

LICENSING AND REGULATION COMMITTEE

14 December 2004

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

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RECENT REFERENCES:

LR 95 – 3 December 2003- 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 1300 on Saturday 28 May 2005 and continuing until 0700 on Sunday 29 May 2005. 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 2005”, is generally similar to the “Homelands” events held in May 2003 and May 2004. This application is for a maximum capacity of 38,000 persons. 5 complaints were received during the 2004 event concerning noise nuisance, all before 2300 hours, but the conduct of this event has been generally satisfactory.

This application proposes the same stewarding arrangements and the use of a Closed Circuit Television system which was employed at the 2004 event.

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 1300 on Saturday 28 May 2005 and 0700 on Sunday 29 May 2005 and to issue an entertainments licence accordingly, subject to:
 - (i) The imposition of licence conditions, based on the 2004 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 0700 on Sunday 29 May 2005.

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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 each year since 1999. 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).
- 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 2004. Details are also given of a Section 106 Agreement entered into with the landowners.

2 The Application

- 2.1 On 12 October 2004 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 1300 on Saturday 28 May 2005 until 0700 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 The stewarding plan includes the use of a CCTV system covering each tent from a central monitoring point with stewards placed 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 not responded. Any subsequent responses from the Fire, 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 15 October 2004. 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 May 2004 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 one public response has been received and is included as Appendices 1D

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 –
- This Event is normally good natured but there remains the potential for serious disturbance and disorder.
 - Previous events have attracted a significant amount of crimes and drug abuse.
 - There are the ongoing problems surrounding the flow of traffic into and out of the Event site.
 - The CCTV worked well last year and I understand that this will be expanded to cover more of the site this year.
 - That the increase in CCTV would not mean a significant reduction in Stewarding of the event.

(Appendix 1B)

- 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 No representations have been received from Hampshire Fire and Rescue Service, however, any such response will be circulated to the Members prior to the meeting.
- 3.4 No response has been received from Hampshire Ambulance, however it is understood that they are unable to guarantee the provision of emergency ambulance cover. To this end, it has been agreed between Hampshire Ambulance and Mean Fiddler that the on-site medical facilities provided by Festival Medical Services will extend to the transport of persons to the Accident and Emergency Department.

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 The East Hampshire Area of Outstanding Natural Beauty Office has responded stating that they do not object to the application:

- They would like to maintain comments regarding the enforcement of noise level restrictions
- Reinstatement of the access routes to the site by re-seeding/restoration.

(Appendix 1B (i))

3.7 The Environment Agency has no objections to the event .

(Appendix 1B(ii))

3.8 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 including closing of the roads into Easton and Avington. They also ask that a help line is again provided and noise levels are strictly enforced.

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

- That the B3047 should NOT be signed as an alternative route unless an emergency has actually occurred on the A31. No such emergency has occurred since the event started.

(Appendix 1C)

3.9 In response to direct consultation with residents who contacted the Council about previous Mr R Shelton of Brockley, Haig Road, Alresford wrote objecting to the grant of the Licence:

- The venue is in the middle of a lovely countryside on the border of the proposed National Park and adjacent to what was, if not now, an SSI and is therefore inappropriate.
- The noise is unpleasant at the farthest point of New Alresford and painful nearer.
- The event gives rise to an increase in crime and nuisance in the surrounding parishes.
- The event causes an increase in unquantifiable costs to the local authorities but brings in no counterbalancing revenue, despite the identifiable charges being levied.
- The Police claim to be under resourced for their normal duties and the event drains reserves from other parts of the county – and no doubt places additional strains on the other emergency services.

(Appendix 1D (i))

3.10.1 Mr Michael Beer wrote on behalf of the residents of Cheriton:

- None of the residents have any strong objection to the festival as such as the traffic generation does not really effect the A272 very much.

- The residents do require noise levels which are acceptable – last year the noise level imposed by the local authority was either not low enough or the organisers ignored the noise levels imposed.
- This occurred during the late afternoon of the Saturday and again around midnight.
- Could the local authority therefore, please ensure that the acceptable noise level is slightly reduced from last year?
- Could the local authority also ensure that noise levels imposed are not exceeded and if they are to take immediate action.

(Appendix 1D(ii))

4 Matters Arising From the May 2004 Event.

- 4.1 There was concern at one point when it appeared that an emergency exit in the main arena was not staffed by stewards. This caused the exit to be used by persons entering the arena and a large number of persons sat on the grass outside the exit blocking the escape route. This has been addressed at the Safety Team meeting and measures will be put in place to ensure it does not occur again.
- 4.2 Environmental Protection staff received 5 telephone calls concerning noise nuisance, at the 2004 event, all before 2300. Over 300 feedback forms were issued, of which 27 were returned. The majority of those stated that the event was well organised and run, with a few comments about the volume of traffic.
- 4.3 There were concerns about the operation and management of one of the sponsored tents. This was raised with the organisers who will ensure that organisers of sponsored tents are fully aware of their obligations and responsibilities at this event.

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 2005 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 2005

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 2005 event on 12 November 2004. A copy of the latest version of the Event Management Plan can be inspected by arrangement with Licensing and Registration Manager.

6.2 Traffic Management Plan

The Traffic Management Plan will be similar with that used for the 2004 event.

7. Licence Conditions

- 7.1 The Conditions worked well in 2004 and will be used again for the 2005 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 2004 event for 38,000 persons (35,000 tickets and 3,000 guests). The applicant is proposing to provide the same levels of facilities for the event.
- 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 2005 event is essentially very similar to the previous events. This application is for 38,000 persons as approved for the 2004 event. 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 2005 event.

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 £40,100. 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 1.A Notices of Application and Application.

- (i) Application
- (ii) Public Notice

1.B Other Consulting Bodies' Submissions:-

- (i) Police
- (ii) Environment Agency
- (iii) East Hampshire AONB Office

1C. Parish Council Submissions.

- (i) Itchen Valley

1.D (i) - (ii) 2 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