

LICENSING SUB – COMMITTEE

30 April 2010

Report of the Head of Legal Services

Contact Officer: John Myall. Tel No: 01962 848443

Application: Review of Premises Licence

Premises: Matterley Bowl
Alresford Road
Winchester

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Part A – 1 Application

Part A.

1. Application

Applicant	Mr M Beer 1 Hockley Cottages Cheriton Winchester	Mr F Barker 5 Windermere Gardens Alresford Winchester
Premises	Matterley Bowl Alresford Road Winchester	

- 1.1 This application is for a review under Section 51 of the Licensing Act 2003, of the premises licence number PREM 548 for Matterley Bowl, held by G Events Ltd, 85 High Street, Bruton, Somerset, BA10 0AJ.
- 1.2 The premises licence was granted on 12 June 2009.
- 1.3 The licence allows the licensable activities on one occasion per calendar year in conjunction with premises licence PREM 500.
- 1.4 The licensable activities consist of regulated entertainment, late night refreshment and the sale of alcohol. The premises licence contains the operating hours and conditions. Appendix 2.
- 1.5 This premises licence has only been utilised for one event from 16 to 19 July 2009 for the Glade music festival, promoted by G Events Ltd.
- 1.6 The applicants for review have based their application on the licensing objectives under the public safety and prevention of public nuisance objectives.
- 1.7 The application refers to noise nuisance, traffic access, noise monitoring and enforcement, duration of an event, human rights issues, and lack of communication. Appendix 1.
- 1.8 Notice of the application was displayed outside of the premises for a period of 28 days until 1 April 2010, and advertised at the offices of Winchester City Council. Notice of the application was also published on the Council's website.
- 1.9 Notices of the hearing were sent to all Parties on 14 April 2010.
- 1.10 A representation was received from the Chief Officer of Police for Hampshire. This representation related to the licensing objectives for the prevention of crime and disorder, public safety and the protection of children from harm.

- 1.11 The Chief Officer has recommended changes to some conditions which are detailed in his representation. Appendix 3a.
- 1.12 A representation was received from the Head of Environment, Winchester City Council. This representation outlines the response to issues raised in the review application. Appendix 3b.
- 1.13 During the Glade Festival in July 2009, there were a total of 42 complaints from 28 different complainants. 16 complaints were received by Winchester City Council and 26 were received by RPS, the consultants engaged by G Events Ltd.
- 1.14 Representations in support of the application for review were received from 12 interested parties. These deal predominately with the prevention of public nuisance objective, mainly from noise nuisance associated with the event. Appendix 5b.
- 1.15 Representations in support of the current licence were received from 21 interested parties. These representations claim that the events held over the years were well run and caused minimal nuisance. Appendix 5c.

2 Representations from Responsible Authorities

- 2.1 All of the Responsible Authorities have been served with a copy of the application. The representations received are as follows:
- 2.2 Head of Environment. A representation was received.
- 2.3 Hampshire Constabulary. A representation was received.
- 2.4 Hampshire Fire and Rescue Service. No representations received.
- 2.5 Child Protection Team. No representations received.
- 2.6 Head of Building Control. No representations received.
- 2.7 Head of Safety Standards. No representations received.

3 Representations from Interested Parties

3.1 Representations supporting the application for review.

Mr & Mrs	R	Ashman
Mr	R	Bartholemew
Mr & Mrs	M	Curwen-Bryant
Mr & Mrs	C	Dore
Col	M	Fisher
Mr	P	Kilmister
Mr	R	Matthews
Mr	E	Piper
Dr	J	Sylvester
Mr	B	Turberfield
Mrs	A	Matthews
Mrs	J	Barker

The Upper Itchen Valley Society

3.2 Representations in support of the existing licence.

Mr & Mrs	P	Sims
Mr	J	Sanderson
Mr	I	Mackintosh
Mr & Mrs	S	McDonnell
Mr	G	Matthews
Ms	D	Marwick
Mr	T	Mezger
Mrs	S	Lawson
Mr	C	Lillywhite
Mr & Mrs	M	Henderson
Mr	F	Budd
Mr	C	Burgess
Mr	A	Bruce
Rev	P	Collins
Mr & Mrs	R	White
Mr	D	Hubble
Mrs	S	Curtis
Mr	N	Densham
Mr	J	Foot
Mr	R	Hancock
Mr	R	Hunt

4. Observations

- 4.1 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

- 4.2 In making its decision, the Sub-Committee is also obliged to have regard to the National Guidance and the Council's Licensing Policy.
- 4.3 The Sub-Committee must have regard to all of the representations.
- 4.4 The Sub-Committee must take such of the following steps it considers necessary to promote the Licensing Objectives:
- a) Modify the conditions attached to the licence either permanently or for a period not exceeding three months.
 - b) Exclude a licensable activity either permanently or for a period not exceeding three months.
 - c) Remove the Designated Premises Supervisor.
 - d) Suspend the licence for a period not exceeding three months.
 - e) Revoke the licence.
- 4.5 If the Sub-Committee decides that none of the above measures are appropriate or necessary, they may take no action.
- 4.6 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 Part 4, A8)

4.7 Licensing Objectives.

4.7.1 Crime and Disorder

The Sub-Committee should consider any necessary action or impose or modify conditions to prevent crime and public disorder relating to the premises having regard to the observations of the responsible authorities and the interested parties.

(Licensing Policy 1.6, 2.11, 2.17, Part 4 Section A)

4.7.2 Public Safety

The Sub-Committee should consider any necessary action or impose or modify conditions with regard to public nuisance relating to the premises having regard to the application for review, the observations of the responsible authorities and the interested parties.

(Licensing Policy Part 4 Section B)

4.7.3 Public Nuisance

The Sub-Committee should consider any necessary action or impose or modify conditions to prevent public nuisance relating to the premises having regard to the application for review, the observations of the responsible authorities and the interested parties.

(Licensing Policy Part 4, Section C)

4.7.4 Protection of Children

The Sub-Committee should consider any necessary action or impose or modify conditions regarding the protection of children from harm relating to the premises having regard to the observations of the responsible authorities and the interested parties.

(Licensing Policy Part 4, D6, D7)

4.8 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

5.1 Mandatory Conditions

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

- 5.1.1 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.
- 5.1.2 Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.
- 5.1.3 Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.
- 5.1.4 The following mandatory conditions came into force on 6 April 2010:
- 5.1.5 The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- 5.1.6 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5.1.7 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Possible Conditions

If the application for review is granted, the Sub-Committee may wish to consider taking one of the actions shown at 4.4 by revoking or suspending the licence, or by modifying the conditions.

6 Other Considerations

6.1 Sustainable community strategy and corporate business plan (relevance to):

This report covers issues which relate Community Safety and Economic Prosperity

6.2 Resource Implications

No fee is applicable for this application. It is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

Appendices

- 1 Application by Mr M Beer and Mr M Barker
- 2 Premises Licence PREM 548
- 3 Representations by Responsible Authorities
 - a. Hampshire Constabulary
 - b. Head of Environment
- 4 Submission by licence holder G Events Ltd.
- 5 Other appendices
 - a. Police crime statistics, statements and crime reports
 - b. Representations in support of review application
 - c. Representations in support of current licence
 - d. Map of premises location



Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Michael John Beer

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Matterley Bowl Alresford Road Hampshire	
Post town Winchester	Post code (if known)

Name of premises licence holder or club holding club premises certificate (if known) G Events Ltd 82 High Street Bruton Somerset BA10 0AJ

Number of premises licence or club premises certificate (if known) PREM548 09/00896/LAPRMN

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises

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- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

Beer

First names

Michael John

I am 18 years old or over

Please tick yes



Current postal address if different from premises address

1 Hockley Cottages
Cheriton

Post town

Alresford

Post Code

SO24 0NU

Daytime contact telephone number

[REDACTED]

E-mail address (optional)

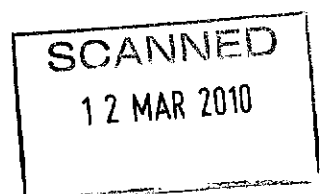
[REDACTED]

(B) DETAILS OF OTHER APPLICANT

Name and address
Frank Barker
5 Windermere Gardens
Alresford
Hampshire
SO24 9NL

Telephone number (if any)
[REDACTED]

E-mail address (optional)
[REDACTED]



(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

1. Noise Nuisance

One of Winchester City Council's four Licensing Objectives states:

“Public Nuisance

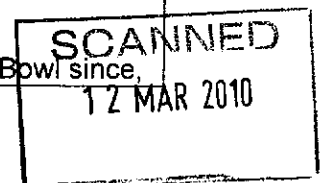
The Sub-Committee should consider any necessary conditions to prevent public nuisance caused by noise pollution from the premises having regard to the observations of the Police, the operating schedule, the Interested Parties and the Council's licensing policy. (Licensing Policy Section C)”

Music events, such as the 2009 Glade Festival are, not being carried out in accordance with this policy as documented in “Winchester City Council's Licensing Policy (January 2008)” and therefore do not achieve the Council's Licensing Objective.

Section C5 states that::

“Other than in exceptional circumstances the Licensing Authority expects that noise associated with regulated entertainment which takes place between the hours of 23:00 – 09:00 or takes place on a regular basis at any time should be controlled to such a level that THE NOISE WILL BE INAUDIBLE AT ALL TIMES INSIDE ALL NOISE SENSITIVE PROPERTIES IN THE VICINITY OF THE LICENSED PREMISES.”

Exceptional circumstances cannot be said to apply to events at Matterley Bowl since,



for example, last year's Glade Festival was:

- one of about 350 such events;
- for a small audience (10,000 people as compared with the 170,000 Glastonbury Festival attendees).

The noise from music events at Matterley Bowl have been clearly audible inside houses (some as far away as 5 miles from the site) with double glazed windows firmly and fully closed THROUGHOUT THE POST 23:00 HOURS.

Section C9 of Winchester City Council's Licensing Policy states that:

"In all cases the Council will expect the applicant to propose practical steps as to how disturbance to local residents will be prevented"

Since people have complained over the years and since more than 50 people attended a meeting in Cheriton to complain about this year's Glade event (one speaker using the word "distressing" to describe the impact), it is clear that the Council policy of preventing disturbance to local residents has NOT been achieved.

The noise conditions set by the Council's Environmental Protection Department for music events at Matterley Bowl do not in fact protect local residents from the public nuisance caused by noise pollution. While great play is made about the setting of noise limits using published guidelines, great selectivity is employed in deciding which of those standards to adopt. For example, the Council's Licensing Policy section C5 refers to the "Code of Practice on Environmental Noise Control at Concerts (produced by the former Noise Council)" – and this is indeed used by Council officials in setting the noise limits for events such as Glade 2009. These guidelines make specific and special reference to LOW FREQUENCY NOISE. This is the type of noise of which a Council official has said:

"... base noise travels MORE EFFICIENTLY over distance than high frequency so it subjectively appears to be MORE INTRUSIVE and therefore MORE LIKELY TO CAUSE 'ANNOYANCE'."

While Council officials, in setting the noise levels for Glade 2009, chose a value slightly lower, during the day time, than that in the above Code of Practice, they chose to IGNORE TOTALLY a later recommendation in the document which states that:

"For events continuing or held between the hours 2300 and 0900 the music noise should NOT BE AUDIBLE WITHIN NOISE-SENSITIVE PREMISES WITH WINDOWS OPEN IN A TYPICAL MANNER FOR VENTILATION."

Not only did Winchester City Council officials ignore the obvious meaning of the Code of Practice recommendation, they imposed absolutely no reduction (NOT A SINGLE DECIBEL) in the limit of this hugely intrusive low frequency noise for the hours 23:00 to 09:00.

Its own officials are therefore setting noise level limits which:

- do not comply with Winchester City Council's Licensing Policy and therefore fail to implement its Licensing Objectives;
- do not follow those published guidelines which would prevent disturbance to residents.

At this year's Glade event, the noise limits set by Council Officials were breached.

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NO SANCTIONS were taken against the licence holder or the event organiser in respect of this breach.

Thus public nuisance through noise IS occurring at music events held at Matterley Bowl and there is nothing in place to prevent it in the future. In particular there is nothing in the wording of the current licence:

- to ensure that noise levels are set in line with WCC's licensing policy and
- to ensure that WCC's licensing objectives are achieved.

This needs to be rectified.

This rectification is one of the actions that the review should achieve. In particular, the licence needs to make specific and clear reference to WCC's Licensing Policy Section C5: "Other than in exceptional circumstances the Licensing Authority expects that noise associated with regulated entertainment which takes place between the hours of 23:00 – 09:00 or takes place on a regular basis at any time should be controlled to such a level that THE NOISE WILL BE INAUDIBLE AT ALL TIMES INSIDE ALL NOISE SENSITIVE PROPERTIES IN THE VICINITY OF THE LICENSED PREMISES."

With regard to the Glade licence, the extension from 04:00 to 06:00 should be withdrawn on the grounds of public nuisance.

2. Traffic Access to the Site (A31) and Perimeter Fencing

Traffic control at the entrance to the site off the A31 was unacceptable and a cause of COMPROMISED PUBLIC SAFETY because of the long delays to through traffic trying to progress to the M3 junction and into Winchester - delays here were recorded to be in the order of 30 minutes - all vehicles entering the site should be able to get clearly onto the site and not to queue along the A31 on the inside lane with some cars trying to access the site pulling out into faster moving traffic in the outside lane because they would not wait. There was also inadequate traffic control operatives at this point.

PERIMETER FENCING PLACED ALONG THE BOUNDARY DURING THE EVENT WAS NOT FIXED PROPERLY, PARTICULARLY ALONG THE LENGTHS ON THE A272 going up to Cheesefoot Head. At one point I saw 6ft Heras type fencing leaning out into the roadway and this could have been hit by larger vehicles travelling up the hill in a westward direction - IT APPEARED AS IF SOME EVENT GOERS USED THESE GAPS TO EXIT THE SITE.

3. Proper Continuous Noise Monitoring, Reporting and Enforcement

Sample monitoring for the noise levels has been random and carried out by an organisation appointed by the organisers - therefore, it would appear that noise samples were taken at particularly quiet periods and not at the noisiest times. No report is produced and when breaches obviously occurred, no enforcement was taken.

The organisation monitoring noise should do THIS CONTINUOUSLY FOR THE THE DURATION OF THE EVENT, be appointed by Winchester City Council with cost reimbursed to them by the organisers, produce and issue for inspection a report based on continuous readings and any BREACHES IMMEDIATELY ENFORCED

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AND SUBSTANTIAL FINES LEVIED.

Self regulation by the organisers or licence holders IS NOT ACCEPTABLE and the licence review MUST address this issue.

THE LICENCE SHOULD INCLUDE SUBSTANTIAL PENALTIES FOR BREACHES, PREFERABLY SUSPENSION OF THE LICENCES AND THIS SHOULD BE WRITTEN IN TO THE LICENCE.

4. Duration of the Event

The last event was advertised as "Louder and Longer" and the noise levels and NUISANCE TO THE LOCAL COMMUNITY WENT ON FOR AN UNACCEPTABLE PERIOD OF TIME - the applicant whilst not seeking to terminate the event entirely and in consultation with others in the community, would suggest that a 2 DAY DURATION WOULD BE MORE APPROPRIATE AND TOLERABLE IN CONJUNCTION WITH REDUCED NOISE LEVELS.

5. Human Rights Act - Responsibilities of Licence Holders

The Human Rights Act 1998 stipulates that "people have a right to peaceful enjoyment of their property" – this right was breached by Glade and supported by Winchester City Council.

The Human Rights Act 1998 stipulates that "people have a right of private family life" – this right was breached by Glade and supported by Winchester City Council.

The Human Rights Act 1998 stipulates that "people have a right to live in their homes without public nuisance (which is a civil wrong) imposed by others" – this right was breached by Glade and supported by Winchester City Council.

The Human Rights Act stipulates that "the organisers mitigation to prevent nuisance must be feasible and relevant" – clearly not the case with this event.

The Human Rights Act 1998 stipulates that "the organiser must act with reasonable conduct" – clearly not the case with this event.

Winchester City Council have a duty of care for the community and this duty has been neglected during this event in that the inadequate arrangements have not been sufficient to deal with problems and resolve them properly.

Local residents in the community have clearly had their basic RIGHTS COMPROMISED IN TERMS OF ENJOYMENT OF THE PROPERTIES IN WHICH THEY LIVE BECAUSE OF NOISE NUISANCE IMPOSED BY THE LICENCE HOLDER and endorsed by Winchester City Council.

6. Lack of Communication and Information for the Surrounding Community

At the Cheriton Parish Council meeting held on 1st September 2009, around 50 objectors attended, the organisers did undertake to communicate with and work with the local community to resolve the issues raised at the meeting - THIS HAS NEVER HAPPENED.

The letter of complaint sent to Winchester City Council on 20th July 2009 has never

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been responded to.

On the WCC web site there is input from people at Hampshire County Council. In particular, Barry Lockyer of the HCC Countryside Service, in recommending refusal of the Planning Application for motocross, wrote:

"The site lies within the existing South Downs AONB and also within the designated area of the South Downs National Park. As such, the staging of any, even occasional, motocross events would be contrary to WCC policy RT13, (Noisy Sports)"

Also, Kristina King of HCC's Environment wrote pointing out that the development was in conflict with the NP's Ambition 3 ("A serene and peaceful landscape") and Ambition 5 ("Wide ranging opportunities for countryside recreation and access respecting the natural beauty of the South Downs and avoiding conflict with other users").

The Southdown National Park and Ramblers Association have just been contacted (the NP because of the ambitions above and the Ramblers because of their objection to the retention of the motocross track) and that we expect their support in due course.

Please provide as much information as possible to support the application
(please read guidance note 2)

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

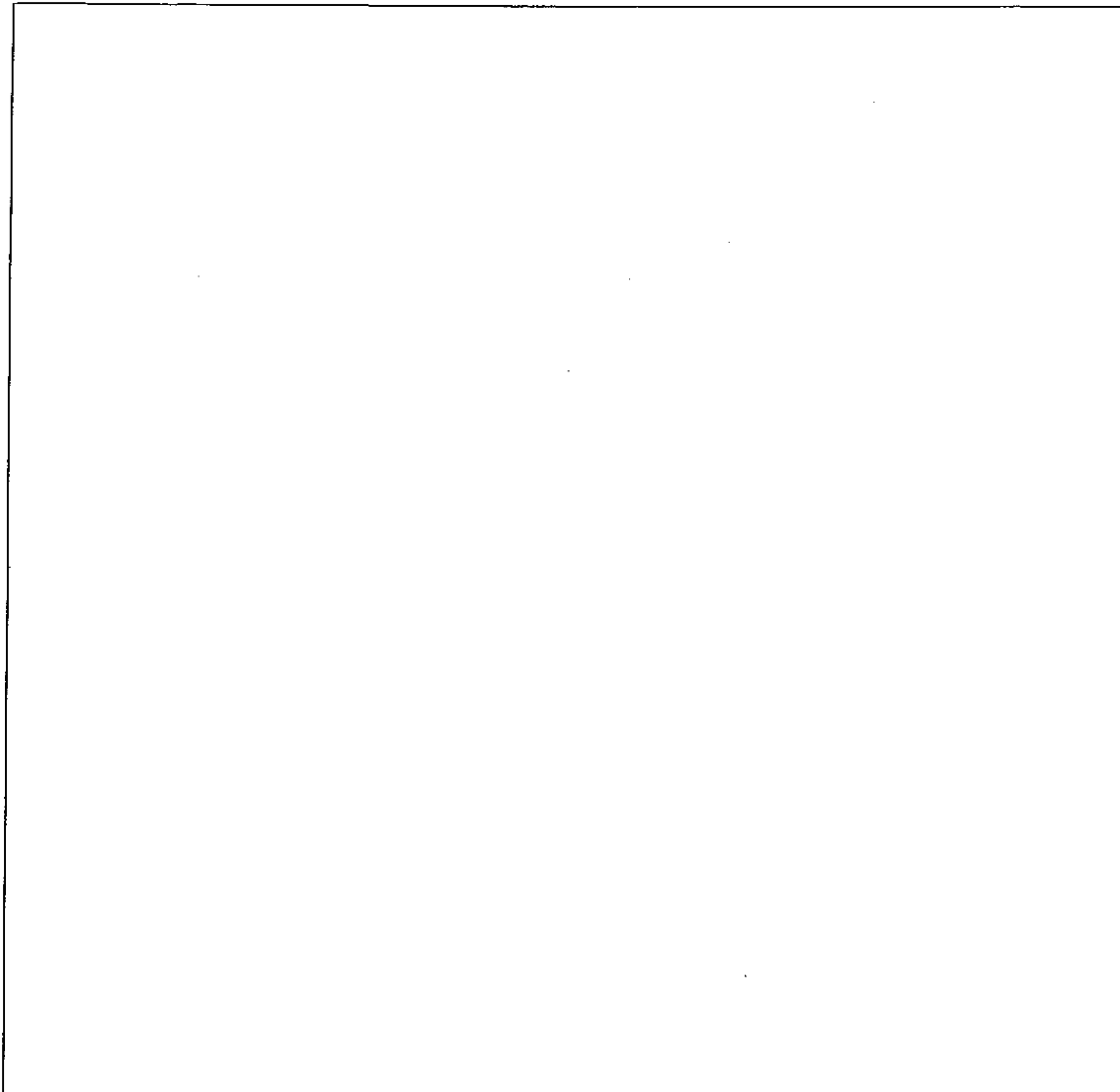
Correspondence by email and letter to Winchester City Council since August 2009 registering complaint and requiring proposals for mitigation of issues raised. No proposals have been put forward - from August 2009 onwards.

In spite of the license holders undertaking to enter into dialogue with representatives from the local community, no effort has been made to do this. Correspondence was entered into with the director of G Events responsible for Glade with an undertaking to discuss issues - this was subsequently abandoned by the organisers - from July 2009 onwards.

Issues raised at the Cheriton Parish Council meeting were not progressed by the Parish Council and presumably not recorded by them - September 2009.

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Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

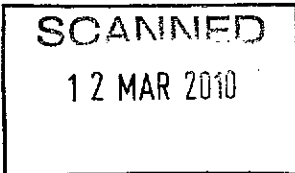
Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

03/03/2010



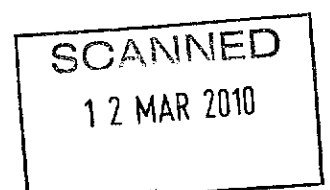
.....
Capacity
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

This application must be submitted to:-
Winchester City Council, Licensing Section, City Offices, Colebrook Street, Winchester, SO23 9LJ



Matterley Bowl Alesford Road Winchester – PREM500 & PREM 548

Applicant: Michael J Beer – Representation

The following issues to be resolved and outcomes to be written into the relevant licences:

Traffic

The traffic delays and queuing on the A31 are unacceptable and threaten public safety of through traffic. As there is more than enough acreage adjacent to the site entrances, there is no justifiable reason why all the queuing traffic cannot be parked in holding areas on the site prior to processing through to the permanent car and camping areas.

The current traffic plan is inadequate in terms of management of traffic on and off the site, road cleaning and enabling through traffic to be unaffected by the event and must be improved in consideration of safety. The traffic issues and recommendations made by the Police in their submission are supported. Improvements must be made and stipulations included within the licence conditions.

Crime

The comments made by the Police in terms of crime, theft, underage drinking and drugs are supported and improvements must be made and included within the licence conditions. The use of CCTV must be utilised more effectively with far more cameras in the event areas including crowd areas, car parking, camping and perimeters with the result that all crime must be prosecuted. The report of the Police and the requirements to mitigate are endorsed and must be included within the licence conditions.

Fencing

At the previous Glade event, the perimeter fencing was poorly fixed in that 6ft fencing panels were not coupled together properly and during the event fell to precarious angles, particularly in some areas adjacent to the A272. The licences should include that all fencing is to be properly erected prior to the event and regularly inspected during it.

Length of the Event

It is not necessary for the event to continue over a 4 day period and this causes intolerable nuisance over an excessive amount of time and traffic exiting the site during busy times on a Monday morning and through the day when weekday traffic is normally busy on the exit road. The relevant licences should allow a period of 3 days for this event so that local residents can commence the working week after a good sleep on a Sunday night.

Excessive Noise

This issue will be covered by Mr Barker but in general terms the noise levels should be reduced to acceptable levels, continuous monitoring should be in place and results available to the public, breaches should be penalised by imposing fines of say £1,000 per minute for each and every breach during the event. Enforcement must be carried out and all of the conditions should be included in both licences.

Breaches of Human Rights

I would apply breaches of the Human Rights Act 1998 more specifically to issues after 23.00 hours during the entire Glade Festival. I have sought clarification of the Act from Lawyers and the following applies to both the Licences under review, as follows:

1. The excessive noise generated at the Glade Festival after 23.00 hours and on occasions during daylight hours is a nuisance and which breaches a person's lawful right to the enjoyment of his property. The law recognises that property owners have the right to the unimpaired condition of their property and to reasonable comfort and convenience in its occupation. An injunction order to stop, remove, restrain or restrict nuisance or to abandon plans for a threatened nuisance can be obtained.
2. The noise levels at the Glade Festival are generally too loud and breaches have occurred previously, with no apparent immediate mitigation and hence a fault has occurred. With regard to the 2010 event, I am not aware of any proposed actions by G Events or Winchester City Council to deal with or monitor these faults and to reduce the noise levels and therefore there is an intention by G Events and Winchester City Council to negligently or recklessly infer that surrounding property owners will not enjoy and have reasonable use of their property.
3. It has been brought to my attention that in an attempt to escape liability, G Events and Winchester City Council may argue that legislation, including licences, authorise a particular noise generating activity but the law clearly states that:

LEGISLATIVE AUTHORITY INCLUDING LICENCES WILL NOT EXCUSE G EVENTS, MR BRUCE OR WINCHESTER CITY COUNCIL FROM LIABILITY IF THE CONDUCT IS UNREASONABLE.

The noise levels at Matterley Bowl are presently unreasonable and must therefore be reduced with reduced noise levels stipulated within the licences.

Michael J Beer
Applicant

This statement to be read out in my absence and on my behalf at the hearing on Friday 30th April 2010 by Mrs Janet Barker as authorised representative.

This representation to be included within the Hearing Papers.