including the numbers. This has previously involved a number of stewards positioned at the entrances/ exits to the tents. The principal role of these stewards has been to prevent overcrowding and assist the safe evacuation in the event of an emergency. The stewards wear high visibility clothing and act as a reassuring presence and source of information.
- 2.3 Since receipt of the application new proposals have been made concerning the stewarding plan. The plan suggests the introduction of a CCTV system covering each tent from a central monitoring point with a corresponding reduction in the number of stewards proposed at the tent entrances/exits.
- 2.4 Copies of the application have been sent to the Police, Fire, Highways Authority (Hampshire County Council), Hampshire Ambulance Trust, the Director of Health and Housing and the Chief Building Control Surveyor. The Police have responded and their views are set out in paragraph 3.1 below. Hampshire Fire and Rescue Service have responded and their views are set out in paragraph 3.3 below. Any subsequent

responses from the Ambulance and Highways Authority will be included as an additional information pack to be provided before the Committee meeting.

- 2.5 The following agencies, who also have an interest in this site, have also been informed of this application; Hampshire County Council Countryside Officer, English Nature, the Environment Agency, East Hampshire Area of Outstanding Natural Beauty and the Council for the Protection of Rural England.
- 2.6 The following parishes have also been consulted; Itchen Valley, Chilcomb (Meeting), Cheriton, Beauworth, Bramdean, Tichborne, New Alresford (Town), Bishops Sutton, Twyford, Owslebury, Kings Worthy, Kilmeston, Itchen Stoke & Ovington, Headbourne Worthy, Compton and Shawford, Olivers Battery, Otterbourne, Colden Common, Badger Farm, Cheriton and Bramdean. A response has been received from Itchen Valley and is shown as Appendix 1C(i).
- 2.7 A public notice of the original application was published in the "Hampshire Chronicle" on 10 October 2003. In addition Notices were posted at Cheesefoot Head car park and on the A31 road at the proposed main entrance to the Event car park for 28 days from the same date. The residents who contacted the Council during the June 2002 and May 2003 Homelands events, together with those persons who responded to the consultation exercise carried out on behalf of the Director of Health and Housing, have also been notified of this application and the date of this Committee meeting. At the date of the publication of this report three public responses have been received and are included as Appendices 1D (i-iii).

### 3 Responses to Consultation and Representations from the Parishes and the Public

- 3.1 The police do not object to the application but do have a number of observations concerning the application including –
- Previous events have attracted a significant number of crimes
  - Drug abuse
  - The traffic management plan works well but the volume of traffic creates several miles of slow moving traffic at the start of the Festival
  - The Festival is sited on agricultural land normally used for agricultural purposes. This reduces noise disturbance but in the unlikely event of a major incident would still present significant problems to the emergency services. Permanent roads have improved access and
  - Although this event has been good natured in the past there remains a potential for disorder and disturbances.

The police have also commented on the proposal to have CCTV installed in each arena (tent) to monitor crowd behaviour from a central control instead of posting stewards at each entrance.

The police comment that this would make a positive contribution to safety and security in that it would provide –

- Early identification of potential problems concerning crowd safety management and crime
- An immediate and centralised source of information in the event of a major incident

- A flexible centrally co-ordinated response to problems and an increase in patrolling stewards
- Higher profile arena patrols and
- A valuable evidential facility for the police.

The police also make the following comments on the disadvantages of the proposed changes to stewarding –

- The reassurance and preventative effect of a high visibility presence at the entrance to each arena would be lost
- There is a risk that the reduced number of stewards would be insufficient to effect a prompt and effective evacuation and
- A failure in the CCTV systems will require stewards to be drawn from other areas which may result in insufficient stewarding in those areas.

Providing the applicant demonstrates suitable planning to mitigate the disadvantages outlined above the police would not oppose the proposed changes to the stewarding arrangements.

(Appendix 1B(i))

- 3.2 No representations have been received from Hampshire County Council County Surveyor. Previously the County Surveyor has asked that the traffic management plan is agreed and implemented.
- 3.3 Hampshire Fire and Rescue Service have responded to the proposals to change the stewarding arrangements for the arenas (tents) by the use of a CCTV system controlling the stewarding from a central control and make the following comments –
- The use of CCTV has no benefit in either detection of a fire or assisting in evacuation in the event of fire in this type of premises
  - A move from prescriptive stewarding levels to a risk based approach is accepted
  - Each tent should be treated independently for the purpose of risk assessment in case of fire
  - Each tent should have a named person with competency levels of at least fire warden status with an appropriate level of authority to initiate an evacuation should it be necessary in their judgement
  - In addition the remaining stage personnel trained to a recognised level of fire awareness to initiate first aid fire fighting and assist with any evacuation. All fire personnel should be named and be able to demonstrate competency levels by recognised qualifications within the fire industry.
  - Communications must be satisfactory and maintained and
  - Other fire provisions required for previous events, must remain.

(Appendix 1B(ii))

- 3.4 No response has been received from Hampshire Ambulance but it is expected that they will agree the level of cover for the event.

- 3.5 The Director of Health and Housing and the Chief Building Control Surveyor have been consulted and those issues raised are considered elsewhere in this report.
- 3.6 Itchen Valley Parish Council has responded to the consultation and do not intend to object provided that the traffic arrangements are essentially the same as for previous events and a help line is again provided.

The Parish Council suggest that the following matters should be given some thought-

- The residents on the A31 suffer the full effect of the noise and cannot easily drive into Winchester for shopping etc. For those in surrounding villages the Bank Holiday weekend is disrupted by an event which is totally alien to the majority of residents. They tolerate the event only because they have no choice.
- That the diversion signs on the B3047 be dropped as they undoubtedly cause an increase in traffic on the B3047 and an attempt was made to measure this. This was distorted by work on the A31 connected with the oil exploration licence also on Matterley Farm. The Parish Council is unconvinced by the reasons given by the Police for requiring diversion signs to be erected in advance.

(Appendix 1C(i)).

- 3.7 In response to direct consultation with residents who contacted the Council about the 2002 and 2003 events three letters making representations have been received. (Appendix 1D(i) – (iii))

Mr and Mrs Turberfield of Itchen Abbas comment on the noise nuisance outside the permitted hours of entertainment when sound testing takes place on Friday evening and Saturday morning and the intrusion of excessive bass on the sound mix during daylight hours during the festival. They also object to the use of the B3047 as a diversion route stating that this is unnecessary to divert the traffic from the A31 which could cope with the situation if the dual-carriageway lanes were better managed. (Appendix 1D(i))

Mrs Fisher of Avington states the reduction in the decibel level made the event more bearable but says that it would be nice if residents were allowed to enjoy the bank holiday occasionally without this outside invasion. (Appendix 1D(ii))

Mr Baldwin of Morestead states that each year this event appears to get noisier rendering his garden unusable. He also states the noise pollution is insidious. (Appendix 1D(iii))

#### 4 Matters Arising From The May 2003 Event.

- 4.1 The Police had concerns that ticket touts were operating overtly in the car park. The Police have limited powers to stop touts and have agreed to brief stewards for future events.
- 4.2 There were a significant number of crimes including thefts, robberies and assaults.
- 4.3 There was good co-operation from the organisers throughout the event, although some fine tuning was required for next year.
- 4.4 Environmental Protection staff received 11 telephone calls concerning noise nuisance, all before midnight. More feedback forms than last year were issued, and 50 were returned which mainly complained about the traffic.

- 4.5 There were concerns about the operation and management by one of the contractors of the lasers used at the event. The applicant has confirmed that this contractor will no longer be used at Homelands.

5. Agreement with Landowners

- 5.1 Following the Licensing and Regulation Committee's consideration of the 2002 application, a Section 106 agreement was entered into covering all future events. Consequently a new agreement will not be needed for the 2004 Event.

- 5.2 The S.106 Agreement covers the protection of the SSSI and some other natural features of the site by suitable fencing, the removal of litter after the event; the physical reinstatement of the site; the removal of any unauthorised persons remaining after the event; and the prohibition of trading on those parts of the site adjoining the A31 and the A272.

6. Plans for "Homelands" event in 2004

6.1 Event Management Plan

Version 1 of the Event Management Plan for Homelands has been received from the applicant. This was discussed at the first "Safety Team" meeting for the proposed 2004 event on 14 October 2003 and later at a special meeting concerning the new stewarding proposals for the 2004 event on 14 November 2003. As indicated in paragraph 2.2 and 2.3 above the revised stewarding proposals will be subject to further discussions between the applicant and officers before the Event Management Plan is approved. A copy of the latest version of the Event Management Plan can be inspected by arrangement with Licensing and Registration Officer.

6.2 Traffic Management Plan

The Traffic Management Plan will be similar with that used for the 2003 event.

7. Licence Conditions

- 7.1 The Conditions worked well in 2003 and will be used again for the 2004 event, subject to any other minor revisions that may be required.

- 7.2 A copy of the latest version of the Conditions has been placed in the Members Room. A copy of the Key Dates schedule (which summarises the submissions to be made in accordance with the Conditions, and the dates for such submissions) is attached as Appendix 2(i) to this report. Further changes may be necessary following further discussions and consultations, and it is recommended, as in previous years, that the City Secretary and Solicitor be authorised to make such amendments as he may deem necessary (in consultation with the Chairman in the case of major changes).

8. Issues for Consideration.

- 8.1 The relevant considerations for a decision on whether or not to grant a licence are primarily the matters for which conditions may be imposed – in essence safety considerations and noise nuisance. In addition, the 1982 Act states that the Council "shall have regard to any observations submitted to them by the Chief Officer of Police and by the Fire Authority". The Act is silent as to the relevance of other

factors, but presumably (as with all licensing) the suitability of the applicant to hold the licence is a legitimate consideration. In the context of this particular site, it is also difficult to ignore the special environmental/landscape factors relating to it. These factors are dealt with by the Section 106 undertaking rather than licence conditions.

- 8.2 This application is similar to that originally approved by the Committee for the 2003 event for 38,000 persons (35,000 tickets and 3,000 guests). The applicant is proposing to provide the same levels of facilities but is requesting that new proposals for stewarding arrangements in conjunction with a CCTV system is considered.
- 8.3 Other possible considerations such as a view as to the quality or desirability of the type of music featured are probably largely irrelevant, unless they can be shown to have material safety implications. Members are, reminded, however, that the provisions of the Public Entertainments Licences (Drugs Misuse) Act 1997 do not apply to open air events such as the festivals at Cheesefoot. However, Section 17 of the Crime and Disorder Act 1998 requires local authorities to exercise all their functions with due regard to the likely effect on crime, and this could make the drugs factor a legitimate consideration in deciding on licences for festivals on this site.

## 9 Conclusion

- 9.1 The proposed Homelands 2004 event is essentially very similar (except as regards the stewarding arrangements) to the previous events. This application is for 38,000 persons as originally approved for the 2003 event (later reduced to a capacity of 33,000). Any amendments to the Event Management Plan or additional conditions considered necessary would be discussed at "Safety Team" meetings, with further discussions with the Chairman of this Committee on any major issues.
- 9.2 It is considered that with the imposition of suitable conditions and implementation of the Event Management and Traffic Management plans, the event can be permitted. In the light of the overall success and generally well managed previous events it is therefore considered appropriate to grant this licence for the Homelands 2004 event following agreement on the new proposals stewarding proposals to the satisfaction of the Police, Fire and Council Officers.

### OTHER CONSIDERATIONS:

#### CORPORATE STRATEGY (RELEVANCE TO):

The Corporate Strategy is not greatly relevant to the licensing process which is quasi-judicial in character, rather than policy driven. The decision has indirect effects on the economic wellbeing and community safety objectives in the Strategy.

#### RESOURCE IMPLICATIONS:

The fee for this application was determined by the City Secretary and Solicitor in consultation with the Chairman based on formula to recover the Council's proper costs in dealing with the application. The fee charged is £39,600. The costs of other agencies are not recoverable through the licence fee, but some of their expenses may be rechargeable to the event organisers under other arrangements.

#### BACKGROUND DOCUMENTS:

Application and correspondence on City Secretary and Solicitor's file. In general, the more relevant background documents are included in Appendix 1 to this Report.



APPENDICES:

Appendix 1 – Consultation on Application

1.A Notices of Application and Application.

1.B Other Consulting Bodies' Submissions:-

- (i) Police
- (ii) Hampshire Fire and Rescue

1C. Parish Council Submissions.

- (i) Itchen Valley

1.D (i) - (iii) 3 Letters making Representations from Members of the Public.

NB: Any additional submissions received will be circulated as an addendum to Appendix 1 prior to the hearing.

Appendix 2 – Licence Conditions

- 2(i) Schedule of Key dates

Appendix 3 - Map showing location of Event Site

**SCHEDULE OF KEY DATES****APPENDIX 2(i)**

In the licence there are a number of conditions where certain actions must be carried out, or facilities provided by a certain date. This schedule lists these dates against the relevant licence conditions in order to provide a simple check list.

LICENCE CONDITIONS		COMPLIANCE DATE	
B1 -	Site Plan + EMP agreed (agreed plan)	28 days prior to event	(by 1 May 2004)
B2 -	Supply copies of agreed plan	28 days prior to event	(by 1 May 2004)
C1 -	Supply final Traffic Management Plan	28 days prior to event	(by 1 May 2004)
D4(i) -	Printer details	28 days prior to event	(by 1 May 2004)
D4(iii) -	Entry system details	28 days prior to event	(by 1 May 2004)
D5 -	Amnesty Bins	28 days prior to event	(by 1 May 2004)
D7 -	Procedure seizure of drugs/offensive weapons	28 days prior to event	(by 1 May 2004)
F1 -	Policing details	28 days prior to event	(by 1 May 2004)
F2 -	Medical facilities	28 days prior to event	(by 1 May 2004)
F3 -	Stewarding Plan	28 days prior to event	(by 1 May 2004)
F7 -	Lighting Plan	28 days prior to event	(by 1 May 2004)
K2 -	Litter Receptacles	28 days prior to event	(by 1 May 2004)
L14 -	Means of Escape	28 days prior to event	(by 1 May 2004)
L19 -	Seating	28 days prior to event	(by 1 May 2004)
L35 -	Fire Points	28 days prior to event	(by 1 May 2004)
G2(vii) -	Non-Food Vendors	21 days prior to event	(by 8 May 2004)
G41 -	Fireworks	21 days prior to event	(by 8 May 2004)
G47 -	Noise Appraisal	21 days prior to event	(by 8 May 2004)
I.6 -	Loudspeaker/Mixing Desk positions	21 days prior to event	(by 8 May 2004)
J2 - Food Traders		21 days prior to event	(by 8 May 2004)
E2(v) -	Liquid waste disposal	14 days prior to event	(by 15 May 2004)
G17 -	Structure Calculations	14 days prior to event	(by 15 May 2004)
G22 -	Meeting between Laser Operators	14 days prior to event	(by 15 May 2004)

LICENCE CONDITIONS		COMPLIANCE DATE	
and	and Licensing Authority	event	2004)
G24 –	Laser details and Risk Assessment	14 days prior to event	(by 15 May 2004)
L 15 -	Occupancy of marquees, etc	14 days prior to event	(by 15 May 2004)
D4(i) –	Printer's certificate	7 days prior to event	(by 22 May 2004)
G35 –	Fairground Attractions	7 days prior to event	(by 22 May 2004)
G42 –	Pyrotechnic Stage Displays	7 days prior to event	(by 22 May 2004)
L32 –	Flame/Explosives	7 days prior to event	(by 22 May 2004)
E1(v) -	Water Distribution System (Ring Main)		by 12.00 on Tuesday 25 May 2004
C4 –	Heavy duty trackway complete		by 1200 on Tuesday 25 May 2004
J3 -	Market plans		by 1200 on Wednesday 26 May 2004
A8 -	Site inspection		1500 on Thursday 27 May 2004
G19 –	Structures erected		1500 on Thursday 27 May 2004
E1(v) -	Water Distribution System (all other pipework)		16.00 on Thursday 27 May 2004
E2(ii) –	WC installation complete		24 hours prior to event
F3 -	Record List of Stewards		24 hours prior to the event
I.2 -	Sound Tests		24 hours prior to the event
D9 -	Attendance Audit (Licensee)	30 days after the event	(by 30 June 2004)
D10 -	Attendance Audit (Accountant)	60 days after the event	(by 30 July 2004)