

LICENSING SUB-COMMITTEE

12 February 2014

Attendance:

Councillors:

Mather (Chairman) (P)

Izard (P)

Laming (P)

Officers in Attendance:

Mr J Myall (Licensing and Registration Manager)
Mrs C Tetstall (Property and Licensing Solicitor)
Mr D Ingram – Head of Environmental Protection
Mrs A Toms – Environmental Health Officer

1. **APPLICATION FOR A NEW PREMISES LICENCE – MATTERLEY BOWL, WINCHESTER**

(Report LR430, Addendum 1 and 2 refer)

The Sub-Committee met to consider an application for a new premises licence for an area of land known as Matterley Bowl and surrounding land.

The Chairman welcomed to the meeting Mr R Sutherland, Mr L Mitchell, Mr C Rutherford, Ms K Veich, Mr W King and Mr A Coombes (on behalf of Boomtown, the Applicant) and Superintendent Fulton and Sergeant Holford (Hampshire Constabulary) who had made representations as a Responsible Authority. The Chairman also welcomed to the meeting Mr Belderson from the South Downs National Park Authority (a responsible authority).

The Sub-Committee noted a further representation received from the Head of Environmental Health and South Downs National Park Authority (as set out in an Addendum 1 to the Report). The documents had inadvertently been omitted when the Report was published, but were still within the statutory timescale and therefore were eligible to be considered by the Sub-Committee. In addition, additional information had been received from the Applicant (as set out in Addendum 2 to the Report). The documents had been received after the publication of the Report, but were still within the statutory timescale and therefore were eligible to be considered by the Sub-Committee.

Mr Myall advised that a request had been received from Mr Pain (a person who had submitted representations regarding the review), that the meeting be adjourned as he was unable to attend. However, Regulation 12 of the Hearings Regulations state that a hearing could be adjourned if it was considered to be in the public interest. Alternatively, Regulation 20 permitted

the meeting to be held in his absence and for the Sub-Committee to have regard to his written representations (as set out in Appendix 2 to the Report). The Sub-Committee agreed to hold the hearing in his absence, noting that under the Regulations, Mr Pain would have been unable to raise any further matters at the meeting.

Mr Myall advised that following the decision of the Licensing Sub-Committee the previous day (11 February 2014, Report LR429 and Licence PREM500 refers), discussions had taken place with the Police, Environmental Health and the Applicant. Possible amendments to the conditions had consequentially been agreed by these parties and were circulated at the meeting to those present.

Mr Myall reported that it had not yet been possible to achieve agreement regarding proposed new condition PN14 (which related to regulated entertainment between midnight and 4am on a Monday morning) and this would be discussed further at the meeting.

On behalf of the Applicant, Mr Sutherland introduced the application and explained that Boomtown festival had been held at the site every year since 2011. The purpose of the application was for Boomtown to take responsibility for the Licence in its own right, rather than hold events under PREM500 (the premises licence for Matterley Bowl). It was proposed that Boomtown event take place between 7th and 10th August 2014. The application was for a slightly different area to that set out in PREM500 and proposed a stepped increase in numbers to 49,999 in 2016.

Mr Sutherland highlighted that since the 2013 Boomtown festival, a number of measures had been introduced to tackle concerns raised in relation to noise, traffic and drugs. The changes to the management structure were set out in Addendum 2. He outlined a number of measures introduced to liaise with the local community, including newsletters, regular meetings, opportunities to become stewards/volunteers and also engagement with Winchester Hat Fair with a number of events for local young people prior to the festival taking place.

Mr Sutherland explained that for 2014, improvements to the ticketing control were proposed to enable more accurate monitoring of numbers. In addition, he outlined in detail improvements to the management of traffic before, during and after the event which would also be in place this year. A new traffic management consultant had been employed to introduce these measures. The Event Management Plan also included detailed strategies to tackle drug misuse which included changing the focus of the festival (including different music and events) in order to “design out drugs.” The Event Controller with responsibility for crime and disorder and emergency measures was Mr A Coombes who had previous experience as a Police Officer, together with being a director of Glastonbury Festival and other events.

Mr Sutherland clarified that there was no request for live music to take place between midnight and 4am on a Monday morning. However, in order to offer festival attendees some winding down entertainment, it was requested that a “silent disco” (whereby recorded music was listened to through headphones)

and cinema be permitted between these hours. If Members agreed to these hours for the cinema, it was proposed that provisions be put in place to ensure that the noise levels from the cinema were inaudible at the premises boundary. However, as inaudible was a subjective test, it was proposed that an agreed level should be set at a level below the usual ambient noise level when an event was not taking place.

In response to questions, Mr Sutherland emphasised that an increase in numbers of attendees would not result in increased noise and the applicant had not requested any increase in the maximum noise level. In addition, he welcomed the proposed increase in the noise level monitoring period to 15 minutes as this should enable any issues to be identified and rectified within this period.

Mr Ingram addressed the Sub-Committee on behalf of Environmental Health (a responsible authority). In addition to the proposed changes to conditions, he requested the following further additional changes:

- Condition PN2 be amended as follows (additional wording shown in bold, deleted words struck through): “The Premises Licence Holder shall produce a **an initial** Noise Management and Community Liaison Plan (NMP) **at least 56 days prior to the commencement of the event**. The final NMP shall be submitted to the Licensing Authority for ~~approval~~ **agreement** no later than 28 days in advance of the event. No alteration to the NMP after this date shall be made by the Premises Licence Holder except with the written consent of the Licensing Authority.”
- PN5 – replace “28 days” with “7 days”.
- PN3(c) – insert words “and cinemas” after “stages”; delete word “stage” and replace with “locations, orientations,”.
- Proposed new condition PN14 – delete (b) and replace with the following:
The exhibition of film, such that the noise emissions from the sound track to any film shown, shall achieve a noise level that is 10 dB(A) below the ambient noise level, at the ‘premises’ boundary, measured as an $L_{Aeq\ 15min}$. The ambient noise level as determined, shall be measured at locations on the ‘premises’ boundary prior to the commencement of the event, with the methodology and locations agreed with the Licensing Authority. The methodology and locations to ensure compliance with this condition and the ambient noise level as determined, shall be contained within the Noise Management and Community Liaison Plan.

Mr Ingram advised that this last amendment was to deal with the applicant’s request for cinema between midnight and 4am on a Monday morning, whilst ensuring that local residents were not disturbed.

On behalf of the applicant, Mr Sutherland agreed to the further amended proposed conditions detailed above.

Superintendent Fulton addressed the Sub-Committee on behalf of Hampshire Constabulary, a responsible authority. He welcomed the application for a premises licence by Boomtown themselves. He advised that he had worked with Boomtown over the last two year’s festivals and was encouraged by their

willingness to learn from experiences and listen and act upon recommendations from relevant authorities, including the Police. In particular, he welcomed the firm stance being taking by Boomtown to tackle potential drug misuse at the event.

Mr Belderson addressed the Committee as a representative of the South Downs National Park Authority (SDNPA), a responsible authority. He drew Members' attention of the duty to have regard to the purposes of the Park when considering a new application and believed it was not appropriate to consider an increase in numbers of attendees at this time. Whilst not relevant to the application, he advised that the SDNPA were in discussions regarding the planning situation for the site. In addition, he requested that early discussions took place with SDNPA and the County Council regarding closure of rights of way across the site and requested this be included as an informative on the premises licence.

The Sub-Committee retired to deliberate in camera.

In her closing remarks, the Chairman stated that the Sub-Committee had carefully considered the application and the representations made. It had taken into account the duties under the Crime and Disorder Act 1998, and the rights set out in the Human Rights Act 1998.

The Sub-Committee agreed to grant the licence as set out in the Report and as amended in the supplement and as further amended above. The reasons for the proposed decision was that the Sub-Committee considered that the applicant had learned from past experiences and had worked hard with Environmental Health and the Police to address challenges and make organisational and cultural changes to the festival. The Sub-Committee believed that this revised approach would help to promote the licensing objectives of public safety, crime and disorder, public nuisance and protecting children from harm.

RESOLVED:

That the application (as amended) is granted subject to the following Conditions:

Operating Hours

1. The hours the premises may be used for regulated entertainment shall be:
 - a) Films and Plays
 - (i) **Thursday** **1000 to 0000**
 - (ii) **Friday** **1000 to 0000**
 - (iii) **Saturday** **0000 to 0000**

(iv) **Sunday 0000 to 0400 Monday***

* See Condition PN14 (b)

b) Live Music

(i) **Thursday 1000 to 0000**

(ii) **Friday, Saturday, 1000 to 0400 each day**

(iii) **Sunday 1000 to 0000**

c) Recorded Music, Performance of Dance

(i) **Thursday 1000 to 0000**

(ii) **Friday, Saturday, Sunday 1000 to 0400 each day***

* See Condition PN14 (a).

2. The hours the premises may be used the provision of late night refreshment shall be:

(i) **Thursday to Sunday 2300 to 0500 the next day**

3. The hours the premises may be used for the sale of alcohol for consumption on the premises only shall be:

(i) **Monday to Sunday 0000 to 0000**

Sale of alcohol to public Thursday to Monday.

Crew bar only for seven days before commencement and seven days after the end of the event. (See Condition A3)

4. The hours the premises may open for other than Licensable Activities shall be:

(i) **Thursday 0000 to Monday 1700 inclusive.**

All Licensing Objectives

A1 This licence shall authorise the relevant licensable activities for a maximum of 49,999 persons. This includes all persons present at the premises in whatever capacity including ticket holders, performers, guests and staff. (See condition A2)

A2

The maximum number of persons permitted to be on the premises at any one time each year is limited to:

a. 2014	38,000 persons
b. 2015	45,000 persons
c. 2016 onwards	49,999 persons

A3 The premises licence shall authorise the licensable activities:-

a. for the public for a maximum period of five consecutive days from Thursday to Monday on one occasion in a calendar year.

(See Hampshire Constabulary representation – maximum of four days)

b. the crew bar is authorised for the sale of alcohol only to crew members and their bona fide guests for 24 hours per day for the period commencing seven days before the start of the public event and ending seven days after the end of the public event.

A4 The Premises Licence Holder shall give notice to the Licensing Authority and Hampshire Constabulary of the dates of the event no later than six months before the start of the event.

A5 The Premises Licence Holder shall produce and submit to the Licensing Authority an initial event management plan (EMP) at least 120 days prior to the commencement of the event.

A6 The final EMP shall be supplied to the Licensing Authority no later than 28 days prior to each event. No alteration to the EMP shall be made after this date by the Premises Licence Holder except with the written consent of the Licensing Authority.

A7 A schedule of stewards and security personnel shall be included in the EMP. The final schedule shall be made available to the Licensing Authority and Hampshire Constabulary no later than 28 days before the start of licensable activities for the public. Such a schedule shall include name, date and place of birth and, if applicable, SIA number. No amendments to the schedule shall be made after this date except by agreement with the Hampshire Constabulary and with the written consent of the Licensing Authority.

A8 The 'Event Director' or his nominated deputy shall be available on site at all times that the licensed site is open to ticket holders.

The Prevention of Crime and Disorder

CD1 The Premises Licence Holder shall agree with the Licensing Authority in consultation with Hampshire Constabulary the number of police officers required at each event, no later than 56 days prior to the start of the event. No licensable activities shall

take place unless suitable arrangements are in place to secure the provision of such numbers of police officers.

- CD2 A secure perimeter fence shall be erected around the site of the event, prior to the start of the event, and patrolled by security. The type of fence shall be agreed with the Licensing Authority no later than 120 days before the event.
- CD3 Crime prevention advice shall be written by the Premises Licence Holder in consultation with Hampshire Constabulary and displayed on signage around the site.
- CD4 The campsites, car park and event arena shall be patrolled by security and stewards.
- CD5 Security staff shall carry out random searching at all entrances to the event for drugs, offensive weapons and other prohibited items. Ticket conditions shall indicate that searching will be undertaken. Signage shall be displayed at all entrances indicating searches will take place.
- CD6 No glass containers or bottles shall be allowed inside the event site, with the exception of approved event traders or specific restaurant areas. Bottle banks shall be located at the event site entrances to facilitate disposal
- CD7 Save for specific restaurant areas approved by the Police in writing, All sales of alcohol and other drinks shall be provided in polycarbonate or similar non glass drinking vessels. All glass bottled drinks shall be decanted at point of sale.
- CD8 A Personal Licence Holder shall be present at each bar throughout any event when alcohol is being supplied under the Premises Licence. The Premises Licence Holder shall produce details of the Personal Licence Holders to the Licensing Authority and Hampshire Constabulary no later than 28 days prior to the commencement of the event.

Public Safety

- PS1 The Premises Licence Holder shall ensure that farm animals are removed from the arena and the campsite at least 21 days prior to the start of any event. This shall not extend to the area used for car parking.
- PS2 No animals, other than guide dogs, assistance dogs and dogs from enforcement agencies are to be allowed onto the site.
- PS3 There shall not be any activity which involves body piercing or tattooing carried out on the site.

PS4 There shall not be any activity which involves members of the public inhaling gases.

PS5 No legal highs shall be allowed on site, these to include any gas canisters used for that purpose.

Public nuisance

1

PN1 The Premises Licence Holder shall produce a Traffic Management Plan (TMP). The final TMP shall be submitted to the Licensing Authority no later than 28 days before the start of the event. No alteration to the TMP shall be made after this date by the Premises Licence Holder except with the written consent of the Licensing Authority.

PN2 The Premises Licence Holder shall produce an initial Noise Management and Community Liaison Plan (NMP) at least 56 days prior to the commencement of the event. The final NMP shall be submitted to the Licensing Authority for agreement no later than 28 days prior to the commencement of the event. No alteration to the NMP after this date shall be made by the Premises Licence Holder except with the written consent of the Licensing Authority.

PN3 The final NMP shall contain the methodology which shall be employed to control sound produced on the premises, in order to comply with the premises licence. The NMP must include all of the arrangements for preventing public nuisance and consultation with the local community and shall include:

- a) An inventory of all sound systems to be used on the site
- b) A schedule of contact details for those who are responsible for the sound systems
- c) A list of stages and cinemas together with sound power output details, a schedule of their location, orientation, and shut down times and their maximum audience capacity
- d) Maximum permitted sound power output details for traders
- e) Management command and communication structure /methods for ensuring that permitted sound system output and finish times are not exceeded
- f) Publication and dissemination of information to the public and arrangements for provision and staffing of a hotline number for dealing with complaints
- g) Action to be taken by the Event Organiser following complaints.

- PN4 The Premises Licence Holder shall ensure compliance with all aspects of the Noise Management and Community Liaison Plan.
- PN5 At least 7 days prior to an event the Premises Licence Holder shall provide to the licensing authority a telephone number for contacting the licence holder or a nominated representative during the course of an event.
- PN6 The Premises Licence Holder shall produce and make available a Public Information Document with details of arrangements for the event based on the EMP and NMP that might affect the local community. This shall be made available at least 7 days prior to the event and published through a method agreed with the Licensing Authority.
- PN7 Between the hours of 1100 and 2300 noise levels from the event shall not exceed 55dB L_{Aeq} (15 mins) and between the hours of 2300 and 0400 noise levels shall not exceed 45dB L_{Aeq} (15 mins).
- PN8 Between the hours of 1100 and 0400 noise levels from music in the octave band frequency range with a centre frequency of 63 Hz and levels from music in the octave band frequency range with a centre frequency of 125Hz shall not exceed 65dB(L_{eq} , 15 mins).
- PN9 All noise levels from music shall be measured as above (PN7 & PN8) in free field conditions and in the absence of significant local noise sources at locations to be agreed in writing with the Licensing Authority no later than 28 days in advance of the event.
- PN10 The sound systems of the principal stages shall be tested to ensure compliance with PN7 and PN8 prior to the commencement of the event. The Licensing Authority shall be notified no less than 24 hours in advance of such testing being undertaken
- PN11 The Premises Licence Holder shall appoint a competent noise consultant to monitor and record on site and off site noise, to ensure compliance with PN7 and PN8.
- PN12 The Premises Licence Holder shall not permit amplification equipment to be brought onto the site unless:-
- a) it is for use as part of regulated entertainment
 - b) it is for the use of authorised traders for the sole purpose of providing 'incidental' or background music to their stall or fairground attraction.
- PN13 The Premises Licence Holder shall ensure that a deployment of security personnel shall patrol the site for the duration of the event to monitor for unLicenced` events taking place or about to take

place, and:

- a) Upon discovery of such activities or equipment not as described in Condition PN12, arrangements shall be made for the amplification equipment to be confiscated immediately or, if not possible, at the earliest reasonable opportunity.
- b) Arrangements shall be made for confiscation of equipment in the case of traders where, in the opinion of the Licensing Authority, a noise nuisance is being or likely to be caused.

PN14 Between the hours of 00:00 and 04:00 on a Monday morning, regulated entertainment shall be limited to the following:

- a) The playing of recorded music only in the format of a 'silent disco', defined as being 'the playing of recorded music with or without a DJ, in such a way that it shall only be heard through headsets worn by persons present'
- b) The exhibition of film, such that the noise emissions from the sound track to any film shown, shall achieve a noise level that is 10 dB(A) below the ambient noise level, at the 'premises' boundary, measured as an $L_{Aeq\ 15min}$. The ambient noise level as determined, shall be measured at locations on the 'premises' boundary prior to the commencement of the event, with the methodology and locations agreed with the Licensing Authority. The methodology and locations to ensure compliance with this condition and the ambient noise level as determined, shall be contained within the Noise Management and Community Liaison Plan.
- c) No other form of regulated entertainment shall be permitted.

The Protection of Children from Harm

- CH1 The Premises Licence Holder shall prominently display notices at the point of sale that state 'It is an offence to purchase or attempt to purchase alcohol if you are under the age of 18 – Section 149 Licensing Act 2003'
- CH2 The Premises Licence Holder shall operate a 'Challenge 25' scheme with signage being displayed in all locations relevant to the sale of alcohol.
- CH3 The Premises Licence Holder shall provide suitable training or instruction to all staff engaged in the sale of alcohol in relation to the prevention of sales to persons under the age of 18 years and to persons who are drunk. A written record shall be made of such training and be made available to the Licensing Authority or Hampshire Constabulary upon request.

- CH4 No person under the age of 18 may serve alcohol.
- CH5 Soft drinks and free drinking water shall be available on site as an alternative to alcohol.
- CH6 No person under the age of 18 shall be permitted on the premises unless accompanied by an adult.
- CH7 Any site / event staff having responsibility for the welfare of children on site shall be DBS checked (Disclosure and Barring Service) and their name date and place of birth made available to Hampshire Constabulary 28 days prior to the event taking place. The EMP shall include a plan to deal with all such lost / found children.

The meeting commenced at 2.30pm and concluded at 5.40pm.

Chairman