

LICENSING SUB – COMMITTEE

4 August 2011

Report of the Head of Legal Services

Contact Officer: John Myall. Tel No: 01962 848443

Application: Review of Premises Licence

Premises: Matterely Bowl, Winchester

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Part A.**1. Application****Applicant:** The Chief Officer of Police for Hampshire**Premises:** Matterley Bowl, Winchester

- 1.1 This application is for a review under Section 51 of the Licensing Act 2003, of the premises licence number PREM 500 for Matterley Bowl, held by Mr Peveril Bruce, Hampage House, Alresford Road, Ovington, Winchester, SO24 0HY.
- 1.2 The premises licence was granted on 21 May 2007 after a hearing by the Licensing Sub Committee.
- 1.3 The conditions attached to the premises licence were amended following an appeal to the Magistrates Court by the licence holder.
- 1.4 One condition relating to outdoor stages was further amended by a minor variation on 15 February 2010.
- 1.5 The premises licence permits licensable activities for a maximum of 14,999 persons on no more than SIX occasions per calendar year.
- 1.6 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 3.
- 1.7 The premises licence was used on one occasion from 16 to 19 July 2009. This was for the Glade Festival which was provided under this licence and a premises licence held by G Events Limited.
- 1.8 On 30 April 2010, the Licensing Sub Committee heard an application for a review of the premises licences, PREM 500 (Mr Bruce) and PREM 548 (G Events Limited).
- 1.9 The application was made by two interested parties in relation to the public safety and prevention of public nuisance objectives.
- 1.10 The Chief Officer of Police for Hampshire made a 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 Licensing Sub Committee allowed the review and imposed amended conditions on the premises licences for PREM 500 and PREM 548. These conditions were only valid when the two licences were used in conjunction with each other.
- 1.12 Shortly after the review hearing, G Events Limited surrendered premises licence PREM 548.
- 1.13 No further events have been held under the premises licence PREM 500.
- 1.14 On 17 June 2011, a musical event took place. This event was performed under a different licence and not under PREM 500.
- 1.15 The application for a review is made by the Chief Officer of Police for Hampshire, a responsible authority, on the grounds of the prevention of crime and disorder, public safety, and the protection of children from harm. (Appendix 1)
- 1.16 Copies of the application for review were copied to the other responsible authorities and the premises licence holder.
- 1.17 Notice of the application was displayed outside of the premises, and advertised on the Council's website and at the City Offices for a period of 28 days until 23 June 2011.
- 1.18 Relevant representations were received from two interested parties relating to the prevention of public nuisance objective. (Appendix 2)
- 1.19 Section 62 (2) of the Environment Act 1995 inserts a new Section 11A in the National Parks and Access to the Countryside Act 1949, as follows:-
- 11A(2) In exercising or performing any functions in relation to, or so as to affect, land in a National Park, a relevant authority shall have regard to the purposes specified in subsection (1) of section five of this Act () and, if it appears that there is a conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.*
- 1.20 Section 5 of the 1949 Act provides
- 5(1) The provisions of this Part of this Act shall have effect for the purpose—*

- (a) *of conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas specified in the next following subsection; and*
- (b) *of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.*

- 1.21 Subsection 3 of Section 11A provides that "relevant authority" means any public body, which is further defined as including any local authority, and any National Park authority.
- 1.22 Since April 2011, the South Downs National Park Authority is the local planning authority for area where this premises is situated. The authority has therefore been consulted as a responsible authority but has not made a representation.
- 1.23 The Council as licensing authority must carry out its functions under the Licensing Act 2003 with a view to promote the four licensing objectives. It must also have regard to its licensing statement (licensing policy) and any statutory guidance.
- 1.24 In respect of an application for a review, the provisions of the 2003 Act require the licensing authority to take such steps (if any) in the following list as it considers necessary for the promotion of the licensing objectives:-
- a. to modify the conditions of the licence;
 - b. to exclude a licensable activity from the scope of the licence;
 - c. to remove the designated premises supervisor;
 - d. to suspend the licence for a period not exceeding three months;
 - e. to revoke the licence.
- 1.25 Representations in respect of an application for a review must be "relevant", i.e. they must be relevant to one or more of the licensing objectives. Representations outside the licensing objectives are not therefore relevant and cannot be taken into account.
- 1.26 The 2003 Act was introduced after the amendment introduced by Section 62 of the 1995 Environment Act, and in the absence of any legislative direction to the contrary, officers would expect that any conflict should be resolved in favour of the later Act. It is possible to reconcile the apparent conflict between the 2003 Act requiring decisions being taken to promote the licensing objectives, and the earlier 1995 Act requiring local authorities to have regard to the national park purposes set out in 1.20 above, but only insofar as matters under consideration relate to the licensing objectives. Representations which merely state that a licence must be modified or revoked solely because the event takes place within a national park, and referring only to the effect on the national park purposes, would not be relevant and could not therefore be taken into account. If however a representation relates to a licensing objective, and also refers to a

national park purpose, the issues raised may have more weight because the premises is in the national park (i.e. compared to premises outside the park), and in this way the two apparently conflicting legislative approaches can be reconciled.

- 1.27 Following negotiation between the applicant and the licence holder, agreement was reached regarding amendments to certain conditions. (Appendix 4)
- 1.28 These conditions, with slightly amended wording, are also shown at Section 5 of this report.

Relevant Representations

2. Responsible Authorities

All of the Responsible Authorities have been served with a copy of the application. The representations received are as follows:

Head of Environment

No representations received.

Hampshire Constabulary

The Chief Officer of Police for Hampshire is the applicant.

Hampshire Fire and Rescue Service

No representations received.

Child Protection Team

No representations received.

Head of Building Control

No representations received.

Head of Safety Standards

No representations received.

South Downs National Park Authority

No representations received.

3. Interested Parties

1. Mrs J Barker
2. Mr F Barker

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.

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)

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.

(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 observations of the Police.

(Licensing Policy Part 4, B3, B4)

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 Interested Parties.

(Licensing Policy Part 4, Section C)

Protection of Children

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

(Licensing Policy Part 4, 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

Possible Conditions

- 5.1. If the application is granted, the Sub-Committee may wish to consider the conditions which have been agreed between the applicant and the licence holder, taking into account the following matters.
- 5.2. The statutory framework under the Licensing Act provides for the Council as licensing authority to be the decision-making body. In exceptional, specified, cases, such as closure orders or prosecutions, the Act gives the Police the power to take licensing-related decisions without reference to the licensing authority. In all other cases, decisions on licensing matters should be made by the licensing authority. There are no specific provisions which would give the Police in this case the power to make decisions under these conditions, and therefore it is considered that where there is reference in the conditions agreed between the Police and the licence holder to "as deemed by the Safety Advisory Group" or "as deemed by the Police", this should be substituted with "as agreed by the licensing authority."
- 5.3. The Sub-Committee may also wish to consider any conditions necessary to promote the public nuisance objective in the light of the representations by the interested parties.
- 5.4. Below is an agreed list of new and amended conditions between the Licence Holder and Police for Premises Licence 500. The amendments are shown in italics.
- 5.5. Taking into account 5.2 above, the amendments show Licensing Authority, where it is suggested that the phrases in square brackets (e.g. [*the Safety Advisory Group, or the Police*]) should be substituted. In order to ensure that relevant interests are taken into account, the amendments also include where relevant wording such as "... Licensing Authority after consulting with the Police/Safety Advisory Group".

Agreed Conditions

- A.5 No event shall be open to the public for more than four days *unless agreed with the [Council and Police] Licensing Authority after consulting with the Police*. Events shall be treated as a continuous event unless there is at least 24 hours between them.

Amend A.5 with above new wording

- A.6 *The Premises Licence Holder shall produce and submit to the Licensing Authority/Safety Advisory Group an initial Event Management Plan at least 120 days prior to the commencement of the event. The initial Event Management Plan must include:*

- a) *Site plan showing site boundaries, entrances and exits and an outline of proposed licensable activities*
- b) *Event profile including type of event, proposed attendance figure, audience profile, proposed operating and opening times, ticketing policy*
- c) *Traffic Management Plan*
- d) *Security and Stewarding Schedules outlining the number of SIA and non-SIA staff and locations*
- e) *Management structure*
- f) *Crime and disorder prevention plan including proposed CCTV coverage*
- g) *Noise Management Plan*
- h) *Any expectation for Special Police Services that the event organiser may later request*
- i) *Major Incident Plan*

This condition may not preclude Winchester City Council Safety Advisory Group and Hampshire Constabulary from considering an initial Event Management Plan submitted less than 120 days prior to an event, but the 120 day timescale may only be waived with express written consent from both.

The final event management plan shall be supplied to the Licensing Authority and members of the Safety Advisory Group no later than 28 days prior to each event. No licensable activities for the public shall take place unless the Event Management Plan is agreed by the Licensing Authority after consulting with the Safety Advisory Group.

Delete A.6 and substitute with above new wording

- A.9 The Premises Licence Holder shall prepare a Traffic Management Plan (TMP) which shall be updated as necessary and shall be inserted into the (final) Event Management Plan at least 28 days prior to each event.

Delete A.9 from licence – contained in A.6

- CD.2 *The Premises licence holder/Event organiser shall submit details of any CCTV system that is proposed, as part of the initial Event Management Plan (EMP), no later than 120 days prior to any event. Full details of the proposed system should include any contractor, agreed positions, installation, operation, playback facilities and retention of data. The recordings shall be retained for a minimum of 30 days. No licensable activity shall take place until the CCTV system is agreed to the satisfaction of the Licensing Authority (after consultation with the Police) in writing, no later than 28 days prior to the event. Any CCTV images must be provided to Police or Local Authority Officers on demand and must be capable of being viewed on any Windows based computer without the need for additional software.*

Delete CD.2 and substitute with above new wording

CD.4 All security, stewards, traffic marshals and fire wardens shall wear high visibility tabards which shall each be uniquely numbered and shall be marked with the appropriate job title. *All SIA Registered staff shall wear a different coloured tabard to clearly identify them from other stewards and staff.* Supervisors and Team Leaders shall be identifiable by their tabards. The tabards shall be marked front and rear. Examples of the tabards shall be submitted to the Licensing Authority 28 days prior to each event.

Amend CD.4 to include new wording

CD.8 If applicable as *deemed by the [Safety Advisory Group] Licensing Authority* a secure perimeter fence shall be erected and patrolled by security to ensure that unauthorised access cannot be gained.

Amend CD.8 to include new wording

CD.10 If applicable, as *deemed by the [Safety Advisory Group] Licensing Authority* the campsites, (car park, and event arena) shall be patrolled by security and stewards and there shall be watch towers with CCTV cameras monitored throughout the event.

Amend CD.10 to include new wording

CD.12 If applicable as *deemed by the [Police] Licensing Authority* the event organiser shall prepare a drugs policy for the event which shall be based on three core messages:

- a) Prevention
- b) Drug dealers and users
- c) Welfare and treatment

This Policy must be submitted as part of the Event Management Plan and agreed by [Police] the Licensing Authority at least 28 days before any event.

Amend CD.12 to include new wording

CD.13 If applicable as *deemed by the [Police] Licensing Authority* random searching shall take place at all entrances to the campsites and the arena entrance for offensive weapons or drugs along with other items that are not allowed onsite. The seizure of any property shall be recorded and shall then be passed on to Hampshire Constabulary via security for evidential purposes where appropriate. Searching of

persons shall be carried out by members of the same gender. The ticket conditions shall indicate that searching will be carried out and there shall be signage with this message[-] at all entrances.

Amend CD.13 to include new wording

CD.15 *All reasonable steps shall be taken to ensure that no glasses or bottles are allowed inside the event site. This would prevent the possibility of them being used as weapons. Bottle banks shall be located at the event site entrances to facilitate this rule. These must be sited away from residential properties / campers to prevent noise nuisance and plastic containers shall be available for decanting facilities. There may be certain event types where bottles are allowed onto the event site, but this is only where agreed in writing by the [Police] Licensing Authority.*

Delete CD.15 and substitute with above new wording

CD.16 *If applicable as deemed by the [Police] Licensing Authority there shall be mobile vehicle units to patrol any volatile areas and to react quickly to reports of incidents. Covert intelligence gathering staff shall be provided to pinpoint groups of potential troublemakers.*

Amend CD.16 to include new wording

PS.1 *The Licence Holder shall notify the Licensing Authority, Police and Safety Advisory Group of a future event at least 120 days before each event.*

Delete PS.1 and substitute with above new wording

PS.2 *At least 3 months before an event, the Licence Holder/Event organiser must seek to arrange and attend a meeting with the Licensing Authority and other appropriate bodies including the Safety Advisory Group and Police, to discuss the measures that will be put into place to uphold the licensing objectives.*

Delete PS.2 and substitute with above new wording

PS.3 *The Event Management Plan and associated documentation and any amended versions, must be clearly labelled indicating version number and date of publication, and sent to the Licensing Authority, Safety Advisory Group and Police.*

Delete PS.3 and substitute with above new wording

PS.5 The Licence holder will ensure that the final site plan(s) is submitted as *part of the final event management plan*, to the satisfaction of the Licensing Authority, at least 28 days prior to the start of each event clearly indicating the position of the following;

- a) The site boundaries and entrances and exits to the site (including those for emergency services) which must be clearly labelled;
- b) All road and track ways (including emergency routes), car parks and other vehicles compounds;
- c) The location of all structures either constructed or brought onto site (refer also to condition;
- d) The location of the campsite(s), if appropriate;
- e) The location of toilet, shower (if appropriate) and washing facilities
- f) Drinking water points and associated pipework including sampling points and soak ways
- g) The location of all lighting facilities including those for the event arena, associated walkways and vehicles routes and emergency routes
- h) Welfare tent and medical services
- i) Generators and other principle electrical connections
- j) Fuel stores (refer to condition PS.25)
- k) Fairground rides
- l) Fire fighting equipment and other associated fire fighting provision (refer to condition PS.53)

Amend PS.5 to include new wording

PCH.2 Bar staff shall ask for proof of age ID whenever the customer appears to be under 21.

Amend PCH.2 to change the age limit

PS.66 Communications:

An effective communications system shall be put in place with an identified single point of contact on site to the satisfaction of the Licensing Authority and Police to enable effective communication between the Licence holder, event organiser, event safety organiser, Licensing Authority, Emergency services and any other appropriate persons to ensure an effective and coordinated response in the event of an emergency. Details of the communication system are to be provided to the safety advisory group, police and licensing authority at least 28 days before the event.

Delete PS.66 and substitute new wording

Insert the new conditions below to the licence

CRIME AND DISORDER

1. *Male and Female SIA staff to be present on all ticketed entrances and exits throughout any event as deemed necessary by the [Safety Advisory Group or Police] Licensing Authority.*
2. *There will be no 'legal highs' (these are defined as any herbal or chemical based substance which when consumed create an altered state of mind and various states of euphoria , elation, rapture, exhilaration or despair, anguish, despondency, gloom or similar altered mind states associated with known controlled drugs or pseudo drugs but not Alcohol, tea, caffeine based products, tobacco or any prescription medicine,) allowed on site, these to include any gas canisters used for that purpose. (Reinforces PS 92 of original licence.)*
3. *All sales of alcohol and any other drinks to be provided in polycarbonate or similar non-glass drinking vessels and all glass bottled drinks to be decanted at point of sale.*
4. *The Designated Premises Supervisor or nominated deputies, being Personal Licence Holders, shall be present on site throughout any event when alcohol is being supplied under the Premises Licence. Details of the nominated deputies to be provided to the police within 28 days of the commencement of the event.*

PUBLIC SAFETY

1. *A major incident plan must be prepared as part of the event management plan for each event and briefed to Security staff and Stewards.*

THE PROTECTION OF CHILDREN FROM HARM

1. *Adequate signage shall be displayed in relation to underage sales of alcohol and the "Challenge 21 " scheme in all locations relevant to the sale of alcohol.*
2. *Any site / event staff having responsibility for the welfare of children on site must be CRB checked and the EMP should include a plan to deal with all such lost/found children.*

6. Other Considerations

Corporate Strategy (Relevance To:)

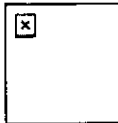
This report covers issues which relate to the Outcomes of Active Communities and Prosperous Economy.

Resource Implications

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

Appendices

1. Application by The Chief Officer of Police for Hampshire
2. Representations by Interested Parties
3. Premises Licence
4. Agreed Conditions



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**Application for the review of a
Premises licence or Club Premises certificate
under the Licensing Act 2003**

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Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

I PC Gary Miller, on behalf of the Chief Officer of Hampshire Constabulary,
(Insert name of applicant)

- Apply for the review of a premises licence.
 Apply for the review of a club premises certificate.
 (Select as applicable)

Premises or Club Premises details

Postal address of premises:	Matterley Bowl Airesford Road Winchester Hampshire
Postcode (if known):	

Name of premises licence holder or club holding club premises certificate (if known) Peveril Bruce

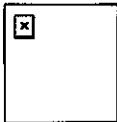
Number of premises licence or club premises certificate (if known) Premises Licence 500
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Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank: PC 1526
Surname: Miller First Names: Gary
Current postal address : Hampshire Constabulary Winchester Police Station North Walls Winchester
Postcode: SO23 8DW
Daytime telephone number: 01962 871353
E-mail address: (optional) gary.miller@hampshire.pnn.police.uk

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003

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

*Select 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 grounds for review which must be based on one or more of the licensing objectives together with supporting information:

Hampshire Constabulary wish to make representation to this Premises Licence. This is due to the different types of events that can be used with this licence, the conditions of which are unsuitable in order to effectively adhere to the licensing objectives.

This includes Boomtown Fair, a music festival from 12th to 14th August, 2011, which is apparently family orientated, but based on last years event, there are concerns over drunkenness and effective management.

We have concerns over the organisation of this event, the supply of alcohol to those underage, the protection of children from harm due to the lateness of the event, the level of stewarding for this event, and in particular that there is a requirement for special police services which may not be met, which in our view will mean that if the licence goes ahead, it will do so without due consideration to the risks to public safety, crime and disorder, and the protection of children from harm.

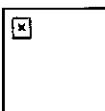
This application is further supported by an unacceptable level of incidents arising from when this licence was used in conjunction with the G Events Premises Licence 548 for the 'Glade' Music festival in 2009.

Due to the high levels of crime at Glade 2009, it was clear that there was inadequate security on site. Therefore it is necessary for the Police to have sufficient time to consider the Event Management Plan of any event including security arrangements, and whether Special Police Services have been requested. This is to ensure that the organiser meets their obligations to prevent crime and disorder, maintain public safety and protect children from harm.

It is clear that any CCTV that was in place at Glade 2009 was inadequate as it did not assist with Police investigations into the crimes committed as detailed below. Therefore a strengthening of the CCTV condition is necessary.

During Glade 2009 there is evidence that a number of people had to be treated for illness brought on by the use of "legal highs" and this coupled with the highly publicised deaths of young people taking legal highs has led to us requesting conditions to prevent these from

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being sold or allowed at any event.

At Glade 2009, the controls over the consumption and possession of alcohol by persons under the age of 18 years were also weak. There is evidence from Police officers attending this festival that there were persons who were very drunk. For this reason we are seeking conditions to reduce the likelihood of underage obtaining alcohol and the promotion of the Hampshire Police Challenge 21 scheme.

It is clear from the current licence that there are inadequate conditions to promote the Public Safety objectives, for example there is no mention of an emergency situation procedure.

We are seeking to amend some of the time scales for submission of Event Management Plans and notification of when events are to be held, details on staffing numbers and how they will be used to promote the 4 licensing objectives. This will allow the Police and Local Authority to effectively respond to the Event Management Plan and provide proper advice and guidance to the organisers to promote the 4 licensing objectives.

During the Glade 4 day Event that ran from the 16th-19th July, 2009, there were in excess of 70 crimes recorded by the Police.

These crimes consisted of a variety of offences including assaults, robbery, burglary, theft and drugs. Out of these crimes, 65 were classified as theft offences. Theft from motor vehicles accounted for 51% (33) of all thefts and theft from tents 32%. Supporting documentation will be available if required.

We believe that the existing Licence conditions need additions, amendments and strengthening.

This will enable the Safety Advisory Group (SAG) and Police to effectively manage large events to comply with the Licensing Objectives.

Unfortunately this imbalance was highlighted at a review last year of both this premises licence 500, and that of the Glade festival licence 548 owned by G Events. It was agreed between the police G Events and Peveril Bruce that these and/or amended versions of these conditions were to be attached to the licence, but it was decided by the Licensing Panel to only amend these when premises licence 500 was used in conjunction with premises licence 548. As Premises licence 548 has subsequently ceased, all of the agreed conditions to premises licence 500 no longer apply.

Exactly the same issues and problems occur with the aforementioned event planned for this year, and any future planned events, so this representation has now been made to rectify this through the Review procedure.

This representation is therefore with regards to the preventative nature of having appropriate licence conditions in place for this year and any other future events, whilst also asking for conditions to be put in place based on the evidence which undermines the licensing objectives for Crime and Disorder, Public Safety, and the Protection of Children from Harm, arising out of the Glade music festival 2009.

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Please note we are not making comment on Public Nuisance, as the lead Agency is the Environmental Health Dept.

If our full proposals are accepted the Representation by Hampshire Constabulary will be withdrawn.

The following are proposals to amend existing licence conditions, and where appropriate to add new ones:-

-----All Licensing objectives----- (Prem 500:Page 3)

A.5. No event shall be open to the public for more than four days (unless agreed with the Licensing Authority). Events shall be treated as a continuous event unless there is at least 24 hours between them.

REMOVE ALL WORDING IN BRACKETS IN THIS SENTENCE

A.6. The premises licence holder/event organiser shall produce an Initial draft event management plan (EMP), including a noise management plan and a traffic management plan. This EMP must be submitted at least 4 months before the commencement of the event. The event management plan must include details of the number of stewards/security staff and SIA approved staff, and their respective roles, and details of what special police services if any will be requested. The final version of the EMP shall be submitted no later than 28 days prior to the start of any licensable activity. Both the initial and final EMP must be submitted to the safety advisory group (SAG), Licensing Authority and to the Police licensing officer and Police Operations department.

DELETE EXISTING A.6 CONDITION AND REPLACE WITH ABOVE

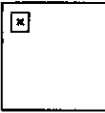
A.8. Safety Advisory Group meetings shall be held to bring together all key event staff and agencies involved in the event and at least six months before the event each year. Multi Agency meetings shall continue throughout the actual event at agreed times and will conclude with a post event debrief.

DELETE A.8 ABOVE COMPLETELY

A.9. The Premises Licence Holder shall prepare a Traffic Management Plan (TMP) which shall be updated as necessary and shall be inserted into the(Final)Event Management Plan at least 28 days prior to each event.

DELETE A.9 ABOVE COMPLETELEY

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-----The Prevention of Crime and Disorder ----- (Prem 500:Page 4)

CD.1. The event organiser shall agree with Hampshire Constabulary, the number of police officers required at each event no later than 42 days before the start of the event, and make a written request for the Special Police Services. No licensable activities shall take place unless suitable arrangements are in place to secure the provision of such numbers of police officers deemed necessary by Hampshire Constabulary, and payment made for such Special Police Services at least 28 days before the commencement of any event.

AMEND CD1 TO THE ABOVE NEW WORDING

CD.2. The Premises licence holder/Event organiser shall submit details of any CCTV system that is proposed, as part of the initial Event Management Plan (EMP), no later than 4 months prior to any event. Full details of the proposed system should include any contractor, agreed positions, installation, operation, playback facilities and retention of data. The recordings shall be retained for a minimum of 30 days. No licensable activity shall take place until the CCTV system is agreed to the satisfaction of the Police in writing, no later than 28 days prior to the event. Any CCTV images must be provided to Police or Local Authority Officers on demand and must be capable of being viewed on any Windows based computer without the need for additional software.

AMEND CD.2 WITH ABOVE NEW WORDING

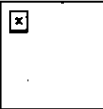
CD.3. No licensable activities shall take place unless the event organiser agrees with the Licensing Authority and Police, no later than 28 days before the start of each event, the final number of stewards and security personnel required for the event and has received such agreement in writing. The number of appropriately trained stewards and security guards shall be provided in accordance with the guidance contained within 'The Event Safety Guide' or similar, unless otherwise agreed.

A schedule 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 schedule to include the following details: name, date of birth, reference number, location on site and whether or not SIA registered. The schedule shall list the position and numbers of all security and steward personnel on site. If applicable this shall include dedicated teams for the campsites, the arena, the perimeter and the car parks. There shall be both static and mobile positions.

AMEND CD3 WITH NEW WORDING

CD.4. All security, stewards, traffic marshalls and fire wardens shall wear high visibility tabards which shall each be uniquely numbered and shall be marked with the appropriate job title. (All SIA Registered staff shall wear a different coloured tabard to clearly identify

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them from other stewards and staff). Supervisors and Team Leaders shall be identifiable by their tabards. The tabards shall be marked front and rear. Examples of the tabards shall be submitted to the Licensing Authority 28 days prior to each event.

INSERT NEW WORDING IN BRACKETS

CD.8. If applicable (as deemed by the Safety Advisory Group), a (secure) perimeter fence shall be erected and patrolled by security to ensure that unauthorised access cannot be gained.

INSERT NEW WORDING IN BRACKETS

CD.10. If applicable (as deemed by the Police), the campsites, (car park, and event arena) shall be patrolled by security and stewards and there shall be watch towers with CCTV cameras monitored throughout the event.

INSERT NEW WORDING IN BRACKETS

CD.12. If applicable (as deemed by the Police), the event organiser shall prepare a drugs policy for the event which shall be based on three core messages:

Prevention

Drug dealers and users

Welfare and treatment

(This Policy must be submitted as part of the Event Management Plan and agreed by Police at least 28 days before any event.)

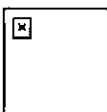
INSET NEW WORDING IN BRACKETS

CD.13. If applicable (as deemed by the Police) random searching shall take place at all entrances to the campsites and the arena entrance for offensive weapons or drugs along with other items that are not allowed onsite. The seizure of any property shall be recorded and shall then be passed on to Hampshire Constabulary via security for evidential purposes where appropriate. Searching of persons shall be carried out by members of the same gender. The ticket conditions shall indicate that searching will be carried out and there shall be signage with this message at all entrances.

INSERT NEW WORDING IN BRACKETS

CD.15. All reasonable steps shall be taken to ensure that no glasses or bottles are allowed inside the event site. This would prevent the possibility of them being used as

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weapons. Bottle banks shall be located at the event site entrances to facilitate this rule. These must be sited away from residential properties / campers to prevent noise nuisance and plastic containers shall be available for decanting facilities. There may be certain event types where bottles are allowed onto the event site, but this is only where agreed in writing by the Police.

AMEND CD15 TO ABOVE WORDING

CD.16. If applicable (as deemed by the Police)there shall be mobile vehicle units to patrol any volatile areas and to react quickly to reports of incidents. Covert intelligence gathering staff shall be provided to pinpoint groups of potential troublemakers.

INSERT NEW WORDING IN BRACKETS

-----Public Safety----- (Prem 500:Page 6)

PS.1 The Licence Holder shall notify the Licensing Authority, Police and Safety Advisory Group of a future event at least 6 months before each event.

AMEND PS1 TO ABOVE WORDING

PS2. It is expected that the event organiser/licence holder will have a number of meetings with the Police/Safety Advisory Group/Licensing Officer, but at least 3 months before an event, the Licence Holder must seek to arrange and attend a meeting with the Licensing Authority and other appropriate bodies including the Safety Advisory Group and Police, to discuss the measures that will be put into place to uphold the licensing objectives.

AMEND PS2 TO ABOVE NEW WORDING

PS.3 The Licence holder shall ensure that the Event Organiser submits an event specific event management plan (in line with all other time scales set out within this licence) prior to each event. The Event Management Plan and associated documentation (including site plan) and any amended versions, must be clearly labelled indicating version number and date of publication, and sent to the Licensing Authority, Safety Advisory Group and Police.

AMEND PS3 TO ABOVE NEW WORDING

PS.5 The Licence holder will ensure that the final site plan(s) is submitted (as part of the final event management plan), to the satisfaction of the Licensing Authority, at least 28 days prior to the start of each event clearly indicating the position of the following;

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The site boundaries and entrances and exits to the site (including those for emergency services) which must be clearly labelled;
 All road and track ways (including emergency routes), car parks and other vehicles compounds;
 The location of all structures either constructed or brought onto site (refer also to condition);
 The location of the campsite(s), if appropriate;
 The location of toilet, shower (if appropriate) and washing facilities
 Drinking water points and associated pipework including sampling points and soak ways
 The location of all lighting facilities including those for the event arena, associated walkways and vehicles routes and emergency routes
 Welfare tent and medical services
 Generators and other principle electrical connections
 Fuel stores (refer to condition)
 Fairground rides
 Fire fighting equipment and other associated fire fighting provision (refer to condition)

INSERT WORDING 'as part of the final event management plan' IN BRACKETS

-----THE PROTECTION OF CHILDREN FROM HARM -----(Prem 500:Page 20)

PCH.2. Bar staff shall ask for proof of age ID whenever the customer appears to be under (21).

AMEND THE AGE LIMIT IN BRACKETS

*****In addition to the above the following conditions would be sought at a Licensing Hearing to promote the specified Licensing Objectives:*****

-----All Licensing Objectives-----

Due to the fact that the entire site which is a considerable area, is Licensed for Licensable Activities, the Police would seek a further 'General Licensing' condition:

1. As part of the Initial event management plan, the event organiser/Licence holder must submit a plan of the site, showing clearly where the actual Licensable Activities are taking place, and any intended controlled access and egress within any of these areas or the whole site.

*****CRIME AND DISORDER*****

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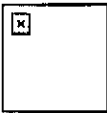
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1. Male and Female SIA staff to be present on all ticketed entrances and exits throughout any event as deemed necessary by the Safety Advisory Group or Police.
 3. There will be no 'legal highs' (these are defined as any herbal or chemical based substance which when consumed create an altered state of mind and various states of euphoria, elation, rapture, exhilaration or despair, anguish, despondency, gloom or similar altered mind states associated with known controlled drugs or pseudo drugs but not Alcohol, tea, caffeine based products, tobacco or any prescription medicine,) allowed on site, these to include any gas canisters unless for the purpose of cooking or lighting. (Reinforces PS 92 of original licence.)
 4. There shall be suitable receptacles for the safe retention of illegal substances at each entrance and exit and Hampshire Constabulary shall be informed of such arrangements so that appropriate disposal can be arranged.
 5. No irresponsible drinks promotions/discounts shall be allowed at any event in accordance with the British Beer and Pub Association guidance on responsible promotions.
 6. All sales of alcohol and any other drinks to be provided in polycarbonate or similar non-glass drinking vessels and all glass bottled drinks to be decanted at point of sale.
 7. The Designated Premises Supervisor or nominated deputies, being a Personal Licence Holder, shall be present on site throughout any event when alcohol is being supplied under the Premises Licence. Details of the nominated deputies to be provided to the police within 28 days of the commencement of the event.
- *****PUBLIC SAFETY*****
1. The provision of an adequate number of illuminated (during hours of darkness,) signed Emergency Exits will be identified in the Event safety Plan and identified on a to Scale site plan which forms part of the Event Management Plan (Cross reference 10 C & D original Licence.)
 2. First Aid will be provided on site subject to a risk assessment and identified in the event safety plan.
 3. A site evacuation procedure is prepared as part of the event management plan for each event and briefed to Security staff and Stewards.
 4. Communications:

An effective communications system shall be put in place with an identified single point of contact on site to the satisfaction of the Licensing Authority and Police to enable effective communication between the Licence holder, event organiser, event safety organiser, Licensing Authority, Emergency services and any other appropriate persons to ensure an effective and coordinated response in the event of an emergency. Details of the communication system are to be provided to the safety advisory group, police and licensing

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authority at least 28 days before the event.

*******THE PROTECTION OF CHILDREN FROM HARM*******

- 1. Adequate signage to be displayed in relation to underage sales of alcohol and the "Challenge 21 " scheme in all locations relevant to the sale of alcohol.
- 2. Soft drinks shall be available on site as an alternative to alcohol. Drinking water shall be provided free of charge.
- 3. Any site / event staff having responsibility for the welfare of children on site must be CRB checked and the EMP should include a plan to deal with all such lost/found children.

*****In addition *****

If the event planning allows for some or all of the licensable activities, parking and camping to take place in one open plan field, and organisers intend to allow attendees to bring in their own alcohol to the event, as well as allowing those under 18 years old entry without being accompanied by an adult, we believe that this will allow those underage to have uncontrolled access to the supply and consumption of alcohol within the licence which is an offence under section 150 of Licensing Act 2003.

It is the police view that unless agreed for a specific event type, alcohol should not be brought into a licensed premises, as it is difficult to control its use by those underage or misuse by any other party. Therefore, In order to avoid these issues in future events, the following licence conditions would negate these concerns.

- 1. Unless agreed in writing by the police, with the exception of authorised traders, no alcohol may be taken into the premises licence area at any time that licensable activities are taking place. Any alcohol supplied within the premises licensed area may not be taken out of the premises licensed area.
- 2. The event organiser and licence holder must agree any age restrictions on entry to each event and submit this as part of the initial event management plan. Where the sale of alcohol is permitted, or any other age restricted licensable activity, and the event allows entry to those under 18 years, then the areas where these activities take place must be clearly defined, have appropriate fencing or physical boundary to prevent unauthorised access, and if deemed necessary by the police or safety advisory group have SIA security staff patrolling the entrance/exit and defined areas, which must either be designated as adult only (18 years and above) OR that any person under the age of 16 must be accompanied by an adult (aged 18 years and above).

Have you made an application for review relating to these premises before: Yes | No

If yes please state the date of that / /

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**Application for the review of a
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application:

Day Month Year

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

Representations made at previous review hearing dated 30th April, 2010. Copy of original representation enclosed.

Please tick

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

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

Signature of Officer Completing

Name	<u>PC Gary Miller</u>	Collar Number:	<u>1526</u>
Signature:	<u>G. Miller</u>	Date:	<u>26/05/11</u>

Signature of Authorising Officer (Inspector or above)

Name	<u>Inspector Michael Pragnell</u>	Collar Number:	<u>2320</u>
Signature:	<u>M. Pragnell</u>	Date:	<u>26/05/11</u>

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5 Windermere Gardens
Alresford
Hampshire
SO24 9NL

Licensing Section
Winchester City Council
City Offices
Colebrook Street
Winchester
SO23 9LJ

21st June 2011

Dear Sir or Madam

Licensing Act 2003 - application for a review of Premises Licence PREM 500 for Matterley Bowl.

(This representation is made in the context of the Prevention of Public Nuisance)

Having been unfairly prevented from raising further points at the last review of this licence, for which I have since received an apology from Winchester City Council (WCC), I now wish to raise additional and relevant issues.

In their decision notice at the last review the Sub-Committee dismissed the evidence provided by Mr Barker as inexpert and they noted that to reduce the noise levels after 2300 would make the event unviable as a music festival. These were the two reasons for not reinstating the inaudibility condition. The licence holder's chosen expert made the assertion that bass levels would decrease in line with the reduction in instrumental and vocal levels post 2300. He presented no evidence for this assertion and it has been shown by Mr Barker to be factually wrong. Also the reduction in night time noise levels at Glastonbury does not appear to have rendered that festival unviable. So neither of the Sub-Committee's reasons for rejecting the reinstatement of the post 2300 inaudibility condition holds water.

Since this area has now National Park status, the following World Health Organisation (WHO) guideline should now apply:

"Parkland and Conservation Areas. Existing quiet outdoor areas should be preserved and the ratio of intruding noise to natural background sound should be kept low".

The representative of the South Downs National Park states "**all local authorities are bound by a duty** to have regard to the purposes of the AONB designation in the exercise of their functions and recent guidance published by Natural England on the exercise of this duty refers to an example on Dartmoor where the National Park Authority successfully argued that local authority licensing committees were bound by this duty, even though National Park issues **appeared** to be excluded by the Licensing Act 2003".

I attach Natural England's practical guide to your Duty of Regard and Section 62 of the Environment Act 1995 explicitly detailing the duty of relevant public bodies.

Both the WHO guidelines and your duty to have regard to the National Park status of this area should have been given due consideration by WCC's Head of the Environment Protection and the Sub-Committee in the decisions regarding noise and nuisance in an area of National Park status.

It should be pointed out that Matterley Bowl lies alongside the South Downs Way - a major public footpath.

Dr Owen Plunkett, Trustee of the Ramblers Association a member of the South Downs Network, has written to me that he wholeheartedly supports opposition to these events (has told me: "yes I would **wholeheartedly support** opposition to ... the events you refer to. I would also seek the backing of our Hampshire Footpath, Access & Countryside Committee") and I hope that he will be able to make a representation when he is available.

I have been unable to contact Dr Plunkett since I returned from the USA and learnt of the new review. As a public body he should be entitled to make a representation and hope that he will be in touch with you when he becomes available.

I note the Sub-Committee's reaction to objections from **only 4 people** at Easton Village Hall where music is now only permitted after 9 p.m. if a noise limiting device is fitted. In the case of the last Glade event there were **more than 20** telephoned complaints. There were letters of representation to the last review regarding the Public Nuisance caused by the noise levels. People wrote from Avington, Alresford, Beauworth, Tichborne, Cheriton and the Itchen Valley Community describing their distress and discomfort and inability to sleep - **even with earplugs** - and yet you chose to do **nothing** to alleviate their situation.

Why this inconsistency in the Licensing Sub-Committee's decisions?

In the case of Matterley Bowl, the Sub-Committee, you, our elected representatives continue to put the **financial** interests of **one** person before the well being of the surrounding community.

I also note from Glade's cancellation press release the "**amazing support** from the local council". This support was financed by us, tax payers and council tax payers - **we** received **no** support at all.

Mr Ingram has now written that inaudibility **should** have been achieved after 11 p.m. - it is not unreasonable therefore to request that inaudibility **should be reinstated** and that you give the local people the **same consideration** as that shown by Mendip District Council to the community around Glastonbury.

Yours sincerely

Janet E M Barker
21st June 2011

Environment Act 1995

62 Duty of certain bodies and persons to have regard to the purposes for which National Parks are designated

(1) After section 11 of the National Parks and Access to the [1949 c. 97.] Countryside Act 1949 (general powers of local planning authorities in relation to National Parks) there shall be inserted—

“11A Duty of certain bodies and persons to have regard to the purposes for which National Parks are designated

- (1) A National Park authority, in pursuing in relation to the National Park the purposes specified in subsection (1) of section five of this Act, shall seek to foster the economic and social well-being of local communities within the National Park, but without incurring significant expenditure in doing so, and shall for that purpose co-operate with local authorities and public bodies whose functions include the promotion of economic or social development within the area of the National Park.
- (2) **In exercising or performing any functions in relation to, or so as to affect, land in a National Park, any relevant authority shall have regard to the purposes specified in subsection (1) of section five of this Act and, if it appears that there is a conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.**
- (3) For the purposes of this section “relevant authority” means—
 - (a) any Minister of the Crown,
 - (b) any public body,
 - (c) any statutory undertaker, or
 - (d) any person holding public office.
- (4) In subsection (3) of this section—“public body” includes—
 - (a) any local authority, joint board or joint committee;
 - (b) any National Park authority;

National Parks and Access to the Countryside Act 1949

5 National Parks

- (1) The provisions of this Part of this Act shall have effect for the purpose—
 - (a) of conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas specified in the next following subsection; and
 - (b) of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.
- (2) The said areas are those extensive tracts of country in England F2 . . . as to which it appears to [F3the Agency] that by reason of—
 - (a) their natural beauty, and
 - (b) the opportunities they afford for open-air recreation, having regard both to their character and to their position in relation to centres of population,

It is especially desirable that the necessary measures shall be taken for the purposes mentioned in the last foregoing subsection.



England's statutory landscape designations:

a practical guide to your duty of regard

www.naturalengland.org.uk



England's statutory landscape designations:

a practical guide to your duty of regard

Guidance for relevant authorities whose activities affect Areas of Outstanding Natural Beauty, National Parks and the Norfolk and Suffolk Broads

Left: Looking over Swainby, Whorl Hill and the Cleveland Hills, from the Cleveland Way at Scarth Wood Moor, North York Moors National Park. © Natural England/Mike Kipling

England's statutory landscape designations: a practical guide to your duty of regard

1

Policy and practice

Case study 7

Maintaining tranquillity in Dartmoor National Park

Dartmoor National Park Authority

In 2008, an application was made to Teignbridge District Council for a music and entertainment license for an arts, film and music festival with 3–4,000 attendees. This was to be held on a farm within the boundary of Dartmoor National Park. The festival had been held in previous years on a much smaller scale under events permissions limited to 500 attendees.

There was considerable public resistance to the festival going ahead, due to concerns about the increase in traffic, noise and disruption that it would entail. Dartmoor National Park Authority (NPA) was consulted by Teignbridge District Council licensing authority, and the NPA raised concerns about the proposed license on the grounds that the festival would be detrimental to tranquillity, identified as a special quality in the National Park Management Plan. Tranquillity would also have been adversely affected by increased traffic in what is a gateway route into the National Park.

Section 4 of the Licensing Act 2003 states that the general duty of a licensing committee is to carry out its functions with a view to promoting the four licensing objectives, namely:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children and young persons.

Furthermore, the Act requires the Licensing Committee to disregard any representations which are not 'relevant representations'. This is defined in Section 18 as those which are about the likely effect of the grant of a premises license on the promotion of these licensing objectives.

Despite this, at the Licensing Committee hearing in May 2008, Dartmoor NPA was able to successfully show that the Section 11A(2) duty applied to the licensing authority because of its overarching nature. As such, the impact of the event upon tranquillity was directly relevant.

The license was not granted, and no appeal has been lodged. The decision was a very popular one and local residents were pleased that the NPA was prepared to take a stand against inappropriate activities and protect the special qualities of the National Park. The hearing was followed by a lot of positive publicity which has in turn fostered greater public understanding of the purposes of the National Park.

The case has also proved extremely beneficial in terms of greater understanding of the Section 11A(2) duty by the licensing authority, which may include reference to the duty in future licensing policy guidance.

Contact:
Christopher Walledge
cwalledge@dartmoor-npa.gov.uk

5 Windermere Gardens
Alresford
Hampshire
SO24 9NL

Licensing Section
Winchester City Council
City Offices
Colebrook Street
Winchester
SO23 9LJ

21st June 2011

Dear Sir or Madam

Licensing Act 2003 - application for a review of Premises Licence PREM 500 for Matterley Bowl.

(This representation is made in the context of the Prevention of Public Nuisance)

PREM500 was called in by Mr Michael Beer and myself in 2010.

My submission to the subsequent review was dismissed by the Licensing Sub-Committee because I had no academic or professional qualifications in acoustics.

All other representations seeking lower noise levels were rejected for the same reason.

I still have no academic or professional qualifications in acoustics. Consequently in this representation, I will be confining myself to using **facts** to support my requests for the changes.

The changes I am requesting in the licence or the conditions attached to the licence are:

- limiting the number of events at which music can be made or played to **1**;
- limiting the duration of the making or playing of music at that event to **3 days**;
- **no** music event to be permitted under any **separate licence**;
- a reduction in the post 2300 low frequency noise limits;
- reinstate **inaudibility** in the licence conditions for post 2300.

1. The number and nature of music based events

1.1 The nature of the events

The PREM500 licence permits, among other activities, the following:

- live music;
- recorded music ;
- the performances of dance.

All of these require the playing of music.

1.2 The hours of the event activities

The licence permits these activities to be carried out at the following times:

- Monday to Thursday 1100 to 2300;
- Friday to Sunday 1100 to 0400.

In other words:

- up to 11 o'clock at night on any day of the week;
- up to 4 o'clock on Saturday, Sunday and Monday mornings.

1.3 The number of events

The conditions attached to the licence:

- allow the holding of **six** events each calendar year;
- allow **two** such events to go beyond midnight (i.e., up to 4 o'clock in the morning);
- limit the post midnight activity to Saturday and Sunday mornings;
- do **not** specify the maximum number of events of any one type (e.g., music).

1.4 The length of events

The conditions attached to the licence state that: "no event shall be open to the public for more than **four days** unless agreed with the Licensing Authority".

1.5 Implications of the current licence and licence conditions

The current wording of the licence and its conditions mean that loud music can be made or played at Matterley Bowl:

- for **24 days** a year;
- for **17 hours** for **4 days**;
- for **12 hours** for **18 days**;
- with no night time reduction in the highly intrusive, annoying and sometimes distressing low frequency emissions for **4 days**.

Does the Sub-Committee believe this to be fair on the residents who are exposed to the noise of such events?

I accept that it is unlikely that 6 four day music events are likely in any one calendar year. However the current licence and conditions **do** allow this.

This year:

- there has already been one event in June. While it was a single day, it was **originally planned to last 3 days**;
- a second **three day** event is planned for August.

If more events become financially viable, **nothing** in the current licence can prevent them from taking place and, on current and past performance, the licence holder is unlikely to turn down any such business opportunities.

REQUEST NUMBER 1

I ask the Sub-Committee:

- to put **explicit limits** on the number of each type of event permitted;
- to limit events which are wholly or partly music based to **one event per year** - this is, after all, what happens at Glastonbury, Reading and other festival sites: why should Matterley Bowl be different?

2. Noise Levels

(a) Low frequency noise post 2300

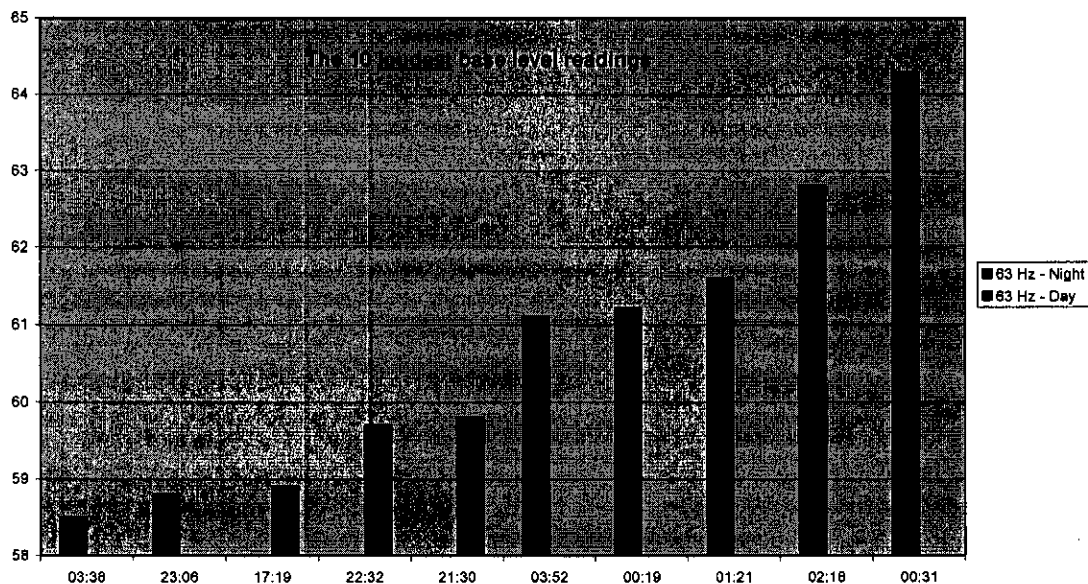
At the previous review I asked for reduced low frequency noise limits and the reinstatement of the inaudibility condition.

On behalf of the licence holder, an "expert" from the noise consultancy RPS made a representation containing the following:

- "a reduction in the bass **will occur naturally** ... because the tonal elements will not be adjusted individually, only at the master level".

In other words no reduction in the limit was necessary because the volume of the low frequency noise would reduce because of the reduction of the general noise limit at 2300.

An analysis of the measurements taken by RPS during the 2009 Glade event shows the following:



From this you can see that:

- **7 of the 10** highest readings occurred in the **post 2300 period**
- **the highest five** readings (all in excess of 61dB - and therefore **less than 2dB from the licence limit**) were in the **post 2300 period**;
- the 64.3 dB reading, **in breach of the licence condition**, was in the **post 2300 period**.

The **opinion, unsupported by any evidence**, of the RPS acoustic "expert" that a decrease in the volume of the low frequency noise would "occur naturally" **is shown to be wrong** - and is shown to be wrong **on the basis of fact**.

Therefore to ensure that the low frequency noise **does** in fact reduce, **a lower limit is clearly necessary**.

(b) Post 2300 inaudibility

Inaudibility inside noise sensitive properties after 2300 used to be a condition of the licence. It was removed after consultation with RPS "experts" and replaced by the current "objective" measurements.

It is **very important** to note that in the **RPS representation** to the first review, the following is stated in connection with the current numeric noise limit settings:

"It was agreed by officers of Winchester City Council that it would be helpful to have an external noise level **that would equate to inaudibility** within noise sensitive premises".

In other words, when the noise level limits were written into the current licence conditions, the intention of **Winchester City Council officers** was to **maintain the target of inaudibility**. From the perennial post 2300 complaints it is **factually** clear that this target is **not** being achieved. Therefore **the post 2300 limits need to be lowered**.

At the previous review I made the case for the reinstatement in the licence of the inaudibility condition on the basis of the Noise Council's guidelines. This you rejected.

In a subsequent e-mail to me from Mr Ingrams, WCC's Environmental Protection Team Manager, he conceded that: "the spirit of the Noise Council Guidance when drafted was to achieve inaudibility inside noise sensitive dwellings post 23:00".

In that e-mail he went on to say that, for the post 2300 period: "the approach we now adopt equally **seeks to achieve inaudibility** in the internal noise environment of a noise sensitive dwelling, by using agreed noise levels assessed at the boundary of the property".

The e-mail continued: "I accept that from experience gathered from the Glade event that **inaudibility** inside properties **was not achieved**".

(c) Problems with the current sound level limits

From above, the Winchester City Council officers' target **has always been** to achieve inaudibility

The current system of using fixed maximum sound limits is to blame for the consistent failure to achieve the inability ambition.

Quite clearly, from the sound measurements and from the complaints of residents, the sound level limits are (generally) **not** being exceeded, while the noise inside properties, far from being inaudible, is so loud that they **interfere with sleep** (Mr Robin Bartholomew of Beauworth: "Both my wife and myself have resorted to wearing ear plugs in order to sleep: the sound of bass noise is not however wholly excluded").

Demonstrably This means that the noise emitted from the Bowl has been **too loud** and therefore the noise level limits have been set **too high**.

With inaudibility, **sensibly policed** (as at Glastonbury), the situation is simple - if it is "too loud", turn it down.

(d) Difficulties in implementing inaudibility

In opposing the reinstatement of the inaudibility condition, Mr Ingrams made much of the **apparent** difficulty of implementing inaudibility. It should be noted that Mendip District Council, for the massive Glastonbury Festival, give local residents the protection of inaudibility and **they are able to make it work** - is it too much to expect the same protection from Winchester City Council - particularly when this protection is still offered to the residents of Winchester itself?

(e) Council Licensing Policy

Those wishing to oppose the reinstatement of inaudibility may seek to use a change in WCC's Licensing Policy. Section C.10 states:

"For events of short duration at temporary venues, such as outdoor music festivals, where it is impractical to ensure compliance with such a condition, bespoke noise criteria may be specified **to ensure the protection of residents from noise nuisance**. Such conditions will be based on current relevant National and International noise guidelines".

I draw the attention of the Sub-Committee to the phrase "**to ensure the protection of residents from noise nuisance**", since this has not been achieved in the past at Matterley Bowl.

In addition Section 2.7 of the Policy states that:

"The Council will always take the Licensing Policy into account in its decision making, **but it may depart from the Policy in appropriate circumstances**".

At the last review, when inaudibility was in the Licensing Policy, the Sub-Committee exercised its ability to depart from the policy: **it is at liberty to do so again** in reinstating the inaudibility condition.

(d) Impact on the viability of events

At the previous review, the licence holder's representative asserted that a reduction in the noise level limits would make music events unviable. The Sub-Committee clearly took this to heart since the decision notice contained the following:

" The Sub-Committee concluded that it had received no expert evidence to support the applicants' proposed reduction in the noise levels (both general and bass) and had noted that to reduce the levels further would make the event, in the licence holders' view, unviable as a music festival".

Unviability is no more than the **opinion** of the licence holder's representative. He presented **no fact, research or evidence** to support his statement.

What is **factually true** is that the Glastonbury Festival, operating under a night time inaudibility condition, is highly successful and is **certainly viable**. There is therefore **no evidence** to support the licence holder's representative's assertion that post 2300 inaudibility would render Matterley Bowl music events unviable and **this assertion should therefore be discounted**.

REQUEST NUMBER 2

I ask the Sub-Committee to:

- significantly reduce the post 2300 low frequency noise limits;
- reinstate inaudibility in the licence conditions.

3. Summary

In summary:

- 3.1 it is a fact that the current licence permits six 4 day music events;
- 3.2 it is a fact that the current licence permits residents up to 11 kilometres from the Bowl to be bombarded with music noise for 24 days a year;
- 3.3 it is a fact that the current licence permits music events to go on to 0400 on 4 days a year;

- 3.4 it is a fact that the level of low frequency noise does not "naturally" decline after 2300, as claimed by the acoustic "expert" - in fact the measured levels increased;
- 3.5 it is a fact that the, when inaudibility was removed from the licence conditions, Council officers still intended inaudibility to apply after 2300;
- 3.6 it is a fact that no expert testimony has been produced to support the opinion that lower sound levels will make music events unviable.

I therefore again request the Sub-Committee to make the changes to the licence that I have detailed.

F J Barker
21st June 2010

From: Frank Barker []
Sent: 28 July 2011 12:54
To: David Ingram
Cc: steve.brine.mp@parliament.uk; george.hollingbery.mp@parliament.uk;
 news@hampshirechronicle.co.uk;
Subject: RE: PREM 500 license review

Dear Mr Ingram

Thanks for the reply.

1) In your response to my question 1 you say: " it would be **expected** that if the overall volume of the music is reduced without adjusting any frequencies, then all the frequencies including the bass should drop proportionately" (my highlighting). You then go on to explain why this **expectation** may not be met.

You will no doubt remember the RPS representation to the last review. In response to my request to the Licensing Sub-Committee to reduce the post 2300 bass levels, the RPS representation stated: "... no additional reduction in low frequency noises was set, however a **reduction in the bass will occur** naturally as the overall limit is reduced because tonal components will not generally be adjusted individually, only at the master level" (my highlighting).

I repeat the words: " a reduction **will occur**". There is no ambiguity here. It is a bald, seemingly factual statement from an **expert**. It is not a flawed statement - it is **factually wrong** as my analysis of the 2009 Glade sound measurements **proves beyond doubt**.

Most importantly this expert view is **misleading** and can only have served to have **misled** the Sub-Committee members in their deliberations - particularly as, I am sure you will remember, your representation **reinforced** this picture.

2) In your representation you also said: "However, should the Licensing Committee be minded to set **meaningful prescriptive post 23:00 bass noise standards**, then Winchester City Council's Environmental Protection Service **would have no objection**" (my highlighting). You will remember that, at the review, the Sub-Committee Chairman asked you for advice about revised bass levels. You were unable to provide such advice. As I understand it, you are still unable to provide any such advice. I ask the question: how do you expect Sub-Committee members to arrive at " meaningful prescriptive post 23:00 bass noise standards"?

3) You have set your face resolutely against anything but controlling the noise by measuring the sound levels since this enables you to say whether or not any particular measurement breaks the licence conditions. You have stated to me that your aim was for post 2300 **inaudibility inside residents properties**. You have admitted that **this has not been achieved**. So, with one exception, the measurements have been all within the licence limits yet the post 2300 noise levels have been high enough to prevent residents sleeping - even when using earplugs.

However you refuse to do anything about these noise levels or the method of assessing the actual levels. Your explanation of why the bass levels may be too loud (the bass content of the music, the way in which bass frequencies propagate, the weather conditions) only serves to show why reliance on sound meters will never provide residents with the protection needed to ensure a good night's sleep. Reliance on sound meters is a cop-out.

As you know, Mendip District Council do not rely on sound meters. Their officers go out and use their ears - they listen and then apply a judgement. I quote from Mendip's debrief report from the 2010 Glastonbury Festival:

"The 'not audible and not discernible' condition during the night continues to be a challenge to the noise consultants but they responded swiftly and positively to any incidents that they witnessed and to any complaints received. Nevertheless, this aspect remains an area where diligence, careful control and monitoring is of significant importance".

The fact that this seems to be a successful way of restricting the impact on local residents is demonstrated by this second extract from the report:

"During the festival MDC received (via GFL at the village office) 19 complaints of amplified music. Four complaints were made directly to the Council after the festival making a total of 23. The complaints originated from the occupiers of 14 residences, 5 complaints were about the stages, 11 about overnight noise and 7 about both sources".

Note **23 complaints** - and this from a massive event (around 170,00 attendees, a very large site, more days in duration than Matterley events).

And how many complaints were registered for Glade 2009 (15,000)? The RPS noise measurement summary table which you sent me has a column headed "Complaint Reference Id". And what is the highest reference number? It is 42.

It would therefore seem clear to me that, since a Matterley Bowl event generated almost double the number of complaints than Glastonbury did, Winchester is doing a very poor job of looking after its residents.

It is clear that, to reduce the Public Nuisance, the licence needs to be changed to restore the inaudibility condition - the target that you wished to achieve - together with a sensible method of enforcement.

Yours sincerely
Frank Barker

From: DIngram@winchester.gov.uk [mailto:DIngram@winchester.gov.uk]

Sent: 26 July 2011 17:48

To:

Subject: RE: PREM 500 license review

RE: PREM 500 Licence Review

Mr Barker it is my understanding that currently the only valid licence for the Matterley Bowl is PREM 500, with the Homelands, Slamming Vinyl and Glade licenses having been surrendered.

In answer to question 1, in broad terms it would be expected that if the overall volume of the music is reduced without adjusting any frequencies, then all the frequencies including the bass should drop proportionately, when comparing a like noise source with like. However I also recognise that there are other 'variables' which will effect the propagation of the bass frequencies as follows.

- Different music will have different bass content and the music played post 23:00 may have contained more bass at those times when readings were taken;
- The bass frequencies travel greater distances and will remain dominant after the higher frequencies have dropped off with distance. This will be more pronounced when local background noise levels have dropped;
- Meteorology will affect sound propagation i.e. a change in wind direction.

Based upon the RPS data, it supports your position that the RPS consultant's statement was flawed as it did not expand to explain the variables that may serve to influence bass levels at distance. I agree that several post 23:00 63Hz noise readings were greater than the pre 23:00 readings in equivalent locations, but as I say this could be due to the variables mentioned above. However although I will accept your fact based proposition, this on its own does not support a case for a change in the condition. As stated in my previous email, I believe that it should be considered together with the balance of 'acceptability'.

Regarding Question 2, the reason I suggested that I would want to discuss this with the Licensee was to determine whether they would be prepared to accept a change through a minor variation in relevant noise condition negating the need to go through a Review. However in hind sight it may be that a Review hearing is correct medium in which to have such a discussion.

Kind Regards

David Ingram

Environmental Protection Team Manager

Environment Division
Winchester City Council
Colebrook Street
Winchester SO23 9LJ

T: 01962 848479
F: 01962 841 365
E: dingram@winchester.gov.uk
www.winchester.gov.uk

-----Original Message-----

From: Frank Barker [mailto:]
Sent: 26 July 2011 09:53
To: David Ingram
Subject: RE: PERM 500 licence review

Dear Mr Ingram

Thank you for your reply.

I of course understand your remarks in your first paragraph - my intention was to seek your agreement to my points (particularly the factual points) with confirmation, if requested, by the Sub-Committee at the review.

I need to go through your reply in more detail than I have time for today as there are some points I wish to make in response. However, there is one comment that I wish to make immediately and two questions which I wish to ask.

The comment: while it is true that, under PREM500, two events can run beyond midnight, WCC has granted two other licences (which are extant) which can also run beyond midnight. In other words four events running beyond midnight can take place each year. I attach an e-mail from your predecessor, Sue Blazdell, which confirms this.

Question 1: in the attachment to my e-mail, I copied the opinion by the (not disinterested) RPS consultant that no change in post midnight noise bass limits were needed because the reduction in the other limits would automatically lead to a reduction in the bass levels. I showed from the measurements taken at Glade 2009 that this was patently false. Do you accept my fact-based proposition?

Question 2: in your reply I note the following: " I would like to assess the noise conditions for similarly licensed sites and also to consult with the licensee". I would be grateful if you could let me know the purpose and objectives for this consultation with the land owner.

I would appreciate an early response.

Regards

Frank Barker

From: DIngram@WINCHESTER.GOV.UK [mailto:DIngram@WINCHESTER.GOV.UK]

Sent: 25 July 2011 14:56

To:

Subject: RE: PERM 500 licence review

Re: PREM 500 Licence Review

Mr Barker please accept my apologies for not having responded by close of the day Wednesday. This is because I have sought clarification from Winchester City Council's Legal Services department, in response to your request that I support you in the issues underpinning your representation application. My advice received is that beyond asking for my comments, I am unable to act as your own noise expert, and if you wish to have such assistance at the hearing, you will need to provide

your own independent noise representative. However as a representative of a responsible authority, I can be asked to attend the hearing by the Licensing Sub-Committee in order to answer any questions on issues such as noise that may arise at the hearing, on which they may wish to seek clarification. It is possible that the licence holder could challenge this, but Regulation 17 provides that the Members of the Sub-Committee can ask questions of any person attending the hearing, even if they are not a party to the hearing. I am also happy to respond to the points made in your email as follows:

The number of events permissible within the licence

You have stated that the current licence can hold up to six events per annum and that this should be reduced to one event. My response would be that this is not so much an acoustic argument but one of how many events can be considered acceptable. It can be argued that if the noise levels off site meet your desired criteria of inaudibility, then it follows that the number of events held on site would be no longer relevant from your perspective. If your desired criteria cannot be met, this suggests that there needs to be a balance between the numbers of events that can be held, with the type of events that can be held. Currently only two events can continue after midnight in any twelve month period. Is it reasonable therefore to prohibit all other events that can be held on site? I believe this issue is one of perception and should be addressed not by the officers of the Council, but by its elected members.

That the post 23:00 noise levels should ensure 'inaudibility' inside noise sensitive dwellings

During the last Review, I do recall stating that the current post 23:00 noise standards were adopted by the Environmental Protection department after consultation with independent acoustic consultants, with the intent of achieving internal levels of inaudibility in noise sensitive dwellings and that this had been guided by the World Health Organisation standards whose objective is to set acceptable noise standards for the living environment. It is evident from your complaints that the post 23:00 noise levels can be heard inside your property but can nevertheless remain within the current licence standards, and that therefore they do not achieve that intent of inaudibility. On this basis you argue that the current standards are 'fundamentally flawed' and must therefore be discarded in favour of a subjective standard of inaudibility inside noise sensitive dwellings.

However the WHO noise levels are often used to determine what is considered an acceptable noise level for the day to day noise environment and above which for long term exposure there may well be health impacts. It can therefore be argued that the levels to be achieved for the 'day to day' should be more stringent in order to allay the onset of any health impacts. It follows that in using WHO standards to influence licence conditions for a limited number of events, could it be said that we are asking for the unreasonable?

I do recognise that the WHO standards do underplay the extent to which noise characteristics, tonality and frequency impact upon the subjective reaction to noise. A faint bass thump at 03:00, whilst being

below ambient noise levels, can still serve to annoy, but does it have an unacceptable impact when considered against its limited duration and the fact that it only happens a couple of times per annum? Is it reasonable to expect zero noise impact from a site that hosts a limited number of events per annum? I believe this to be the nub of the issue and is again a political judgement that needs to be addressed by the Licensing Sub-Committee and not by WCC Officers.

You go further to cite Glastonbury as an example where they have adopted a 'workable version of the inaudibility standard'. My understanding is that the Glastonbury noise standards are complex given the enormity of the event, but that they don't actually expect that the event to be inaudible at noise sensitive dwellings. Glastonbury hosts in excess of 177 000 people and in effect represents a good sized temporary town in what is otherwise a quiet rural location. Such a festival simply cannot operate as to be inaudible to persons living in the vicinity. The spirit of the Glastonbury standard accepts that whilst there is an inevitable increase in the overall ambient noise environment, it requires that there should be no 'discernable' audible noises from the site. The reason that this was adopted is because there are so many stages and potential noise sources there is an acceptance that there will be an overall 'hubbub' from the site but that no dominant single noise source should be louder than another.

Of course the issue of the 'right' noise standard is open to debate and will depend on whether those who charged with making such decisions accept that there will be some impact from the site or whether the aim is for no impact at all. As you are aware, for outdoor venues sound propagation can depend on various factors such as meteorology, relief, distance of sensitive receptors, the volume of the noise source and in terms of the overall site's use, and frequency of occurrence.

My colleagues and I are being asked on a daily basis to make judgements as to whether a noise complaint is justified and likely to constitute a statutory noise nuisance. In making these decisions we are minded to take account of volume, frequency, time of day, location and reasonable expectation, i.e. is it reasonable to expect a noise from the source in question and the location in question. If you can imagine these factors as being considered as an overall picture and not in isolation of each other, then you can appreciate the balance required to make such a decision.

The same can be said for noise from a venue such as the Matterley Bowl. You contest that despite the current licence conditions being broadly complied with, noise can still be heard inside your property and that therefore those conditions fail in their intent so must be changed to suit your aim of inaudibility. The balance to be struck here is whether in striving for an 'inaudibility' condition at Matterley Bowl, the licence renders the site unsuitable for pop concerts and medium scale festivals. Using Glastonbury as an example, if those living in the village of Pilton expected no noise and this was enshrined within the licence, then Glastonbury would cease to happen. Would this be an issue? Well to those living in the village it may be welcomed, however to the 140 000 paying public they may see it as the sad demise of an iconic

festival. Whose view is the most important? This is the conundrum facing the Licensing Sub-Committee. In Glastonbury's case, it is clear that a balance had to be struck and absolute inaudibility was not it. Now of course Matterley doesn't hold the same iconic status as Glastonbury, but it shares the same issues that affect the balance. Should a festival venue be so restricted as to render it unsustainable? Some may say yes, others may say no. In my view what we want to achieve is not so much a level of inaudibility but one of acceptability. But what is acceptable? Ask this question of 10 different people and you'll get 10 different answers. It is clear that there is no absolute answer to this question but that a balance may be found in amending the noise levels, the operating times, and the number of events held as considered together and not independently.

I accept that the noise levels within the licence do not achieve inaudibility, but do they achieve acceptability? As you will recall from the last Review, currently there is an independent acoustic consultant on contract with the Government to assess the thorny issue of acceptability, but rather disappointingly it appears that the review is no nearer completion. My latest understanding is that they were considering acceptable levels of noise from music events by factoring in operating times, and frequency of occurrence as it is these that broadly determine the levels of annoyance experienced by those affected. So what are acceptable noise levels and where should they be measured? I am afraid that I don't have a clear answer to either other than to say that 'inaudibility' in itself is not deemed an appropriate standard when balancing the needs of the venue, with those affected. We believe that the intent of the current 'Pop Code' (that is now under review) is met by the current post 23:00 levels of 45dB $L_{Aeq(5mins)}$ as measured at a distance of 1m from the façade of any noise sensitive dwellings and that in addition in the frequency range of 63 and 125 Hz noise levels shall not exceed 65dB (L) as measured at 1m from the facade of any noise sensitive dwelling,

However, I also accept that it is the bass thump that has the propensity to travel long distances and it is this element of the music that affects you. There may be an argument therefore to revisit this 65 dB (L) standard, but given the complex issues facing those charged with reviewing the 'Pop Code', it is clear that there are no obvious solutions. I therefore propose that Winchester City Council's Environmental Protection Service specifically reassesses the post 23:00 bass standard with the view to ensuring its suitability and enforceability for the Matterley Bowl. Should the Environmental Protection Service conclude that a more suitable standard be incorporated in the licence then this should inform the Licensing Sub-Committee as part of the Review. However before any suggested amendments are proposed, I would like to assess the noise conditions for similarly licensed sites and also to consult with the licensee.

As set out above, I am not a party to the hearing, and therefore cannot be heard, other than to answer questions from the Members of the Licensing Sub-Committee. If you wish to use any of my comments to you as part of your presentation to the Sub-Committee, you will need to

send the document you wish to rely on, in advance of the hearing, to the Licensing Manager, Mr. Myall, so that it can be circulated to the licence-holder and the Sub-Committee. If you do not send it in advance, all parties will need to consent to it being considered. It would be helpful to send it in as early as possible.

kind Regards

David Ingram

Environmental Protection Team Manager
Environment Division
Winchester City Council
Colebrook Street
Winchester SO23 9LJ

T: 01962 848479
F: 01962 841 365
E: dingram@winchester.gov.uk
www.winchester.gov.uk

-----Original Message-----

From: David Ingram
Sent: 18 July 2011 17:46
To: 'Frank Barker'
Subject: RE: PERM 500 licence review
Mr Barker, I acknowledge receipt of the email below and your previous email dated the 19th June. I can only say that I have been dealing with various pressing issues that required my immediate attention. I will consider your representation and give my response by the end of Wednesday, so I hope you allow me just a little more of your patience, thank you.

Kind Regards

David Ingram

Environmental Protection Team Manager
Environment Division
Winchester City Council
Colebrook Street
Winchester SO23 9LJ

T: 01962 848479
F: 01962 841 365
E: dingram@winchester.gov.uk
www.winchester.gov.uk

-----Original Message-----

From: Frank Barker [mailto:frank.barker45@virgin.net]

Sent: 12 July 2011 16:43
To: David Ingram
Subject: PERM 500 licence review

Dear David

In connection with the forthcoming review of the Matterley Bowl PREM500 licence, I sent you an e-mail on 19th June (with a hasty correction on 20th June!!), outlining the arguments that I would be putting in my representation and asking for your support in the requests that I would be making.

I am attaching the representation which I submitted so that you can see exactly what I am asking for and the facts which underpin the requests.

Again I am asking for your support for these requests and an endorsement of the logic.

(a) The fact that the land owner can hold six music events needs, I think, no further comment. Something has to be done to limit the number.

(b) You will see my request for a lowering of the post 2300 bass levels (particularly since two of the events under the licence can run until 0400 daily). You will recall the debate about the Noise Council Guidelines!! The land owner's "expert" (who could hardly be described as impartial - no event meant no employment for his company), claimed that the bass levels would decrease without the need for a reduction in the levels. My analysis of the data you sent me from the 2009 Glade event blows that claim out of the water. This clearly means, as you have admitted, that to achieve your target of inaudibility, the post 2300 bass limits have to be reduced.

You will remember that at the previous licence review you stated that you had "no objection" (your exact words I believe) to a reduction in the post 2300 bass limit. However, when asked, you were not able to suggest a suitable level to the Sub-Committee. The Sub-Committee then chose to impose no change.

(c) With regard to inaudibility, I have the following comments to make. The difficulties (particularly of access to properties) in policing inaudibility which you spoke about at the last review, apply equally to licences granted to night clubs, bistros, etc., in Winchester itself. Logically therefore, WCC's policy should abandon inaudibility altogether or it should reinstate it for events such as those at Matterley Bowl. Currently it is inconsistent.

Mendip District Council uses a workable version of inaudibility (not requiring access to properties) for Glastonbury.

The "objective" method currently used by WCC is **fundamentally flawed**. You have told me that the target for the 2009 Glade event was inaudibility and admitted that this was not achieved. However, with one exception, the noise levels were within the prescribed limits. If the post 2300 limits were to be reduced, they may still be too high to achieve your inaudibility target at the next event. So they could be reduced for the next event and still not achieve the inaudibility - so they could be reduced for the event after that - etc.

The current levels clearly are wrong and no-one can define levels which definitely will work for the Matterley Bowl geography, the particular weather conditions, the particular ambient noise levels, etc. - it is not feasible.

A sensible subjective method - i.e., using one's ears and applying a modicum of common sense - is much more flexible since it can take account of the variables (wind direction, wind strength, humidity, cloud cover, ambient noise, etc.). It can be made to work - it does at Glastonbury.

I would be grateful if, when you've read my representation and considered the above arguments, you would let me know what support you will be giving to my requests at the review.

Regards
 Frank

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Premises Licence

Premises Licence Number

PREM500

10/00161/LAPMV

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Matterley Bowl
 Alresford Road
 Winchester
 Hampshire

Telephone number

Where the licence is time limited the dates

Licensable activities authorised by the licence

- a) Plays
- b) Films
- e) Live Music
- f) Recorded Music
- g) Performances of Dance
- h) Anything of similar description to Live Music, Recorded Music or Performance of Dance
- i) Provision of facilities for making music
- j) Provision of facilities for dancing
- k) Anything of similar description to making music or dancing
- l) Late Night Refreshment
- m) Supply of Alcohol

Times the licence authorises the carrying out of licensable activities

- a) Plays
 b) Films
 e) Live Music
 f) Recorded Music
 g) Performances of Dance
 h) Anything of similar description to Live Music, Recorded Music or Performance of Dance
 i) Provision of facilities for making music
 j) Provision of facilities for dancing
 k) Anything of similar description to making music or dancing
- (i) **Monday to Thursday** **1100 to 2300**
- (ii) **Friday to Sunday** **1100 to 0400**
- l) Late Night Refreshment
- (i) **Friday to Sunday** **2300 to 0500**
- m) Supply of Alcohol
- (i) **Sunday to Saturday** **0000 to 0000**

The opening hours of the premises

n/a

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption on the Premises

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Peveril John Bruce
 Hampage House
 Alresford Road
 Ovington
 Alresford
 Hampshire
 SO24 0HY

Registered number of holder, for example company number, charity number (where applicable)

Licence Number PREM500

Issue Date 21 May 2007
 Minor Variation 15 February 2010

Registered Company Number
Registered Charity Number

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Peveril John Bruce
Hampage House
Alresford Road
Ovington
Alresford
Hampshire
SO24 0HY

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Number	PERS 601
Licensing Authority	Winchester City Council

Head of Legal Services

Annex 1 – Mandatory conditions

See attached

Annex 2 – Conditions consistent with the Operating Schedule

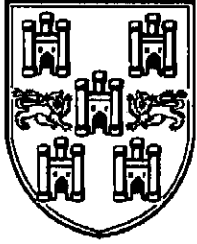
See attached
Amended on appeal 9 October 2007

Annex 3 – Conditions attached after a hearing by the licensing authority

See attached
Amended on appeal 9 October 2007

Annex 4 – Plans

See attached



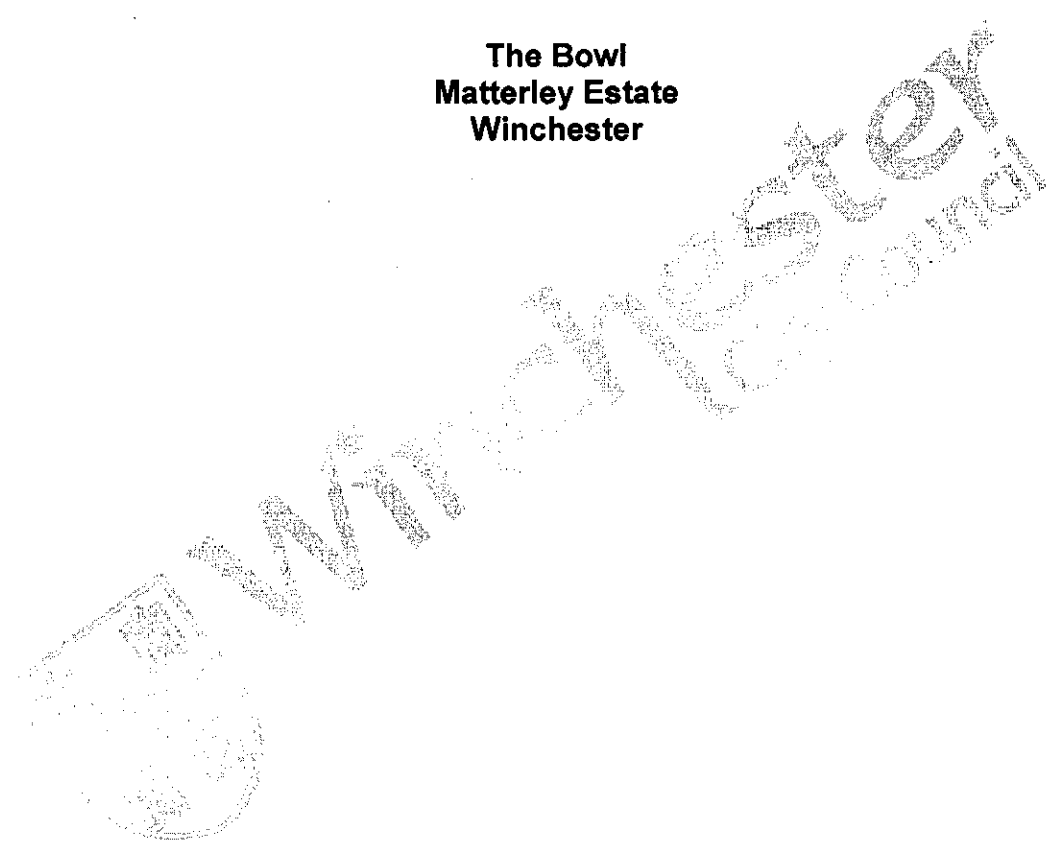
Winchester

City Council

Conditions Attached to Premises Licence

PREM 500

**The Bowl
Matterley Estate
Winchester**



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 recommendations of the British Board of Film Classification.
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.
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).
7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
8. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
9. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
10. The responsible person shall ensure that—
 - a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml; and
- b. customers are made aware of the availability of these measures.



All Licensing Objectives

- A.1. This licence shall authorise the relevant licensable activities for a maximum of 14,999 persons on no more than SIX occasions per calendar year.
- A.2. This licence may be used for a maximum of SIX events in any one year which shall include any other event with a premises licence which takes place in the same calendar year.
- A.3. No more than two events shall be permitted to operate under this licence after midnight in any one calendar year. Such events may operate after midnight on Fridays and Saturdays only.
- A.4. The Premises User shall comply with all provisions of any Event Management
- A.5. No event shall be open to the public for more than four days unless agreed with the Licensing Authority. Events shall be treated as a continuous event unless there is at least 24 hours between them.
- A.6. The Premises Licence Holder shall produce an Event Management Plan (including the site plan required by Condition 8 (Crime and Disorder) below, and inserts listed at the end of the Operating Schedule) which shall be supplied to the Licensing Authority and the members of the Safety Advisory Group no later than 28 days prior to each event, and shall be updated for each subsequent year. No licensable activities for the public shall take place unless the Event Management Plan is agreed by the Licensing Authority.
- A.7. The event organiser shall be available at all times that the licensed site is open to ticket holders. The event organiser shall be based onsite in the Production Office.
- A.8. Safety Advisory Group meetings shall be held to bring together all key event staff and agencies involved in the event and at least six months before the event each year. Multi Agency meetings shall continue throughout the actual event at agreed times and will conclude with a post event debrief.
- A.9. The Premises Licence Holder shall prepare a Traffic Management Plan (TMP) which shall be updated as necessary and shall be inserted into the Event Management Plan at least 28 days prior to each event.

The Prevention of Crime and Disorder

3. The event organiser shall agree with the Licensing Authority in consultation with Hampshire Constabulary, the number of police officers required at each event, no later than 28 days before 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.
4. If agreed with the Police, 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 each event.
5. No licensable activities shall take place unless the Premises Licence Holder agrees with the Licensing Authority, no later than 28 days before the start of each event, the number of stewards required for the event. A schedule 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 schedule to include the following details: name, date of birth, reference number, location on site and whether or not SIA registered. The schedule shall list the position and numbers of all security and steward personnel on site. If applicable this shall include dedicated teams for the campsites, the arena, the big tops, the perimeter and the car parks. There shall be both static and mobile positions.
6. All security, stewards, traffic marshals, and fire wardens shall wear high visibility tabards which shall each be uniquely numbered and shall be marked with the appropriate job title. Supervisors or Team Leaders shall be identifiable by their tabards. The tabards shall be marked front and rear. Examples of the tabards shall be submitted to the Licensing Authority 28 days prior to each event.
7. All security staff and stewards shall be trained, briefed and equipped to a standard that reflects their responsibilities. Details of training shall be available on request.
8. Company profiles for security and steward contractors shall be available on request.
9. If applicable the location of the security and steward contractor's offices shall be shown on the site plan.
10. If applicable, a perimeter fence shall be erected and patrolled by security to ensure that unauthorised access cannot be gained.

11. Crime prevention advice shall be written in consultation with Hampshire Constabulary and displayed on signage around the site.
12. If applicable the campsites shall be patrolled by security and stewards and there shall be watch towers with CCTV cameras manned throughout the event.
13. The Left Luggage Tent shall be situated close to the Arena Entrance and shall be operational 24 hours a day throughout the event. The Left Luggage Tent shall also act as an onsite Lost Property Service. An address for lost property enquiries post event shall be available and shall be published on the Premises Licence Holder's website.
14. If applicable the Premises Licence Holder shall prepare a drugs policy for the event which shall be based on three core messages:
 - Prevention
 - Drug dealers and users
 - Welfare and treatment
15. If applicable random searching shall take place at all entrances to the campsites and the arena entrance for offensive weapons or drugs along with other items that are not allowed onsite. The seizure of any property shall be recorded and shall then be passed on to Hampshire Constabulary via security for evidential purposes where appropriate. Searching of persons shall be carried out by members of the same gender. The ticket conditions shall indicate that searching will be carried out and there shall be signage with this message at all entrances.
16. There shall be a suitable receptacle for the safe retention of illegal substances and Hampshire Constabulary shall be informed so that appropriate disposal can be arranged.
17. All reasonable steps shall be taken to ensure that no glasses or bottles are allowed inside the arena. Bottle banks shall be located at the arena entrance and plastic containers shall be available for decanting facilities.
18. If applicable there shall be mobile vehicle units to patrol any volatile areas and to react quickly to reports of incidents. Covert intelligence gathering staff shall be provided to pinpoint groups of potential troublemakers.

Public Safety

General

PS.1 The Licence Holder shall notify the Licensing Authority of a future event at least 90 days before each event unless otherwise agreed with the Licensing Authority.

PS.2. At least 60 days before an event, the Licence Holder shall arrange a meeting with the Licensing Authority and other appropriate bodies to discuss the measures that will be put into place to protect public safety and public nuisance.

PS.3 The Licence holder shall ensure that the Event Organiser submits an event specific event management plan to the satisfaction of the Licensing Authority at least 28 days prior to each event. The Event Management Plan and associated documentation (including site plan) must be clearly labelled indicating version number and date of publication.

PS.4 Each event specific event management plan is to include details of the following;

An event specific risk assessment clearly indicating the nature of hazards arising from the event and the controls which will be implemented to reduce the risks to as low as is reasonably practicable;

PS.5 The Licence holder will ensure that a site plan(s) is submitted, to the satisfaction of the Licensing Authority, at least 28 days prior to the start of each event clearly indicating the position of the following;

- The site boundaries and entrances and exits to the site (including those for emergency services) which must be clearly labelled;
- All road and track ways (including emergency routes), car parks and other vehicles compounds;
- The location of all structures either constructed or brought onto site (refer also to condition);
- The location of the campsite(s), if appropriate;
- The location of toilet, shower (if appropriate) and washing facilities
- Drinking water points and associated pipework including sampling points and soak ways
- The location of all lighting facilities including those for the event arena, associated walkways and vehicles routes and emergency routes
- Welfare tent and medical services
- Generators and other principle electrical connections
- Fuel stores (refer to condition)
- Fairground rides
- Fire fighting equipment and other associated fire fighting provision (refer to condition)

PS.6 The event organiser shall ensure that the latest edition of the event specific risk assessment is brought to the attention of all staff, contractors and stall holders, performers and other visitors to the event

PS.7 The Licence holder shall provide full details of the training and experience of the Event Organiser to sufficiently demonstrate their competence to run the event.

PS.8 The Licence holder shall ensure that all on-site work is monitored by the Event Organiser, Site Manager and Event Safety Co-ordinator and safety inspections are undertaken to ensure maintenance of a safety event.

PS.9 The Licence holder shall ensure that the Event Organiser has appointed a suitably qualified Event Safety Coordinator. The role of the Event Safety Coordinator shall consist the following;

- (i) Liaison with lead contractors, subcontractors and any self-employed persons to be employed at the venue and ascertain their competence;
- (ii) assist in the inspection of the venue before and during the event;
- (iii) assistance in the inspection of all structures and electrical services;
- (iii) checking and obtaining all relevant safety documentation and certification, safety policies;
- (iv) advising of any unsafe work or inappropriate systems of work or unsafe equipment observed,
- (v) assist in the stopping of unsafe work or inappropriate systems of work or the use of unsafe equipment.
- (vi) To assist the Licensing Authority as directed in fulfilment of the above responsibilities numbered i) – vi)

Site entry and exits

PS.10 The Licence Holder shall ensure that a sufficient number of exit gates of sufficient width are provided dependent on the nature and size of the event having regard to the requirements of HSG195 'The Event Safety Guide'.

PS.11 The Licence Holder shall ensure that all entrance and exit gates are maintained free from obstructions which may impede the prompt evacuation of the site and/or which may cause a person to slip, trip or fall. Where guy ropes, tents pegs, stakes and similar flank entrance and exit routes they shall be suitably guarded to the satisfaction of the Licensing Authority.

PS.12 Each gate in use shall be manned at all times during the event.

Structures

- PS.13 The Licence Holder shall ensure that the Event Organiser submit to the Licensing Authority documentation for each specific event showing the position of all internal and external structures and including structural drawings and calculations. This shall be inserted into the Event Specific Event Management Plan and be submitted to the Licensing Authority no later than 28 days before the start of each event. No licensable activities shall take place until the structural plans have been submitted to the satisfaction of the Licensing Authority or except with the consent of the Licensing Authority.
- PS.14 The Licence Holder or their suitably qualified representative shall ensure that all structures are erected in accordance with the site plan and associated structural calculations and drawings, except where otherwise agreed to the satisfaction of the Licensing Authority. The Licence Holder must ensure that the checks have been done effectively and have been recorded and these records made available to the Licensing Authority on request. All structures must comply fully with their design criteria before the public are admitted on to the site.
- PS.15 Where the erection of any structure is delayed, the Licensing Authority may direct the Licence Holder that the structure or part thereof be removed from site, if the Licensing Authority are of the opinion that there will be insufficient time conveniently to check the completed structure in accordance with condition PS.13 and for it to be fully inspected by the Licensing Authority and any possible defects or deficiencies remedied in good time before the public are admitted to the site.
- PS.16 The Licence Holder, or nominated representative shall ensure that ensure that suitable and sufficient guarding is provided to the superstructure of tented structures, staging areas, king or queen poles, scaffolds or other hazardous areas appropriate to the event, to prevent access by members of the public.
- PS.17 Details of any stands or similar standing or seating provision shall be provided to the Licensing Authority at least 28 days prior to the start of the event and be provided with full structural details. All such structures must comply fully with their design criteria before the public are admitted on to these areas of the site.
- PS.18 Where seating or other structures are to be provided within marquees of buildings they should be so arranged so as to enable prompt evacuation in the event of an emergency.

Safety barriers

- PS.19 Where safety barriers are to be provided they shall be suitably designed and installed.

Electrical Safety

- PS.20 The Licence Holder shall ensure that all site electrical installations and generators shall be installed and checked by a competent electrician for compliance with the current edition of the regulations for Electrical Installations issued by the Institution of Electrical Engineers, relevant and current British Standards and HSE Guidance Note GS50 (second edition: 1997) and HSG195 'The Event Safety Guide'. Any defects shall be properly corrected and an electrical certificate in the form prescribed in the Institution of Electrical Wiring Regulations shall be submitted to the Licence Holder before any member of the public is admitted to the site. All electrical cable runs to areas where the public have access shall be buried or flown and otherwise protected against physical damage including precautions to stop them from being damaged or presenting a tripping hazard.
- PS.21 The Licence Holder shall ensure that the Event Organiser submits an Electrical Completion Certificate, provided by a suitably qualified electrical engineer, to the Licensing Authority prior to the public being allowed entry to the relevant part of the site. The certificate must confirm that the electrical installation is in safe working order and has been installed in compliance with current electrical safety regulations. Separate certificates shall be provided for each electrical installation on site.
- PS.22 The Licence Holder shall ensure that Portable Appliance Testing ('PAT' testing) has been carried out by all contractors and subcontractors bringing any electrical equipment onto the site. Evidence of this PAT testing must be kept on site by relevant operators and be made available to the Licensing Authority on request.
- PS.23 A sensitive earth leakage protection system (residual current device) shall be installed and maintained as may be reasonably required by the Licensing Authority and the Fire Officer as part of the wiring installation for each electrical circuit. The device shall be designed to operate if the earth leakage current exceeds 0.03 A and shall have a maximum operating time of 30 milliseconds. A test button shall be incorporated.
- PS.24 Where three phase portable generators are used, and it is not possible for Residual Current Devices to be installed, then all steps as may be reasonably required by the Licensing Authority shall be taken to ensure the safety of the public including the provision of an earth spike of sufficient size to take the full load capacity of the generator, and other equipment equal to or better than a suitable earth loop monitor shall be incorporated in the power circuit system.

Fuel Provision and Storage

- PS.25 The location of all fuel stores must be agreed with the licensing authority and be provided with bunding to sufficiently contain any spillages and be provided with appropriate barriers to protect against unauthorised access.

- PS.26 The Licence Holder will liaise with the Event Organiser to ensure that each stall requiring use of liquefied petroleum gas is limited to one in use per appliance and one spare for each cylinder required by that particular trader. Spare cylinders shall be stored in a safe and secure storage compound for suitably designed and constructed for the storage of liquefied petroleum gas cylinders. Such storage facilities shall be provided in accordance with the current LP GAS Association Code of Practice No.7 'Storage of Full and Empty LPG Cylinders and cartridges' and HSG 195 'The Event Safety Guide' and any such other document which amends or updates the same.
- PS.27 The Licence Holder shall ensure that each stall is inspected to ascertain the amount of LPG stored and in use and that the amount of LPG stored shall not exceed that which can be reasonably expected to be used on that stall during the event. (Note: The word stall shall include any vehicle, tent, store or other accommodation used in connection with any business on site)
- PS.28 The Licence Holder shall ensure that any LPG cylinders found at any stall in excess of that which may be reasonably expected to be used during the event are removed from any stall, including at the request of the Licensing Authority, and properly stored in the secure LPG store required in PS.26 above.
- PS.29 Where the event requires other types of fuel to be stored on site adequate procedures and facilities must be implemented to ensure the safe storage and dispensing of this fuel to the satisfaction of the Licensing and Fire Authorities. Details of the arrangements to be implemented for the storage and dispensing of fuels must be submitted to the Licensing Authority at least 28 days prior to the event.

Waste

- PS.30 The Licence Holder shall ensure that a plan is submitted at least 28 days prior to the start of the event and to the satisfaction of the Licensing Authority, to ensure that sufficient receptacles are provided for the storage of waste on site and including the arrangements for the regular emptying of such receptacles to ensure that waste is not allowed to accumulate and present a fire risk. All waste arising from the event must be disposed of in accordance with existing waste disposal Regulations.
- PS.31 The Licence Holder shall put in place a team of litter pickers to ensure that waste is not allowed to accumulate and present a fire risk.
- PS.32 The Licence Holder shall, at any time during the event shall promptly remove any accumulation of waste which the Licensing Authority consider to be presenting a fire or other risk to public safety.
- PS.33 All clinical waste arising from the event must be stored in appropriate receptacles and disposed of in accordance with existing waste disposal Regulations.

PS.34 On site refuse collection points shall be sited away from the entertainment arena and any campsite.

Sanitary accommodation

PS.35 The Licence Holder shall ensure that the Event Organiser provides a suitable and sufficient number of closets and urinals of an approved type in accordance with the guidance contained within HSG 195 'The Event Safety Guide'. Toilet blocks shall be suitably located to enable ease of access from all parts of the site.

PS.36 Provision shall be made for the regular emptying of all appliances and tanks used in connection with the provision of sanitary accommodation and washing facilities. All wastewater while on site shall be stored within road tankers and final disposal shall be off site to a location agreed with the Licensing Authority at least 14 days before the event.

PS.36 Each toilet block shall be continuously attended by at least one dedicated person who shall conduct regular inspections of such units to ensure they remain in a clean and usable state at all times whilst the public are on site.

PS.38 Suitable and sufficient hand washing facilities of an approved type shall be provided with all sanitary accommodation.

PS.39 Suitable and sufficient sanitary and washing facilities shall be provided for use by disabled persons, designed to meet the requirements of BS 8300:2001 - Design of Buildings and their Approaches to Meet the Needs of Disabled People, Code of Practice.

PS.40 Satisfactory illumination shall be provided and maintained for all closets, urinals and water points during the hours of darkness to minimise the risk of a person slipping and tripping.

Water supply

PS.41 The Licence Holder shall ensure that a constant adequate and wholesome supply of water is provided and maintained to all areas to the satisfaction of the Licensing Authority. "Wholesome" shall mean of the standard required to meet the Water Supply (Water Quality) Regulations 1989 (as amended) relating to the quality of water intended for human consumption.

PS.42 An adequate number of drinking water points shall be provided and located to the satisfaction of the Licensing Authority which shall be maintained with unrestricted access

PS.43 Where appropriate, a constant, adequate and wholesome supply of drinking water from a minimum of two water points, shall be provided in the pit area of each stage and in all areas dependent on the nature of the event. An

adequate supply of paper or plastic cups shall be provided. These water points shall not be within reach of the public.

PS.44 Any containers used for the storage of water must be suitable for use and maintained in a clean condition.

PS.45 All pipework shall be disinfected prior to delivery to the site and shall be stored in such a way as to prevent recontamination. Provision shall be made for the shock chlorination of the system in situ, which shall be performed immediately on the request of the Licensing Authority.

PS.46 Water supply pipes shall be protected against damage and where they cross an area with public or vehicular access then they shall be buried. They must not be run in ditches or streams unless staked well clear of any liquid.

PS.47 The water distribution system shall be fitted with at least four in line isolating valves spread evenly across the pipework system.

PS.48 Where applicable, the water distribution system shall be pressure fed using in line booster pumps to ensure an adequate pressure is maintained at all times to the tap head.

PS.49 Separate mains water provision shall be made for exclusive use by the food vendors. This shall be available at least one day before commencement of the event in a location readily accessible by such caterers to ensure maintenance of good hygiene practices.

PS.50 All wastewater from the public water supply points, shall be discharged to soakaway pits with a minimum volume of 100 gallons. These soakaways shall be suitably located and shall be sufficiently guarded.

Onsite Traffic management

PS.51 All roadways constructed on site shall be of sufficient width and construction to support the potential loads to be transported across them.

PS.52 A contingency plan must be developed to deal with transport issues arising from prolonged periods of inclement weather leading up and during the event to minimise the risk of vehicles sliding on unstable ground and presenting a risk to the public.

Fire Safety

PS.53 The Licence Holder shall ensure that an event specific fire safety plan is submitted to the satisfaction of the Fire Authority at least 28 days prior to the start of the event, detailing the fire safety arrangements that are to be put in place. The plan should include details of fire teams, fire fighting equipment, spotting towers and signage to be implemented and be supported by a site plan.

PS.54 The Licence Holder shall ensure that the Event Organiser implement a fire safety campaign to the satisfaction of the Fire Authority with emphasis placed on the safe use and disposal of gas cylinders, campfires and the dispensing of fuel (as appropriate)

Medical Services

PS.55 The Licence Holder shall ensure that a specific assessment is made for each event to determine the level of medical cover required in accordance with the guidance contained with HSG195 'The Event Safety Guide'. The determined level of medical cover should be provided throughout the duration of the event.

PS.56 A sufficient number of signs, of suitable size, and illuminated during darkness hours must be provided to ensure ease of access to medical services.

PS.57 The Licence Holder shall ensure that at all times during the event that access is maintained for emergency vehicles arriving and leaving the site.

PS.58 A clearly marked area shall be set out in the position shown on the agreed plan to allow for the landing of a helicopter for casualty evacuation or other emergency. The area to be kept clear of parked vehicles and obstructions and to be to the satisfaction of the Licensing Authority.

Campsites

PS.59 The campsite, if provided, must be of sufficient size to ensure effective separation of tents and vehicles to minimise the spread of fire.

PS.60 The campsite must be provided with adequate access routes are provided for emergency vehicles.

PS.61 The Licence Holder must ensure that adequate management and monitoring of the campsite is undertaken to ensure compliance with conditions PS59, 60 and 62.

PS.62 No open fires shall be allowed on the campsite(s)

Lighting

PS.63 Sufficient lighting, to the satisfaction of the Licensing Authority, shall be provided in all areas to which the public have access and which shall be maintained throughout darkness hours.

PS.64 An emergency lighting system shall be installed to enable the public to exit marquees or other structures in the event of a power failure to the general lighting system. The emergency lighting installed must comply with the requirements of BS5266 Part 1: 1988 (or any subsequent amendment or replacement thereof)

Stewards and Security

PS.65 A suitable number of appropriately trained stewards and security guards shall be provided in accordance with the guidance contained with HSG195 'The Event Safety Guide'.

Communications

PS.66 An effective communications system shall be put in place to the satisfaction of the Licensing Authority to enable communication between the Licence Holder, Event Organiser, Event Safety Coordinator, Licensing Authority, Emergency Services and any other appropriate persons to ensure an effective and coordinated response to be implemented in the event of an emergency. Details of the communications system is to be provided to the Licensing Authority.

Lasers

PS.67 If lasers are to be used on site, then a suitably qualified laser safety officer shall be appointed by the Licence Holder. HS(G)95 'The Radiation Safety of Lasers used for Display Purposes' and HSG 195 'The Event Safety Guide'. The Licence Holder shall arrange for the operator to meet with the relevant officers from the Licensing Authority at least 14 days prior to the event, to discuss and agree any issues arising from any operation of laser equipment at the event.

PS.68 The use of any laser shall follow the advice given in the Health and Safety Executive Guidance HS(G)95 'The Radiation Safety of Lasers used for Display Purposes'. Any water supply system to be used for cooling lasers shall be in addition to that provided in compliance with condition E 1 (i).

PS.69 A risk assessment for the use and operation of any lasers to be used on site, together with the technical information relevant to comply with HS(G)95 'The Radiation Safety of Lasers used for Display Purposes', shall be provided to the Licensing Authority not less than 28 days prior to the use of any laser on site.

PS.70 Where outdoor display lasers are used, the Civil Aviation Authority and the Police must be notified 28 days in advance of the event.

Special Effects – Smoke and Fog

PS.71 Such effects will only be permitted if they are provided from either solid carbon dioxide (dry ice), liquid nitrogen, fog machines or portable carbon dioxide extinguishers. Care will be taken that equipment is placed, sited or used in such positions to ensure that there is no risk of burns to visitors, performers, artistes, technical crews or other persons, or any risk of any unacceptably high concentrations of gases which could cause asphyxiation.

- PS.72 All smoke/fog machines shall be positioned away from exit routes and protected from unauthorised interference.
- PS.73 The volume of smoke shall be kept to a minimum so as not to affect the escape routes, cause obstruction of exit signs or cause false alarms in any smoke detection system.
- PS.74 All smoke/fog machines shall be controlled by a competent operator at all times, following the instructions given by the smoke machine's manufacturer and in accordance with HSG 195 'The Event Safety Guide' and HSE Guide 'Smoke and vapour effects used in entertainment'

Strobe Lights

- PS.75 All strobe light effects must be operated on a flicker rate of not more than 4 flashes per second.
- PS.76 Where more than 1 strobe light is in use, the flashes must be synchronised. The Licence Holder is advised that continuous operation of strobe lighting for long periods should be avoided.
- PS.77 Where strobe lights are in use warning notices of their use must be conspicuously displayed at the entrance to the event or in the ticket/programme. Siting of strobe lights must be in accordance with HSG 195 'The Event Safety Guide'
- PS.78 Stewards in areas where strobe lighting is used must be trained in dealing with persons suffering from epileptic fits.

Ultraviolet Light

- PS.79 Ultraviolet lamps are only to be used strictly in accordance with the manufacturers instructions.
- PS.80 Exposure of performers and staff to ultraviolet lamps must be kept as low as reasonably practicable and no lamps are to be used which do not incorporate a UVB filter either integral with the lamp (double skinned lamp) or in the lamp housing. Lamps must not be used if the outer skin is broken or the filter is missing from the lamp housing.

Fairground Details

- PS.81 The Licence Holder shall furnish to the Licensing Authority, not less than 28 days prior to the event, a list of all fairground rides, sideshows and similar attractions to be available during the event. The list shall show the nature of the attraction together with the names and addresses of the respective operators.

PS.82 All attractions shall comply with the Health and Safety Executive's guide HSG 175 "Fairgrounds and Amusement Parks - Guidance on Safe Practice" and associated documents.

PS.83 All relevant maintenance, inspection, test and insurance certificates and records for each attraction shall be held on site and made available to any authorised officer of the Licensing Authority on request.

Fireworks/ Pyrotechnic Displays

PS.84 If fireworks displays are to be provided, then a competent display operator must be appointed by the Licence Holder.

PS.85 The storage and operation of fireworks /pyrotechnics must follow the advice given in HSG 195 'The Event Safety Guide', HSG 123 'Working together on Fireworks Displays' and British Standard 7114:1988.

PS.86 For fireworks displays, the technical information required by HSG123 including a site plan and measurements shall be provided to the Licensing Authority not less than 28 days prior to the event.

PS.87 For pyrotechnic stage displays, the Licence Holder shall provide details of the quantity, type, description and effect not less than 7 days prior to the use of any pyrotechnic on site (or by arrangement, by such later date as may be agreed).

(Note: 'Fireworks displays' are defined as entertainment in their own right, 'pyrotechnic stage displays' are used to enhance a particular scene or song or to draw the audience's attention to or from a part of the stage set.)

Welfare Facilities

PS.88 A suitable no and size of tents, to be agreed with the Licensing Authority, shall be provided as chill out/ warm rooms for each event if applicable.

Traders

PS.88 Details of all traders to be provided to the Licensing Authority no less than 28 days before each event. These details are to include contacts, nature of business and current food registration (where appropriate)

Miscellaneous

PS.89 The Licence Holder must ensure that all animals are removed from the event site, including campsite areas, at least three weeks prior to the start of any event.

PS.90 No animals, other than guide dogs, helper dogs and dogs from enforcement agencies are to be allowed onto the site.

PS.91 The Licence Holder will not permit, or allow the Event Organiser to permit any ear piercing, tattooing or other form of skin piercing on the site.

PS.92 The Licence Holder shall not permit, or allow the Event Organiser to permit any activity which involves members of the public inhaling gases.

Public nuisance conditions

1

PN.1. Noise levels from the event shall not exceed the following :

- (i) Between the hours of 12 noon and 2300 noise levels from the event shall not exceed 55dB $L_{Aeq(5mins)}$ and between the hours of 2300 and 0800 on the following day, noise levels shall 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 shall not exceed 65dB (L) as measured at 1m from the facade of any noise sensitive dwelling.

PN.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 by prior agreement with the Licensing Authority.

PN.3 The Premises Licence Holder shall employ a team of suitably qualified Noise Consultants to monitor on site and off site noise.

PN.4. Unrestricted access to the sound mixing positions and backstage areas of all stages shall be allowed at all times to the Licensing Authority for the purpose of sound level measurements and communication with the mixing engineer(s).

PN.5. The Licence Holder shall provide sound level monitoring equipment to IEC Type 1 Standard at the all stage sound mixing positions and sound levels set by the Licensing Authority at these positions shall be adhered to. The sound level equipment shall be set up so as to display $L_{Aeq,1min}$ and the positioning of the equipment shall be in agreement with, and approved by, the Licensing Authority.

Levels will be set prior to the event during the sound test, but the Licensing Authority reserves the right to alter the set levels if this is found necessary in order to prevent a noise nuisance and/or to ensure compliance with Condition PN 1.

PN.6. The Licence Holder will effect full control over the public, organisations and traders on the site where amplified music is being played or other noise is generated. On receipt of a written request from the Licensing Authority, the Licence Holder shall arrange for the noise level to be reduced or noise source eliminated if, in the opinion of the Licensing Authority, a noise nuisance is likely to be caused.

PN 7. A plan showing the layout and direction of all stage loudspeakers and mixing desks shall be submitted to the Authority at least 28 days prior to the event. The plan should include a schedule of amplification equipment to be provided on site including any equipment associated with sponsor activities or trade stands.

PN.8. The Licence Holder shall ensure that amplification equipment is not brought into 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 background music to their stall or fairground attraction.

PN9. The Licence Holder shall deploy a minimum of 2 teams of security personnel for the duration of the event for the sole purpose of patrolling the site to monitor for unlicensed events taking place or about to take place.

Upon discovery of such activities or equipment not as described in Condition PN.7, the Licence Holder shall arrange for the amplification equipment to be confiscated immediately or, if not possible, at the earliest reasonable opportunity.

The Licence Holder shall similarly arrange 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.

- PN.10. Any outdoor stage shall cease operating at 2300 and will not be used for the remainder of the event, unless otherwise agreed with the licensing authority at least 28 days prior to the event. (Minor variation 15 February 2010)
- PN.11. The Licence Holder shall maintain adequate and sufficient control over all performers taking part in the event (including the inclusion of appropriate terms in any agreements between the Licence Holder and such performers) so as to ensure that all performers comply with the noise conditions specified within these conditions.
- PN.12. The Licence Holder shall ensure that the principal performer(s) for the event completes its performance prior to 2300.
- PN.13. Rehearsals and sound checks are permitted only between the hours of 0800 and 1800hrs, unless otherwise agreed by the Licensing Authority.
- PN 14. The Licence Holder shall exercise effective control over the noise generated by any fairground attractions.

THE PROTECTION OF CHILDREN FROM HARM

- PCH.1. The event organiser 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".
- PCH.2. Bar staff shall ask for proof of age ID whenever the customer appears to be under 18.
- PCH.3. No person under 18 may serve alcohol.
- PCH.4. Soft drinks and free drinking water shall be available onsite as an alternative to alcohol.
- PCH.5. No person under the age of 16 years of age shall be permitted on the premises unless accompanied by an adult.

