

**Application is for a new Premises Licence  
for the Brockwood Festival, Sheep Dip,  
Joan Acre Lane, Hinton Ampner, Alresford,  
Hampshire, SO24 0LF.**

**Andrew Bamber 3<sup>rd</sup> April 2024.**

**Executive Summary**

1. There have been two previous events, both of which caused problems for the Foundation. This has resulted in this representation being made against granting a premises Licence for future events.
2. I am also aware that there is a covenant dispute about the use of the land adjacent to the Foundation. This area has been designated as the main entrance to the proposed festival with camping facilities either side of the access and egress route.
3. From the documentation that I have reviewed the application fails to ensure that the 4 Licensing objectives are adequately dealt with.
4. The required risk assessment is absent and I have the impression that the applicant has relegated the responsibility for the Licensing Objectives to the Safety Advisory Group.
5. The applicant has simply listed a number of policies that have no detail and no substance. They are listed against the Management Plan which should be submitted to the Authority at least 120 days before the event. There are now less than 100 days to the event and I am unaware if the management plan is in existence, or that the policies that have been highlight are complete.
6. The failure to complete a comprehensive risk assessment to address the Licensing Objectives and to mitigate identified risks will inevitably lead to a negative impact upon the Foundation and the wider local community.
7. If the event proceeds as planned there is no doubt that the Foundation will have to close for the duration of the festival. The nuisance caused by the festival presents the Foundation with a significant predicament. The potential reputational risk and damage to the Foundation's image if individuals that are resident as part of a sanctuary retreat are unable to fully avail themselves of the Foundation's benefits.
8. The South Downs National Trust has written a letter highlighting the potential for nuisance on SDNT land and highlighted the problem of footpath access.

There is a footpath that crosses the land to be used by the festival. The footpath will be effectively barriered off and the footpath closed. This nuisance to ramblers using the footpath in the week that the festival is set up, operates, and then dismantles has not been addressed in the licensing objectives or the Traffic Management Plan.

9. The application for a Premises Licence differs from the details listed within the Traffic Management Plan. The duration of the event is 2 days longer in the application stating that the Thursday and Sunday are included in the festival, whereas the TMP sets out the festival days as the Friday and Saturday.
10. The Traffic Management Plan also makes the assumption that the Foundation's land can be used to gain access to the site. No such agreement exists and use and access will be refused.
11. I have the impression that there has been a lack of openness and transparency around the development of the event.
12. The applicant has failed to produce the required risk assessment and adequately deal with the Licensing Objectives as required.
13. The policies that underpin the 4 Licensing Objectives have not been produced.
14. There is every indication that the 4 Licensing Objectives are not at the forefront of the application or that they are a key concern for the applicant. In my previous roles, based upon the disclosure in this application, I would have ensured that a robust representation was made to object to the application.

## **Introduction**

15. I have been asked by Philip Somarakis of Irwin Mitchell to review an application from Brockwood Entertainment Ltd, Sheep Dip, Hinton Ampner, Alresford, Hampshire, SO24 0LF.
16. The application is for a new Premises Licence for the Brockwood Festival, Sheep Dip, Joan Acre Lane, Hinton Ampner, Alresford, Hampshire, SO24 0LF.
17. The purpose of the application is to provide licensable activities for one event, running for no more than 5 consecutive days, each calendar year.
18. I have been provided with.
19. A copy of the application with the proposed schedule of conditions, as amended on the 15<sup>th</sup> February 2024.
20. A noise management plan, dated the 16<sup>th</sup> February 2024, developed by F1 Acoustics, 38 Briton Hill Road, South Croydon, Surrey, CR2 0JL.
21. A Traffic Management Plan produced by Last Mile Services Ltd, dated the 29<sup>th</sup> February 2024.
22. In addition to the documentation provided by Irwin Mitchell I have read the Winchester City Councils Statement of Licensing Policy for 2024 – 2029. Along with literature from the South Downs National Park, that included a letter from the South Downs National Trust.
23. I have not seen any representations from the responsible authorities or any other interested party. I have not been provided with any other documentation.
24. I am aware that there has been some community engagement that has not resulted in any meaningful community resolutions.

25. I am aware that my observations must relate to one or more of the 4 Licensing Objectives and the likely effects that the grant of the licence would have on the promotion of at least one of the objectives.

**Personal profile**

26. This assessment is completely independent of my instructing solicitor and the owner and anybody associated with the venue. I have no personal involvement with the applicant or any business or resident in the area.
27. I am able to evaluate the operational environment based upon my considerable experience and qualifications. I can view the environment through several perspectives and make objective and proportionate interpretations of any data and evidence.
28. In brief I have been:
- A licensing observation officer.
  - A divisional licensing Inspector on a busy and challenging London Borough.
  - The operations manager for the central London Clubs and Vice Unit.
  - A Detective Chief Inspector managing divisional crime investigations.
  - A senior investigating Officer.
  - A Borough Commander responsible for developing and delivering local policing plans that include the night-time economy challenges.
  - As an Assistant Director, for 10 years, on a semi-inner London Borough I was responsible for the Safer Communities portfolio that included the development and delivery of the Partnership Community Safety Strategy. I was directly responsible for the Licensing function and the night-time economy, problem solving local crime and ASB hotspots, and the development and management of Licensing policies.
29. I acknowledge that as an expert witness my primary duty is to the Court and Licensing Sub-Committee. All facts identified in this report are true to the best of my knowledge and experience. They were either witnessed or experienced by me personally or relayed to me in good faith and appear to be credible and reliable.

30. The opinions I have expressed within in this report are honestly held and correct to the best of my judgement and belief. My fee for preparing this report is not conditional on the opinions I have stated within or the eventual outcome of the case.

### **Krishnamurti Foundation**

31. I visited the location on Tuesday the 2<sup>nd</sup> April 2024 and met with a Mr Tom Power. During my visit I walked around the Foundation Grounds and buildings and the proposed site for the festival.
32. The Krishnamurti Centre and the Brockwood School form a foundation that exists to preserve and make available Krishnamurti's works.
33. It is a charity based in the UK, providing a worldwide service to those pursuing an understanding of Krishnamurti's teachings in their own lives. There are two other foundations. One in India and the other in America.
34. The charity was founded in 1968 and purchased Brockwood Park in 1969. The school started in 1969 and the centre was opened in 1987. It is a retreat centre that has been purposely designed. *'This place must be of great beauty, with trees, birds and quietness, for beauty is truth, and truth is goodness and love.'* KRISHNAMURTI
35. It is designed as, an ideal setting for inquiry into the whole of life. The elements of Brockwood Park complement each other and form a unique whole. The Krishnamurti Centre is a quiet retreat centre designed for adults to explore the work of Krishnamurti and its relevance to their lives.
36. The venue operates as a 24/7 entity alongside term times in the school and specific managed retreats in the Krishnamurti Centre. People arrange individual retreats throughout the year, and guests can arrange their own study, use the library, walk in the grounds and local area, and inquire informally with others.

37. The Foundation is located in Brockwood Park and set in over forty acres of grounds amongst the ancient woods and the rolling hills of the beautiful and peaceful Hampshire countryside, within the South Downs National Park.
38. The Foundation actively publish authentic books, curated articles, and quotes, and has an archive of free video and audio, social media and podcast projects.
39. The philosophy of the Foundation clearly aligns with the South Downs National Park. Where the *'landscape rich in folklore and legend that has inspired generations of writers, artists and storytellers who have flocked to witness the beauty of the rolling chalk downland and the wooded heaths of the National Park. It's been a place of worship for centuries, nurturing a spiritual and emotional connection in those who spend time here'*. South Downs National Park.

### **Festival**

40. I am aware that there have been 2 smaller events at the location in previous years, the last being in 2022.
41. They were much smaller than the proposal to bring in crowds of two to three thousand people onto the site. There is also a suggestion that the number might exceed 5000 if approval for this event is granted.
42. During my discussions with Mr Power, it became apparent that the first event was allowed to proceed with certain guarantees being made by the event organisers. Unfortunately, the organisers failed to live up to their obligations and the event of some 500 festival goers was deemed to be disruptive, noisy, and chaotic, the cause of many nuisances to the centre.
43. I am also led to believe that the second event that was objected to was permitted to go ahead and was equally as disruptive to the local community.

44. As a result of their experience during 2 small festival events and the failings of the event organisers as described by Mr Power the Krishnamurti Foundation object to the presence of the festival and the application for a Premises Licence.
45. The objection is based upon the 4 Licensing Objectives and that the applicants have completely failed to demonstrate that their event supports and properly deals with the promotion of the 4 objectives. The event will undoubtedly have a negative impact upon the Foundation, those employed and resident at the centre, people at the centre undertaking individual retreats, and the wider community.
46. The location of the event, in close proximity to the Foundation will undoubtedly cause a number of nuisances which do not appear to have been mitigated.
47. Given the purpose of the Foundation I have no doubt that its purpose will be adversely affected for over a week. I believe that the only way to preserve the reputation of the retreat and provide the sanctity it offers its clients will be to close its doors for the duration of the event.
48. This will have a debilitating effect on the international reputation of the Foundation as the granting of the permanent licence will encourage the festival to grow.
49. Such a result is not a proportionate outcome for an established sanctuary and may well have a devastating effect.
50. I have not seen all the relevant documents that should support such an application and I am unaware that they are in existence.
51. If there were to be a lack of openness and transparency with this application it would be a significant concern for me. It would undoubtedly be an indicator that the 4 Licensing Objectives were not at the forefront of the application or a key concern for the applicant.
52. I am also aware that there is a land covenant issue with the proposed use of the land immediately adjacent to the Foundations buildings.



**F1 Acoustics noise management plan.**

53. I am not qualified to comment upon the technicalities of the noise management plan produced by F1 Acoustics and will leave it to Sustainable Acoustics to do so. My concerns relating to the various sources of noise caused by this event are set out further in my report.

**Application from Brockwood Entertainment Ltd**

54. The application is for one event per calendar year, for no more than 5 consecutive days.

55. The application requests

**Films (indoor and outdoor)**

Thursday	14.00 to 21.00
Friday and Saturday	14.00 to 0000
Sunday	14.00 to 21.00

**Live and recorded music and anything similar (indoors and outdoors)**

Thursday	14.00 to 22.00
Friday and Saturday	12.00 to 02.00 (the next day)
Sunday	12.00 to 23.00

**Late night refreshment (indoors and outdoors)**

Friday and Saturday	23.00 to 04.00 (the next day)
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**Supply of alcohol (for consumption on the premises)**

Thursday	14.00 to 22.00
Friday and Saturday	12.00 to 02.00
Sunday	12.00 to 23.00

56. The proposed schedule of conditions recognises that this is a significant event where it is anticipated that 2000 people will be on the site in 2024 and 3000 in 2025.

**Proposed schedule of conditions.**

**57. Section A4 Safety Advisory Group.**

58. The suggestion that there would be a minimum of one Safety Advisory Group meeting before each event and that this could be eliminated if the chair of the meeting agrees.

59. Given the size of the event I am of the view that one Safety Advisory Group meeting would be inadvisable.

**60. Section A5 Event Management Plan**

61. I note that the section highlights that the initial event management plan would be submitted to the Licensing Authority at least 120 days before the event is held.

62. There are now about a 100 days to the event. It may be that the plan has been submitted and that I have not had sight of it for this exercise.

63. Given that the applicant has produced an acoustic report that deals with the management of sound and the specific mitigation measures that will be put in place to ensure that the potential for noise nuisance event is effectively managed (Prevention of public nuisance objective). I am surprised that the same attention to detail is not provided for the management of all 4 Licensing objectives.

64. Within the paragraphs highlighting the Event Management Plan there is a proposed suite of policies.

65. A licensing application must specifically address the 4 licensing objectives supported by a thorough risk assessment, so that the Licensing Sub-Committee has confidence that any venue is competently managed for the duration of the licence.

66. Therefore, I would have expected each of those policies to have substance and structure for the information of the Licensing Sub-Committee, rather than just the title of a policy.
67. The anticipated number of people is known and the operator knows the site. At the very least each of the policies should have a basic standard operating procedure around 'who' will undertake the role, 'how' it will be implemented and managed, 'where' the locations that are linked to the respective policy, and 'when' the times of operation and the reasons for the timings.
68. The 'why' is known; It is to ensure that the Licensing Sub-Committee have confidence in the operators, that they understand their responsibilities, and that the 4 licensing objectives are at the forefront of the event. It is to safeguard those working at the event, those attending the event, and the community impacted by the event.
69. I see no reason why the operator of a music festival should be treated any differently to other venues (in buildings) where there is an expectation that policies that link directly to the Licensing Objectives are developed and readily available to the licensing Sub-Committee.
70. Given that it is less than 120 days to the event, the draft Management Plan should be in existence. Therefore, I would have expected each of these policies to be completed and produced so that the Licensing Sub-Committee had confidence in the management of the licensing objectives during the event.
- 71. Section A9 Management.**
72. I am aware, through an internet search, that a festival has previously been held at this location. That being the case the Event Management Plan should already be in existence and with the Licensing Authority. The draft plan should be submitted 120 days before the event, it is now some 100 days away.
73. It may be that this information is available for the committee. Similar to the details supplied for the noise management arrangements.

### **Proposed conditions for the 4 Licensing Objectives.**

#### **74. Crime and disorder objective.**

There are 4 proposed conditions for this objective.

- Training.
- Refusals and incident records.
- SIA security staff.
- Communication.

75. The policies that should underpin this objective appear in a headline list linked to the event management plan for the Safety Advisory Group. There is no detail accompanying any plan.

#### **76. Public Safety**

This objective proposes 3 conditions.

- Searching
- Glass
- First aid

77. There is no specific detail around searching mechanisms for the event. The term 'Appropriate measures will be in place' is used. Such a term is open to all sorts of interpretation and would be wholly inadequate in all applications that I have dealt with.

78. Glass will not be permitted in public areas and drinks served in plastic cups etc. Any bottled drink will be decanted.

79. This condition, along with the search condition, does not identify what will happen if those attending bring their own bottles and glassware.

#### **Prevention of Public nuisance.**

- Noise

80. This proposed condition focuses solely upon noise and the noise management plan.

81. The focus upon a single issue for this objective should be a cause for concern as the applicant does not appear to have a grasp of the types of nuisance issues that may arise during a multi-day event in the open air.
82. An environmental audit and risk assessment may have helped the applicant appreciate that the potential for nuisance at such an event extends beyond noise.

**Protection of children from harm.**

- This licensing objective is covered by the standard licence conditions.
- Challenge 25
- Disclosure and barring service checks.
- Age

**83. Statement of Licensing Policy**

84. The 2024-2009 policy was introduced on the 7<sup>th</sup> February 2024 and is pertinent to this application.
85. The following paragraphs are extracts from the policy.
86. *The purpose of this policy is to strike a balance between obtaining all the benefits provided by licensed premises and events and ensuring that their less welcome impact is properly controlled and balanced against other community interests.*
87. *The Council's primary focus is the direct impact of activities taking place at licensed premises on members of the public who are living, working or engaged in normal activity in the vicinity of the premises/place concerned.*
88. *The availability of Police resources to deal with crime and disorder problems arising from the operation of licensed premises will be taken into account when considering applications.*

89. *As recommended in the statutory Guidance, applicants for new premises licences (or major variations to premises licences) should undertake a thorough risk assessment with regard to the licensing objectives, which should then be used to prepare the required operating schedule.*
90. *Applications must be accompanied by an Operating Schedule that demonstrates that the licensed premises can comply with the Council's licensing policy and promotes the four licensing objectives. The operating schedule must be adequate and appropriate for the type, location and opening hours of the particular premises. The licensing policies and matters for consideration by applicants, as detailed in Part 4 of this Policy, need to be considered carefully and measures included in the Operating Schedule, where necessary, showing how compliance with those policies will be achieved. Where an Operating Schedule does not include a measure which (under the Policy) the Council would expect to see included, a justification should be provided in the Operating Schedule.*
91. I have only worked with the documentation that has been supplied to me and the following comments are based upon the assumption that there are no other relevant documents to support the application.
92. Other than the audit and risk assessment undertaken by the acoustic company for the noise element of the application. The applicant appears to have failed to "undertake a thorough risk assessment with regard to the licensing objectives, which should then be used to prepare the required operating schedule".
93. The applicant has listed a suite of policies in support of the application that will be placed before the Safety Advisory Group. It is no more than a list and the policies themselves do not appear to have been developed.
94. The governance, development, and responsibility of the authorities 4 Licence Objectives is the provenance of the Licensing Committee. I find it unusual that an applicant has apparently delegated the responsibility of the licensing

objectives to the Safety Advisory Board by suggesting that the SAG will agree the policies that underpin the licence schedule.

95. The focus of the application seems to be the SAG and not the Licensing sub-committee!
96. It should be for the Licensing Sub-Committee to determine whether the policies are relevant to the application and that they are fit for purpose and aligned to deliver on the 4 licensing objectives as highlighted in Part 4 of the council's policy.
97. This is not an insignificant event. The potential for 2000 people to be on the site at peak times requires attention to detail.
98. The absence of a thorough risk assessment in respect of the 4 Licensing Objectives, the lack of detail in the list of respective policies, and absence of the event management plan will hinder the Licensing Sub-Committee when they are determining. *'The balance between obtaining all the benefits provided by licensed premises and events and ensuring that their less welcome impact is properly controlled and balanced against other community interests.'*
99. *And to assess the direct impact of activities taking place at licensed premises on members of the public who are living, working or engaged in normal activity in the vicinity of the premises/place concerned.*

#### **South Downs National Park**

100. Whilst the SDNPA does not wish to make a formal representation, it has highlighted that it is desirable to consider the Licensing Objective that relates to the Prevention of Public Nuisance.
101. The letter highlights the public nuisance elements that will impact upon the rural nature of the area and the tranquillity of the National Park. They also highlight the impacts upon users of the public footpath running through the site.

102. There is no doubt that the closure of the footpath and the failure to take account of its existence and to mitigate the impact of the closure will amount to public nuisance for those walking the route during this period.



103.

### **Traffic Management Plan**

104. The plan has been developed by Last Mile Services Ltd, dated the 29<sup>th</sup> February 2024.
105. There do not appear to be any revisions or comments as a result of community engagement where concerns about the plan may have been raised.



106. Elements of community engagement have not been disclosed and I am unaware if concerns have been ignored or there were no concerns raised by the community.
107. My first observation is that the traffic management plan is at odds with the Premises licence application.
108. The live event details in the Traffic Management Plan are significantly different to the application for a premises licence.
109. The Traffic Management Plan states that there will be no event on the Thursday and the Sunday.
110. However, the application requests a premises licence running from the Thursday through to the Sunday.
111. Having checked the festival website for 2024 the event is clearly advertised as running from the 12<sup>th</sup> – 14<sup>th</sup> July 2024 for 2 nights.
112. The application may be viewed as misleading as it appears to be a mechanism and a clear intention to extend the festival in future years by obtaining a licence that includes and additional 2 days.
113. The TMP only deals with vehicular traffic. No mention is made of pedestrian traffic that may wish to traverse the site during the festival period which would include the set up and dismantling of the site.
114. The attached map highlights that there is a footpath that runs across the site. By my estimation this footpath will sit within the main area of the site. It will run through the camping area and along the main access and egress route to the festival site.
115. The map supplied with each part of the application seems to highlight that the area will be fenced of and will deny walkers any access to the footpath.

116. Absolutely no provision has been made to ensure free passage along a public footpath at a time of the year that it is likely to be popular with people walking in the South Downs National Park.

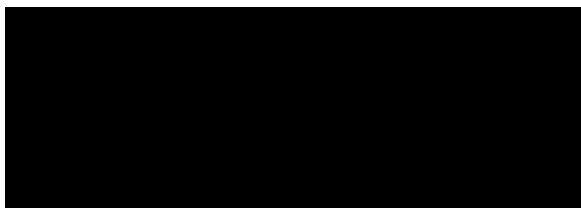
117. I am of the opinion that this failure will undermine the Public Nuisance Licensing Objective for those individuals that that wish to walk the South Downs National Park over a number of summers days and evenings. See the comments made by the South Downs Nation Trust in their letter dated the 5<sup>th</sup> March 2024.

### **Conclusion**

118. There appears to be a lack of openness and transparency with this application and a failure to adequately address the 4 Licensing objectives.

119. Based upon the documentation that I have been given I would (in my previous roles) have significant concerns.

120. There is every indication that the 4 Licensing Objectives are not at the forefront of the application or that they are a key concern for the applicant. On that basis I would have ensured that a robust representation was made to object to the application.



4<sup>th</sup> April 2024