

## **Representation from TLT Solicitors on behalf of New Bohemia Music Group organisers of the Outlook Festival**

Dear Sirs

### **Cholmondeley Estate**

We act on behalf of the New Bohemia Music Group (Joe Barnett, managing director) who organised, produced and promoted the recent Outlook Festival the subject of the current licensing review. We wish to submit a representation to the review application on their behalf.

We appreciate that the licensing committee were concerned with the four licensing objectives (prevention of crime and disorder, public safety, protection of children from harm and particularly in the context of this licensing review the prevention of public nuisance) but it will hopefully be helpful to provide an introduction to the company and the individuals involved before turning to the detail.

### **Outlook Festival**

Outlook Festival is a celebration of sound system culture, launched in 2008 by British music professionals Simon Scott, Joe Barnett and Noah Ball. It has held thousands of successful concerts and club events, across the world, as well as an annual festival event that takes place in Croatia. For over 15 years Outlook Festival and its concert events have hosted hundreds of thousands of attendees to excellent effect both culturally and insofar as the licensing objectives are concerned.

The organisers launched Outlook Festival UK in 2022 at Cholmondeley Castle with an attendance of 7,000.

Outlook is a well respected leader in the festival industry, having twice won Best International Festival at the UK Festival Awards as well as twice winning Festival of the Year at the Drum and Bass Arena Awards “won Best International Festival and Festival of the Year”.

The UK event seeks to build on the reputation of musical integrity it has created over the last 14 years and to create a UK based event it can celebrate the music, with talks, workshops, cinema and charitable engagement alongside the musical performances.

Outlook is also well respected for its importance in the music scene within which it sits, in 2019 the Outlook orchestra was created in partnership with London Southbank Centre. Outlook orchestra has performed in prestigious venues such as Royal Albert Hall, Kenwood House, Somerset House as well as internationally regarded festivals.

The partners and directors are also responsible for the Dimensions Festival another small/medium sized music festival based in Croatia whilst two of the directors are also founding partners in a number of other UK based large scale events such as We Out Here, Cross the Tracks, Wide Awake and South Facing.

## **Cultural significance**

Outlook Festival respectfully and faithfully celebrates an often helps rejuvenate the careers of legendary musicians by showcasing them alongside younger and more current recording artists. Previously legendary artists presented at Outlook Festival include Lauryn Hill, Damian Marley, Dawn Penn, Lee Scratch Perry, Mad Professor etc Outlook also provides a supporting platform to young musical talent on their ascendancy, Stormzy, AJ Tracey and countless other acts have all performed at Outlook Festival during their development and rise to (now) international fame. Outside of household named artists Outlook also provides a much needed platform to a significant number of non-mainstream, less commercially widespread artists

Outlook is a community based on a national and international network of music enthusiasts who unify via our client's festival and community events

## **Individuals**

The partners sought to contract with a number of experts to help deliver the inaugural year of Outlook, with the various individuals respected for their experience in the field and the successful delivery of events. This included Louise Woodward (event manager), Clare Goodchild (operations director), Tom Wilkinson (site director), Tim Kelly (health and safety consultant) and Chris Beale (noise management). An initial feasibility study of the site and the event was conducted with all making contributions. All these individuals have significant experience and expertise in their respective fields.

## **Communication**

Prior to delivering the festival the organisers communicated their event plans with the local authorities and resident groups alike.

## **Resident engagement plan**

Louise Woodward was tasked with and delivered a significant resident engagement plan. This was produced as a formal document incorporated within the event safety management plan and disclosed to all officers

On 16 November 2021 an email from Louise Woodward was sent to the relevant individuals representing the five parish councils, notifying of the event with an outline of experience and the approach being adopted. These parish councils were Cholmondeley and Chorley, No Mans Heath and District, Wrenbury-cum-Frith, Bickerton and Egerton and Bulkeley and Ridley Parish Councils.

On 3 March organisers extended an offer to these parish councils extended an offer for the event director to visit these parish councils, at their local meetings with a view to explaining the event and hearing any concerns. Cholmondeley and Chorley accepted that invitation and an in person meeting was held on 22 March. On 14 April Outlook hosted an online local residents meeting, inviting all parishioners from the various parish council areas.

The reason that we have outlined our dialogue and discussions to this extent is we understand that councillors will rightly be concerned as to the integrity of the

organisers and their willingness to engage and deliver a satisfactory event (from a licensing objectives perspective). Whilst we appreciate that there are a number of points of concern for the licensing committee to consider, we believe having dialogue, discussion and a commitment to deliver these communications, fairly disclose a willingness to engage, to learn and to improve.

### **Operational planning and delivery**

The event was managed, as is national and **international common** practice, and in line with the Estate's licence, with an event safety management plan. This document pulls together all of the risk assessments, policies and procedures for all of the various elements necessary to deliver a satisfactory event. This document addressed noise management which is obviously a key component of any such event.

### **Event safety management plan**

The event safety management plan index is attached hereto. The index sets out all of the various issues, plans and procedures that were engaged to ensure that the event passed off successfully. We have not produced the whole document here as the issues set out in the application attend to noise management which are but a feature of this significant document.

We believe that it fairly discloses a professional approach and, noise management aside, successful planning and delivery.

### **Complaint hotline**

We accept that the complaint hotline did not work as well on Thursday as it should have done. The failure of the resident temporary phone line on the Thursday night, meant that the majority of the first evening, residents were not getting answers on the phone, when ringing. As soon as our clients realised this, they got the team relocated to the Estate Office (where there are no issues with the wifi upon which the lines are reliant). The phonenumber redirected there. Our clients put significant resource into getting our VOIPs fixed by Friday afternoon so that they could resume normal operations.

### **Intrusion**

It is right to advise that there is inevitably some intrusion and impact upon residents where large scales are held. The balance, if that is the right phrase, is to ensure that that intrusion does not tip over into public nuisance.

### **Premises licence**

The premises licence under which the event was undertaken is the Cholmondeley estate licence. That licence will obviously feature as a discussion between the various parties at the licensing review hearing, a summary of the licence conditions here:

- Maximum capacity is 30,000
- 5,000+ persons attending events limited to 6 per annum
- For amplified music events planned to cater for numbers in excess of 5,000, written notice of the event and dates will be supplied to all responsible authorities and the Cheshire East Council safety advisory group (ESAG) no later than 6 months before the start date of such an event, or such less period as may be agreed in writing by Cheshire East Council (ESAG)
- The notification will be accompanied by a draft copy of specific event management plan (EMP) for their information and perusal
- EMP produced for such an event will cover all aspect of the provision of entertainment and alcohol including noise and traffic management issues and the health and safety and security of structures and persons attending
- The content of the plans should also address all the concerns of the current licensing act in order to promote the licensing objectives
- Where agreed recommendations made by the ESAG concerning an EMP will be incorporated in to the EMP
- Any changes to the EMP will be notified to the ESAG on at least a fortnightly basis and the licence holder (or representative) will undertake to attend ESAG meetings if required
- During the week immediately prior to the event the event manager shall provide access to the event site to any member of ESAG or other
- No nuisance shall be caused by noise coming from the premises
- For all outside licensable activities a minimum of 14 days' notice shall be given to the licensing authority, police, fire and rescue authority and where appropriate the ambulance service (or first aid provider) notifying them of the nature of the event, the location of the beer tents, marquees, stages etc marked on the plan of the estate, the hours for each activity, the numbers expected and the risk assessment for health and safety and public order

## **Noise management**

Christopher Beale was appointed to assist and support in respect of noise management. A noise management plan (NMP) was produced and circulated to environmental health for their approval and approval.

Chris has significant experience and expertise in managing noise from large outdoor events and the directors had worked with him on a number of other events over recent years. All of these events had been delivered to a good standard.

## **Noise conditions contained within NMP**

It is important to note that despite the concerns articulated by the environmental health officer in the application and the residents at the time, the noise measures

and proposals that governed the manner in which music was to be delivered and monitored were not breached. At no point were there any levels that were exceeded. We accept that it may fairly be said that specific levels are incorporated within the conditions on the licence. We also accept that it may fairly be said that the weighting (bass levels) need to be incorporated within the conditions on the licence.

### **Communication post Thursday**

After the first night of the event our clients received a significant number of complaints to which they endeavour to respond with a list of actions being undertaken.

First of all our clients decided to finish activities much earlier than first anticipated and/or permitted under the auspices of the premises licence. Correspondence was sent to all local parish councils and any local residents with whom we had direct communication, (provided contact details had been left).

Our clients explained the unique circumstances that had conspired to create a first difficult evening but additional resources were secured in order to ensure improvements were undertaken and, candidly, seen to be undertaken.

A number of procedures were initiated which included removal of sub-bass elements from the loudspeaker systems, reduction in noise levels from all systems onsite, increased management presence and monitoring, curtailment of Sunday night hours, further dialogue to advertise sound reporting portal and additional contact information.

### **After the event further correspondence was sent, explaining and apologising for the issues caused re noise (Thursday night).**

### **Noise management report post event**

We attach a copy of Chris Beale (SPLTrack Environmental) report of 6 July attending to the noise issues that arose at the festival between 30 June and 3 July. It is important to note the following:

1.3 – agreed offsite monitoring locations were established

1.4 – sound metres were installed at the principle sound stages

3.1 - Weather conditions were hot during the day and much cooler during the evening.

4.1 - considerable effort was made to mitigate sound propagation from all stages

4.2 - high pass filters were applied to reduce very low frequency output

4.3 - a number of stages presented a greater challenge to sound attenuation.

4.3.1 – a big top tent became (inadvertently) a passive loudspeaker in its own right

4.3.2 – sub dub arena featured sound systems of variable quality (albeit closing at 11.00 pm each day and 9.00 pm on Sunday)

4.3.3 – variable impacts were introduced by great variations in audience size dependent upon artistic performance

4.3.4 – the gatehouse demanded regular attenuation due to audience size and the roof fabric aggravating feature referenced above

The Tillyard and Dub Smugglers stages were all managed and attenuated appropriately. Environmental considerations are touched in section 5 summarised at 5.4 as “weather gave the event the worst possible conditions for noise propagation”. Monitoring data is set out at section 6 confirming that 55dB until 11.00 pm and 50dB after 11.00 pm were not exceeded. But at 6.4 low frequency levels were higher than expected with 70-77 dB until 11.00 pm and up to 77dB after 11.00 pm (at Croxton the nearest point to the event).

The summary is also instructive: Low frequency content was the source of the problem. Further design and structural considerations need to be effective in order to help avoid a repeat.

This noise report has been circulated, under our client’s instruction, to the various officers engaged in the event management. It is a transparent document that recognises the failings onsite and the issues caused. We believe that transparency is indicative of the appropriate and professional manner in which our clients have sought to operate both this and their other events. Whilst the report concludes that Thursday and Sunday’s will not be appropriate for later night activities it is not SPL’s conclusion that Friday and Saturday need be prohibited. We accept that further work needs to be undertaken but the draconian step of essentially prohibiting the event from proceeding, ever again, is neither appropriate nor necessary.

## **Weather**

The weather conditions are explained in the Noise management post event report. This almost unique circumstance made the low end frequencies travel much further than one would usually forecast. Attenuation for the conditions was put in place, but the nature of some of the sound systems made it difficult to control that bass frequency after midnight.

It not proposed to use these same sound system’s after midnight because they do not now appear to have sufficient control in built to allow for immediate control and management.

## **Diminution in hours**

The net effect of the condition proposed by environmental health to restrict and control event activities to midnight, whether on this event or on the estate licence more generally would, have the effect of blocking this event from ever returning to the Cholmondeley estate. As touched on above a restriction to midnight on the Thursday and Sunday is something that we respect and accept. The Sunday was voluntarily imposed after the Thursday night complaints.

But the nature of large outdoor event licensing, in short, festivals, is that some late night activity is part and parcel of the celebration and the event. If this event is limited to midnight across all four days it will not be able to go ahead. We believe, respectfully that much the best approach for the committee is to focus on ensuring that the activities, whilst permitted to go later than midnight, do not unreasonably intrude upon local residents. Ensuring that the noise conditions are robust and that they are delivered is we believe much the best approach

### **Second condition**

The second condition proposed by the officer, in respect of a contact telephone line being made available, with complaints being recorded and resolved, is accepted as being appropriate to attach to this event.

### **Event de-brief.**

After the event the team engaged in a dialogue with the Responsible Authorities. It is our understanding that the event, noise apart, was considered a significant success. To quote correspondence Louise Woodward sent to the ESAG on the 7<sup>th</sup> July : Outside of the issues we faced with the external sound management, we're delighted with how the event went from an operational and safety perspective. We had just under 5000 customers on-site, there were no incidents of note from a crime, highways, H&S, safeguarding or medical perspective. We were pleased to welcome representatives from fire, police and EHO to site and receive positive feedback, alongside some valuable liaison, from all. In general, we hope a great building block for the future.

### **Conditions**

Finally and no doubt the Authority will hear from the licence direct but we would ask that the committee give consideration to modifying the licence to take account of our event or similar events, rather than imposing restrictions and controls on all events. The EHO has suggested that his second condition only take effect for events of over 500 and this we believe, respectfully, should apply to the approach adopted to this whole review.

### **Hearing**

We understand that the licencing Authority will now fix the matter for a committee hearing. We look forward to engaging with officers and the committee. We will forward our supporting documentation (if any) through in due course