

**APPLICATION FOR PREMISES LICENCE FOR BOOMTOWN FESTIVAL,
MATTERLEY BOWL, ALRESFORD ROAD, WINCHESTER**

SUBMISSIONS BY APPLICANT

1. This is an application for a new premises licence to replace the existing premises for the Boomtown Festival, a music and theatrical festival taking place at Matterley Bowl. The festival has developed to become one of the foremost festivals held in the UK. This is the tenth such festival, although the estate has been used for community events and gatherings for decades. If this licence is granted, this year's festival will take place over five days from Wednesday 8th to Sunday 12th August 2018.
2. A bundle of documents accompanies these submissions, to which the Sub-Committee is respectfully referred. These submissions can therefore be kept correspondingly brief. The bundle does, however, show how the applicants continue to learn from experience and improve not only the event but public protection at the event from year to year.
3. The purpose of this application is effectively to vary a number of the conditions on the existing licence.
4. Following receipt of the representations, the applicant has had further discussions with responsible authorities, and has given careful consideration to the representations made. As a result, the applicant has curtailed its ambitions. It is hoped that this markedly reduce the issues arising.
5. For the convenience of the Sub-Committee, there is attached a table showing the existing conditions which are proposed to be varied, the conditions proposed in the application and, where different, the conditions now proposed.
6. Most of the recent changes result from dialogue with the Hampshire Constabulary, which result in more stringent obligations on the subjects of Crime and Drugs Management, Security and Mental Health Safeguarding and a significant reduction in capacity from that initially sought. On the basis that the recent changes are accepted

by the applicant, which they are, Hampshire Constabulary now agrees the terms of the new licence and intends to withdraw its representation.

7. The changes are briefly introduced below.

A1 - Capacity

8. The applicant is currently permitted a capacity of 59,999. It initially sought an increase to 75,000, plus a further 1,000 Sunday tickets for local residents.
9. Following discussion with the Police, it now retains the existing capacity of 59,999, but together with a further:
 - a. 5,000 for additional staff, artists and their bona fide guests, in accordance with the breakdown at Appendix A. This gives the applicant flexibility in terms of the staffing arrangements. These will not be members of the public, or people otherwise paying for their tickets.
 - b. 1,000 tickets for local residents on Sunday.
10. Viewed from one perspective, this is a relatively modest increase which will not impact on the licensing objectives. Viewed from another perspective, this is a very significant reduction from the capacity initially sought. The effect will be to reduce the income of the festival by £2,000,000, which will reduce the scope of the creative budget. However, the applicant appreciates that the difficulties with the queuing for the festival on the Thursday last year mean that, before it can seek a significant increase in ticket-holders, it first needs to demonstrate that it can handle the existing numbers without difficulty.
11. The ability of prominent artists to bring guests is crucial to their coming to perform at all, and certainly to perform for the sums which the applicants are able to offer them. This partially offsets the loss of income to the festival by virtue of the reduction in capacity sought.

A2(a) Wednesday

12. The proposal to open to a smaller crowd on Wednesday produces two benefits.

13. First, it will smooth the flow in on Thursday, so that there will be a lower impact on the local highway network.
14. Second, it is likely that some of those coming on Wednesday will leave on Sunday rather than Monday, since they will have had their money's worth, again reducing the impact on the local highway network.
15. The entertainment on Wednesday will not include any use of the main stages. It will be a much lower level of provision. Therefore there will be no prospect of nuisance to residents in the surrounding areas. There will be no regulated entertainment after 11 p.m. This is a reduction on the terminal hour of midnight in the application. As a backstop and assurance to the licensing authority and residents, the bass levels up to 11 p.m. will be at a maximum of 65 decibels, i.e. the level currently applying.

A(2)(b) crew bar

16. The new condition extends the ability of the crew to use the crew bar for the full period for the build and strike of the site and to have at any one time a maximum of 12 guests there. This will have no impact on the licensing objectives.

CD3, CD4, CD7

17. The Police have asked for a stronger set of conditions dealing with drugs and security, and also for a new condition regarding mental health safeguarding. The applicants are glad to agree these conditions. As a result the Police are content to agree the increases in capacity set out above.

PN1, PN2

18. Under the current licence, there is a requirement for at least 40% of tickets after the first 40,000 to arrive by bus or coach. Under the new licence, the requirement would be 25% of all public ticket holders. Coupled with the fact that the peak flow would be smoothed by permitting entry on Wednesday, the net effect of this licence would be significantly positive for the local community. This is further described in the traffic management plan submitted herewith.

PN12

19. The overall noise levels set by PN10 would not change.
20. The licence currently permits low frequency noise to a level of 65 decibels at the off-site monitoring positions.
21. This low frequency maximum level has proved insufficient for the reasonable enjoyment of the event. It has resulted in complaints both from performers and ticket holders.
22. The Noise Council's Code of Practice on Environmental Noise Control at Concerts says:

“Although no precise guidance is available the following may be found helpful. A level up to 70 dB in either of the 63 Hz or 125 Hz octave frequency in satisfactory; a level of 80 dB or more in either of those octave frequency bands causes significant disturbance.
23. From 11 a.m. to 9 p.m. on Friday, Saturday and Sunday, only, the applicants seek a low frequency music level of 68 decibels. This is below the lower level suggested in the Noise Council's Code. It is 3 decibels above the current limit. However, an increase of 3 decibels is generally taken to be just noticeable to the human ear. It will not be imperceptible to those at the event, since they will be receiving the increase from multiple sources. But for those further away, they will be receiving from a single source – the site – and they will not easily be able to notice the difference.
24. From 11 a.m. to 9 p.m. on Wednesday and Thursday, the low frequency music noise level would be 65 decibels.
25. From 9 p.m. to 11 p.m. on Friday, Saturday and Sunday, a low frequency music noise level of 70 decibels is sought. This is in accordance with the lower level suggested by the Noise Council for primarily for 'live' music which states that this level is 'satisfactory' at noise sensitive receptors before 11 p.m. This is to accommodate the live headline acts who will be playing during those hours, when a slightly higher level may be anticipated.

26. From 9 p.m. to 11 p.m. on Wednesday and Thursday, it would be a lower maximum of 65 decibels, well below the satisfactory lower level set by the Noise Council.
27. After 11 p.m., on Wednesday there will be no regulated entertainment.
28. After 11 p.m. on Thursday, there will be entertainment up to midnight but at 65 decibels, and will then cease.
29. After 11 p.m., on Friday and Saturday the entertainment will continue until 4 a.m. and on Sunday it will continue until midnight. At these times, the applicants accept that they should be aiming for 65 decibels. The difficulty they have encountered is that, with the best will in the world, wind conditions may briefly raise the level to 68 decibels at one of the nine monitoring locations placed at 360 degrees around the site. The applicants understand that they should not have the ability to play music any louder after 11 p.m. than they currently do. But they are uncomfortable that a sudden change in wind direction could put them in criminal breach of the licence.
30. It is fair to say that the current arrangements have produced a fairly low level of complaints. Such complaints as are received are properly logged and available for inspection at all times by Council officers working on the site.
31. The applicants therefore propose to model their sound production at 65 decibels, to agree with their modelling with the Council, and to react swiftly if due to wind conditions this is exceeded at any measurement location. The backstop will be 68 decibels, a level which will not be exceeded at any time.
32. The proposed changes are minor in nature and ought not to affect local residents significantly. They will, however, produce a better experience for event-goers.
33. For clarity, the following table represents the proposal for low frequency noise:

	1100 – 2100	2100 – 2300	2300 – 0000	0000 – 0400
Wednesday	65	65	Nothing	Nothing
Thursday	65	65	65	Nothing
Friday	68	70	65 modelled, 68 backstop	65 modelled 68 backstop
Saturday	68	70	65 modelled 68 backstop	65 modelled 68 backstop
Sunday	68	70	68	Nothing

Site

34. The “red line” perimeter of the site has also changed so that it now encompasses the queuing area and a new operational hub in the North-East corner of the site.
35. Some local residents have expressed a concern that by moving the site boundary nearer to some local residents will result in an increased noise level.
36. It will not do so, for two reasons.
37. First, the noise levels remain governed by the conditions set out above, regardless of where the site boundary is.
38. Second, there will be no stages in the new areas.
39. There will be low level music played in the queuing areas and refreshments will be available for the benefit of those queuing.
40. The total number of stages across the event is actually planned to decrease to enable more effective sound control in 2018.

41. The applicants will attend with their experts at the hearing of this application and will be pleased to answer any questions the Sub-Committee may have.

PHILIP KOLVIN QC

22nd January 2108

Cornerstone Barristers

London WC1