

**LICENSING SUB-COMMITTEE**

**26 January 2018**

Attendance:

Councillors:

Mather (Chairman) (P)

Green (P)

Izard (P)

Other Members in attendance (who spoke at the Sub-Committee):

Councillors Cook and Porter

Officers in attendance:

Mr M Tucker – Interim Licensing Manager

Ms C Tetstall – Licensing Solicitor

Mrs A Toms – Environmental Health Manager

Mr P Tidridge – Scientific Officer

Mrs L James - Planning Solicitor

Ms L Hall – Legal Services Manager

Mr D Ingram – Head of Environmental Health and Licensing

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*Prior to the commencement of the meeting, the Chairman announced that the meeting would be adjourned to commence at 11am to allow the Sub-Committee to seek clarification regarding a technicality and to allow all parties present additional time to read the supplementary papers that had been circulated on the days prior to the hearing.*

1. **APPLICATION FOR PREMISES LICENCE – MATTERLEY BOWL, WINCHESTER (BOOMTOWN)**

(Report LR506 refers)

The Chairman welcomed to the meeting:

- Mr Philip Kolvin 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 Graham Tarbuck – Interested Party

- Mr Neil Saunders – Interested Party
- Mr Geoffrey Ellis – Interested Party
- Mr Martin Hendry – Interested Party (also speaking on behalf of Mr David Pain and Ms Sue Masser)
- Mrs Alison Matthews (Upper Itchen Valley Society) – Interested Party
- Mr D Smith (Cheriton Parish Council) – Interested Party

Mr Tucker introduced the application to the Sub-Committee. In summary, he explained that the application was for a new premises licence seeking changes to the previous operating licence of PREM 709, these changes were set out in paragraph 1.5 of the Report. It was noted that South Downs National Park was the planning authority, and that representations had been received, as responsible authorities, from South Downs National Park, Hampshire Constabulary, Hampshire Fire and Rescue Service and Hampshire County Council Public Health Department and the City Council's Environmental Health Manager, as set out in Appendix 3 to the Report.

The City Council's Environmental Health Manager and Scientific Officer were also present at the hearing and addressed the Sub-Committee during the consideration of this application, speaking in objection to the noise levels, as set out in the Report.

Mr Tucker outlined that the Highways Authority had been listed as a responsible authority within the report in error and should have been listed under 'representations from other persons' for this purpose.

He reported that drop-in sessions had been provided at Itchen Abbas Hall for the public to attend to ask questions and seek clarification of the applicant on technical issues and process. He drew the Sub-Committee's attention to the Legal and Policy considerations including the four licensing objectives and the obligation to have due regard to the statutory guidance issued under s182 of the Licensing act 2003, the Council's Statement of Licensing Policy (approved April 2016) and to the National Park purposes.

The applicant and their representatives had agreed a schedule of proposed variations/amended conditions to the application with Hampshire Constabulary, in addition to those in the original application. The schedule of variations to the application submitted by Hampshire Constabulary on 22 January 2018, were set out in Appendix 7 to the Report.

With these proposed revisions having being accepted by the applicant, Hampshire Constabulary had withdrawn their representations which related to the prevention of crime and disorder and public safety.

It was noted that 91 letters of representation had been received from interested parties (88 in objection; 3 in support). Of those interested parties who had submitted letters of representation, the following persons also addressed the Sub-Committee:

- Mr Graham Tarbuck – Interested Party
- Mr Neil Saunders – Interested Party (representation read by Mr Tucker)
- Mr Geoffrey Ellis – Interested Party

- Mr Martin Hendry – Interested Party (also speaking on behalf of Mr David Pain and Ms Sue Masser)
- Mrs Alison Matthews (Upper Itchen Valley Society) – Interested Party
- Mr D Smith (Cheriton Parish Council) – Interested Party
- Councillor Sue Cook (Ward Member for Colden Common and Twyford)
- Councillor Jackie Porter (Ward Member for The Worthys)

All representations received had related to crime and disorder, public nuisance and/or public safety concerns. In reference to the Licensing Authority's adopted Licensing Policy, although it was the expectation that planning permission was in place, the licence application was nevertheless a separate matter from that.

Mr Kolvin then presented the applicant's case. He introduced the outstanding issues that remained, these related to the following points:

- site perimeter;
- extra 5,000 staff and crew;
- the question of Wednesday; and
- sound levels.

Mr Kolvin explained that his client had given agreement for the application process to be extended to allow additional time for written representations to be received.

- The Applicant and their team had listened to the concerns of the responsible authorities and local residents and had attenuated the application in various respects. As a result of negotiations with Hampshire Constabulary, significant changes were agreed between the Police and the Applicant. Hampshire Constabulary were not in attendance at the hearing.

Mr Kolvin drew the Sub-Committee's attention to the schedule of variations which set out the proposed changes to the application that had been agreed with Hampshire Constabulary (Appendix 7 of Supplementary Agenda refers). He stated that the Applicant was no longer proposing an extra 16,000 tickets and was instead seeking the original 59,999 persons, with the addition of a further 5,000 spaces to be filled by additional staff, artists and their bona fide guests and a further additional 1,000 for local residents on a ticketed basis on the Sunday. This reduced the previously proposed additional 16,000 ticket number to 6,000 extra people. A breakdown of the additional 6,000 people was provided to the Committee.

In relation to the licensable activities proposed for Wednesday to Monday, it was noted that on the Wednesday, public access would be limited to 16,000 persons (in 2018), this was to greatly decrease road congestion previously experienced on the Thursday. It was anticipated that the impact on local residents from people on site on Wednesday would be nil. In respect of the Crew Bar, this had always been in operation over a 24 hour period at previous events and was only available for crew and no more than 12 bona fide guests of the crew.

It was proposed that Conditions CD3, CD4 and CD7 be replaced with the Crime and Drug Management Plan (CDMP), as set out in full within the schedule of variations. It was noted that once the CDMP had been approved by Hampshire Constabulary,

there would be no alteration to the CDMP, except with the prior written consent of the Police Commander for the event. A debriefing meeting would take place with Hampshire Constabulary to help shape the CDMP for the next event, together with a security plan and the submission of a Mental Safeguarding Plan. Mr Kolvin advised the Sub-Committee that his client would be providing their own Mental Health Safeguarding Plan to all responsible authorities.

Mr Kolvin stated that modest changes had been proposed to the existing 2,000 car parking spaces on site capacity. It was also proposed that no less than 25% of all public tickets must access the site via coach, and making it economically viable to do so. Coaches would be timetabled to specific arrival times to make it easier to plan and modulate arrivals and departures for the event.

In respect of the noise levels, the Sub-Committee noted that the existing licence allowed the Applicant to produce 65 decibels of noise, measured across the site at agreed receptor locations between the hours of 1100 to 0400. Mr Kolvin advised that his client had applied for an increase to 68 decibels from 1100 to 2100; 70 decibels from 2100 to 2300 and 68 decibels between 2300 to 0400. This proposal had been objected to by the Council's Environmental Health Department who had made written representation in objection to the application as a responsible authority and by a number of the interested parties. The agreement reached with the Hampshire Constabulary now sought an amendment to proposals as follows: Wednesday: 65 decibels. No regulated entertainment after 2300. Other days: 1100 to 2100: 68 decibels; 2100 to 2300 on Friday to Sunday: 70 decibels; 2100 to 2300 on other days: 68 decibels and 2300 to 0400. The agreed Noise Management Plan required condition PN5 shall model noise levels at 65dB (Leq 15 mins). If event monitoring by or on behalf of the Premises Licence Holder or the licensing authority shows that that level is being exceeded at any receptor location, the Premises Licence Holder shall take immediate steps to reduce the noise to that level. In no circumstances may the level exceed 68 dB (Leq 15 mins).

It was recognised that there remained strong objection from Environmental Health and interested parties regarding these amended noise levels. Therefore, to assist in addressing these concerns, Mr Kolvin advised that his clients had suggested a further proposal after 2300 on essentially every night to leave the noise model at 65dB, with a clause that if there became a problem with down winds after 2300 and the noise level exceeded 65dB they would endeavour to reduce this back down to 65dB but that under no circumstances would the noise level exceed 68dB whilst they were trying to achieve this.

Mr Kolvin stated that the proposals to Condition PN19 regarding Areas B and C were essentially in relation to queuing areas with low level music (i.e busking etc) to entertain ticket holders and that following discussion with Environmental Health, it was recognised that there was a need to lock this condition down, as set out in the schedule of variations. The Sub-Committee were informed that there would be no stages set out in Areas B and C.

The Sub-Committee's attention was then drawn to the Conditions set out on Page 65, Paragraphs 4.1 to 4.3 of the Report to which Mr Kolvin confirmed all parties were content and to Appendix 9 which set out the BTF18 proposed change to the licence perimeter. An amendment to this was circulated at the hearing marking out new area

'D'. Mr Kolvin clarified that this was not a new public access area but would only form the operation hub for the event and would be for crew camping and a crew area only with the only licensing activity take place in this area being the crew bar with low level entertainment therein.

Mr Kolvin confirmed that the noise propagation for the area was still governed by the noise of the site as a whole with Area D having no regulated entertainment at all, with the exception of the crew bar; Wednesday having regulated entertainment between 1100 to 2300 and all regulated entertainments being inaudible from monitoring locations. He mentioned that Environmental Health had agreed in principle to the changes proposed for the Wednesday restricting the numbers allowed on site and adding a condition to render noise inaudible at the monitoring locations and adding a condition to state that no stages would be allowed in Areas B and C and no regulated entertainment in area D except the crew bar.

Mr Kolvin set out the history of the Boomtown Festival, advising the Sub-Committee that it was one of only two internationally recognised festivals with ticket holders travelling from 90 different countries, attracting 400 bands from 40 different countries. 40 people were employed full time and this year it was expected that 17,000 people would be working on site during the festival, if permitted. This was a significant increase from the 11,500 people staffing the event last year. The event was worth an estimated £10m to the local economy and raised approx. £150k for charitable organisations. Over the years, the event had attracted an array of music, ranging from DJ's to a progression towards a broader demographic with live music from well known bands and artists, also including comedians, theatrical performance, food markets and leisure activities. The event had expanded and been developed by a skilled events team with a great understanding of the site. He drew Members' attention to Appendix 6 to the Report which set out the company structure for 2017 staffing numbers and reported that the Team would continue to work closely with the statutory authorities and have a regular presence at the Safety Advisory Group (SAG).

It was recognised that in previous years, the Applicant had managed to reach a satisfactory agreement with the Council's Environmental Health Team. However, this year there remained minor differences of opinion, particularly in relation to noise levels on certain days.

Mr Kolvin outlined the reasons for the applicant seeking changes to the previous operating licence PREM 709, which are summarised below:

- (i) The two major reasons for the extra 5,000 staff and crew was taken on the advice of experts to build in extra resilience into the staffing structure for contingency. At present 28% people on site at the event are staff (1 in 4 people). In order to operate and run as alternative festivals (such as Glastonbury) do, there was a need to run at 31% staffing levels, to allow more staff on site to make the event safe and secure. This was also because austerity cuts in public services meant that Boomtown had taken over some functions entirely, such as searches.

To continue to attract well known bands and artists the increase in numbers was crucial to ensure live music bands were able to bring their 'entourage' of

support staff (i.e technical crew, trucking crew etc) with them. Failure to accommodate this due to a restriction on numbers would result in bands refusing to attend to perform which would have a detrimental effect on the future of the event. The breakdown of the proposed additional 5,000 staff and crew, referred to within Supplementary Agenda 3, was in Appendix A.

- (ii) Wednesday Opening Management Plan (Appendix 6, Page 158 refers) – It was noted that when tickets go on sale for the event there would be an option for ticket holders to come a day earlier. This would initially be offered to coach travellers. Offering the Wednesday opening would help resolve the issues of previous concern, without further adverse impact on the community, as set out in the Transport Plan (Page 111 of Appendix 6 of the Report). The implication of staggering ticket holder arrivals over a two days period would alleviate the pressures on the road network previously experienced when the Thursday arrival was the only option. A similar process was followed at Glastonbury.

This also assisted in the management process with tickets released to National Express (as well as Boomtown) with an initial reduction if booked early and travelling by coach. A higher price would be levied on the car parking tickets to encourage ticket holders to car share to keep their costs down or to use public transport as a cheaper alternative. It was recognised that a shared shuttle service to the station had attracted a 75% increase over the last two years so it was noted that the cheaper modes of transport had previously proved popular and more economical.

It was expected that with the planned coach arrival and departure times, the current 25% of coach travellers would increase to 40% this year with the financial concessions that would be put in place.

With the Wednesday opening offering an additional option for those attending as well as the Thursday and the public transport provisions put in place allowing for prudent planning it was considered that this would improve the management of traffic related issues previously experienced and ought not to result in any increase in traffic volume.

- (iii) Noise Levels – The current licensing conditions as set out on Page 26 of the Report were highlighted and it was noted that proposals meant that PN10 remained exactly the same but with a change to the proposed noise levels from the site. Mr Kolvin referred the Sub Committee to the Code of Practice on Environmental Noise Control at concerts, which stated that the level of 70dB in either of the 63Hz or 125Hz octave frequency bands was acceptable but up to 80dB would cause disturbance. He stated that at no time would Boomtown exceed the level of 70dB deemed satisfactory by the Noise Council and suggested that this retained a balance for one- off annual events. Mr Kolvin then provided the Sub-Committee with noise level comparators for various festivals at Glastonbury, Reading and Bestival which were all in excess of the proposals submitted by his client. He stated that the reason for the proposed increase in sound levels this year was due to a large amount of complaints from spectators that they could not hear the bands and that the effect of this could be catastrophic for the event with the loss of talented bands which was the reason for his client seeking an increase for 2100-2300 Friday

to Sunday to 70dB which he stated was the lowest level deemed satisfactory by the Noise Council.

Mr Kolvin stated that his client was working hard at attenuating the sound on site and had been using straw bales to screen the site and would this year be looking at reducing stages overall. It was reported that a local newsletter was produced and circulated to 1,326 people in 2017. This included hotline details for local residents to report complaints. The level of hotline complaints had reduced from 2015: 29 complaints to 2017: 12 complaints, with an additional four complaints to the City Council's online reporting system.

In conclusion, Mr Kolvin stated that the noise levels proposed by his client (and agreed by Hampshire Constabulary) on a day to day basis over the course of the event, were as follows:

Wednesday:	Music inaudible – no affect in noise terms
Thursday:	no change from existing 65dB from 1100-midnight
Friday:	1100-2100 68dB (3dB above current level – barely perceptible to the ear from multiple sources) Two hours 2100-2300 70dB – for headline acts playing 2200-2300 (plus an hour for set up) 2300-0400 – 65dB (not seeking to model noise any louder than this but 68dB in case of wind movement).
Saturday:	Same as Friday
Sunday:	Same as Friday and Saturday but at midnight noise to be turned off completely.

In conclusion , Mr Kolvin referred to the World Health Organisation guidelines contained in Appendix 8 to the Report submitted by Environmental Health, but explained that the objective standards referred to permanent, continuous noise measured over 8 – 16 hr time periods and so were not relevant to temporary events.

The Sub-Committee asked a number of detailed questions of Mr Kolvin seeking assurance and clarification regarding Wednesday opening, traffic management and the use of public transport by ticket holders which were responded to as follows:

A maximum number of 16,000 tickets would be available for Wednesday opening. Those attending on Wednesday would be directed to a specific part of the site and would not have full access but would be entertained from three smaller stages. This would form the initial 'camping day' with light entertainment provided to occupy ticket holders on site whilst they set up their tents etc. In the region of 24,000 people were expected to travel by public transport (approx. 15,000 by coach 7,000 by train) at timings arranged in advance with the majority expected to arrive on Wednesday and Thursday due to the ticket restrictions that they must travel by coach only and this could be monitored upon their arrival. Therefore, it was anticipated that this would have a significant improvement on traffic management and looking at trends with a midnight close on the Sunday, coaches would again arrive and depart at specific times dependant on the tickets purchased. Car Parking spaces would be limited to 3,000 and would be charged a premium. There would also be regular dialogue with

the Highways Authority and the City Council regarding traffic and transport for the event.

Mrs Toms addressed the Sub-Committee on behalf of the Council's Environmental Health Team following her representation made on the grounds of public safety and public nuisance. She outlined hers and Mr Tidridge's 20-25 years experience of events, dealing with public nuisance and assessing nuisance from noise. She also explained that she had attended many night shifts at Boomtown to carry out noise monitoring in her capacity as Environmental Health Manager.

Mrs Toms set out that the proposed increase in capacity with the changes proposed to only increase by 5,000, she no longer made representation to this part of the application. Mrs Toms stated that whilst ingress still remained an issue of concern, this would be dealt with through meetings of the Safety Advisory Group.

Mrs Toms had expressed concern regarding the noise on the Wednesday but stated that with the proposed condition to render noise inaudible off site, she was satisfied that this would be acceptable and no longer objected to this part of the application.

Mrs Toms advised that there were two types of noise conditions in the existing licence. (PREM 709) PN11 specified limits for the LAeq, this essentially took the sound energy that varied over time and averaged it to come up with a single figure. Complaints about noise levels and breaches rarely related to the LAeq levels. The main issues had been mostly with bass noise – especially at the 63Hz octave band. She stated that an increase of 3dB would be highly noticeable as it was the contrast between the low frequency noise from the music and the low background noise levels in the rural villages that caused bass to be highly audible. She also stated that a 3dB increase represented a doubling of the sound energy so it would be equivalent of having 2 speakers instead of 1.

In respect of Condition PN12, Mrs Toms stated that the existing 65dB condition within PREM709 provided an appropriate balance between enabling the Event Organiser to run a successful event and preventing public nuisance. She stated that 65dB was the maximum allowable level and that any extra noise given as a buffer could increase low level frequency noise levels and could give rise to public nuisance. She stated that the wording of the revised condition to seek to achieve 65dB but not exceed 68dB was unenforceable and stated that when driving down the motorway you would not expect to be able to travel at 73 miles per hour in a 70 mile zone and not commit an offence.

Mrs Toms stated that it was wrong to assume that there was headroom to increase noise levels just because complaints had reduced and explained how some people have become tolerant to the event, accepting that it is of short duration. However the huge number of objections to this application suggested that a number of residents also felt that increasing the noise levels could cause public nuisance. Mrs Toms dismissed the applicants' suggestion that breaches in noise levels would not cause public nuisance, citing data from 2003 which showed a number of breaches in low frequency noise levels in Cheriton and corresponding complaints from the residents living there. This showed that public nuisance could occur even when the noise levels slightly exceeded 65dB.

She raised concerns on the grounds of health and wellbeing due to low frequency (bass) noise that modern music could create a different response to broadband noise and travel over considerable distances. Mrs Toms referred to the representations received by the public and local Councillors that described the effects of the low frequency noise in the past. She stated that there was no software that could accurately model low frequency noise levels– this suggested condition would not be achievable or enforceable.

In response to Mr Kolvin's reference to Appendix 8 to the Report – Code of Practice on Environmental Noise Control at Concerts, it was noted that this was the only document that gave advice on noise at events. Mrs Toms criticised the low frequency noise criteria in the document stating it was not very useful because there was no information as to what time of day or night a maximum of 70dB would be acceptable, nor did it describe how long a measurement should be taken for. She went on to reference the research from which the 70dB was taken.

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

Mrs Toms also drew the Committee's attention to C4 of Winchester City Council's Licensing policy which stated that stricter conditions may be imposed in a National park.

In conclusion, Mr Tidridge, the Council's Scientific Officer stated that looking at noise levels was only part of the story when looking at public nuisance and that duration, location and frequency were crucial when looking at areas with low background noise. He stated that Mr Kolvin had not mentioned the times that other events finished, how many days they went on for or whether they were being held in areas with low background noise levels.

Mrs Tom stated that she felt there was further scope for the Event Organiser to reduce noise levels emanating from the site e.g. further staggering closing times of stages, reducing sound system sizes, altering the type of speakers used etc.

In summary, Mrs Toms and Mr Tidridge stated that they considered the existing 65dB to already be in the balance of what was deemed acceptable in relation to noise levels at this rural site location and urged the Committee to refuse an increase in noise levels which they felt would cause public nuisance.

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

Mr Graham Tarbuck queried the noise elements of the application and their failure to promote the Licensing objective, prevention of public nuisance. He considered that the Applicant had not addressed the affect on local residents in relation to the additional 3dB and 5dB noise level increases. He considered that these increases in noise levels would give a nuisance value to what residents would hear. He stated that it would be difficult to measure the additional noise level but asked the Sub Committee to consider if the event constituted an increase and whether these breached guidelines? He stated the increase in perceived loudness to be 50% with

the effect of the extra 5dB and 23% as a result of the additional 3dB which he considered would be noticed at night particularly.

Mr Tarbuck stated that he attended the Boomtown Public meeting held on Monday, 22 January and expressed his concerns regarding the 3dB 'headroom' proposed to allow 'better control'. He suggested that if the existing 65dB could not be controlled then what would make the 68dB any different? He also considered the application to be contrary to World Health Authority guidelines and the Noise Council's Code of Practice (specific reference to Section 1.1). In conclusion, the Sub-Committee asked questions of Mr Tarbuck who confirmed he resided in Cheriton approximately two miles from the event and that overall he considered the existing noise levels to be adequate.

A statement from Neil Saunders, Chairman of Beauworth Parish Meeting was read out in his absence by Mr Tucker. Mr Saunders also spoke on behalf of the residents of Beauworth Village who felt strongly that the event has already been able to grow well beyond the size appropriate to protect the local community from significant public nuisance. The existing licence and conditions allowed for significant traffic congestion which had caused a detrimental impact on residents and businesses in the area. Excessive noise levels and disruption already existed and should not be allowed to increase in level and duration. Insufficient weight had been given to the fact that the Boomtown site lies within the South Downs National Park (SDNP) to protect and conserve the natural beauty and tranquillity of the park which has been neglected. There was a well documented list of issues with the running of Boomtown regarding poor noise management, crowd management, traffic management, criminal activity and drug abuse which was not acceptable in the SDNP. In conclusion, Mr Saunders urged the Sub-Committee to refuse the application.

Mr Geoffrey Ellis stated that there had been a steady increase over the years which had become a nuisance due to noise, traffic and disorder which compromised the Policy of the SDNP protected by the Environment Act. He recalled the issues of 2017 with traffic congestion on the A272 and an incident of disorder involving on site traffic officials and a member of the public.

Mr Martin Hendry addressed the Sub-Committee, also speaking on behalf of Ms Sue Masser and Mr David Pain. On behalf of Ms Masser, he said that she was strongly opposed to the application with festival goers causing chaos under the influence of alcohol and drugs which endangered the lives of local people. There was no Police presence and local residents had stopped using the roads during the event other than in an emergency. Ms Masser's representation expressed concerns regarding the use of another part of the site for crew and considered that this would create a tactic use by stealth to acquire more of the site going forward. She considered an extra day of further noise on five nights instead of four to be inconsiderate to local residents who would lose a further night's sleep and strongly opposed the low frequency sound increase of 3dB and 5dB. Ms Masser made reference to significant safeguarding risks at the event allowing children to be exposed to drug and alcohol abuse.

Mr Martin Hendry read a statement on behalf of Mr David Pain, who had contacted Mr Tucker requesting that the hearing be adjourned due to the submission of late paperwork issued during the Monday to Thursday window prior to the hearing and

the inadequate time given to read all the additional paperwork. Mr Tucker clarified to the Sub-Committee that he had not agreed to put forward Mr Pain's request for an adjournment of the hearing and explained that this was a decision to be taken by the Sub-Committee. Mr Tucker then read the response he had sent in full to Mr David Pain on this matter to the Sub-Committee.

The Licensing Solicitor clarified that prior to the start of the hearing, the Chairman had announced that the meeting start time would be adjourned for an hour which was also to enable all those present an hour to read the additional material that had previously been issued. It was noted that any of the parties could have raised a submission to ask for further time but that none had done so. The Sub-Committee agreed to proceed with the hearing and considered that adequate time had been provided to all parties present.

Mr David Pain's representation expressed strong concerns and referred to the written representation of the Hampshire Constabulary following the failure of the Applicants to effectively manage their existing premises licence PREM709 last year in respect of the Prevention of Crime and Disorder and Public Safety licensing objectives. Mr Pain stated that searching had been suspended for three hours on the Thursday without reference to the Event Liaison Team which resulted in the Police not being consulted. As a consequence, the event was not controlled and resulted in drugs and at least three offensive weapons being taken onto the site, one being used to threaten a member of Boomtown's security team. The Constabulary's initial representation also referred to further disturbing incidents and concluded that the application should be refused, a decision which Mr Pain fully endorsed. However, Hampshire Constabulary had since reached an agreement with the Applicant and had withdrawn their representation.

Mr Pain referred to the representation of Councillor Porter which stated that there was also ineffective control over people at last year's event when at the gate her own bracelet could not be read. He considered that this had serious implications for the Licensing Authority and the Local Planning Authority (SDNPA) with both the existing premises licence and the planning permission containing a condition limiting the maximum attendance to 59,999. Despite this breach the Applicants had not proposed any additional conditions to enable an audit of ticket sales. This was a common feature for premises licences at other festivals. Mr Pain fully supported all the comments in the representation made by SDNPA and made reference to the application contained on the Council's website which did not state that the premises were within the SDNP nor did it refer to the Council's Licensing Policy which was revised and adopted by the Council on 16 April 2016.

In conclusion, Mr Pain endorsed the representation of Mrs Toms, particularly Mrs Toms' point regarding the application being an open-ended licence which could run for many years, the map indicating an extended area with an absence of any detail relating to number and location of stages and other relevant data regarding noise limitations. Mr Pain considered that this supported his own written representation concerning the absence of a Noise Management Plan for public scrutiny, the request by the Applicant for higher limits on low frequency noise and his assertion that proposed condition PN6 was not achievable. He urged the Sub-Committee that, if minded to approve the application there should be no regulated entertainment on

Wednesdays and that the low level frequency noise limit should be reduced to 62dB after 2300 every night to comply with the Council's revised Licensing Policy.

During his representation, Mr Hendry outlined his previous experience as a qualified town planner and reiterated the concerns previously raised that Boomtown was a significant community issue of the SDNP.

Mrs Alison Matthews addressed the Sub-Committee on behalf of Upper Itchen Valley Society who had raised objection to the whole application. Concern was expressed regarding the growth of the event and the existing noise levels which would be further exacerbated by the changes proposed. Mrs Matthews stated that with the addition of Wednesday this would impact significantly on local residents using the surrounding road during the working week. She stated that residents had made complaints over the years regarding noise from the site but were of the opinion that as this had no effect previously that they would not bother reporting this going forward. Mrs Matthews suggested this could be a reflection on the reduction in the number of complaints received during 2017. In conclusion, Mrs Matthews queried the 12 guests of crew members and stated that the Society were still in objection to the extra 6,000 persons and that it was hoped that the noise levels on the Wednesday would be inaudible as the Applicants had advised.

In response to Mrs Matthews, the Applicant clarified that the 12 bona fide guests of crew members would be the total number of guests permitted and that this would not be 12 guests per crew member.

Mr D Smith spoke on behalf of Cheriton Parish Council and reiterated concerns that the event was increasing in size each year, along with the size of the site. In relation to the sound conditions, Councillor Smith stated that he had experienced this first hand in the centre of Cheriton where initially a few complaints had been received but this had increased over time from parishioners who considered the noise levels during 2100 to 0400 to be intrusive in a rural setting. Therefore, he stated that the Parish Council was strongly opposed to the additional noise level increase proposed by the Applicant. He suggested that there would be an increase in traffic and that despite assurances that the situation would improve, this had worsened over previous years with travelling times of up to an hour between Cheriton and Winchester which he considered to be unacceptable.

In conclusion, Mr Smith stated that the extra staff was an excuse to further expand the event and sought a guarantee that this would stop and that the venue would be contained in one area and not get any closer to Cheriton which was the reason for parishioners raising objections.

Councillor Cook addressed the Sub-Committee as a Ward Member for Colden Common and Twyford and referred to the four licensing objectives, particularly public safety and raised queries regarding the period of build of the site, health and safety at work legislation, the change to proposed additional numbers, sound attenuation, Wednesday opening and communication between the Applicant and Hampshire Highways regarding traffic to and from the site.

In response to questions from the Sub-Committee, Councillor Cook confirmed that letters of objection had been received from residents of Cheriton and Twyford but not

from residents of Colden Common as the village was located slightly further away from the festival site.

Councillor Porter spoke in her capacity as Chairman of the community meetings held in Itchen Valley where the impact on local people was considered at length and supported the issue raised regarding the traffic and security in and out of the site in regard to the prevention of crime and disorder. She stated that the public attending the festival were not all camping on site and that there had been evidence of people camping on land outside the curtilage of the site. She questioned how the Wednesday licence would adequately address the existing traffic management concerns with 16,000 people arriving a day earlier by coach and how this could be appropriately be managed and controlled. She considered that a scanning system would be necessary to ensure no repeat of last year's public safety concerns, previously raised by Mr Pain and made reference to the economic impact with residents being forced to work from home or take holiday so they did not have to travel or leave their homes with traffic nuisance being public nuisance during this event and with the extra day also extending the closure of the SDNP pathways. Councillor Porter stated that there was no evidence that Sunday departure would happen.

In conclusion, Councillor Porter stated that it was not at the festival that the noise was felt, it was several miles away from where residents lived that it travelled to and where it was heard all the time – Chilcomb, Alresford, Itchen Abbas residents had previously complained and it was noted that weather conditions affected the noise. Councillor Porter welcomed the proposed silence on the Sunday for local working residents, that the crew section would be screened off to residents on the A31 and she requested an increase in reference points to provide a clearer view of how noise was affecting residents around the site.

In addressing the relevant points raised by the interested parties, Mr Kolvin raised the following:

- (a) When trying to understand the low frequency noise level that 3dB brings to residents, Mr Kolvin explained that the Applicant's acoustic witness had stated that a steady source would be just perceptible to the human ear. In 2017 the complaints were mainly from residents to the east of the site. It was noted that 65dB had been the sound level limit for some time and no exceedances to this level were registered in Cheriton.

The World Health Organisation guidelines state that broadband sound levels are weighted and there are references to low frequency as continuous long term sources of noise in regard to effects on health.

In his closing remarks to the Sub-Committee, Mr Kolvin noted that the proposed changes agreed between the Applicant and Hampshire Constabulary would still involve a degree of disruption for local residents surrounding the site but reminded Members that this was a one-off event and that it was the role of the Licensing Authority to find an appropriate balance. He considered that most of the objections received had been resolved through the proposed attenuation agreed with the responsible authorities and confirmed that the additional extra 5,000 to numbers would not be for public tickets but solely for staff, their entourage and crew only.

Mr Kolvin clarified that the Wednesday opening produced a benefit by spreading traffic arrivals, providing improved ingress and enhanced safety and that the noise from the site on the Wednesday would be inaudible, and that all of this could be locked down by condition, if the Sub-Committee deemed this necessary.

He confirmed the changes to the sound levels proposed and that it was difficult to perceive the meaning of a decibel and to determine what the noise standard was with no standard or code and with guidance from Environmental Health but that his client had asked for the 70dB on three nights for two hours each night (2100 to 2300). Mr Kolvin reminded the Sub-Committee that the event could not take place if a licence was granted, unless the Applicant could also secure planning permission for the event and referred to national guidance advice (paragraph 2.17 refers) that noise conditions should be proportionate so as not to deter events of value to the community.

In conclusion, Mr Kolvin stated that his client had reduced their initial proposal significantly in an attempt to address the concerns raised and that he hoped that the Sub-Committee considered that a suitable balance had been achieved.

In their closing remarks, the Sub-Committee asked several questions of Mr Kolvin which he responded to accordingly as follows:

- (i) In relation to the doubling of low frequency noise, Mr Kolvin responded that this resulted in a doubling of energy at the source and not a doubling of what people hear. However, 3km away this would be barely perceptible. There would be on site sources monitoring sound from single points and the stages. Mr Millar confirmed that it was low frequency and not broadband noise that produce doubling of 3dB on site and not off site.

In response, Mrs Toms confirmed that the doubling of the sound system increase by 3dB did not mean you could hear the music twice as loudly. However, a 3dB increase would be highly noticeable because it was the contrast between the low frequency levels versus the very low, low frequency background levels in the rural areas.

The Chairman thanked all those for attending and providing their representations to the Sub-Committee and announced that the Sub-Committee would provide their decision and reasons for their decision to all parties within five clear working days of the hearing.

The meeting commenced at 11am, adjourned between 1pm and 1.35pm and concluded at 4.10pm.

Chairman

**Decision following the meeting on 26 January 2018 re Application by Boomtown Festival UK Limited for a New Premises Licence – Boomtown Festival, Matterley Bowl, Alresford Road, Winchester**

In reaching its decision, the Sub-Committee has carefully considered the application, the representations made both by the responsible authorities and by other persons. 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 on pages 52 – 57 of the report [LR 506] as amended in the Resolution set out below.

RESOLVED:

1. That 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 attached to the licence.

REASONS:

The reasons for the decision are:

- The increase in overall numbers will enable the applicant to increase the ratio of staff to public ticket holders which will further promote all four licensing objectives. No valid objections that specifically relate to the additional 1000 Sunday tickets for local residents have been received.
- The addition of Wednesday will spread arrival times and ease congestion at the start of the festival and is likely to contribute to more festival goers leaving on Sunday rather than Monday. It will also assist with the prevention of crime and disorder objectives by enabling the entrance procedures to be managed in accordance with the Crime and Drugs Management Plan. The Sub-Committee has been assured by the applicant and has included a condition that noise at the monitoring stations will be inaudible on Wednesday.
- The extended perimeter of the licensed area (compared to PREM 709) will additionally be subject to conditions PN18 and PN19.
- No valid objections to the opening times of the crew bar have been received and the Sub-Committee accepts the condition offered by the applicant to restrict those who can use it.
- The Sub-Committee has paid regard to the Noise Council's Code of Practice on Environmental Noise Control at Concerts which states that a noise level of up to 70dB in either of the 63Hz or 125 Hz octave frequency is satisfactory. The Sub-Committee has also paid regard to the representations from local people and Environmental Health in addition to the fact that the site is in the South Downs National Park [SDNP] and that C4 of Winchester City Council's Licensing Policy advises that stricter conditions with regard to noise control will be expected in those areas of the district which have low levels of background noise such as the SDNP. In addition, the Sub-Committee has had regard to evidence that the

existing 65dB level is affecting performance quality and therefore the future of the event. The Sub-Committee has also had regard to the fact that Monday is the start of the working week for most people.

- The Sub-Committee considered the applicant's request to allow exceedances of up to 3dB between 23:00 and 04:00 but decided that to agree to this would relax the noise condition too much.
- The Sub-Committee acknowledges the concerns that have been raised by local residents regarding the impact on them of traffic congestion in the immediate vicinity as a result of activities on the site and considers that the applicant has taken reasonable steps to try to mitigate the adverse impact of traffic by imposing percentage requirements for access by coach and by spreading arrival times to include Wednesday arrivals.
- The Sub-Committee has considered the representations regarding specific incidences of anti-social behaviour in surrounding areas and has every sympathy with local residents but must pay regard to the statutory guidance which states that conditions cannot seek to manage the behaviour of attendees once they are beyond the direct management of the licence holder and their staff (Paragraph 1.16 Home Office Revised Guidance issued under s182 of the Licensing Act 2003) because then behaviour is the personal responsibility of individuals under the law.
- The Sub-Committee considered objections, raised by some, that the City Council's Licensing Policy Paragraph 1.4 states that an applicant should have a valid planning permission in place before making a licensing application but acknowledges that this requirement is not always practicable and that the applicant will be unable to use this licence without having obtained planning permission.
- The Sub-Committee recognises that its role is to promote the four Licensing Objectives and has tried to find a sensitive balance which meets the needs of all parties.

### Operating Hours

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

(a) Plays and films

<b>(i)</b>	<b>Wednesday</b>	<b>1100 to 2300</b>
<b>(ii)</b>	<b>Thursday</b>	<b>1000 to 0000</b>
<b>(iii)</b>	<b>Friday</b>	<b>1000 to 0000</b>
<b>(iv)</b>	<b>Saturday</b>	<b>0000 to 0000</b>
<b>(v)</b>	<b>Sunday</b>	<b>0000 to 0400 Monday</b>

(b) Live Music

<b>(i)</b>	<b>Wednesday</b>	<b>1100 to 2300</b>
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- (ii) **Thursday** **1000 to 0000**
- (iii) **Friday** **1000 to 0400 Saturday**
- (iv) **Saturday** **1000 to 0400 Sunday**
- (v) **Sunday** **1000 to 0000**

(c) Recorded music and performance of dance

- (i) **Wednesday** **1100 to 2300**
- (ii) **Thursday** **1000 to 0000**
- (iii) **Friday** **1000 to 0400 Saturday**
- (iv) **Saturday** **1000 to 0400 Sunday**
- (v) **Sunday** **1000 to 0400 Monday\***

**\* and see condition PN17 below**

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

- (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:

- (i) **Monday to Sunday** **0000 to 0000\*\***

**\*\* Sale of alcohol to the public Wednesday to Monday of event days only.**

**Crew bar only: for 21 days before commencement and up until 14 days after the event. See condition A2.**

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

- (i) **Wednesday 0000 to Monday 1700 inclusive.**

#### 5.1 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:**

5.2 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**

- 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 time 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 carries 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: 25 ml or 35 ml; and
      - (iii) still wine in a glass: 125 ml;
    - (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**

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 64,999 persons, which shall include all persons present at the premises in whatever capacity including ticket holders, performers, guests and staff.
  - b. At least 5000 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 16,000 persons in 2018 and 20,000 persons in 2019.

- 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 709.

### **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.

## **Public nuisance**

- PN1 From 12 noon on the Thursday 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 25% 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  $L_{Aeq}$  (15 mins) and between the hours of 2300 and 0400 noise levels shall not exceed 45dB  $L_{Aeq}$  (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  $L_{eq}$  (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 65 dB  $L_{eq(15mins)}$  between 2300 and 0400.
- (c) Sunday – 65 dB  $L_{eq(15mins)}$  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 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 / 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 / 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.**

Attach

1. Appendix A [the list showing the breakdown of the 5000 additional persons]
2. Appendix B [ the Plan showing areas B, C and the new area D]

Date: 1 February 2018

Chairman