

LICENSING SUB – COMMITTEE

27 March 2005

Report of City Secretary and Solicitor

Contact Officer: John Myall. Tel No: 01962 848443

Application for a Premises Licence:

**The Bowl
Matterley Estate
Winchester**

Part A.	Report	<i>Buff</i>
1	Application	
2	Responsible Authorities	
3	Interested Parties	
4	Observations	
5	Conditions	
6	Other Considerations	
Part B.	Appendices	
Appendix 1	Application	<i>White</i>
Appendix 2	Representations from Responsible Authorities	<i>Green</i>
Appendix 3	Representations from Interested Parties	<i>Cream</i>
Appendix 4	Other Appendices	<i>White</i>

Part A.**1. Application**

Applicant: Melvin Benn

**Premises: The Bowl
Matterley Estate
Winchester**

This application by Melvin Benn of the Mean Fiddler Music Group is for a Premises Licence for an area of open land situated at Matterley Estate, Winchester. The land has been used for some years for the staging of a music festival, formerly known as Homelands. This was traditionally a one day event which was permitted by virtue of an Occasional Public Entertainment Licence granted by the Council.

The Licensing Act 2003 changed the manner in which such events are licensed. Such events now require a Premises Licence, which may be either permanent or time limited.

The application is to provide regulated entertainment in a similar manner to that of previous years. The entertainment arena will comprise of a number of arenas contained in marquees and an outside live stage. There will also be a number of alcohol outlets, for consumption on the premises, and a number of food outlets which will provide hot food and drink after 2300.

The camping area will contain some alcohol and hot food outlets.

The original application was for licensable activities, for the public, over three nights on Friday, Saturday and Sunday of the Spring Bank Holiday weekend each year. This application was amended on 7 March 2006 to remove the facility for entertainment on the Friday and to reduce the hours of entertainment.

The intention is to provide the above activities during this weekend each year for a maximum of 39,999 persons along with camping facilities.

The Operating Schedule, copied at Appendix 1, details the Relevant Licensable Activities as amended.

Plays, Films, Live Music, Recorded Music and Dancing

Saturday *1300 to 0400 the next day.*

Sunday *1300 to 0400 the next day.*

Late Night refreshment

Friday, Saturday and Sunday *2300 to 0500 the next day*

Sale of Alcohol

**Monday to Thursday (Preceding Event)
And Monday and Tuesday following** *1100 to 2300 (Site Staff only)*

Friday *1100 to 0100*

Saturday and Sunday *1100 to 0400*

In keeping with previous events, performances at the Live Stage will cease no later than 2300.

The basic timetable is as follows:-

Friday 26th May

0800hrs - Car parks operational capability

1200hrs - Campsites operational capability

1700hrs - Campsites officially opened as advertised

Saturday 27th May

1300hrs – Background music starts

1400hrs – Programmed acts start

0400hrs - Music finishes

Sunday 28th May

1300hrs – Background music starts

1400hrs – Programmed acts start

0400hrs - Music finishes

Monday 29th May

1600hrs – Campsite closes

Notice of the application was displayed outside of the premises for a period of 28 days until 28 February 2006, and advertised in the Hampshire Chronicle on 9 February 2006.

Designated Premises Supervisor

Mick Flynn

Personal Licence number 00697 issued by London Borough of Lambeth.

Steps to promote the Licensing Objectives

Please see Section Q of the application at Appendix 1.

Notice of Hearing

Notices of the hearing were sent to Parties on 1 March 2006.

Relevant Representations

2. Responsible Authorities

All of the Responsible Authorities have been served with a copy of the application and make the following representations:

Director of Communities

A representation was received but withdrawn after amendment of the application. The Director will however remain a party to the hearing.

Hampshire Constabulary

The Police have made representations regarding Crime and Disorder, Public safety and Public Nuisance. This can be seen at Appendix 2.

Hampshire Fire and Rescue Service

No representations received.

Child Protection Team

No representations received.

Director of Development

No representations received.

Head of Safety Standards

No representations received.

3. Interested Parties

1	Orr's Meadow Management Company Ltd.
2	Tichborne Parish Council
3	Chilcomb Parish Meeting
4	Mr RAP Hawkins
5	The Upper Itchen Valley Society
6	Mr M Vaughan
7	Mr & Mrs T Costigan
8	Mr & Mrs CD Sparkes
9	Mr & Mrs T Trussler
10	Mr & Mrs B Turberfield
11	Mr & Mrs EF Winfield
12	Mr & Mrs R Worth
13	Itchen Valley Parish Council
14	Bramdean & Hinton Ampner Parish Council
15	Mrs CMS Littlewood
16	Ms J New
17	Ms M Davis
18	Mr T Jones
19	Dr J R Silvester
20	Mr R De Lacey

These representations can be seen at Appendix 3.

4. Observations

The Sub-Committee is obliged to determine this application with a view to promoting the Licensing Objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In making its decision, the Sub-Committee is also obliged to have regard to the National Guidance and the Council's Licensing Policy.

The Sub-Committee must have regard to all of the representations.

The Sub-Committee must take such of the following steps it considers necessary to promote the Licensing Objectives:

1. Grant the application as per the application, or
2. Modify the conditions of the licence by alteration or addition, or
3. Reject the whole or part of the application.

Decisions made under 2 or 3 above must actually be necessary to promote the Licensing Objectives.

Terminal hours.

The Sub-Committee should take account of the National Guidance and the Council's Licensing Policy with regard to terminal hours and take such steps as it considers necessary to promote the Licensing Objectives.

(Licensing Policy A8)

Licensing Objectives.

Crime and Disorder

The Sub-Committee should consider any necessary conditions to prevent crime and public disorder relating to the premises having regard to the observations of the Police and Interested Parties.

(Licensing Policy 1.6, 2.11, 2.17)

Public Safety

The Sub-Committee should consider any necessary conditions relating to public safety having regard to the operating schedule.

(Licensing Policy B3, B4)

Public Nuisance

The Sub-Committee should consider any necessary conditions to prevent public nuisance caused by noise and light pollution from the premises having regard to the observations of the Director of Communities and the Interested Parties.

(Licensing Policy Section C)

Protection of Children

The Sub-Committee should consider any necessary conditions for the Protection of Children having regard to the Operating Schedule.

(Licensing Policy D6, D7)

Human Rights

It is considered that Articles 6 (right to a fair trial) 8 (right to respect for private and family life) and Article 1 of the First Protocol (right to peaceable enjoyment of possessions) may be relevant. As there is a right of appeal to the Magistrates' Court, it is considered that there would be no infringement of Article 6. Article 8 is relevant, insofar as the nearby residents could claim that this right would be infringed by disturbance from customers. This should be balanced against the applicants' right to use of their premises under Article 1 of the First Protocol. Interference with these rights is permitted, where this interference is lawful, necessary in a democratic society, and proportionate. Likewise, the residents may argue that their rights under Article 1 of the First Protocol would be infringed. If conditions are imposed, there should be no interference with any convention rights. To the extent that any interference may occur, it would be justifiable in a democratic society, and proportionate.

5. Conditions

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence in any event:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.
4. No film shall be exhibited unless it has received a **U, PG, 12, 15 or 18** certificate from the British Board of Film Classification, or it is a current newsreel which has not been submitted to the British Board of Film Classification. The admission of children shall be restricted in accordance with the recommendation of the British Board of Film Classification.

Possible hours and Conditions

If the application is granted, the Sub-Committee may wish to consider the following additional conditions to reflect the Operating Schedule. A complete list of conditions reflecting the Operating Schedule is contained in Annexe 1 to this report.

Operating Hours

The Sub-Committee may wish to consider whether the hours sought for the Licensable Activities are suitable or whether they should be modified.

All Licensing Objectives

1. The licence holder shall produce an Event Management Plan including the inserts listed at the end of the Operating Schedule which shall be supplied to the Licensing Authority Multi Agency forum no later than 28 days prior to the event, and shall be updated for each subsequent year. No licensable activities for the public shall take place unless the Event Management Plan is approved by the Licensing Authority.

Crime and Disorder

1. The licence holder shall agree with the Licensing Authority, in consultation with the Hampshire Constabulary, the number of police officers required at the event, no later than 28 days before the start of the event each year. No licensable activities for the public shall take place unless suitable arrangements are in place to secure the provision of such agreed numbers of Police officers.
2. A CCTV system with recording facilities shall be operated throughout the event. The recordings shall be retained for a period of 30 days and be made available upon request by the Police. Full details of the proposed system (including contractor, agreed positions, installation, operation, playback facilities and retention of data, shall be submitted to the Licensing Authority no later than 28 days prior to the event.

3. No licensable activities shall take place unless the licence holder agrees with the Licensing Authority, no later than 28 days before the start of the event each year, the number of stewards required for the event. A log of stewards and security personnel shall be made available to the licensing authority no later than 24 hours before the start of licensable activities for the public, such log to include the following details: name, date of birth, reference number, location on site and whether or not SIA registered.

Public Safety

1. The licence holder shall ensure that for each event, a site plan showing all structures, all structural drawings and calculations shall be submitted to the Licensing Authority for approval, and inserted into Chapter 8 of the Event Management Plan no later than 28 days before start of the event. No licensable activities for the public shall take place without such plans being approved by the Licensing Authority except with the consent of the Licensing Authority.
2. All structures shall be erected in accordance with the approved site plan, structural drawings and calculations, except where agreed with the Licensing Authority.
3. The licence holder shall provide a water supply in accordance with Section 2.2.9 of the Operating Schedule.

Public Nuisance

1. The licence holder shall employ a team of suitably qualified Noise Consultants to monitor on site and off site noise.
2. Noise levels from the event shall not exceed the following:
 - (i) Between the hours of 12 noon and 2300 noise levels from the event will not exceed 55dB $L_{Aeq (5mins)}$ and between the hours of 2300 and 0800 on the following day, noise levels will not exceed 45dB $L_{Aeq (5mins)}$ as measured at a distance of 1m from the façade of any noise sensitive dwellings.
 - (ii) In addition in the frequency range of 63 and 125 Hz noise levels will not exceed 65dB (L) as measured at 1m from the facade of any noise sensitive dwelling.
2. The sound systems of the principal stages shall be available for testing by the Licensing Authority at least 24 hours before the event. All testing of amplified equipment before the event shall be agreed with the Licensing Authority.

Protection of Children

See Annexe 1.

6. Other Considerations

Corporate Strategy (Relevance To:)

There are no direct aspects of the Corporate Strategy to which this report applies.

Resource Implications

The applicant has already paid the statutory licence fee of £16100. It is likely that the Council's costs will exceed this figure.

Appendices

1. Application by Melvin Benn
2. Representations by Responsible Authorities
3. Representations by Interested Parties
4. Map of premises location.

Annexe 1

Draft Conditions (to follow)