

Licensing Act Sub-Committee

Date of Meeting:	30 th January 2023
Report Title:	Application for a Premises Licence – Jim Evison Playing Fields Altrincham Road Wilmslow SK9 5NW
Report of:	Jayne Traverse, Executive Director – Place
Report Reference No:	To be provided by Democratic Services
Ward(s) Affected:	Wilmslow West and Chorley

1. Purpose of Report

- 1.1. To allow Members of the Sub-Committee to determine a contested application for the grant of a premises licence made under the Licensing Act 2003 for the following premises:

**Jim Evison Playing Fields
Altrincham Road
Wilmslow
SK9 5NW**

2. Executive Summary

- 2.1 The report provides details of an application for a new Premises Licence, under section 17 of the Licensing Act 2003 and outlines the evidence presented by the parties in relation to the application.

3. Recommendations

- 3.1. The Licensing Act Sub-Committee is requested to consider the application and any relevant representations and determine what steps, if any, it considers are appropriate to promote the Licensing Objectives.

- 3.2.** Acting in the capacity of the Licensing Authority, Members must seek to promote the Licensing Objectives and where Members consider that matters have engaged one or more of the Objectives, they may exercise their discretion. The Licensing Objectives are:
- The prevention of crime and disorder
 - Public Safety
 - The prevention of public nuisance
 - The protection of children from harm
- 3.3.** Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it considers it desirable to do so. Careful consideration should be given to the application and the evidence presented by the parties in relation to the application.
- 3.4.** Finally, Members are also reminded that in determining the application, consideration also needs to be given to:
- a) The rules of natural justice
 - b) The provisions of the Human Rights Act 1998

4. Reasons for Recommendations

- 4.1.** The Licensing Act Sub-Committee has the power to determine this application in accordance with the provisions of the Licensing Act 2003 and the Council's Constitution.

5. Other Options Considered

- 5.1.** Not applicable

6. Background

- 6.1.** On 15th December 2022 an application was received by Cheshire East Council Licensing for a time limited Premises Licence for the following location:

**Jim Evison Playing Fields
Altrincham Road
Wilmslow
SK9 5NW**

- 6.2.** The applicant has applied for a time limited premises license to provide licensable activities at one event only, held over a maximum of two consecutive days between 20th May 2023 and 15th August 2023. The

proposed date given by the applicant for the event is 8th July 2023. The applicant expects there to be up to 25,000 attendees each day.

- 6.3. A copy of the application form is attached at **Appendix 1**.
- 6.4. A copy of a plan provided by the applicant is attached at **Appendix 2**.
- 6.5. A larger map of the local area has been provided by the report writer at **Appendix 3**.
- 6.6. The licensable Activities and hours applied for are provided in the following tables:

6.7. **Provision of Films (outdoors only):**

	Start	End
Friday	16:00	22:30
Saturday	16:00	22:30

6.8. **Provision of live music (outdoors only):**

	Start	End
Friday	16:00	22:30
Saturday	16:00	22:30

- 6.9. The performance of live music may be amplified and unamplified. Soundchecks may take place from 10:00 each day. Performance of live music may take place from 16:00 each day.

6.10. **Provision of Recorded Music (outdoors only):**

	Start	End
Friday	16:00	22:30
Saturday	16:00	22:30

- 6.11. The provision of recorded music will be amplified and sound checks may take place from 10:00 each day. The provision of recorded music may take place from 16:00 each day.

6.12. **Provision of Performances of Dance (outdoors only):**

	Start	End
Friday	16:00	22:30
Saturday	16:00	22:30

6.13. Provision of Anything of a Similar Description to Live Music, Recorded Music or Performances of Dance (outdoors only):

	Start	End
Friday	16:00	22:30
Saturday	16:00	22:30

6.14. Supply of Alcohol (for consumption on the premises only):

	Start	End
Friday	16:00	22:30
Saturday	16:00	22:30

6.15. The opening hours are stated to be 16:00 to 22:30 on both Friday and Saturday.

6.16. The applicant has stated that they will provide a draft Event Management Plan to the Safety Advisory Group at least 4 months prior to the first event day. The Safety Advisory Group will be provided with details of planning for the event and there will be a forum to scrutinize the plans.

6.17. A final Event Management Plan will be submitted to the Safety Advisory Group no later than 28 days prior to the first day of the event.

6.18. The applicant has explained that they will appoint a resident liaison lead following the lodging of the application. The applicant will begin communication with residents 4 months prior to the first event date with a letter providing top level event information about the proposed event together with the applicants contact information. This communication will also invite the residents to a residents meeting no later than 3 months prior to the first event date so that local residents have chance to discuss the event with the applicant and specialist contractors such as security, noise management, traffic management and cleansing / waste management. A further letter will be sent to residents within 14 days of the event with more detailed information including live event times and contact details during the event. During the event the applicant stated they will monitor a designated resident hotline number which will link in directly with event control to ensure ease of instructions to contractors such as security, noise management and cleansing. The applicant stated they will work closely with the SAG to minimise impact upon the local community.

7. Consultation and Engagement

- 7.1.** Premises Licence Applications are subject to a 28 day consultation period. During that period the application must be advertised in a newspaper circulating in the local area; advertised at or near the premises on a notice printed on light blue paper; as well as being advertised on the Council's website.
- 7.2.** All of the above were complied with. The application was advertised in a local newspaper on 21st December 2022; blue notices were inspected by a Licensing Enforcement Officer on 9th January 2023; the application was also advertised on the Council's website for the 28 day consultation period.
- 7.3.** Environmental Protection have agreed with the applicant that the following conditions be added to the Premises Licence:
- 7.4.** *In order to protect the interest of local residents and ensure that the licensing objective of public nuisance prevention is upheld: all necessary steps shall be taken to ensure that any noise from the premises shall not be at a level which could cause a noise nuisance at the boundary of the nearest residential premises, therefore:*
- 7.5.** *The services of a professional and suitably experienced noise management company will be engaged to produce a noise management plan for the approval of the environmental protection services and Safety Advisory Group.*
- 7.6.** *Planning for the Event: The Noise Management Plan shall be produced no later than 8 weeks prior to the event and shall include details of predicted noise levels at nearest noise sensitive properties based on modelling or actual noise measuring. The noise level predictions shall only be based on the sound system to be deployed for the event. The NMP shall detail measures of how noise will be monitored and proactively managed during the event. The appointed noise consultant shall liaise between all parties; Environmental Protection Service, Production Manager, DPS, Sound System Suppliers, Sound Engineers, Licensing Authority on all matters relating to noise control prior to and during the event.*
- 7.7.** *A traffic and transport management plan will be produced and included as a supplementary document to the Event Management Plan.*
- 7.8.** *Travel details will be provided to attendees prior to the event.*
- 7.9.** *A waste and litter management plan will be produced and included as a supplementary document to the Event Management Plan. This plan will include litter picking services and the removal and management of waste generated by the Event.*

- 7.10.** *Prior to the Event: A noise propagation test shall be undertaken prior to the start of the event in order to set the appropriate control limits at the mixer position. The sound system shall be configured and operated in a similar manner as intended for the event. The sound source used for the test shall be similar in character to the music most likely to be produced for the event.*
- 7.11.** *The noise consultant shall ensure that prior to the event during testing of equipment, minimum noise levels are emitted from the sound equipment to reduce to its lowest level any noise nuisance to local residents.*
- 7.12.** *During the Event: The noise consultant shall ensure that the noise is monitored at the perimeter of the site (or other appropriate noise sensitive locations) throughout the event and at least during each different artist.*
- 7.13.** *The noise consultant shall comply with any request made by a nominated officer of the Environmental Protection Service to reduce or remix sound emanating from the amplification system.*
- 7.14.** *After the Event: A compliance / evaluation report shall be produced within 6 weeks of the event detailing monitored noise levels during the event, compliance with agreed levels, number of complaints received and action taken as a result of complaints.*
- 7.15.** A copy of the above agreed conditions is attached at **Appendix 4**.
- 7.16.** No objection or response was received from Cheshire Constabulary.
- 7.17.** Licensing received 40 valid objections to the application during the consultation period. They relate to the Licensing Objectives ‘the prevention of crime and disorder’, ‘public safety’ ‘the protection of children from harm’ and ‘the prevention of public nuisance’.
- 7.18.** Copies of the objections can be found individually numbered at **Appendix 5**.

8. Implications

8.1. Legal

- 8.1.1.** The Sub Committee must determine this application in accordance with section 18 of the Licensing Act 2003. To do so otherwise would render its determination unlawful and invalid.
- 8.1.2.** In accordance with the provisions of section 18 (3)(b) of the Licensing Act 2003 the Licensing Authority Sub Committee must, having regard to the representations, made in this application take such steps (if any) as it considers appropriate for the promotion of the licensing objectives.
- 8.1.3.** Section 18 (4) provides that the authority may:

- a) Grant the licence subject to conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the authority considers appropriate for the promotion of the licensing objectives and any mandatory conditions that must be included on the licence in accordance with the Licensing Act 2003
- b) Exclude from the scope of the licence any of the Licensable Activities to which the application relates
- c) Refuse to specify a person in the licence as the Premises Supervisor
- d) Reject the application

8.1.4. Members are reminded that should any conditions be added, they should be practical, enforceable and appropriate to promote the Licensing Objectives.

8.1.5. Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1998 to through all of its various functions, and Licensing is one of those functions, to do all that it can to prevent Crime and disorder, Anti-social Behaviour, behaviour adversely affecting the environment and reoffending.

8.1.6. Members must give reasons for their determination and notice of it must be communicated to the parties to this application. If Members depart from the Statutory Guidance or the Council's Statement of Licensing Policy then their decision notice must set out the reasons for doing so.

8.2. Finance

8.2.1. There are no financial implications

8.3. Policy

8.3.1. The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.

8.3.2. The Licensing Authority must also have due regard to the guidance issued under section 182 of the Licensing Act 2003.

8.3.3. Members should provide reason(s) for any decision taken and should set out the reasoning where they determine to depart in any way from the Policy or Guidance.

8.4. Equality

8.4.1. There are no equality implications

8.5. Human Resources

8.5.1. There are no human resources implications

8.6. Risk Management

- 8.6.1. The Licensing Sub-Committee will hear representations made on behalf of both the applicant and the 'relevant person' who has submitted their representation and will make a decision on the basis of the evidence presented to it. The Licensing Act 2003 makes provision for appeal to the Magistrates' Court of any decision made by the Licensing Authority

8.7. Rural Communities

- 8.7.1. There are no implications for rural communities

8.8. Children and Young People/Cared for Children

- 8.8.1. There are no implications for children and young people

8.9. Public Health

- 8.9.1. There are no direct implications for public health

8.10. Climate Change

- 8.10.1. There are no implications for climate change

Access to Information	
Contact Officer:	Richard Hellon, Licensing Enforcement Officer Licensing@Cheshireeast.gov.uk 0300 123 5015
Appendices:	Appendix 1 – Application form Appendix 2 – Plan Appendix 3 – Map Appendix 4 – Environmental Protection agreed conditions Appendix 5 – Objections
Background Papers:	Statutory Guidance issued under section 182 of the Licensing Act 2003 Council's Statement of Licensing Policy published under section 5 of the Licensing Act 2003 Licensing Act 2003 The Licensing Act 2003 (Hearings) Regulations 2005