

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Monday, 3rd October, 2022 in the Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillors D Edwardes, A Harewood and I Macfarlane

OFFICERS IN ATTENDANCE

Tracey Billington, Licensing Officer
Garry Coughlan, Solicitor
Kim Evans, Licensing Enforcement Officer
Margaret Hopley, Environmental Health Officer
Karen Shuker, Democratic Services Officer

ALSO PRESENT

Joe Barnett, Managing Director New Bohemia Music Group
Lesley Halliday, Cheshire Police
James Hall, Premises Licence Holder
Matthew Phipps, Solicitor representing Outlook Festival
Wesley Stockton, Local resident with relevant representation
Neil and Julie Cummings, Local residents with relevant representation
Keith Slack, Local resident with relevant representation

25 APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor David Edwardes be appointed as Chair.

26 DECLARATIONS OF INTEREST

There were no declarations of interest.

27 APPLICATION TO REVIEW A PREMISES LICENCE - CHOLMONDELEY ESTATE, CHOLMONDELEY, SY14 8EZ

The Sub-Committee considered a report for an application to review a Premises Licence under the section 34 of the Licensing Act 2003 in respect Cholmondeley Estate, Cholmondeley, SY14 8EZ, together with objections and support.

The following attended the hearing and made representations with respect to the application:

the Applicant,
Cheshire Police,
The Premise Licence Holder,
The Solicitor representing Outlook Festival

Local Resident Objectors.

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that after taking account of:

- The existing Licence
- A list of complaints made to Outlook Festival
- The oral and written representations made by all parties.
- A further breakdown of some of the complaints (“Complaints Log”)
- SPL Track Environmental Noise Management Report, 6.7.22 .
- A letter to the Premises Licence Holder from Cheshire East Council’s Regulatory Services and Health Officer, dated 4 July 2022
- The Application.
- Representations by Cheshire Constabulary
- A letter from Dr Mark Tyrer, Director of Public Health to the Senior Licensing Officer, Jennifer Rowney, dated 16 August 2022
- The 4 licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) and the steps appropriate to promote them.
- The Secretary of State’s Guidance on the Licensing Act 2003 (April 2018).
- Cheshire East Council’s Statement of Licensing Policy

RESOLVED:

That following review, the existing Premises Licence be MODIFIED as follows:

That the existing licence should be modified by restricting the playing of amplified live or recorded music during the hours of 00:00 – 08:00 am, Monday to Sunday inclusive.

Additional conditions requested by Cheshire Constabulary and agreed by the Premises Licence Holder as outlined in Schedule 1 of the Decision Notice below

The meeting commenced at 10.00 am and concluded at 2.30 pm

Councillor D Edwardes

SCHEDULE 1

Additional conditions requested by Cheshire Constabulary and agreed by the Premises Licence Holder

The Premises Licence Holder shall comply with the Key dates set out in the time-table below in each year that the Premises Licence remains in force:-

Key Date 1 No later than 6 months prior to the proposed dates of the event taking place: -

The Event Manager shall notify all Responsible Authorities and ESAG of his intention to hold the event and the proposed date it is to be held.

Key Date 2 No later than 120 days prior to the event taking place: -

The Event Manager shall consult with Cheshire East Council Highways and Cheshire Police with regard to his proposals for traffic management, security and stewarding

Key Date 3 No later than 90 days prior to the event taking place: -

The Event Manager shall submit draft copies of his Event Management Plan to ESAG for consultation and review by the appropriate authorities. It is appreciated that this is a living document and may be subject to change as the event develops. Where changes are made, these are to be detailed and highlighted to ESAG: -

The Event Safety Management Plan shall include unless provided as separate documents: -

- Crowd Management Plan

- Security and Stewarding Plan

- Traffic Management Plan drawn up by his appointed traffic management contractor which shall include any Temporary Traffic Regulation Orders he may seek to be imposed

- Noise Management Plan detailing the sound control procedures, music noise limits and sound propagation tests

- Medical/First Aid/Welfare Plan detailing the location(s) on site, number of staff and the operational times

- Fire Safety Plan detailing the fire safety equipment and personnel to be available on site, evacuation points and projected exit times

- An Emergency/Contingency Plan detailing blue light access routes, rendezvous point(s) and public evacuation areas

- A gridded and scaled plan of the event site

- Risk Assessment(s)
- A list and descriptions of any temporary structures
- A copy of his Public Liability Insurance document

Key Date 4 No later than 35 days prior to the event taking place: -

The Event Manager will submit final copies of the documents referred to above and any subsequent changes must immediately be brought to the attention of ESAG.

Key Date 5 During the week immediately prior to the event and if requested to do so:-

The Event Manager shall provide access to the event site to any member of ESAG or other Responsible Authority for the purposes of a site inspection and confirmation of compliance with the Event Safety Management Plan.

The Prevention of Crime and Disorder

The Licence Holder will appoint a Security and Stewarding provider and their Operational Plans will be contained in the EMP. All Security and Stewards will be easily identifiable and have appropriate training for their duties. A register will be maintained of all stewards and security staff employed before, during and after each event containing their full names, dates of birth, home addresses, employers, event specific identification and where appropriate, their Security Industry Authority (SIA) registration details.

Where individuals are required on the Licensed Premises to carry out licensable security activities under the Private Security Industry Act 2001 they must be licensed by the Security Industry Authority.

(a) The numbers of SIA registered staff and stewards and their deployment areas and times of duty shall be set by the security provider and agreed by Police and ESAG. These details shall be included in the Event Safety Management Plan or other plan(s) where these are separate documents.

(b) Sufficient numbers of security staff shall remain on duty to complete the egress process and this number shall be agreed at ESAG meetings.

(c) Each member of security staff shall continue to wear uniquely numbered tabards or other agreed form of individual identification for the duration of the event.

(d) There shall be no replacement of Police personal by civilian security staff without the prior agreement of the ESAG.

The Alcohol Management Plan will set out procedures to minimise any contribution to crime and disorder from the consumption of alcohol.

The Premises Licence Holder shall take all reasonable steps to prevent drunkenness or other disorderly conduct and shall not permit entertainments which are obscene offensive to public decency or calculated to incite a breach of the peace.

The Premises Licence Holder shall prepare a drugs policy for events which will be based on 3 core messages:

- Prevention
- Drug Dealers and users
- Welfare and treatment

Random searching at a search ratio agreed with the Police will take place at all entrances and within the Licensed Premises for offensive weapons or drugs along with other prohibited items such as but not limited to glass bottles, illegal drugs, legal highs, nitrous oxide or weapons of any kind. In addition, bags will be searched on entry. Searching of persons shall be carried out by members of the same gender.

The ticket conditions shall indicate that searching for prohibited items will be carried out and there will be signage with this message at all entrances.

In accordance with the Alcohol Management Plan, ticket holders will not be permitted to bring alcohol into the Event.

Anyone deemed to be drunk and/or disorderly or under the influence of any controlled substances will be refused entry to the Event.

Any person displaying drunken or aggressive behaviour will be removed from the Event and their removal recorded in the incident log book. Anyone found to be using illegal substances will be dealt with in accordance of the Drugs Policy. No legal highs or nitrous oxide will be allowed into the event. Anyone found with these items in their possession will be refused entry or ejected if there are grounds to suspect that they are selling them. Anyone found using or in possession of illegal substances will be dealt with in accordance with the agreed drugs policy for this event, which will be found in the EMP.

An incident and log book will be completed for any incident of crime and disorder or anti-social behaviour that takes place within the Licensed Premises. The log book/record will be made available upon request to officers from the Licensing Authority, Trading Standards and the Police.

A strategy will be put into place to steward areas outside the licensed area.

There shall be:

- (a) A review of concerns of the community in relation to public nuisance on an annual basis,
- (b) A review of crime and disorder on an annual basis,
- (c) A review of the Event Safety Management Plan and any ancillary documents shall take place on an annual basis with the Event Safety Advisory Group.
- (d) An appointed representative of the Premises Licence Holder shall attend advisory briefings with senior Cheshire Constabulary staff appointed by Cheshire Constabulary when arranged prior to and after any event.

Public Safety

The ticketed capacity will not exceed the maximum capacity permitted by the premises licence.

Appropriate arrangements by way of barriers, gate systems, security or other provision will be made, in agreement with the responsible authorities, to prevent unauthorised access to the Licensed Premises and manage entry to the Licensed Premises.

Customer admission to the Licensed Premises will be by ticket only Ticket printing manifests and sales figures will be available upon request to the Licensing Authority.

The Licensed Premises shall conform to all relevant provisions of current Health and Safety legislation in respect of persons employed in or visiting the venue and the Premises Licence Holder shall comply with all such legislation and the reasonable requests of the Health and Safety Inspectorate.

The Premises Licence Holder will appoint a suitably competent provider to manage and provide suitably staffed and equipped medical/first aid facilities to the satisfaction of the ESAG.

The Premises Licence Holder shall ensure that adequate sanitary provisions and hand cleansing facilities are provided for the number of people expected to attend the event to the satisfaction of the Licensing Authority. Toilets shall be kept in good order and repair and serviced throughout the event to ensure they are kept safe, clean and hygienic. Toilets shall be supplied with toilet paper, in a holder or dispenser at all times. The quantity of toilets provided will be at least the number advised in the Purple Guide.

Details of all temporary structures (including stages) will be included in the Event Management Plan.

Vehicle movement within the Licensed Premises will be limited to those which are essential and will be controlled to ensure safety of the public and staff. Vehicles moving within public areas will require a Banksman at all times.

The siting of all concessions will be in consultation with the ESAG.

All food concessions will be available for inspection at times suitable to the Council's Environmental Health Officers. Any food concession not complying with food safety or occupation Health and Safety at Work Requirements will be closed upon request of the appropriate Environmental Health Officer.

No glass bottles will be sold anywhere on site. All bottles will be PETs sold with tops removed, and where practicable, draft will be sold in plastic/paper cups.

A Transport Plan including a Traffic Management Plan will be provided within the Event Management Plan.

Suitable notices shall be provided throughout the Licensed Premises to indicate clearly the location of all available services and facilities such as sanitary accommodation, refreshments, drinking water, first aid points and exits, all of which shall be clearly signposted.

The Prevention of Public Nuisance – Agreed by Environmental Health

- (a) The Premises Licence Holder shall appoint a suitably qualified and experienced Acoustic Consultant who shall be required to advise the Premises License Holder. The Consultant shall manage noise generated during the licensed events and liaise with all the relevant parties ie the Premises License Holder, the Environmental Protection Team at Warrington Borough Council, Event Promoters, Sound System and Performers, prior to and during the licensed event.
- (b) At least three calendar months in advance of the event taking place each year, the Premises Licence Holder shall submit to the Environmental Protection Department a "Noise Management Plan" for prior written approval in advance of the event taking place. Thereafter, the approved "Noise Management Plan" shall be observed and complied with in full. Subject to Environmental Protection being satisfied, written approval will be given no later than two months in advance of the event taking place with any modifications only being made with the prior consent of Environmental Protection. For the avoidance of doubt the "Noise Management Plan" shall include the following elements:
 - (i) Shall clearly define the measures to be taken to achieve (e.g. sound propagation, calculation, Mapping or similar), and

ensure compliance (e.g. manned monitoring locations, remote monitoring with feedback system to the sound mixing desk), with the "Music Noise Level".

- (ii) The Premises License Holder shall include an initial noise assessment in the Noise Management Plan. This shall detail the ambient noise levels at specific locations together with details of predicted noise levels during the event at agreed residential locations (taking into account all amplified noise sources). It shall also provide details of how the applicant and their Acoustic Consultant propose to ensure that noise conditions across the site are complied with. This shall be submitted to and agreed by Cheshire East Borough Council's Environmental Protection Department prior to the submission of the Noise Management Plan. Cheshire East Council does not expect that the ambient noise levels will alter year after year and so would only require that the applicant's Acoustic Consultant carry out a further ambient noise assessment in the event of a significant change to the local noise environment.
- (iii) Shall clearly define the continuous noise monitoring arrangements and locations to be monitored, to determine compliance with the "Music Noise Level" for the full duration of each performance.
- (iv) Shall consider other sensitive activities that may be affected by the event(s), for example, church services. (only applicable if there's a village church nearby)
- (v) Any use of public address systems, other potentially noisy activities such as fairgrounds and pyrotechnics) shall be considered and detailed in the noise management plan.
- (vi) Shall specify the operator competency and type of noise monitoring equipment to be utilised.
- (vii) Measurements shall be undertaken on a real time basis for the full duration of the event.
- (viii) Shall clearly define the arrangements to secure compliance with the "Music Noise Level" throughout the event and the organisational management to secure the same. Where the "Music Noise Level" is breached, details of corrective action shall be appropriately documented.
- (ix) Shall clearly define the arrangements for receiving and responding to complaints from the community about noise

and other issues associated with the build-up and clearance of the site infrastructure and the event itself.

- (x) All complaints shall be documented with the date and time of receipt, contact details for the complainant, details of the person receiving the complaint, details of the complaint, details of the investigation made and the date and time of any feedback given to the complainant.
- (xi) The sound systems associated with each ride on the fairground shall not be operated after 22:00. (Only applicable if Fairground rides are present)
- (xii) Not later than 7 days in advance of the event taking place each household and business within the vicinity of the site (to be agreed with the Local Authority) shall be provided with details of how to make a complaint about event related noise, and be provided with an event timetable including times and dates for the erection and dismantling of the site infrastructure, sound propagation and speaker tests, sound checks time of the first chord and last chord for each day
- (xiii) Erection and dismantling of the site infrastructure shall not take place before 08.00hrs or after 20.00hrs on any day. If for any reason, these times need to be extended, such as a result of poor weather conditions, permission must be sought by the local authority and only 'non-noisy' works may take place.
- (xiv) Timings for sound propagation and speaker tests shall not take place before 08.00hrs or after 20.00hrs on any day.
- (xv) The appointed acoustic consultant will comply with any reasonable noise management request from the environmental protection team.
- (xvi) The Premises License Holder shall ensure that any Sound System Supplier, Sound Engineer, Sound Equipment Operator or Performer is informed of the noise conditions contained within the licence and that they will be required to comply with any instructions given to them by the Premises License Holder or the employed Acoustic Consultant.
- (xvii) Within one calendar month of the event taking place, a full "Noise Report" prepared by a technically competent representative of the Acoustic Consultant shall be submitted to the Environmental Protection Department in writing.

This report shall include:

i. Details of the findings of the noise monitoring undertaken during the event.

ii. Details of the number of occasions and duration when the "Music Noise Level" was exceeded.

iii. Details of the corrective action taken to ensure compliance with the "Music Noise Level".

iv. Provide a full breakdown of noise complaints received and the action taken.

v. Make recommendations for improvements in the management of event related noise for subsequent events.

(xvii) Allow for authorised, named, Local Authority employees to access any area of the site where a main sound system may be operable, to conduct noise monitoring if it is deemed necessary and safe.

The "Music Noise Level" shall not exceed 75dB LAeq (15 mins) 1 metre from the facade of any noise sensitive premises (measured or where this is not achievable calculated from a nearby representative measurement position).

At least 28 days prior to any event involving lighting or fireworks which are to be visible outside the Licensed Premises a scheme containing full details of such lighting or fireworks the Premises Licence Holder will submit to the Licensing Authority for approval such approval not to be unreasonably withheld or delayed and any such scheme shall be implemented as approved.

No firework displays at the end of an event shall be held without the consent of the Licensing Authority.

At least 28 days prior to the event a scheme for collection and clearance of litter shall be submitted by the Premises Licence Holder to the Licensing Authority for approval, such approval not to be unreasonably withheld or delayed and clearance of litter shall be carried out in accordance with the approved scheme.

The Premises Licence Holder will appoint a litter management company which will produce a litter management plan for the Licensed Premises. The litter management plan will include sufficient suitably trained and equipped staff who will be employed to collect litter during and after the event. This will include areas outside the licensed site including neighbouring residential areas

The Premises Licence Holder will also ensure that waste generated from sanitary facilities is properly disposed of with details being contained in the Event Management Plan.

At least 28 days prior to any event a scheme (a dispersal policy) based on a risk assessment undertaken by the concert organisers for the stewarding of the adjoining areas on the day(s) of the concert(s) shall be submitted by the Premises Licence Holder to and agreed by the ESAG, relevant Responsible Authorities (including Police) and the Licensing Authority.

Stewarding shall be carried out in accordance with the approved scheme save for any amendments or variations at the direction of the event control or security teams for the concert made necessary in the interests of the safety or security of persons attending the concert or living in the immediate vicinity of the Licensed Premises by circumstances arising on the day(s) of the Event.

The Protection of Children from Harm

The Premises Licence Holder will carry out a risk assessment for every event to consider the implications of attendance of children at the event. If appropriate, information will be given out in advance to say that no-one under the age of 16 years will be allowed to attend the event unless accompanied by an adult.

At the point of sale of tickets for events recommendations will be given upon the suitability of the entertainment and the attendance of children whether accompanied or not.

At events when children are present, parents and guardians will be advised to instruct children to contact security, stewards, police or first aiders if they become separated.

Staff at the event will be briefed with the protocol for appropriately escorting and caring for children until they are reunited with parents / guardians.

Any child entering with an adult will be offered a wristband with the accompanying adults' telephone number written on it in case they get separated during the event. A welfare tent will be situated on site which will also house a dedicated "lost children" staff member.

The only forms of ID that shall be accepted (at the discretion of the management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved age card, HM Services warrant card or other reliable photo ID (that has been approved for acceptance by the Police or other responsible Authority)

A "Challenge 25" policy will be in place at all bars and displayed on the Website and ticket outlets.

Publicity materials notifying customers of the "Challenge 25" scheme shall be displayed at the premises.

A documented training programme shall be introduced for all staff in a position to sell, serve or deliver alcohol. The programme shall be made available for inspection at the request of the Local Authority officers and/or the police. Alternatively, where agency staff are to be employed the organisers of the event shall provide documentary evidence that all staff in a position to sell, serve or deliver alcohol have received appropriate training.

The "Challenge 25" Policy will be robustly enforced. Bar staff shall ask for proof of age ID whenever the customer appears to be under 25 years old. The alcohol policy for all events will take all reasonable steps to minimise the likelihood of supply or consumption of alcohol by persons under 18.

The Premises Licence Holder shall prominently display notices at bars stating it is an offence to purchase or attempt to purchase alcohol for anybody under 18.

All staff employed in the sale of alcohol will be fully trained regarding age restricted sales and sales to persons who are drunk. All sales training undertaken by staff members shall be fully documented and recorded prior to being allowed to sell alcohol, all training records shall be made available from officers from the Licensing Authority, Trading Standards and the Police.

The sale or supply of alcohol will only be permitted by the Designated Premises Supervisor (DPS) or by his/her written authority. The DPS will remain on site during the hours of alcohol service.