

LICENSING SUB-COMMITTEE

Tuesday, 30 July 2019

Attendance:

Councillors

Mather (Chairman)

Bentote

Green

Officers in attendance:

Miss C Stefanczuk - Licensing Manager

Ms C Tetstall – Licensing Solicitor

1. **APPLICATION FOR PREMISES LICENCE - MATTERLEY BOWL,
ALRESFORD ROAD, WINCHESTER (BOOMTOWN)**

Report LR525 refers)

The Chairman welcomed to the meeting:

- Mr Stephen Walsh QC – Counsel for the Applicant
- Mr Matthew Phipps – Solicitor for the Applicant
- Mr Christopher Rutherford – Co-Director of Boomtown UK Festival Ltd
- Mr Tom Ferris – CTM, Traffic Management for Boomtown
- Mr Rob Miller – F1 Acoustics, Noise Management for Boomtown
- Mr Adrian Coombs – Major Events Boss Ltd, Strategy Lead for Boomtown
- Ms Cassandra Frey-Mills – Licensing Co-ordinator for Boomtown
- Mr Brendan Gibbs (representing Tichborne Parish Council) – Interested Party
- Mr Robert Fox – Interested Party
- Mr Graham Tarbuck (on behalf of Mr David Templeman) - Interested Party
- Mr David Pain (also speaking on behalf of Ms Jane Ives and Cheriton Parish Council, Dr & Mrs Silvester, Ms Sue Herdman, Mr & Mrs Curwen-Bryant and Victor Ient (Friends of South Downs Society) – Interested Party
- Mr Martin Hendry – Interested Party

Miss Stefanczuk introduced the application to the Sub-Committee. In summary, she explained that an application for a new premises licence had been made under Section 17 of the Licensing Act 2003 for an area of land known as the 'Matterley Bowl', and surrounding land where the event

'Boomtown' takes place annually. The application was seeking to provide licensable activities as set out in pages 4 and 5 of the Report.

In summary, the application sought an increase in numbers to a maximum of 75,999 persons, including staff and guests, over a maximum period of six consecutive days from Wednesday to Monday with public arriving on the Wednesday limited to 27,500 persons, and allowed for 1,000 additional tickets for local residents on a Sunday. This was an increase of 11,000 persons (consisting of an additional 10,000 public and 1,000 staff and guests) from the current premises licence PREM 741, previously granted in January 2018. There was also an increase in the number of public arriving on the Wednesday of 7,500 people, in comparison to the 2019 event.

It was noted that the application proposed that the Sub-Committee grant the licence to take effect in 2020, subject to a satisfactory Boomtown event in 2019. This was to be determined by the police silver commander for the event, following input from the responsible authorities and Boomtown, at or shortly after a Safety Advisory Group (SAG) debrief. As a result, an amendment to condition A1(a) had been between Hampshire Constabulary and the applicant. In addition, the Sub-Committee noted that the application did not seek to increase the noise levels from the current application. However, Environmental Health, as a responsible authority, had agreed with the applicant an amendment to condition PN11(b). These amendments were set out in paragraphs 1.3(i) and 1.5 of the report respectively and a copy of the consultation response by Environmental Health was circulated at the hearing.

Miss Stefanczuk clarified that no formal representations had been submitted by any of the responsible authorities.

It was noted that 20 letters of representation had been received from other persons (18 in objection; two in support). The majority of comments related to traffic and congestion as a public nuisance to people who live and work in the surrounding area and to the premises being situated in the South Downs National Park. There were also references to the decision by the Council to declare a Climate Emergency. Copies of the representations were set out in Appendix 3 of the report. Of those interested parties who had submitted letters of representation, the following persons also addressed the Sub-Committee:

- Mr Brendan Gibbs (representing Tichborne Parish Council) – Interested Party
- Mr Robert Fox – Interested Party
- Mr Graham Tarbuck (on behalf of Mr David Templeman) - Interested Party
- Mr David Pain (also speaking on behalf of Ms Jane Ives and Cheriton Parish Council, Dr & Mrs Silvester, Ms Sue Herdman, Mr & Mrs Curwen-Bryant and Victor Ient (Friends of South Downs Society) – Interested Party
- Mr Martin Hendry – Interested Party

The Sub-Committee were reminded that although declaring a Climate Emergency was a Council priority, this was not a relevant consideration under the Licensing Act 2003 for this application.

It was reported that letters from the Butterfly Conservation and A Greener Festival had been included as representations, set out on Pages 122 and 126 of the report respectively. However, these should be considered as additional information submitted by the applicant.

The Sub-Committee were reminded of their responsibility to have regard to the duty and purposes of the South Downs National Park (SDNP) when giving consideration to the application, as outlined on page 8 of the report. Miss Stefanczuk clarified that the SDNPA, as planning authority, were consulted on the application and made comments but did not submit a formal representation and as such had confirmed their awareness that comments would not be included within the report as they did not make a representation accordingly.

Member's attention was drawn to the section 182 guidance which stated that 'Planning and Licensing regimes involved consideration of different (albeit related) matters. Licensing Committees were not bound by decisions made by a planning committee, and vice versa.' This was acknowledged by the SDNPA. In light of this, the Sub-Committee were required to balance promoting the provision of entertainment whilst addressing concerns relating to the four licensing objectives.

The applicant had provided a list of conditions reflecting the operating schedule, also containing the agreed changes with Hampshire Constabulary and Environmental Health (as set out on pages 137 to 149 of the supplementary agenda).

Miss Stefanczuk reported that queries had been raised of a possible conflict of interest as a current Councillor had recently been employed by Boomtown to act as a Community Liaison Officer. However, the Sub-Committee were advised that it was a matter for the Chief Executive and the Monitoring Officer to determine the position and was not a relevant consideration for the Sub-Committee to take into account at the hearing.

In conclusion, Miss Stefanczuk stated that, if the Sub-Committee were minded to grant the application, the current premises licence PREM741 would be surrendered by the licence holders.

In response to questions from Members regarding the timing of the application coming before the 2019 event and the ability to delegate the decision making to the police silver commander following a satisfactory 2019 festival, Ms Tetstall clarified that the timing of the application was dependant on its submission by the Applicant and that decision making was the sole duty of the Licensing Authority and therefore it was pertinent for the Sub-Committee to consider the proposed conditions further.

It was noted that, although there was no deadline on the surrender of the current premises licence PREM 741, it was expected that this would be after the 2019 event had taken place and time for any appeal had passed.

Mr Walsh then presented the applicant's case. He introduced the principal points contained within the documents submitted by the Applicant, as set out in Appendix 5 of the report and addressed the issues raised, as summarised below:

Mr Walsh confirmed that, if the application was granted, this would not come into effect until PREM 741 was surrendered and there would not be two licences in force at any given time.

As reflected in the proposed amended condition A1(a), approval of the licence would also be subject to a satisfactory 2019 event which had been given an extra level of control with the agreement made between the Applicant and Hampshire Constabulary that this matter be determined by the police silver commander for the event. Although, taking into account the concerns previously raised regarding this specific wording, the Applicants recognised that the Sub-Committee may not consider this appropriate for inclusion within the decision. In any event, due to their close working relationship with the Police, Mr Walsh advised that the Applicant would still seek to privately honour their agreement with Hampshire Constabulary on this matter,

Mr Walsh outlined the reasons for the applicant seeking changes to the current premises licence PREM 741, which included the following as summarised below:

- The application proposed to extend the capacity of the 2020 event, this built upon the increased development of the festival over the previous years, continued compliance with the Purple Guide to Health, Safety and Welfare at Music and Other Events, close liaison with the responsible authorities at all stages and a continued commitment to engage with local residents, Parish Councils and groups through meetings etc.
- Boomtown Festival was a highly regulated temporary event held on an annual basis. After each festival extensive de-briefs and groups were held with the involvement of all responsible authorities. Following this a SAG meeting would take place to give consideration to the feedback from the event and to make recommendations for future events.
- Mr Walsh made reference to the recognition that no representations had been received from any responsible authorities which he considered carried great significance due to the intense scrutiny of Boomtown by all authorities.
- Mr Walsh outlined the extra commitment to cultural and artistic innovation which set Boomtown apart from other festivals and the extent of the preparation of the site prior to the commencement of the

event. It was recognised that the delivery of the event came at a significant cost which Mr Walsh stated was the primary reason for the increase in capacity from 2020 with an additional numbers expected to generate a revenue increase of £2.5m which was required for the festival to maintain its high standard of complex infrastructure, artistic innovation and commitment to quality.

- Mr Walsh indicated that other than the proposed principal changes to capacity as set out in the report, there would be no changes to extend the licensable activities or the hours from the current licence PREM 741.
- In respect of condition A2(a), it was noted that public access on the Wednesday would be limited to 27,500 persons from 2020. This represented an increase of 7,500 persons arriving on the Wednesday, compared to that set out in PREM 741. This allowed for a softer opening on the Wednesday and it was considered that this change would impact on the number of ticket holders wishing to leave the event on Sunday rather than Monday which would further improve the on site management of arrivals and departures.
- In respect of condition PN2, it was agreed that at least 30% of all public tickets would only be permitted to access the site by coach, which had increased from the 25% currently set out in PREM 741 and it was noted in Appendix A to the report that an additional 1,000 staff were proposed to introduce a Welfare and a Sustainability Team and to increase staffing in the majority of other departments.
- Expert evidence had been provided by F1 acoustics that noise levels would not increase and the responsible authority had made no representation on this matter either. It was recognised that the Boomtown Festival was a legitimate concern for residents and particular concerns relating to traffic and congestion were noted but the Applicant had a robust plan to tackle the traffic challenges any increase would bring. Residents' concerns had also been addressed by CTM with the provision of a closely devised traffic management plan, as set out on page 160 of Appendix 5 to the report
- Mr Walsh advised of three amendments to Table 4.1.1, as set out on page 160 of Appendix 5, as follows:
 - (i) Table heading should read (i) 2020 Wednesday/Thursday split;
 - (ii) Cars Vehicles should read 5,946 and not 5,205; and
 - (iii) Vehicles Total should read 8,814 and not 8,073.

At the conclusion of Mr Walsh's submissions, the Sub Committee asked a number of detailed questions in respect of the number of coaches on site during peak hours, the increase in the number expected to travel by car and the closure of laybys surrounding the site.

In response, Mr Ferris of CTM confirmed that the maximum increase of additional vehicles would be 3,000 (figure based on the worst case scenario). 24 coach bays were available with a half an hour turnaround expected resulting in approximately 48 coach trips per hour. Mr Ferris also confirmed that the aim was to achieve higher than the licence condition of 30% arrivals by public transport, through incentives for coach and train travel.

The Chairman reminded those present that it was inadmissible to submit any new information at the Hearing without the prior consent of all parties.

Interested parties who had submitted relevant representations within the statutory timescale were then invited to speak. Their representations are summarised below:

In summary, Mr Brendan Gibbs (page 89 refers) raised the following points:

- Timing of the application prior to the 2019 event taking place;
- The appointment of a police silver commander;
- Concerned that notes of SAG meetings and other meetings between Boomtown and the responsible authorities are not available in the public domain;
- Considered that the Licensing Act gave an 'uneven' process in that written representations submitted by interested parties carried little weight;
- Reference was made to the difference between the licensing and planning regimes, with separate decisions being made;
- Recognised declaration of Climate Emergency was not a licensing condition but suggested that the licence may be amended as a result of this.

In summary, Mr Robert Fox (page 96 refers) raised the following points:

- Numbers of people and days have steadily increased since the event began;
- Noise levels and hours have also increased in that time resulting in noise until 4am;
- The incremental increases make the event intolerable for local residents;
- Traffic increases along A272 are horrendous when Boomtown takes place;
- Suggested that there be a cap on the number of persons permitted to attend this event going forward;
- Ticketholders do not stay on site and there has previously been some spillage into the nearby villages;
- Absurd to think that all those attending the festival behave in an appropriate manner resulting in issues before and after the festival takes place;

In response to Members questions, Mr Fox confirmed that traffic and blockages along the A272 lasted for approximately 10 days as a result of the event but were severe during this period. During the 2-3 days prior to the event, an additional 10-15 minutes delays were experienced on the A272.

In summary, Mr Graham Tarbuck (speaking on behalf of Mr David Templeman, page 79 refers) raised the following points:

- Under Winchester City Council's revised Licensing Policy, requiring stricter controls of noise levels in the SDNP should mean that noise levels for amplified music are reduced to pre-2016 levels;
- Higher noise levels have been permitted until 4am with nothing to address the Council's or the SDNP statutory Policies. Noise should be inaudible after midnight;
- Considered that Boomtown was contrary to national policies and should not be allowed to continue in this manner;
- Suggested that the increase in the numbers of attendees in 2018 and 2019 could not be regarded as satisfactory and asked what criteria this was comparable to;
- Application requires over 1,000 coach movements over a two day period and can cater for 48 coach trips an hour with the same number of coach and bus movements exiting the site on the Monday but that there was no consideration for the number of coaches leaving the site empty;
- In conclusion, Mr Tarbuck stated that the Licensing Sub Committee were being asked to grant a licence on the basis of a satisfactory 2019 event without hard evidence and figures where it would lose control of the outcome on an application that was adverse to policies and the SDNP Local Plan.

In summary, Mr David Pain (page 91 refers) raised the following points:

- Speaking in respect of three of the Licensing Objectives – Public safety, the prevention of public nuisance and the prevention of crime and disorder;
- He considered the site plan unbeneficial and queried why the written representations of Environmental Health and Hampshire Constabulary were not made available in the public domain;
- In respect of public safety, Mr Pain queried the reason for the increase in the number of persons proposed in the application and made reference to Conditions PS1 to PS4. It was noted that these specific conditions remained unchanged from the current premises licence PREM 741;
- He referred to the ratios of public ticket sales against non-public tickets of other similar events tending to be 2.5/1 as they grow in size and suggested that the proposed changes could result in a ratio at the Boomtown event of 9.2/1 which must place public safety at risk;

- Mr Pain made reference to what the local planning authority had advised in the planning statement with a new planning condition that no more than 48,000 could be public tickets and suggested that there had been no specified total number of public tickets referred to within the application and made reference to the proposed 75,999 persons (including 6,000 staff and guests) which would result in 69,999 persons holding public tickets which he stated would contravene the temporary planning permission by 44%;

In response, Ms Tetstall reminded the Sub Committee that planning and licensing were separate regimes and it was not relevant for the licensing application to take into account the planning application. However, the applicant would need to ensure that planning permission was in place for the number of people at the event or planning enforcement could result. Mr Walsh confirmed that 6,000 were non public tickets.

- Mr Pain suggested that the Applicant could not ensure compliance with condition A1 and considered that this could jeopardise public safety;
- In respect of public nuisance, Mr Pain stated that he supported the comments of Mr Tarbuck; queried the management of traffic congestion on the Monday when the festival ended ; raised the concerns of Mrs Herdman that some people leave the site on foot along the A272 and in response to the Council's new Leader's appeal for suggestions for mitigating the declared climate emergency, urged that the number of attendees should be reduced, not increased;
- In respect of the prevention of crime and disorder, Mr Pain reiterated concerns regarding proposed condition A1(a) and questioned the legality of the proposed condition being subject to the completion of a satisfactory 2019 festival, to be determined by the police silver commander for the event, as he considered that the licensing authority was expected to come to a decision based on the evidence and believed that this could not be delegated to any other authority or person. Therefore, he queried how the licensing authority could reasonably make this assessment when there was no evidence that the 2019 event had been satisfactory and suggested that as such, the matter would be open to appeal;
- He expressed concerns regarding the SAG meetings which were held in private and not open to the public with no published minutes available to detail the outcome of these meetings.
- For these reasons, Mr Pain stated that the Application should be refused.

In summary, Mr Martin Hendry (page 127 refers) raised the following points:

- Mr Hendry stated that there was profound widespread concern for the avoidance of the duty to have regard to the National Park Purposes

when considering applications within the South Downs National Park as this is an overarching statutory duty;

- He stated that the Licensing Authority needed to have regard to the two statutory purposes of the SDNP and he considered that this duty had not been complied with and that therefore the licence should be refused.

Ms Tetstall clarified for the Sub Committee that Natural England guidance provided a practical guide for local authorities in relation to their duty of regard and it was for the local authority to consider the potential impacts on the National Park purposes with the expectation that adverse impacts be avoided or mitigated where possible; that provided this was done, the duty would be met, whether or not the decision ultimately taken conflicted with National Park purposes.

In summing up, Mr Walsh advised that the guidance given was accepted and that, in respect of the duty of regard to the National Park purposes, positive representations had also been received from the Butterfly Conservation and A Greener Festival stating how Boomtown supports their wildlife and conservation work. He reminded the Sub-Committee that the South Downs National Park Authority were a statutory consultee who had not submitted any representation to the application.

In respect of noise levels, Mr Walsh confirmed that Boomtown did take into account the tranquil nature of the South Downs National Park and that this matter was closely monitored via SAG, the South Downs National Park and the Licensing Authority, as well as 'in house', with robust measures in place to ensure complete adherence.

It was recognised that traffic was a major issue and in the absence of a representative from the Highway Authority, expert evidence had been submitted by CTM, who also controlled traffic congestion measures at Glastonbury and Reading, which provided a realistic approach with evidenced data to address these concerns to ensure traffic disruption was as limited as possible.

In conclusion, Mr Walsh stated that there was a balance to strike between the promotion of cultural and artistic innovation and any disruption to local residents which would be heavily managed over a 5-6 day period annually.

Mr Walsh reiterated that he understood the concerns expressed in respect of delegating the decision to the police silver commander and was therefore content with the removal of this wording from condition A1(a) but clarified that the applicant would honour this commitment with Hampshire Constabulary in any event.

The Chairman thanked all those for attending and providing their representations to the Sub-Committee and announced that the Sub-Committee would retire to deliberate in private.

DECISION

In reaching its decision, the Sub-Committee has carefully considered the application, the representations made by the interested parties and the Applicant's evidence provided at the hearing. It has taken into account the duties under the Crime and Disorder Act 1998, the rights set out in the Human Rights Act 1998 and its duty to have regard to National Park Purposes.

Members supported the application subject to the conditions set out in Appendix 5 of the report (supplementary agenda) as amended in the Resolution set out below.

RESOLVED:

1. That the Sub-Committee did not consider it appropriate to delegate its decision making to responsible authorities, as set out in Condition A1 (a) to Appendix 5 of the report, therefore the words highlighted in bold below are removed:

'subject to completion of a satisfactory 2019 festival, that has been determined as such by the police silver commander for the event (following input from the Licensing Act listed responsible authorities and Boomtown Festival at (or shortly after) the Safety Advisory Group debrief)'

2. That, subject to the amendment set out in (1) above, the application for a new premises licence for the Boomtown Festival at Matterley Bowl, Alresford Road, Winchester be granted with the conditions set out below and attached to the licence.

REASONS:

The reasons for the decision are:

- The 2018 event did not cause any major concern for the responsible authorities.
- This application differs from PREM741 in that it requests an increase in number of people by 11,000 and the Sub-Committee considers that the proposed conditions will minimise the potential for further nuisance arising from the increase in numbers.
- There have been no representations submitted by the responsible authorities.
- The Sub-Committee recognises that its role is to promote the four Licensing Objectives and considers that the proposed conditions, set out in Appendix 5 of the report, strike a balance between the

competing interests of the Applicant to hold the event and the impact of the event on those that live and work in the area.

Operating Hours

1. The hours the premises may be used for regulated entertainment shall be:

Plays and Films* (indoors and outdoors)

- (i) Wednesday 1100 to 2300
- (ii) Thursday 1000 to 0000
- (iii) Friday 1000 to 0400 Monday

Live music and Recorded Music* (indoors and outdoors)

- (i) Wednesday 1100 to 2300
- (ii) Thursday 1000 to 0000
- (iii) Friday and Saturday 1000 to 0400 the next day
- (iv) Sunday 1000 to 0000.

* condition PN17 refers.

Performance of Dance (indoors and outdoors)

- (i) Wednesday 1100 to 2300
- (ii) Thursday 1000 to 0000
- (iii) Friday to Sunday 1000 to 0400 the next day

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

Late Night Refreshment (indoors and outdoors)

- (i) Wednesday to Sunday 2300 to 0500 the next day

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

Supply of alcohol** (for consumption on and off the premises)

- (i) Monday to Sunday 0000 to 0000
- (ii) Sale of alcohol to the public Wednesday to Monday only.
- (iii) Crew bar only, for 21 days before commencement of the event and 14 days after the event

**condition A2 refers.

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

- (i) Wednesday 0000 to Monday 1700 inclusive.

5 Mandatory Conditions

Supply of Alcohol:

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.

Door Supervision:

Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Exhibition of Films:

Admission of children to the exhibition of any film is restricted in accordance with:

- (1) Where the film classification body is specified in the licence, unless subsection (2)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (2) Where:
 - (a) the film classification body is not specified in the licence; or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question;admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section: 'children' means persons aged under 18; and 'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 9(c 39) (authority to determine suitability of video works for classification).

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

– effective from 1 October 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the

- cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a times limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carried a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
 3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) 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 either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
 4. The responsible person must 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: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014
– effective from 28 May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1-
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula- **$P = D + (D \times V)$**
where-
 - (i) **P** is the permitted price,
 - (ii) **D** is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence-
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4.
 - (1) Sub-paragraph 2 applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

All Licensing Objectives

- A1. a) *This licence shall authorise the relevant licensable activities for a maximum of 75,999 persons, which shall include all persons present at the premises in whatever capacity including ticket holders, performers, guests and staff.***
- b) At least 6,000 of these must be staff, artists and their bona fide guests in accordance with the breakdown at Appendix A attached.
- c) 1000 additional tickets to the event may be provided to local residents on Sunday.
- A2. The premises licence shall authorise the licensable activities:-
- a) for the public for a maximum period of six consecutive days from Wednesday to Monday on one occasion in a calendar year. Public access on Wednesday to be limited to 27,500 from 2020.
- b) the crew bar is authorised for the sale of alcohol only to crew members and not more than 12 bona fide guests of senior crew managers at any one time for 24 hours per day for the period commencing twenty one days before the start of the public event and ending fourteen days after the end of the public event.
- A3. The Premises Licence Holder shall give notice to the Licensing Authority and Hampshire Constabulary of the dates of the event no later than six months before the start of the event.
- A4. The Premises Licence Holder shall produce and submit to the Licensing Authority an initial event management plan (EMP) at least 120 days prior to the commencement of the event.
- A5. The final EMP shall be supplied to the Licensing Authority no later than 28 days prior to each event. No alteration to the EMP shall be made after this date by the Premises Licence Holder except with the written consent of the Licensing Authority.
- A6. A schedule of stewards and security personnel shall be made available to the Licensing Authority and Hampshire Constabulary no later than 28 days before the start of licensable activities for the public. Such a schedule shall include name, date and place of birth and, if applicable, SIA number. No amendments to the schedule shall be made after this date except by agreement with the Hampshire Constabulary and with the written consent of the Licensing Authority.
- A7. The 'Event Director' or his nominated deputy shall be available on site at all times that the licensed site is open to ticket holders.

A8. This Licence shall come into effect upon the surrender of Prem 741.

The Prevention of Crime and Disorder

CD1. The Premises Licence Holder shall agree with the Licensing Authority in consultation with Hampshire Constabulary the number of police officers required at each event, no later than 56 days prior to the start of the event. No licensable activities shall take place unless suitable arrangements are in place to secure the provision of such numbers of police officers.

CD2. A secure perimeter fence shall be erected around the site of -the event, prior to the start of the event, and patrolled by security. The type of fence shall be agreed with the Licensing Authority no later than 120 days before the event.

CD3. Crime and Drugs Management Plan

1) The Premises Licence Holder (PLH) shall submit a written Crime and Drugs Management Plan (CDMP) for approval by Hampshire Constabulary (HC) no less than 135 days prior to the commencement of each event.

2) The CDMP shall have two primary constituent elements: 1) Drugs and prohibited substances and 2) Other Crime.

3) The CDMP in so far as it relates to drugs shall address how the PLH will seek to minimise the use, consumption and supply of illegal drugs and banned psychoactive substances and in particular will address the following matters:

a) A rigorous searching regime which is designed to prevent illegal drugs and banned psychoactive substances being brought into the licensed premises;

b) The ejection of all persons found attempting to enter the event in possession of illegal drugs or banned psychoactive substances;

c) How the PLH will deal with persons found in possession of illegal drugs and banned psychoactive substances within the licensed premises;

d) The manner in which the PLH will deal with any persons found in possession of such quantities of illegal drugs or banned psychoactive substances that there are reasonable grounds to believe that they intend to supply those illegal drugs or psychoactive substances, to include:

- i) The seizure of the illegal drugs/banned psychoactive substances and the manner in which they will be labelled, retained and passed to the police for evidential purposes;
 - ii) The detention of the persons found in possession of such illegal drugs and or banned psychoactive substances.
- e) The number and role of drug expert witnesses who will be present at all gates leading into the festival at any time when searching is taking place, to provide advice regarding substances found (whether it appears to be an illegal drug or banned psychoactive substance), the volume found (whether the volume is such that it is likely to amount to possession with intent to supply), the labelling and retention of any seized substances and the continuity of evidence.
- 4) The CDMP in so far as it relates to non-drug related crime shall address the measures which the PLH will employ to deal with other potential crime at the festival, in particular: -
- a) Acquisitive crime (thefts);
 - b) Violence against the person (including a rigorous searching regime which shall be designed to prevent offensive weapons being brought into the licensed premises);
 - c) The protection of young and vulnerable people.
- 5) The CDMP shall address how the PLH will communicate crime prevention messaging to the public, in particular messaging regarding the searching regime and the ejections policy referred to at (paragraphs 1(a) to (d) above).
- 6) The provisions of the final CDMP shall be treated as though they are conditions on the face of the premises licence.

Timings

- 7) Following submission of the initial CDMP to HC in accordance with paragraph (1) above, the PLH shall meet with HC to consider the CDMP.
- 8) The PLH shall submit a revised CDMP (adopting such amendments that will have been agreed through the course of the event planning), to HC no less than 70 days prior to the start of each event for agreement by HC.
- 9) Once the CDMP has been approved by HC, there shall be no alteration to the CDMP except with the prior written consent of the Police Commander for the event.
- 10) The PLH shall provide a written "readiness report" in writing to the HC no less than 14 days before the event, with a further update provided no less than 7 days before the event. These reports shall address whether the PLH has the human and technical resources in

place to deliver the Event Management Plan (EMP), CDMP and Security Plan.

De-Brief

11) The PLH shall subsequently formally meet with the Hampshire Constabulary within 70 days of the conclusion of the event to debrief the CDMP and agree the key outcomes and statistics that will be recorded in a written development document which will shape the CDMP for the next event.

Security Plan

12) The PLH shall submit an initial written Security Plan to HC no less than 85 days prior to the commencement of each event. It shall be a confidential plan to be shared with HC as to the measures the PLH will take to safeguard the safety and security of the public.

13) Following submission of the initial Security Plan to HC in accordance with paragraph (1) above, the PLH shall meet with HC to consider the CDMP.

14) Once the Security Plan has been approved by HC, there shall be no alteration to the Security Plan except with the prior written consent of the Police Commander for the event.

15) The provisions of the final Security Plan shall be treated as though they are conditions on the face of the premises licence.

Mental Health Safeguarding

16) The PLH shall submit an initial written Mental Health Safeguarding plan to all responsible authorities with responsibility for health and to HC no less than 85 days prior to the commencement of each event. This plan shall be produced as part of the EMP. It shall be a confidential plan to be shared with the relevant responsible authorities and HC, and shall deal with the measures the PLH will take to safeguard the mental health of persons attending the festival, in particular how the PLH will deal with members of the public who are suffering from psychotic episodes, and the training which security staff will receive to train them to deal with such persons.

17) Once the Mental Health Safeguarding Plan has been approved by the relevant responsible authorities and HC, there shall be no alteration to the Mental Health Safeguarding Plan except with the prior written consent of the relevant responsible authorities and the Police Silver Commander for the event.

18) The provisions of the final Mental Health Safeguarding Plan shall be treated as though they are conditions on the face of the premises licence.

CD4. The premises licence holder shall appoint a competent crime prevention manager. Their role shall be to facilitate communication between the event organisers, the appointed security contractors and the police and to ensure compliance of CMP and SMP.

CD5. The campsites, car park and event arena shall be patrolled by security and stewards.

CD6. No glass containers or bottles shall be allowed inside the event site, with the exception of approved event traders or specific restaurant areas. Bottle banks shall be located at the event site entrances to facilitate disposal.

CD7. Save for specific restaurant areas approved by the Police in writing, all sales of alcohol and other drinks shall be provided in polycarbonate or similar non glass drinking vessels. All glass bottled drinks shall be decanted at point of sale.

CD8. A Personal Licence Holder shall be present at each bar throughout any event when alcohol is being supplied under the Premises Licence. The Premises Licence Holder shall produce details of the Personal Licence Holders to the Licensing Authority and Hampshire Constabulary no later than 28 days prior to the commencement of the event. .

Public Safety

PS1. The Premises Licence Holder shall ensure that farm animals are removed from the arena and the campsite at least 21 days prior to the start of any event. This shall not extend to the area used for car parking.

PS2. No animals, other than guide dogs, assistance dogs and dogs from enforcement agencies are to be allowed onto the site unless agreed in writing with the licensing authority at least 28 days before the commencement of the event.

PS3. There shall not be any activity which involves body piercing or tattooing carried out on the site.

PS4. No legal highs shall be allowed on site, these to include any gas canisters used for that purpose.

The Prevention of Public Nuisance

PN1. From 12 noon on the Wednesday preceding the event until 6pm on the Monday following the event a regular transfer bus will be available to transfer customers between Winchester Train Station and the event site. A transfer policy will be drawn up and circulated to officers no less than 28 days before the event. This policy will articulate the volume and frequency of transfers.

PN2. At least 30% of all public tickets, will only be permitted to access the site by coach (whether public transport or coach transfers from local train stations).

PN3. The premises licence holder will promote public transportation as the preferred access and egress from the event site. A policy to articulate this activity will be drawn up and circulated to officers no less than 56 days before the event but both the website, the tickets and all significant promotional activity will promote public transportation.

PN4. The Premises Licence Holder shall produce a Traffic Management Plan (TMP). The final TMP shall be submitted to the Licensing Authority no later than 28 days before the start of the event. No alteration to the TMP shall be made after this date by the Premises Licence Holder except with the written consent of the Licensing Authority.

PN5. The Premises Licence Holder shall produce an initial Noise Management and Community Liaison Plan (NMP) at least 56 days prior to the commencement of the event. The final NMP shall be submitted to the Licensing Authority for agreement no later than 28 days prior to the commencement of the event. No alteration to the NMP after this date shall be made by the Premises Licence Holder except with the written consent of the Licensing Authority.

PN6. The final NMP shall contain the methodology which shall be employed to control sound produced on the premises, In order to comply with the premises licence. The NMP must include all of the arrangements for preventing public nuisance and consultation with the local community and shall include:

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

PN7. The Premises Licence Holder shall ensure compliance with all aspects of the Noise Management and Community Liaison Plan.

PN8. At least 21 days prior to an event the Premises Licence Holder shall provide to the licensing authority a telephone number for contacting

the licence holder or a nominated representative during the course of an event.

PN9. The Premises Licence Holder shall produce and make available a Public Information Document with details of arrangements for the event based on the EMP and NMP that might affect the local community. The contents of the document and required distribution list are to be agreed with the Licensing Authority at least 28 days in advance of each event. The final agreed Public Information Document shall be distributed to recipients as agreed at least 21 days prior to the event. The document shall also be advertised in the Local paper at least 10 days in advance of each event.

PN10. Between the hours of 1000 and 2300 on Thursday, Friday, Saturday and Sunday, noise levels from the event shall not exceed 55dB LAeq(15 mins) and between the hours of 2300 and 0400 noise levels shall not exceed 45dB LAeq (15 mins).

PN11. Noise levels from music in the octave band frequency ranges with a centre frequency of 63 Hz and 125 Hz shall not exceed at the monitoring locations:

Wednesday – As per condition PN21;

(a) Thursday – 65dB Leq (15mins) between 1000 and 0000;

(b) Friday and Saturday – 65dB $L_{eq(15mins)}$ between 1000 and 2100; 68 dB $L_{eq(15mins)}$ between 2100 and 2300; and 65dB Leq (15 mins) between 2300 and 0400 (the morning following).

(c) Sunday – 65 dB Leq (15mins) between 1000 and 0000.

PN12. All noise levels from music shall be measured as above in free field conditions and in the absence of significant local noise sources at locations to be agreed in writing with the Licensing Authority no later than 28 days in advance of the event.

PN13. The sound systems of the principal stages shall be tested to ensure compliance with above levels prior to the commencement of the event. The Licensing Authority shall be notified no less than 24 hours in advance of such testing being undertaken.

PN14. The Premises Licence Holder shall appoint a competent noise consultant to monitor and record on site and off site noise, to ensure compliance with noise levels.

PN15. The Premises Licence Holder shall not permit amplification equipment to be brought onto the site unless:

a) it is for use as part of regulated entertainment.

b) It is for the use of authorised traders for the sole purpose of providing 'incidental' or background music to their stall or fairground attraction.

PN16. The Premises Licence Holder shall ensure that a deployment of security personnel shall patrol the site for the duration of the event to monitor for unlicensed events taking place or about to take place, and:

a) Upon discovery of such activities or equipment not as described in Condition PN15, arrangements shall be made for the amplification equipment to be confiscated immediately or, if not possible, at the earliest reasonable opportunity.

b) Arrangements shall be made for confiscation of equipment in the case of traders where, in the opinion of the Licensing Authority, a noise nuisance is being or likely to be caused.

PN17. Between the hours of 00:00 and 04:00 on a Monday morning, regulated entertainment shall be limited to the following:

a) The playing of recorded music only in the format of a 'silent disco', defined as being 'the playing of recorded music with or without a DJ, in such a way that it shall only be heard through headsets worn by persons present'.

b) The playing of a film provided that no noise shall be heard at the boundary of the licensed area.

c) No other form of regulated entertainment shall be permitted.

PN18. There will be no stages in areas labelled B and C on the plan attached at Appendix B [the Plan].

PN19. There will be no regulated entertainment in area D on the Plan except in the crew bar.

PN20. Regulated entertainment shall be permitted on Wednesday between 11:00 and 23:00.

PN21. Regulated entertainment on Wednesday shall be inaudible at the monitoring locations.

PN22. The Premises Licence Holder shall submit a post event Noise evaluation report to the Licensing Authority no more than 28 days after the end of the event. This shall include:

a) The event complaint log including names, addresses, dates, times and details of complaint and action, taken in response to each;

b) The event noise log, including dates, times, locations of noise monitoring, to include noise readings made in accordance with the noise criteria in PN10 and PN11);

c) An explanation for any breaches of licensing conditions and any action that was taken to avoid breaching the noise criteria detailed in PN10 and 11.

d) A summary of what action can be taken to improve noise control and management, if appropriate.

The Protection of Children from Harm

CH1. The Premises Licence Holder shall prominently display notices at the point of sale of alcohol that state 'It is an offence to purchase or attempt to purchase alcohol if you are under the age of 18 -Section 149 Licensing Act 2003'.

CH2. The Premises Licence Holder shall operate a 'Challenge 25' scheme with signage being displayed in all locations relevant to the sale of alcohol.

CH3. The Premises Licence Holder shall provide suitable training or instruction to all staff engaged in the sale of alcohol in relation to the prevention of sales to persons under the age of 18 years and to persons who are drunk. A written record shall be made of such training and be made available to the Licensing Authority or Hampshire Constabulary upon request.

CH4. No person under the age of 18 may serve alcohol.

CH5. Soft drinks and free drinking water shall be available on site as an alternative to alcohol.

CH6. No person under the age of 18 shall be permitted on the premises unless accompanied by an adult.

CH7. Any site and/or event staff having responsibility for the welfare of children on site shall be DBS checked (Disclosure and Barring Service) and their name date and place of birth made available to Hampshire Constabulary 28 days prior to the event taking place. The EMP shall include a plan to deal with all such lost and/or found children.

The Parties will be formally notified of the decision in writing shortly. This notification will include details of the right to appeal against this decision to the Magistrates' Court which must be made within 21 days of the notification.

The meeting commenced at 10am and concluded at 12.20pm.

Chairman