

Licensing Act Sub-Committee

Agenda

Date:	Wednesday, 5th October, 2022
Time:	2.00 pm
Venue:	Council Chamber - Town Hall, Macclesfield, SK10 1EA

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the top of each report.

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio recorded and the recordings will be uploaded to the Council's website

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Appointment of Chair**

To appoint a Chair for the meeting.

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda and for Members to declare if they have pre-determined any item on the agenda.

3. **Application to review a Premises Licence - Cheshire Fest at The Lambing Shed**
(Pages 7 - 64)

To consider the above application.

THERE ARE NO PART TWO ITEMS

Membership: Councillors S Akers Smith, D Edwardes and A Harewood

For requests for further information

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CHESHIRE EAST COUNCIL

Procedure for Hearings – Licensing Act 2003**The Licensing Committee**

The full Licensing Committee consists of fifteen elected Members of the Council. From this full Committee will be drawn sub-committees of three members to deal with licensing functions under the Licensing Act 2003. The Chairman and Vice Chairman of the Licensing Committee shall have the discretion to refer a matter up to a hearing of the full Licensing Committee.

Officers at Hearings

- **The Committee Officer** introduces all parties and records the proceedings
- **The Legal Adviser** provides independent advice to the Members on legal matters and procedure.
- **The Licensing Officer** will introduce the matter and outline the application; the officer will also answer any questions Members may have.

PROCEDURE

NOTE: If the Sub-Committee has not already elected a Chairman, that will be the first item of business.

1	Chairman	The Chairman will: (i) call the matter to be considered (ii) call for any declarations of interest (iii) ask all parties to introduce themselves (iv) summarise the procedure to be followed at the hearing (v) will consider any request made by a party for another person to appear at the hearing (v) will advise the parties of any maximum period of time in which it has to present its case (if a maximum is imposed this shall be equal for all parties)
2	Licensing Officer	Will introduce and summarise the application, highlighting areas of contention or dispute.
3	Committee Members	May ask questions of the Licensing Officer
4	Applicant	Will present his/her case, calling witnesses, as appropriate. <i>(If necessary, applicant will produce any notices required by law. Legal Adviser will draw attention to this if required.)</i>

5	Responsible Authorities (who have made representations)	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.
6	Other Persons (who have made representations)	To be invited to ask <u>questions</u> of the applicant, by way of clarification. <i>It is normal practice for a spokesperson only to speak on behalf of a group of residents.</i>
7	Committee Members	Each in turn may ask <u>questions</u> of the applicant.
8	Applicant	May make a <u>statement</u> or ask his witnesses to clarify any matters which he feels are unclear, or may have been misunderstood.
9	Responsible Authorities	Will make their representations.
10	Applicant	Or his representative or witnesses to ask <u>questions</u> of Responsible Authorities represented at the meeting, by way of clarification.
11	Other Persons (who have made representations)	May ask <u>questions</u> of the Responsible Authorities represented at the meeting, by way of clarification. (Note: This is not the point at which they should be stating their objections.)
12	Committee Members	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	Other Persons (who have made representations)	Those who have objected to the application will be invited <u>to make observations on the application</u> and present the bases of their objections.
15	Applicant	Or his representative or witnesses may ask <u>questions</u> of the other persons, by way of clarification.
16	Committee Members	May ask <u>questions</u> of the other persons.
17	Chairman	To invite both Responsible Authorities and Other Persons to make their closing addresses.

18	Applicant	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested conditions.
19	Committee	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
20	Committee	Will return to <u>give its decision</u> , with reasons, which will be announced by the Chairman and subsequently confirmed in writing to the applicant and to all the parties that made representations. In cases where a decision cannot be given at the end of the hearing, parties will be advised of the decision within five working days.

Notes

1. The hearing shall normally be held in public. There may be occasions on which the Committee find it necessary to exclude members of the press and public; any such decision will be taken on the basis that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public.
2. The Chairman may require any person behaving in a disruptive manner to leave the hearing and may (a) refuse to permit that person to return, or (b) permit him/her to return only on such conditions as the authority may specify, but any such person may submit in writing any information which they would have been entitled to provide orally if they had not been required to leave.
3. Prior to the hearing each party shall have given notification and served documentation (eg statements of witnesses or reports of experts) as required. Late representations and evidence will only be considered with the agreement of all parties.
4. Anyone entitled to be heard may be represented by any person, whether or not that person is legally qualified.
5. Hearsay will be permitted but the Sub-Committee will be reminded to give it appropriate weight.
6. Due note shall be taken of the provisions of the Hearings Regulations 2005.
7. The Chair may, in the interests of expediency or convenience of the parties, vary the procedure from time to time, provided notice is given to the parties and the rules of natural justice are observed.

Summary of Procedure

1. Chairman appointed (if this has not been done previously).
2. Chairman to call for declarations of interest and request that all parties introduce themselves.
3. Chairman summarises the procedure for the hearing
4. The Licensing Officer summarises the application
5. Applicant to present his/her case.
6. Applicant to be questioned by all parties (to clarify points only) following which, he/she can clarify any other matters which he/she feels may have been misunderstood when the application was presented.
7. Applicant to be questioned by the Committee.
8. Responsible Authorities to make their representations following which they can be questioned by all parties by way of clarification.
9. Other Persons will be invited to present the bases of their objections, following which they can be questioned by all parties by way of clarification.
10. The applicant will be invited to sum up his/her case
11. Committee/Sub-Committee withdraws to make its decision
12. Committee/Sub-Committee returns to announce its decision to all present.



Working for a brighter future together

Licensing Act Sub-Committee

Date of Meeting:	5 th October 2022
Report Title:	Application to review a Premises Licence – Cheshire Fest @ The Lambing Shed
Report of:	Jayne Traverse, Executive Director – Place
Ward(s) Affected:	Knutsford

1. Purpose of Report

- 1.1.** To allow Members of the Sub-Committee to determine an application to review a Premises Licence made under the Licensing Act 2003 for the following premises:

Cheshire Fest @ The Lambing Shed, Knutsford, WA16 8RB

2. Executive Summary

- 2.1** The report provides details of an application to review a Premises Licence, under section 51 of the Licensing Act 2003 and outlines the evidence presented by the parties in relation to the review.

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. No other options have been considered. The Licensing Authority must determine such applications in the manner prescribed in the legislation.

6. Background

6.1. On the 18th August 2022 the Licensing Authority received an application to review the premises licence from local residents. The application was sent out for consultation in the manner set out in paragraph 7.

6.2. The grounds for the review application are the nuisance caused by an outdoor music festival held at the premises between 2nd June 2022 and 5th June 2022. It is contended by the applicant that this nuisance undermined the Prevent of Public Nuisance Licensing Objective.

6.3. The full grounds for the Review are set out in the application together with the supporting information provided. This information is set out at appendix 1.

6.4. A number of persons have also made relevant representations during the consultation. These representations are set out at appendix 2.

6.5. The Councils Environmental Health Team have provided comments, which are set out at appendix 3. The Home Office have confirmed that they have no representation to make. No responses were received from any other responsible authorities.

- 6.6.** The current premises licence, which confirms the licensable activities, the hours for licensable activities, and any conditions attached to the licence is attached to the report at appendix 4. The decision notice following the Hearing for the grant of the licence is attached at appendix 5.
- 6.7.** In order to assist Members, we have included a map of the local area (appendix 6) so that the premises can be seen in context. This is for information purposes and does not form the area for licensable activities. The dark gray shaded area represents the boundary of the Borough.
- 6.8. Information of Complaints made to the Licensing Team**
- 6.9.** The Licensing Team received a number of complaints directly following the festival. Information was provided to the complainants on how they might call a review of the licence.
- 6.10. History of the premises licence**
- 6.11.** The premises licence (number PREM1403) was first granted following a Hearing of the Licensing Act Sub-Committee in May 2022. The application was determined at a Hearing because of relevant representations received.

7. Consultation and Engagement

- 7.1.** Once an application is received, this triggers a period of not less than 28 days when the application must be advertised. This is to allow Responsible Authorities and other persons to provide any relevant representations.
- 7.2.** In accordance with the legislation, review applications must be advertised in a number of ways.
- 7.3.** The application must be sent to all the Responsible Authorities, as set out in the legislation. The application was email to these parties on the 18th August 2022.
- 7.4.** The application must be given to the premises licence holder. A copy of the application and supporting information was also email out on the 18th August 2022.
- 7.5.** Notices on blue paper were put up at various locations around the premises by a Licensing Enforcement Officer on the 18th August 2022.
- 7.6.** Notice of the Review was also placed on the Council's website.
- 7.7.** On the 22nd August 2022, 5th September 2022, and 8th September 2022 Licensing Officers visited the premises and confirmed that the notices were still in place.

8. Implications

8.1. Legal

- 8.1.1. The Sub Committee must determine this application in accordance with section 51 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 52 (3) 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 52 (4) provides that the authority may:
- a) modify the conditions of the licence
 - b) exclude a licensable activity from the scope of the licence
 - c) remove the designated premises supervisor
 - d) suspend the licence for a period not exceeding three months
 - e) revoke the licence
- and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added
- 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 hearing. 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. Both the Council's Statement of Licensing Policy and the 182 Guidance have sections dedicated to the Prevent of Public Nuisance objective and the Review process. While careful attention should be given to those sections, it is important to fully take into consideration both documents.

8.3.4. 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, the premises licence holder, and 'relevant persons' who have submitted their representation. The Sub-Committee 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:	Jennifer Rowney, Senior Licensing Officer Licensing@Cheshireeast.gov.uk 0300 123 5015
Appendices:	Appendix 1 - Review application and supporting information Appendix 2 - Relevant representations from other persons Appendix 3 - Relevant Representations from Environmental Health Appendix 4 - Extant Premises Licence Appendix 5 – Decision Notice Appendix 6 - Location Map

Background Papers:	<u>Statutory Guidance issued under section 182 of the Licensing Act 2003</u> <u>Council's Statement of Licensing Policy published under section 5 of the Licensing Act 2003</u> <u>Licensing Act 2003</u> <u>The Licensing Act 2003 (Hearings) Regulations 2005</u> <u>Licensing Act Sub-Committee 14th December 2021</u>
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**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I South Knutsford Residents Group (SKRG)

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

The Lambing Shed, Moseley Hall Farm, Chelford Rd,

Post town
Knutsford

Post code (if known)
WA16 8RB

Name of premises licence holder or club holding club premises certificate (if known)
Cheshire Fest Limited

Number of premises licence or club premises certificate (if known)

PREM 1403 : CHESHIRE FEST, PREMISES LICENCE GRANTED 20 DECEMBER 2021: MUSIC AND
FOOD FESTIVAL AND FUNFAIR EVENT
HELD ON 02, 03, 04, 05 JUNE 2022

Part 2 - Applicant details

I am South Knutsford Residents Group

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☒

2) a responsible authority (please complete (C) below)

☐

3) a member of the club to which this application relates (please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☒ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

Chaplin

First names

Brian

I am 18 years old or over

Please tick ✓ yes

☒

**Current postal
address if
different from
premises
address**

South Knutsford Residents Group
c/o Mulberry Cottage
Croft Lane

Post town

Knutsford

Post Code

WA16 8QH

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

1. South Knutsford Residents Group (SKRG) requests a Review of the Premises Licence granted to Cheshire Fest Limited ("CF") for Cheshire Fest Food and Music events on this site on the basis that its operation undermines one of the licensing objectives, namely the prevention of public nuisance.
2. SKRG is a group representing residents of South Knutsford, which includes residents of roads closest to the event. SKRG has previously complained to the Cheshire East Council Licensing Sub-Committee by email dated 10 June 2022 regarding noise generated by the Cheshire Fest Event held 2-5 (inclusive) June 2022 at the Premises. Some individual residents have also submitted complaints.
3. In the view of residents, the noise generated at the event created a public nuisance, and a clear breach of the Additional Condition of the Premises Licence, namely "Noise emanating from the Premises because of entertainment or music shall not be clearly audible at the boundary of the nearest residential premises."
4. Residents contend that events such as this with loud music, clearly audible at and penetrating across adjacent residential areas are wholly unsuited to the Premises. Contrary to the statement on Page 7 of the Decision Notice dated 20 December 2021 that "the Premises is rural, open and away from residential areas", the Premises are in fact adjacent to large concentrations of housing on the outskirts of the market town of Knutsford.
5. SKRG is therefore applying on behalf of local residents for a Review of this Premises Licence with a view to its revocation.

Please provide as much information as possible to support the application (please read guidance note 3)

Prevention of public nuisance - noise

6. Music from the Event was clearly audible over at least the residential areas shown on the attached map at the end of this document. The noise significantly interfered with residents' personal comfort and enjoyment of the indoor and outdoor amenities of their properties. It was made all the worse by extending throughout a 4-day bank holiday, during which local residents should have been able to enjoy their properties and gardens (including having windows open) without suffering the level of noise nuisance generated by the Event.

7. Some residents report hearing melodies and some of the lyrics inside their properties, even with the windows shut. We are aware that some sound recordings were taken during the Event, which demonstrate the intrusive sound levels which they experienced. In addition to the volume of the instrumental music, and pitch of the 'vocalisations' as well as (in some cases at the end of Goughs Lane closest to the Event) music reverberating off other properties, the nuisance included the excessively resonating dull thud of the drum/bass beat, which was intrusive and repetitive.

8. As such, residents contend that the licensing objective of the prevention of public nuisance was not upheld.

9. The Additional Condition referred to in the Summary above reflects the Environmental Health Consultation Response dated 5 November 2021. That Response also includes conditions regarding noise assessments and the requirement for "steps to be taken to reduce the level of noise where it is likely to cause a disturbance to local residents" in order "to protect the interests of residents and ensure the licensing objective of public nuisance prevention is upheld".

10. At the Application Hearing on 14 December 2021, Mr Joshua Boyd, Project Manager for CF made various oral representations to the Licensing Act Sub-Committee, including that:

a. CF is "fully confident that they can maintain the conditions proposed by the Environmental Health Officers" - this confidence turned out to be misplaced, as demonstrated by the noise levels experienced by local residents, and the failure of measures (if any) taken by CF to reduce noise to a level where it did not cause a disturbance to local residents, see further below.

b. CF's sound system "does not send sound backwards", as claimed. In fact, this sound system used failed to direct sound away from residential properties along both sides of Chelford Road, Oakleigh and the east end of Goughs Lane and its associated closes. The music was audible over a wide area of the Legh Road Conservation Area, the Carrwood Estate and into Ollerton Parish. In fact, the noise emanating from the Premises was, in residents' view, significantly worse than Brand Events Pub in the Park, from which Cheshire Fest was seeking to differentiate itself.

c. CF also stated in their 'Premises Licence Objections - Response Notes' sent by email to local residents on 12 December 2021: "We will also use a more refined 'line-array' sound system which is an entirely high-specification advanced audio technology which allows for our Production Team to customise both the projection distance and coverage area for all audible sound keeping sound within a defined area, on-ly". Whatever sound system was used, it is contended that it was not able to meet this objective.

Please provide as much information as possible to support the application (please read guidance note 3)

11. Reported examples of the level and extent of transmission of noise, which SKRG has already shared with the Licensing Sub-Committee in SKRG's email (10 June 2022) of complaint referred to above, include the following:

"The fine weather early in the weekend meant gardening. All the soundchecks were heard and then the various songs and the constancy of the noise. It continued for the next two days. It was clear the organisers could not control the wind, and this should be the last straw for the Lambing Shed site being able to hold such musical entertainment events". [Resident of Goughs Lane]

"Believe me, Sunday was a far better day noise-wise than Thursday, Friday and Saturday, which were horrendous! This was because Sunday was wet all day and we were indoors. Indeed, several neighbours chose to be away for the weekend". [Resident of Rutherford Drive]

"My granddaughter has been revising for 'A' Levels at our house for weeks because we're quieter here than her home elsewhere in Knutsford; during the event's first three (hot) days, we couldn't leave the patio glass doors open because of the event's sound". [Resident of Goughs Lane]

"Only arrived back home at 18:30 this evening and the noise was horrendous. Had we been at home for the duration of the Fest, we would not have been able to sit out in the garden or sit in the house with windows open". [Resident of St George's Close]

"This noise is constant and highly intrusive (I have recordings of it from our daughter). It goes way beyond anything we experience with cars going by, either along Goughs Lane or on Chelford Road. If a neighbour was emitting this level of noise over one day, let alone four, we would be contacting the police/local authority". [Resident of Goughs Lane]

"The volume of the music from the event has been frankly appalling. It has been much worse than on either of the two previous Pub in the Park weekends". [Resident of Rutherford Drive]

"Student in the middle of public exams unable to have the windows open and, even then, disturbed by the music and almost continuous drum beats". [Resident of Oakleigh]

"We could recognise the tunes and, in some cases, hear the lyrics. One day there was also a shrieking DJ or similar who added a yet further level of torture on top of the music". [Resident of Rutherford Drive].

12. In addition, a number of local residents have sought views, through a leaflet drop, from a sample of residents of properties on roads closest to the event as to how affected they were by the noise levels. This is an informal piece of market research, but the responses are interesting. The attached map shows the sampled roads, which are those closest to the event site.

Please provide as much information as possible to support the application (please read guidance note 3)

Response of Cheshire Fest to complaints by local residents during the event

14. The noise concerns of some local residents were communicated very clearly in writing to Mr Boyd during the event, including an email of complaint to Mr Boyd from [REDACTED] the residents of [REDACTED] (attached map), on the evening of Thursday 2 June 2022, Day 1 of the event. They said that the noise was already an unwelcome intrusion, and that, if they could hear it from their house, it was too loud.

15. In his email response the next day (Day 2), Mr Boyd compared the production levels of Cheshire Fest favourably with the noise of planes taking off, "planes taking off are far louder than our production". [The noise from planes does not run for hours on end]

16. He also responded to a written complaint by [REDACTED] on the morning of Sunday 5 June 2022 (Day 4), "I know that you will hear some low-level music and vocals as you say, but the fact is they are in much less ambient volume than nearby road traffic, overhead aerospace traffic and the level of nuisance this causes is objective".

17. Mr Boyd did not seem to have been working to the terms of the Premises Licence, in particular the Additional Condition. Nor did he seem aware of Cheshire East's own Guidance: Prevention of Nuisance for Event Organisers, which lists noise as one of four specific issues that cause public nuisance and need to be managed, and states that "bass level noise is the most intrusive". This is consistent with the Code of Practice on Environmental Noise at Concerts, which acknowledges that noise assessment in terms of dB(A), whilst convenient, can underestimate the intrusiveness of low frequency noise (see para 19 below).

18. Furthermore, despite being put clearly on notice that the noise levels were disturbing residents, it is submitted that if remedial steps were taken at the Event to alleviate the nuisance, they were ineffective, confirming that the Premises are wholly unsuited to this type of event.

19. CF sought by email to explain the event's noise monitoring processes to justify the noise level, for example (in the case of the first 3 quotes below to Mr Monro on 5 June 2022 (Day 4) and in the case of the last 2 quotes to the residents of 60 Goughs Lane on 3 June 2022 (Day 2):

- "we are managing the noise impacts within standard practices for outdoor events in the UK"
- "noise levels are being measured using sensitive professional equipment"
- "I [Mr Boyd] have personally conducted sound meter readings....so that I could be confident that we were abiding to and distanced from limits set by Cheshire East environmental health which I believe has been ultimately successful...."
- "I [Mr Boyd] personally took decibel meter readings at different points yesterday, with noise levels averaging far below the limits set by the environmental health office"
- "Sound measurements taken during sound check at 3pm and 7pm recorded around 55db - I went to the junction of Gough's Lane at 10pm and recorded an average of 41db"

Please provide as much information as possible to support the application (please read guidance note 3)

11. Reported examples of the level and extent of transmission of noise, which SKRG has already shared with the Licensing Sub-Committee in SKRG's email (10 June 2022) of complaint referred to above, include the following:

"The fine weather early in the weekend meant gardening. All the soundchecks were heard and then the various songs and the constancy of the noise. It continued for the next two days. It was clear the organisers could not control the wind, and this should be the last straw for the Lambing Shed site being able to hold such musical entertainment events". [Resident of Goughs Lane]

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Please provide as much information as possible to support the application (please read guidance note 3)

13. The responses received confirm that the noise from Cheshire Fest extended across at least those residential areas on the attached map. A clear majority of those commenting on the noise found the noise levels unacceptable. The email sent to the Licensing Act Sub-Committee on 27 June 2022 by [REDACTED] the residents [REDACTED] includes a number of the comments received, as follows:

"We found the noise highly intrusive and totally unacceptable. A single day festival is just about tolerable but for the entire weekend we were unable to use our garden without being disturbed by the constant noise. Our house is well insulated from external noise but at one stage on the Saturday evening of the festival, with all our windows and doors closed, we could just about sing along to the music; the constant bass boom was particularly maddening" [Resident of Carrwood]

"The disturbance and noise level we experienced was completely unacceptable. The sound tests started very early and were extremely loud. The noise then carried on until very late and kept us awake. Ruined a long weekend we were looking forward to. We couldn't sit out in the garden the whole weekend. I would support any efforts to prevent this being repeated. It was pretty terrible, we expected to hear the bass sound but we could actually hear which song they were singing quite clearly!" [Resident of Carrwood]

"It's not suitable to have a festival there as the noise is too excessive so close to dwellings. Hence why most festivals are out in fields away from towns. Added to the noise is the amount of people walking back into Knutsford at a late time, shouting, swearing, banging windows as they pass etc. This site is totally unacceptable for such a large event and the licence should be removed." [Resident of Chelford Road]

"The noise level at the Lambing Shed was not acceptable based on volume and duration." [Resident of Chelford Road]

"We don't live in a city and lots of us have moved to Cheshire for a quieter life for the kids etc. I just don't think the area warrants such a noisy weekend festival. There must be plenty of places this could be held which are less residential? Some of my friends who live near Delmar Road and around North Downs also were affected." [Resident of Carrwood]

"Appalling" [Resident of Fir Tree Avenue]

"We could hear all the words. For us it was worst on the Sunday and we thought how much longer do we have to put up with this?" [Resident of Fir Tree Avenue]

"Unacceptable noise levels for prolonged periods (2pm to 11pm some days) for 4 days." [Resident of Hallside Park]

"We would not want it on any Bank Holiday, preferably not at all. Even down the lane (half-way) we are at such an angle that we can hear it loudly over the fields. " We were unable to have family and friends around to enjoy the garden, glass of wine or celebration BBQ due to the continuous racket and noise. We hope that this will be stopped in future years." [Resident of Goughs Lane]

Please provide as much information as possible to support the application (please read guidance note 3)

Response of Cheshire Fest to complaints by local residents during the event

14. The noise concerns of some local residents were communicated very clearly in writing to Mr Boyd during the event, including an email of complaint to Mr Boyd from [REDACTED] attached map), on the evening of Thursday 2 June 2022, Day 1 of the event. They said that the noise was already an unwelcome intrusion, and that, if they could hear it from their house, it was too loud.

15. In his email response the next day (Day 2), Mr Boyd compared the production levels of Cheshire Fest favourably with the noise of planes taking off, "planes taking off are far louder than our production". [The noise from planes does not run for hours on end]

16. He also responded to a written complaint by [REDACTED] on the morning of Sunday 5 June 2022 (Day 4), "I know that you will hear some low-level music and vocals as you say, but the fact is they are in much less ambient volume than nearby road traffic, overhead aerospace traffic and the level of nuisance this causes is objective".

17. Mr Boyd did not seem to have been working to the terms of the Premises Licence, in particular the Additional Condition. Nor did he seem aware of Cheshire East's own Guidance: Prevention of Nuisance for Event Organisers, which lists noise as one of four specific issues that cause public nuisance and need to be managed, and states that "bass level noise is the most intrusive". This is consistent with the Code of Practice on Environmental Noise at Concerts, which acknowledges that noise assessment in terms of dB(A), whilst convenient, can underestimate the intrusiveness of low frequency noise (see para 19 below).

18. Furthermore, despite being put clearly on notice that the noise levels were disturbing residents, it is submitted that if remedial steps were taken at the Event to alleviate the nuisance, they were ineffective, confirming that the Premises are wholly unsuited to this type of event.

19. CF sought by email to explain the event's noise monitoring processes to justify the noise level, for example (in the case of the first 3 quotes below to [REDACTED] on 5 June 2022 (Day 4) and in the case of the last 2 quotes to the residents of [REDACTED] on 3 June 2022 (Day 2):

- "we are managing the noise impacts within standard practices for outdoor events in the UK"
- "noise levels are being measured using sensitive professional equipment"
- "I [Mr Boyd] have personally conducted sound meter readings....so that I could be confident that we were abiding to and distanced from limits set by Cheshire East environmental health which I believe has been ultimately successful...."
- "I [Mr Boyd] personally took decibel meter readings at different points yesterday, with noise levels averaging far below the limits set by the environmental health office"
- "Sound measurements taken during sound check at 3pm and 7pm recorded around 55db - I went to the junction of Gough's Lane at 10pm and recorded an average of 41db"

Please provide as much information as possible to support the application (please read guidance note 3)

Residents had no idea of the standards to which CF were working or whether measurements took account of the disturbance caused by incessant and repetitive rhythm.

20. No local resident was invited to join CF's monitoring of sound levels when they were next working at, say, the Goughs Lane roundabout (which Brand Events, the Pub in the Park organisers, had done at both their events).

21. It is worth noting specifically that, on the last afternoon of the event, with fewer attendees, with cold, wet weather and with the closing stages of the Event then in sight, CF emailed [REDACTED] to state that in relation to noise:

- "I have today pulled the outdoor kids/acoustic stage based on weather and winding down site activity on this final day"
- "We've also pulled the DJ in the tipi tent and changed this to a silent disco - which was the only PA system (albeit a very small one) that was facing up towards the direction of your estate"
- "I've asked the fairground operators to reduce their PA volume on certain rides to help pull down any cumulative sound effect that's built up from multiple amplified sources"
- "Finally, you may have heard a drum troupe earlier on - I've pulled their 2nd planned performance later on to try and limit noise post-6pm"
- "Site curfew for music has been extended a touch, as we were slightly behind time today given the change of weather and a slower start for setup. This means that Big Top stage programme will run until just before 9pm but no later than the licensed closing time"

23. It is submitted that these actions, confronting the noise issues which to that point CF had not acknowledged were a potential nuisance for residents, were far too late to redress in any way the nuisance caused to residents.

Conclusions

24. The Premises (i.e. The Lambing Shed field) are totally unsuited for this type of event. The Premises are too close to residential areas to achieve the licensing objective of preventing public nuisance, as demonstrated by this Event and the two previous PITP events at the same location.

25. The website for CF states: "join us in the fields" and refers to the "luscious rural surroundings" of The Lambing Shed. However, adjacent residential areas (not shown on the aerial photograph of The Lambing Shed on its website), lie between 450m to 550m from the area that CF was using and continue without interruption into Knutsford. This can clearly be seen on the map on the CF website (showing directions to the Event).

26. Local residents have no confidence in the ability of CF to deliver such an event in the future in a manner which will uphold the said licensing objective, again as demonstrated by the Event.

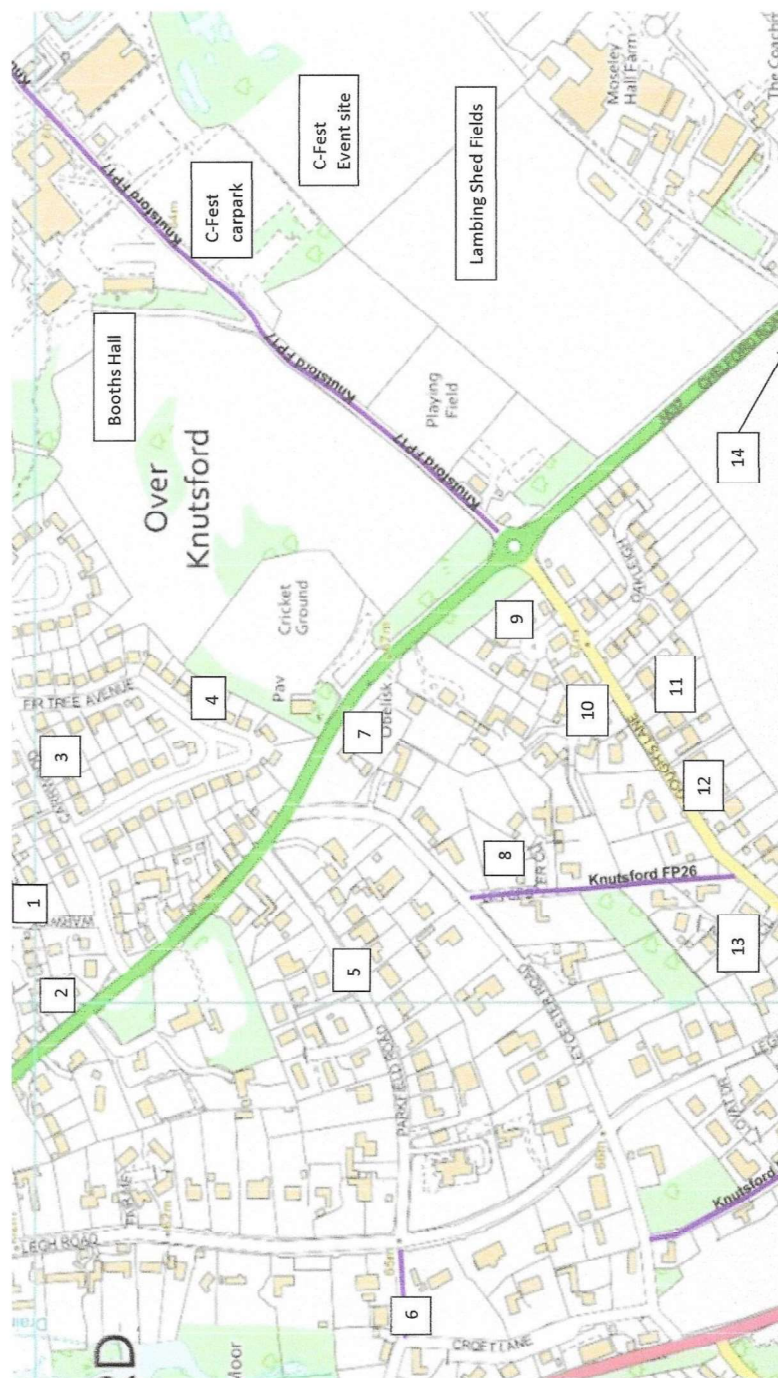
27. In particular, it is contended that CF displayed at the Application Hearing on 14 December 2022 misplaced confidence in their ability to comply with the Additional Conditions to the Decision Notice, which had been specified by the Environmental Health Officer, given the proximity of the Licensed Premises to residential areas..

Please provide as much information as possible to support the application (please read guidance note 3)

28. CF have not engaged constructively with residents, even though the potential for noise nuisance was clearly a relevant factor for the Environmental Health Officer, hence the in-corporation of the Additional Condition. The one attempt by Mr Boyd to organise a meeting with local residents in the final weeks leading to the Event came to nothing as residents had already made CF aware of their concerns over noise and other issues. Residents therefore relied on the Premises Licence with its Additional Condition to ensure that noise would not cause a disturbance to local residents.

29. Moreover, residents did not receive CF's Event Safety Management Plan until an email from Mr Boyd at 12.32pm on 2 June 2022, Day 1 of the event. None of the attachments to that Plan contained any detailed information re noise mitigation arrangements. In any event the plan made no difference to the overall levels of noise experienced in the locality.

30. Residents therefore ask that the Licensing Act Sub-Committee re-evaluates the licensing of this site for music and funfair events to ensure that the prevention of public nuisance objective is attained and that no further events of this type are licensed for the Lambing Shed field.



SOURCES OF OBJECTIONS TO NOISE NUISANCE FROM CHESHIRE-FEST EVENT JUNE 2 TO 5 2022

11 Hallside Park 2 Buckingham Drive 3 Carrwood 4 Fir tree Avenue 5 Parkfield Road 6 6 Croft Lane 7 Chelford Road 8 Leycester Close 9 St George's Close 10 Rutherford Drive 11 Goughs Lane 12 Goughs Lane 13 Astley Close 14 Manor Lane, Ollerton

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If you have made representations before relating to the premises please state what they were and when you made them

APPLICATION FOR A REVIEW OF PREMISES LICENCE

Applicant: South Knutsford Residents Group (SKRG)

Premises: The Lambing Shed, Moseley Hall Farm, Chelford Rd, Knutsford WA16 8RB

Licence Holder: Cheshire Fest Limited

Applicant Details: SKRG is not a 'responsible body'



Grounds for Review:

LICENSING ACT SUB-COMMITTEE:

CHESHIRE FEST, LAMBING SHED, KNUTSFORD, WA16 8RB

PREMISES LICENCE GRANTED 20 DECEMBER 2021: MUSIC AND FOOD FESTIVAL AND FUNFAIR EVENT

HELD ON 02, 03, 04, 05 JUNE 2022

Summary

1. South Knutsford Residents Group (SKRG) requests a Review of the Premises Licence granted to Cheshire Fest Limited ("CF") for Cheshire Fest Food and Music events on this site on the basis that its operation undermines one of the licensing objectives, namely the prevention of public nuisance.
2. SKRG is a group representing residents of South Knutsford, which includes residents of roads closest to the event. SKRG has previously complained to the Cheshire East Council Licensing Sub-Committee by email dated 10 June 2022 regarding noise generated by the Cheshire Fest Event held 2-5 (inclusive) June 2022 at the Premises. Some individual residents have also submitted complaints.
3. In the view of residents, the **noise** generated at the event created a **public nuisance**, and a clear breach of the **Additional Condition of the Premises Licence**, namely **"Noise emanating from the Premises because of entertainment or music shall not be clearly audible at the boundary of the nearest residential premises."**
4. Residents contend that events such as this with loud music, clearly audible at and penetrating across adjacent residential areas are wholly unsuited to the Premises. Contrary to the statement on Page 7 of the Decision Notice dated 20 December 2021 that *"the Premises is rural, open and away from residential areas"*, the Premises are in fact adjacent to large concentrations of housing on the outskirts of the market town of Knutsford.
5. SKRG is therefore applying on behalf of local residents for a Review of this Premises Licence with a view to its revocation.

Prevention of public nuisance - noise

6. Music from the Event was clearly audible over at least the residential areas shown on the attached map at the end of this document. The noise significantly interfered with residents' personal comfort and enjoyment of the indoor and outdoor amenities of their properties. It was made all the worse by extending throughout a 4-day bank holiday, during which local residents should have been able to enjoy their properties and gardens (including having windows open) without suffering the level of noise nuisance generated by the Event.

7. Some residents report hearing melodies and some of the lyrics inside their properties, even with the windows shut. We are aware that some sound recordings were taken during the Event, which demonstrate the intrusive sound levels which they experienced. In addition to the volume of the instrumental music, and pitch of the ‘vocalisations’ as well as (in some cases at the end of Goughs Lane closest to the Event) music reverberating off other properties, the nuisance included the excessively resonating dull thud of the drum/bass beat, which was intrusive and repetitive.
8. As such, residents contend that the licensing objective of the prevention of public nuisance was not upheld.
9. The Additional Condition referred to in the Summary above reflects the Environmental Health Consultation Response dated 5 November 2021. That Response also includes conditions regarding noise assessments and the requirement for *“steps to be taken to reduce the level of noise where it is likely to cause a disturbance to local residents”* in order *“to protect the interests of residents and ensure the licensing objective of public nuisance prevention is upheld”*.
10. At the Application Hearing on 14 December 2021, Mr Joshua Boyd, Project Manager for CF made various oral representations to the Licensing Act Sub-Committee, including that:
 - a. CF is *“fully confident that they can maintain the conditions proposed by the Environmental Health Officers”* - this confidence turned out to be misplaced, as demonstrated by the noise levels experienced by local residents, and the failure of measures (if any) taken by CF to reduce noise to a level where it did not cause a disturbance to local residents, see further below.
 - b. CF’s sound system *“does not send sound backwards”*, as claimed. In fact, this sound system used failed to direct sound away from residential properties along both sides of Chelford Road, Oakleigh and the east end of Goughs Lane and its associated Closes. The music was audible over a wide area of the Legh Road Conservation Area, the Carrwood Estate and into Ollerton Parish. In fact, the noise emanating from the Premises was, in residents’ view, significantly worse than Brand Events Pub in the Park, from which Cheshire Fest was seeking to differentiate itself.
 - c. CF also stated in their ‘Premises Licence Objections - Response Notes’ sent by email to local residents on 12 December 2021: *“We will also use a more refined ‘line-array’ sound system which is an entirely high-specification advanced audio technology which allows for our Production Team to customise both the projection distance and coverage area for all audible sound keeping sound within a defined area, only”*. Whatever sound system was used, it is contended that it was not able to meet this objective.
11. Reported examples of the level and extent of transmission of noise, which SKRG has already shared with the Licensing Sub-Committee in SKRG’s email (10 June 2022) of complaint referred to above, include the following:

“The fine weather early in the weekend meant gardening. All the soundchecks were heard and then the various songs and the constancy of the noise. It continued for the next two days. It was clear the organisers could not control the wind, and this should be the last straw for the Lambing Shed site being able to hold such musical entertainment events”. [Resident of Goughs Lane]

“Believe me, Sunday was a far better day noise-wise than Thursday, Friday and Saturday, which were horrendous! This was because Sunday was wet all day and we were

indoors. Indeed, several neighbours chose to be away for the weekend". [Resident of Rutherford Drive]

"My granddaughter has been revising for 'A' Levels at our house for weeks because we're quieter here than her home elsewhere in Knutsford; during the event's first three (hot) days, we couldn't leave the patio glass doors open because of the event's sound". [Resident of Goughs Lane]

"Only arrived back home at 18:30 this evening and the noise was horrendous. Had we been at home for the duration of the Fest, we would not have been able to sit out in the garden or sit in the house with windows open". [Resident of St George's Close]

"This noise is constant and highly intrusive (I have recordings of it from our daughter). It goes way beyond anything we experience with cars going by, either along Goughs Lane or on Chelford Road. If a neighbour was emitting this level of noise over one day, let alone four, we would be contacting the police/local authority". [Resident of Goughs Lane]

"The volume of the music from the event has been frankly appalling. It has been much worse than on either of the two previous Pub in the Park weekends". [Resident of Rutherford Drive]

"Student in the middle of public exams unable to have the windows open and, even then, disturbed by the music and almost continuous drum beats". [Resident of Oakleigh]

"We could recognise the tunes and, in some cases, hear the lyrics. One day there was also a shrieking DJ or similar who added a yet further level of torture on top of the music". [Resident of Rutherford Drive].

12. In addition, a number of local residents have sought views, through a leaflet drop, from a sample of residents of properties on roads closest to the event as to how affected they were by the noise levels. This is an informal piece of market research, but the responses are interesting. The attached map shows the sampled roads, which are those closest to the event site.
13. The responses received confirm that the noise from Cheshire Fest extended across at least those residential areas on the attached map. A clear majority of those commenting on the noise found the noise levels unacceptable. The email sent to the Licensing Act Sub-Committee on 27 June 2022 by [REDACTED] Goughs Lane, includes a number of the comments received, as follows:

"We found the noise highly intrusive and totally unacceptable. A single day festival is just about tolerable but for the entire weekend we were unable to use our garden without being disturbed by the constant noise. Our house is well insulated from external noise but at one stage on the Saturday evening of the festival, with all our windows and doors closed, we could just about sing along to the music; the constant bass boom was particularly maddening" [Resident of Carrwood]

"The disturbance and noise level we experienced was completely unacceptable. The sounds tests started very early and were extremely loud. The noise then carried on until very late and kept us awake. Ruined a long weekend we were looking forward to. We couldn't sit out in the garden the whole weekend. I would support any efforts to

prevent this being repeated. It was pretty terrible, we expected to hear the bass sound but we could actually hear which song they were singing quite clearly!" [Resident of Carrwood]

"It's not suitable to have a festival there as the noise is too excessive so close to dwellings. Hence why most festivals are out in fields away from towns. Added to the noise is the amount of people walking back into Knutsford at a late time, shouting, swearing, banging windows as they pass etc. This site is totally unacceptable for such a large event and the licence should be removed." [Resident of Chelford Road]

"The noise level at the Lambing Shed was not acceptable based on volume and duration." [Resident of Chelford Road]

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"We would not want it on any Bank Holiday, preferably not at all. Even down the lane (half-way) we are at such an angle that we can hear it loudly over the fields. "We were unable to have family and friends around to enjoy the garden, glass of wine or celebration BBQ due to the continuous racket and noise. We hope that this will be stopped in future years." [Resident of Goughs Lane]

Response of Cheshire Fest to complaints by local residents during the event

14. The noise concerns of some local residents were communicated very clearly in writing to Mr Boyd during the event, including an email of complaint to Mr Boyd from [REDACTED] the residents of [REDACTED] on the evening of Thursday 2 June 2022, Day 1 of the event. They said that the noise was already an unwelcome intrusion, and that, if they could hear it from their house, it was too loud.
15. In his email response the next day (Day 2), Mr Boyd compared the production levels of Cheshire Fest favourably with the noise of planes taking off, *"planes taking off are far louder than our production"*. [The noise from planes does not run for hours on end]
16. He also responded to a written complaint by [REDACTED] (a close off Goughs Lane marked 10 on the attached map) on the morning of Sunday 5 June 2022 (Day 4), *"I know that you will hear some low-level music and vocals as you say, but the fact is they are in much less ambient volume than nearby road traffic, overhead aerospace traffic and the level of nuisance this causes is objective"*.

17. Mr Boyd did not seem to have been working to the terms of the Premises Licence, in particular the Additional Condition. Nor did he seem aware of Cheshire East's own Guidance: Prevention of Nuisance for Event Organisers, which lists **noise** as one of four specific issues that cause public nuisance and need to be managed, and states that "*bass level noise is the most intrusive*". This is consistent with the Code of Practice on Environmental Noise at Concerts, which acknowledges that noise assessment in terms of dB(A), whilst convenient, can underestimate the intrusiveness of low frequency noise (see para 19 below).
18. Furthermore, despite being put clearly on notice that the noise levels were disturbing residents, it is submitted that if remedial steps were taken at the Event to alleviate the nuisance, they were ineffective, confirming that the Premises are wholly unsuited to this type of event.
19. CF sought by email to explain the event's noise monitoring processes to justify the noise level, for example (in the case of the first 3 quotes below to [REDACTED] on 5 June 2022 (Day 4) and in the case of the last 2 quotes to the residents of [REDACTED] Goughs Lane on 3 June 2022 (Day 2):

- *"we are managing the noise impacts within standard practices for outdoor events in the UK"*
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- *"I [Mr Boyd] have personally conducted sound meter readings.....so that I could be confident that we were abiding to and distanced from limits set by Cheshire East environmental health which I believe has been ultimately successful...."*
- *"I [Mr Boyd] personally took decibel meter readings at different points yesterday, with noise levels averaging far below the limits set by the environmental health office"*
- *"Sound measurements taken during sound check at 3pm and 7pm recorded around 55db - I went to the junction of Gough's Lane at 10pm and recorded an average of 41db"*

Residents had no idea of the standards to which CF were working or whether measurements took account of the disturbance caused by incessant and repetitive rhythm.

20. No local resident was invited to join CF's monitoring of sound levels when they were next working at, say, the Goughs Lane roundabout (which Brand Events, the Pub in the Park organisers, had done at both their events).
21. It is worth noting specifically that, on the last afternoon of the event, with fewer attendees, with cold, wet weather and with the closing stages of the Event then in sight, CF emailed [REDACTED] to state that in relation to noise:
 - *"I have today pulled the outdoor kids/acoustic stage based on weather and winding down site activity on this final day"*
 - *"We've also pulled the DJ in the tipi tent and changed this to a silent disco - which was the only PA system (albeit a very small one) that was facing up towards the direction of your estate"*
 - *"I've asked the fairground operators to reduce their PA volume on certain rides to help pull down any cumulative sound effect that's built up from multiple amplified sources"*
 - *"Finally, you may have heard a drum troupe earlier on - I've pulled their 2nd planned performance later on to try and limit noise post-6pm"*
 - *"Site curfew for music has been extended a touch, as we were slightly behind time today given the change of weather and a slower start for setup. This means that Big*

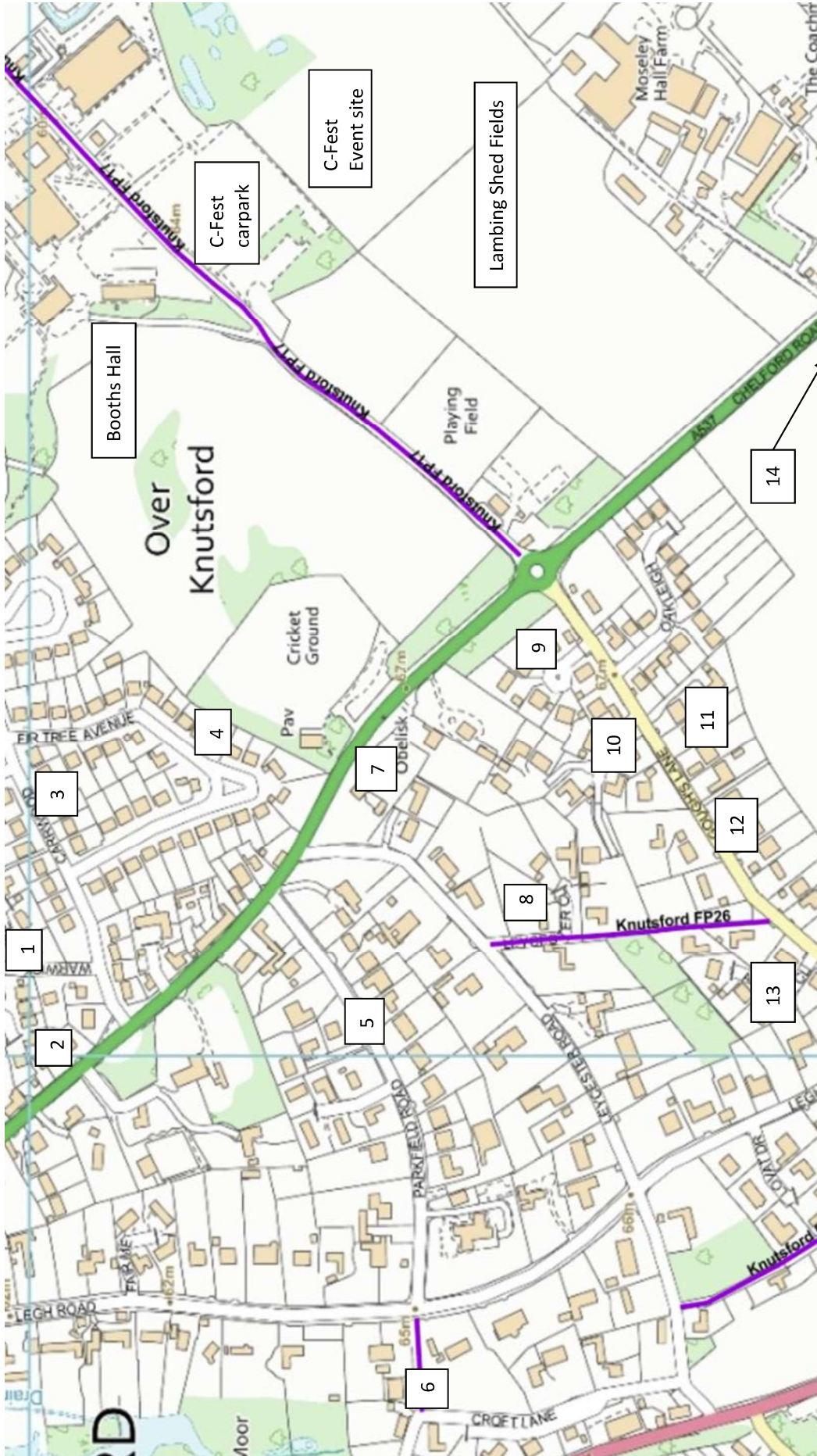
Top stage programme will run until just before 9pm but no later than the licensed closing time"

23. It is submitted that these actions, confronting the noise issues which to that point CF had not acknowledged were a potential nuisance for residents, were far too late to redress in any way the nuisance caused to residents.

Conclusions

24. The Premises (i.e. The Lambing Shed field) are totally unsuited for this type of event. The Premises are too close to residential areas to achieve the licensing objective of preventing public nuisance, as demonstrated by this Event and the two previous PITP events at the same location.
25. The website for CF states: "join us in the fields" and refers to the "luscious rural surroundings" of The Lambing Shed. However, adjacent residential areas (not shown on the aerial photograph of The Lambing Shed on its website), lie between 450m to 550m from the area that CF was using and continue without interruption into Knutsford. This can clearly be seen on the map on the CF website (showing directions to the Event).
26. Local residents have no confidence in the ability of CF to deliver such an event in the future in a manner which will uphold the said licensing objective, again as demonstrated by the Event.
27. In particular, it is contended that CF displayed at the Application Hearing on 14 December 2022 misplaced confidence in their ability to comply with the Additional Conditions to the Decision Notice, which had been specified by the Environmental Health Officer, given the proximity of the Licensed Premises to residential areas.
28. CF have not engaged constructively with residents, even though the potential for noise nuisance was clearly a relevant factor for the Environmental Health Officer, hence the incorporation of the Additional Condition. The one attempt by Mr Boyd to organise a meeting with local residents in the final weeks leading to the Event came to nothing as residents had already made CF aware of their concerns over noise and other issues. Residents therefore relied on the Premises Licence with its Additional Condition to ensure that noise would not cause a disturbance to local residents.
29. Moreover, residents did not receive CF's Event Safety Management Plan until an email from Mr Boyd at 12.32pm on 2 June 2022, Day 1 of the event. None of the attachments to that Plan contained any detailed information re noise mitigation arrangements. In any event the plan made no difference to the overall levels of noise experienced in the locality.
30. Residents therefore ask that the Licensing Act Sub-Committee re-evaluates the licensing of this site for music and funfair events to ensure that the prevention of public nuisance objective is attained and that no further events of this type are licensed for the Lambing Shed field.

Have you made an application for review relating to the premises before? No



SOURCES OF OBJECTIONS TO NOISE NUISANCE FROM CHESHIRE-FEST EVENT JUNE 2 TO 5 2022

- 1 Hallside Park 2 Buckingham Drive 3 Carrwood 4 Fir tree Avenue 5 Parkfield Road 6 6 Croft Lane 7 Chelford Road 8 Leicester Close 9 St George's Close 10 Rutherford Drive
- 11 Goughs Lane 12 Goughs Lane 13 Astley Close 14 Manor Lane, Ollerton

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Relevant Representations

1	Received on	From
	24 August 2022 10:27	
	We write to report our dismay at the event being held on the ground last year, the noise was intolerable and we beg it is not repeated on the same land again please.	

2	Received on	From
	24 August 2022 11:09	
	<p>The Lambing Shed is a completely unsuitable venue for the above event:- Noise levels were appalling, in and around the venue, upsetting local nearby residents, and beyond to Mobberley.</p> <p>Traffic congestion on the Chelford road was in evidence during the event causing delays for vehicles trying to get into Knutsford and beyond.</p> <p>Unauthorised parking for these type of events is always a problem and a potential hazard.</p> <p>"Noise emanating from the Premises because of entertainment or music shall not be clearly Audible at the boundary of the nearest residential premises. ". THIS WAS BLATANTLY BREACHED.</p>	

3	Received on	From
	27 August 2022 09:41	
	<p>Dear Sir/Madam</p> <p>As long term residents of XXXXXXXXXX, Knutsford, my daughter and I strongly support the Application for a Review of Cheshire Fest’s License. We would greatly appreciate the festival being held elsewhere and not at The Lambing Shed.</p> <p>This license was granted containing the condition, “Noise emanating from the premises because of entertainment or music shall not be clearly audible at the boundary of the nearest residential premises”. This was well and truly broken.</p> <p>We were appalled at the unacceptably intrusive noise of the Festival over several days of the June Bank Holiday, spoiling any enjoyment of gardening, sitting quietly outside, BBQ’s or enjoying the company of friends on Bank holiday. We were thankful we had not arranged for visitors during this time and could not imagine what it must have been like for those living nearer the site. It was bad enough half way down Goughs Lane!.</p> <p>We therefore have no confidence based on the above in the ability of Cheshire Fest Limited to deliver an event in the future in a way which will uphold the licensing objection of preventing public nuisance. This is clearly an unsuitable venue for the Cheshire Fest.</p>	

4	Received on	From
	29 August 2022 18:45	
	<p>Dear Sirs,</p> <p>We write in support of the Application for Review of the premises licence in respect of the premises known as Cheshire Fest @ The Lambing Shed, Moseley Hall Farm, Knutsford WA16 8RB, received by Cheshire East Borough Council on 18th August 2022.</p>	

We are aware that the grounds for the review application are the prevention of public nuisance, noise nuisance caused to local residents by the Cheshire Fest event. We live at XXXXXXXXXXXX from the Chelford roundabout, which is close to The Lambing Shed and the Cheshire Fest event.

As you know, the Cheshire Fest event took place over 4 days on the Jubilee Bank Holiday weekend on 2nd to 5th June 2022 (inclusive). We emailed the Licensing Section on 12 June 2022 (copy attached) to complain about the noise from this event across the 4 day weekend.

In summary:-

1. The noise substantially and unreasonably interfered with our use and enjoyment of our property across the Bank Holiday weekend. At 22.29 on the first evening of Day 1 of Cheshire Fest, Thursday 2nd June 2022, we emailed the Project Manager for Cheshire Fest, Mr Boyd, to point out that the noise was already an unwelcome intrusion, and stating that if we could hear it from our house, it was too loud. Mr Boyd's response the next day compared the production levels of Cheshire Fest favourably with the noise of planes taking off, and said that noise levels from his decibel meter readings averaged "far below the limits set by the environmental health office".

We have some recordings of the noise from our property, which demonstrate that noise from Cheshire Fest can clearly be heard at our property. It was too loud for us to sit in our garden, nor could we sit inside, even with windows closed, without hearing it.

2. In our view, the noise from Cheshire Fest amounted to public nuisance. Furthermore the Additional Condition regarding noise in the Premises Licence, namely, "Noise emanating from the Premises because of entertainment or music shall not be clearly audible at the boundary of the nearest residential premises" was clearly breached. This Additional Condition, which also required Cheshire Fest Limited to take steps "to reduce the level of noise where it is likely to cause a disturbance to local residents" reflected the concerns of Environmental Health in their Consultation Response dated 5 November 2021, to ensure that the licensing objective of public nuisance prevention is upheld.

Mr Boyd was fully aware that the noise was an issue for us and for other local residents, and yet he failed to reduce noise to a level where it did not cause a disturbance to local residents. In the closing stages of the Event, with the end of Day 4 in sight, Mr Boyd appeared finally to acknowledge to another local resident that noise was an issue, but this was far too late to redress the nuisance caused to us over four days.

3. We emailed the Licensing Section again on 27 June 2022 (copy attached) with comments received from a sample of residents of properties on roads closest to the event as to how affected they were by the noise levels. This followed a leaflet drop by us and a couple of our neighbours to seek views on the noise, and a clear majority of those commenting on the noise found the noise levels unacceptable.

4. The Lambing Shed field is wholly unsuited to this type of event. Adjacent residential areas lie between 450m to 550m from the area that Cheshire Fest was using, and extend without interruption into Knutsford, (but these are not shown on the aerial photograph of The Lambing Shed on its website).

5. Cheshire Fest was very confident at the hearing of its application for the Premises Licence, that it could maintain the conditions proposed by the Environmental Health Officers. This turned out not to be the case.

Given the proximity of the Licensed Premises to residential areas, our experience of the noise nuisance caused to local residents over the 4 day June event, and the apparent inability/disinclination of Cheshire Fest to comply with the terms of the Premises Licence regarding noise, we support wholeheartedly the Application for Review, to ensure that the prevention of public nuisance is achieved and no further events of this type are permitted at The Lambing Shed field.

We would be grateful if you would acknowledge receipt of this email.

Yours faithfully,

5	Received on	From
	04 September 2022 16:54	
	<p>Dear Sir,</p> <p>Further to our complaint to your department of 11/07/22 regarding the above event, please now consider the following as part of your forthcoming licence review:-</p> <p>Our house is located approximately XXXXXXXX from the festival site.</p> <p>We found noise from the event to be seriously disruptive to the normal use of our house and garden particularly during periods when live music was being played.</p> <p>The repetitive bass boom which could be heard both inside and outside our house became a serious nuisance to us.</p> <p>Because of its proximity to many domestic properties like our own, we would request that you reconsider the suitability of the Lambing Shed site for events on this scale and to withdraw the licence for this particular event.</p> <p>Yours faithfully.</p>	

6	Received on	From
	06 September 2022 11:41	
	<p>Dear Sir/Madam</p> <p>I am writing about the Application for a Review of the Premises Licence for Cheshire Fest @ The Lambing Shed.</p> <p>I live on XXXXXX in Knutsford, about XXXX yards from where the Cheshire Fest event was held in June this year. The amount of noise from that event was far more than I and my family had been expecting, and was a substantial nuisance to us.</p> <p>We had known in advance that the event was happening, but we had understood that noise would not be clearly audible where we live. However, the noise began each day at lunchtime, it was far louder than we had expected, and this continued almost incessantly through to 11:00 in the evening (I think excepting the Sunday, when it continued till 9:00). We couldn't get away from it, despite keeping the (double-glazed) house windows closed to try to dampen the sound. It was very intrusive and completely unacceptable.</p> <p>The event did not seem to be consistent with what had been advertised, or what we expected from the license. For instance, one of the days was billed as a beer festival. I have been to beer festivals elsewhere. They often have music and other entertainment, at a reasonable sound level in keeping with the kind of event that a beer festival is. I would not have expected a noise nuisance problem from such an event. Certainly, I have never been to a beer festival where the music was remotely as loud as Cheshire Fest. I found it inexplicable.</p> <p>The beer festival was only one day, but the impact was just as bad or worse on all 4 days. I think that the information about the event overall that was provided beforehand was very misleading in comparison with what actually took place.</p> <p>I realise that the people who attended may have enjoyed it, and that there may have been some benefits for local businesses. However, those people could still have attended, and the businesses still obtained those benefits, if the event been in a more appropriate location, say, a few miles further away from residential areas.</p>	

	<p>I believe, from looking at the Internet, that another Cheshire Fest event is planned for 2023. It is not completely clear what the venue is to be, but the Lambing Shed is mentioned on the webpage. I cannot see how it is an appropriate venue for this sort of event. The impact on the nearby residential areas is unacceptable. I feel that I was misled about the 2022 event, and so I have no reason to believe, and I cannot have any confidence, that the organisers will change their approach so that the noise level is sufficiently reduced so that it is genuinely not a nuisance.</p> <p>If the event is to continue, I hope that a different venue will be used that has substantially less impact on residential areas. I strongly urge the revoking of the license for it being held at the Lambing Shed, as the event is wholly inappropriate for a location so close to a residential area.</p> <p>Yours sincerely,</p>
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7	Received on	From
	07 September 2022 16:15	
	<p>Dear Sir/Madam,</p> <p>I am writing in response to your notice regarding the noise levels and disturbance caused by the Cheshire Fest event held over the jubilee holiday earlier this year.</p> <p>I live at XXXXXX and so quite some distance from the event, however the noise levels we experienced were completely unacceptable. The sound tests started very early in the day and were extremely loud. The noise then continued for the whole day until very late and kept us awake. Considering the distance we are away the fact we could hear very clearly every word of every song that was being belted out I think demonstrates how loud it was. We were unable to sit out in our garden the whole weekend which completely ruined it for us.</p> <p>I enjoy live music and go to concerts regularly but I would not expect them to be hosted effectively outdoors in a residential area, it's really not fair on local residents.</p> <p>Best regards,</p>	

8	Received on	From
	10 September 2022 11:09	
	<p>I write in response to a notice that there is a review of the Lambing Shed's permit for Cheshire Fest.</p> <p>I live at XXXXXXX, Knutsford, Cheshire, XXXXXXX.</p> <p>A few months ago a note was posted re Cheshire Fest from a disgruntled neighbour, asking for views on the event. I presume that such disgruntled neighbours are the source of the review into the permit. I submitted feedback, but I suspect that it will not have been passed on to you. Hence why I write today.</p> <p>I would like you to note that I am perfectly happy for Cheshire Fest to continue and would be happy if this was the case.</p> <p>I have young children, who I put to bed in rooms at the back of the house (facing the festival), with our windows open. They were not at all disturbed by the noise of the concert. None of us were. Of course, we could hear the concert, but it was not a nuisance.</p> <p>Further, I would like you to note that the event organisers were incredibly thoughtful and proactive in ensuring that our road was not affected. The cones and patrol people ensuring no one parked on our road was excellent. It was easier to use our road than usual.</p>	

	<p>There are a lot of residents on this lane who have lived here a long time and object to change. That is one of the reasons that we do not have speed bumps, street lights or pavements to make this a safe road for our children.</p> <p>I truly hope that you make it possible for events such as Cheshire Fest to continue to enrich the cultural life of all of our residents, young and old.</p> <p>Yours sincerely</p>
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9	Received on	From
	13 September 2022 15:32	
	<p>Dear Sirs</p> <p>Please find the attached contribution in respect of the above.</p> <p>I would be grateful if you could acknowledge its safe receipt.</p> <p>I am planning to attend the review meeting and would like to speak. Perhaps you could advise me when you have arranged a date.</p> <p>Thanks and regards</p> <p>***** Attachment*****</p> <p>A local resident's contribution to the Licensing Department's Review of the Premises Licence granted to The Lambing Shed, Moseley Hall Farm, Chelford Road, Knutsford WA16 8RB. The Premises Licence was granted on 20/12/21 for a Music and Food Festival and Funfair Event ('Cheshire Festival') as held on 2-5 June 2022</p> <p>Dear Sirs</p> <p>I wish to express my support for the proposed Review of the Premises Licence previously issued to Cheshire Fest @ The Lambing Shed, Moseley Hall Farm, Knutsford WA16 8RB.</p> <p>In short, I believe the licence should be revoked - on the grounds of public nuisance. This is mainly because the very high noise levels we experienced at our house over the 4-day Bank Holiday weekend of 2-5th June 2022 clearly breached the first 'Additional Condition' attached to the Decision notice dated 20/12/21, namely that "noise emanating from the Premises because of entertainment or music shall not be clearly audible at the boundary of the nearest residential premises". I have previously submitted a complaint to you about this event (sent by e-mail at 06.52 on 13/6/22) and make no apology for repeating some of the points I made then.</p> <p>My family and I live at XXXXXXXXXXXXXXXX . Rutherford Drive is the second turning on the right off Goughs Lane when entering Goughs Lane from the A537 roundabout, (which marked the boundary to the event). The entrance to Rutherford Drive is approximately 175 metres from the roundabout and the main Cheshire-Fest 'stage' was situated several hundreds of metres from the other side of the roundabout – so the total distance between the stage and our house would have been substantial. There are obviously several other residential properties closer to the event than ours.</p> <p>The noise which my family and I experienced from Cheshire Fest on the first weekend of June was frankly appalling. Despite the organiser's assurances to the Licensing sub-committee regarding the planned re-positioning of the stage and the use of special directional(?) speakers etc, the very high levels of noise meant that</p>	

we were completely unable to sit out in our garden over the first three days* of the Cheshire Fest event (Thursday to Saturday) during what should have been a very pleasant Jubilee Bank Holiday weekend. **We could also hear heavy drumbeats, recognisable melodies and in some cases, identifiable lyrics inside our house, with all the doors and windows shut.** To take just one example, at 16.43 on the Friday one of the bands played and sang a few lines of the National Anthem (as part of a longer set). This could be heard as clearly inside our house, with all the doors and windows shut, as if a TV was playing in an adjacent room.

Given that we not only had to endure three days(*) of afternoon and evening performances but also had to put up with morning sound-checks (seemingly at full volume - and sometimes outside the previously published times, e.g. at 9.35 on the Saturday morning), it is probably fair to say that this disturbance/intrusion went on 'morning, noon and night'.

I e-mailed the Cheshire-Fest organiser, Mr Boyd of Orb Events at 09.29 on Sunday 5 June, summarising my concerns along the same lines as I have to you in the previous couple of paragraphs. Mr Boyd responded to me at 13.21 on Sunday 5 June. Whilst he attempted to explain the event's noise monitoring processes, e.g.

- "we are managing potential noise impacts within standard practices for outdoor events in the UK"
- "noise levels are [being] measured using sensitive professional equipment"
- "decibel meter readings are averaged over time, account for varying frequencies and logged using digital systems which cannot be altered (with timestamped images)", and
- "I know that you will hear some low-level music and vocals as you say, but the fact is there are in much lesser ambient volume than nearby road traffic, overhead aerospace traffic and the level of nuisance this causes is objective" etc,

...I felt he was "going through the motions" and wasn't taking my concerns seriously. He certainly didn't suggest coming over to my street/house to listen to what I was complaining about. Nor did he invite me to join either him or his sound monitoring people when they were next taking readings at say, the Goughs Lane roundabout (both of which Brand Events, the previous Pub in the Park organisers did – with some marginal improvement in their noise levels).

I responded to Mr Boyd at 13.55 on Sunday 5 June. (*)I should perhaps mention that Sunday 5th June was turning out to be a very different day from the previous three - in the sense that the weather was poor (cold and rainy) and that the Cheshire Fest event was designed to be more 'child-centric' than 'adult focussed' on that final day. Whatever the reasons, the intrusion/disturbance on the Sunday was, in my personal opinion, generally rather less than on the Thursday, Friday and Saturday - but still enough for one of my St Georges Close neighbours (who only returned home at c18.30 on Sunday) to (independently) e-mail Mr Boyd about the noise that evening.

Mr Boyd replied to me at 16.20 on Sunday 5 June (i.e. as the event was moving into its final stages - and when most of the damage had been done). Apart from supplying a little more information about his noise monitoring process, his e-mail contained the following:

"Based on feedback received from you both [*I understand he was referring to a complaint from another resident who I knew had also been in touch with him over the weekend*] this morning:

- I have also today pulled the outdoor kids/acoustic stage based on weather and winding down site activity on this final day

- We've also pulled the DJ in the tipi tent and changed this to a silent disco - which was the only PA system (albeit a very small one) that was facing up towards the direction of your estate
- I've asked the fairground operators to reduce their PA volume on certain rides to help pull down any cumulative sound effect that's built up from multiple amplified sources
- Finally, you may have heard a drum troupe earlier on - I've pulled their 2nd planned performance later on to try and limit noise post-6pm
- Site curfew for music has been extended a touch, as we were slightly behind time today given the change of weather and a slower start for setup. This means that Big Top stage programme will run until just before 9pm but no later than the licensed closing time

This appears to provide clear evidence that Mr Boyd was finally admitting that there'd been a problem with noise at the event. He, of course, had previously assured the Licensing Sub-Committee that 'noise won't be a problem' (during the licence application process) and assured complainants that 'noise levels are within acceptable limits' (during the course of the event) – yet here he was, by 16.20 on the final day, finally taking specific actions to try and mitigate a problem which, up until that point, he hadn't even acknowledged.

Whilst writing I would like to make two further observations, please.

- 1) One of the problems with holding this type of event at this location over the end of May weekend is that it clashes with the timetable for public examinations (e.g. GCSEs and A-levels). I have spoken to several local residents since Cheshire Fest took place, many of whom have said that their children either couldn't get to sleep or were not able to revise for their exams (or both) because of the noise. My daughter certainly felt her studies were interrupted. I sometimes think that we forget about the particular needs of young people when considering the implications of Premises Licences etc and hope that you will be able to include these comments in your deliberations.
- 2) We have now experienced 3 events on Moseley Hall Farm/Lambing Shed land (two under the Pub in the Park brand and one as Cheshire Fest). Whilst all 3 caused problems (PITP for very poor traffic management/parking, anti-social behaviour and noise), **Cheshire Fest was significantly worse than either of the other two for noise.**

In any case, I'm still of the opinion that this is the wrong event in the wrong place at the wrong time.

I therefore urge the sub-committee to revoke this licence – on the specific basis of public nuisance (i.e. noise) – in clear breach of the first Additional Condition.

Thank you for the opportunity to share my/my family's views on this matter.

Yours faithfully

10	Received on	From
	13 September 2022 12:09	
	<p>Dear Councillors,</p> <p>We wish to submit a Note to support the revocation of the above Premises Licence. It is attached to this letter setting out the reasons for our view.</p> <p>Thank you for considering our concerns.</p> <p>Yours truly,</p> <p>*****Attachment*****</p> <p>REVIEW OF PREMISES LICENCE: CHESHIRE-FEST@LAMBING SHED, KNUTSFORD WA16 8RB</p> <p>We OBJECT to any renewal of the Premises Licence for this type of Event on this site. Although we live some way away from the source of the music, it was loud enough, when combined with the thrumming of the bass beat, to be irksome and intrusive. As a constant background it distracted and interrupted concentration and rational thought. The sound checks in the morning ushered in, throughout the afternoon and evening, sustained bursts of incessant repetitive rhythms with higher frequency notes audible above.</p> <p>Unfortunately for the promoters, this area of the Legh Road Conservation Area is very quiet. Aircraft noise only affects the northernmost parts nearer to Knutsford Town Centre and then largely from planes landing. Cheshire-Fest was more noticeable in the south of the town because it was so out of character with what this residential area usually experiences, and it was incessant.</p> <p>The irritatingly invasive noise across these four days, particularly the first three (the Sunday was cloudy, wet and cold, and ended earlier) seemed to us to generate a public nuisance in contravention of Objective 3 of the Licensing Act.</p> <p>We believe these Premises are unsuitable for a Licence on the following grounds:</p> <p>Location: The site is too close to family housing. Although housing is of relatively low density in the Legh Road Conservation Area and Manor Lane Ollerton, the estates north of Booths Hall - Chelford Road (east side), Fir Tree Avenue, Carrwood, Buckingham Drive, Hallside Park - are more densely packed and therefore more households are affected.</p> <p>Household Profile: The Legh Road Conservation Area has a significant proportion of more mature residents, some of whom are not in good health and have family members to care for them. We and the great majority of other residents value highly the peace and quiet of the area. The other areas affected by the noise have a higher proportion of young families, some with infants for whom sleep is essential. It is unreasonable for any of us to be disturbed by noise into the late evening.</p> <p>Timing: The Spring Bank Holiday might have seemed a good time to hold the Cheshire-Fest and especially so in HM Queen's Platinum Year. In 2022, the Bank Holiday occurred a weekend later usual. In future years, it will revert to the established pattern. In both cases, it is a sensitive weekend for many families, especially for those with children preparing for GCSE, A Level and final graduate examination. More generally, it is school pupils' half term break.</p> <p>Like many others, we had a family gathering. Although we stayed outdoors but we had to listen to someone else's choice of music. If a neighbour of ours had had a party with this volume and spread of noise, Environmental Health would have been asked to deal with the nuisance, particularly as the party went on for four days. In sum, this is a time for relaxing days and restful evenings.</p> <p>Replication: Our concerns are that if this Premises Licence exists, it will be difficult to resist others wanting to hold similar events at this venue close to these residential areas. Although each licence application is judged on its merits in achieving the four Licensing Act objectives, the Cheshire-Fest licence establishes a precedent. The experience this year has</p>	

	<p>been that we relied on Environmental Health's additional protection for residents. Cheshire-Fest failed the test. Revocation of the current licence would establish that it is unreasonable to hold this type of event on these premises.</p> <p>We know that the wider community has assembled a detailed case for revoking the Premises Licence. This household wishes to add its support to that initiative. The commercial imperatives both for Cheshire-Fest and the Lambing Shed are understood, but the grant of Licence is based on the notion of the reasonableness of the activity in relation to the local community. In this case, the degree of unreasonableness through excessive noise has not gained the consent of the community.</p>
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11	Received on	From
	15 September 2022 20:40	
	<p>Dear Sirs</p> <p>Thank you for the Review of the Licence for the Lambing Shed Field granted for a Cheshire-Fest Event back in June. Myself and my Wife live very close to the event field, being on the corner of XXXXXXX and XXXXX backing on to Booths Park roundabout. The noise of the 4 day event was horrendous and definitely constituted a public nuisance and breached one of the objectives of the Licensing Act.</p> <p>The weather for the Jubilee 4 day event was fantastic and very hot, yet for 4 days we could not sit in our garden and cancelled a planned barbecue for friends and family as the noise was unbearable, we could not even hear road or plane noise as it was drowned out by the constant boom, boom from the music at the Lambing Shed. In the end we stayed indoors, could not open windows even though the heat in house was unbearable due to the noise nuisance.</p> <p>We believe the noise definitely constituted a public nuisance and breached one of the objectives of the Licensing Act and that it should be investigated, the field is too close to residential housing, due to there being nothing between the field and our property, the noise carried straight to our property and was as loud in our back garden as at the event. To prove this we walked to the field and the noise level was the same as our back garden. Considering that the event should have had noise monitoring, there was definitely none near properties, if there had been accurate sound monitoring, the sound would have been turned down and the noise impact would have been reduced.</p> <p>The other noticeable problem was the marshals for the event, most if not all were young people and when there was a problem at Booths Park with Travellers, they disappeared from outside my property allowing traffic to park on the restricted Goughs Lane.</p> <p>Please, please let events like this be at venues more suitable and further away from Residential properties.</p>	

	Received on	From

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From: HOPLEY, Margaret
Sent: 15 September 2022 14:39
To: LICENSING (Cheshire East) <Licensing_CE@cheshireeast.gov.uk>
Cc: HASKELL, Tony
Subject: Review - Cheshire Fest @ The Lambing Shed - PREM1403

Dear Licensing

In response to the review of the above premises this Division received one complaint from a local resident relating to this event stating that the bass of the music could be heard within their property for the duration of the event. A letter was sent to the premise holder however no response to date. If this event were to be planned in the future this Division would wish to see appropriate community engagement with local residents and the event designed and controlled in order to not cause excessive noise to neighbouring properties.

Regards
Margaret

Margaret Hopley | Cheshire East Council
Senior Enforcement Officer
Westfields c/o Municipal Buildings, Earle Street, Crewe, CW1 2BJ

www.cheshireeast.gov.uk



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Premises Licence Summary

Premises Licence Number:

PREM1403

Premises Details

Postal address of Premises or, if none, ordnance survey map reference or description:	
Cheshire Fest @ The Lambing Shed	
Moseley Hall Farm Chelford Road Knutsford Cheshire East	
Post Town: Knutsford	Post Code: WA16 8RB
Telephone Number: 01565632503	

Where the Licence is time limited, the dates:
Not applicable.

Licensable activities authorised by the Licence:
Live Music Recorded Music Performance of Dance Sale and supply of alcohol

The time the Licence authorises the carrying out of licensable activities:
Live Music Thursday – Monday 11:00 - 23:00 Recorded Music Thursday – Monday 11:00 - 23:00 Performance of Dance Thursday – Monday 11:00 - 23:00 Sale and supply of alcohol

Friday – Monday
12:00 - 23:00

The opening hours of the Premises:

Thursday – Monday
11:00 - 23:00

Where the Licence authorises supplies of alcohol, whether these are on and/or off supplies:

For consumption on the premises.

Name, (registered) address of holder of Premises Licence:

Cheshire Fest Ltd
Unit 2 Alderley Edge Business Centre
Alderley Road
Chelford
Cheshire East
SK11 9AP

Registered number of holder, for example company number, charity number (where applicable):

10266871

Name of designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

Philip Osborne

State whether access to the Premises by children is restricted or prohibited:

Not restricted.

Licence Granted: 10th May 2022

Signed By: Mr Tony Haskell
On Behalf of Cheshire East Borough Council

Annex 1 - Mandatory Conditions (as applicable)

1. No supply of alcohol may be made under this 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 this Premises Licence must be made or authorised by a person who holds a Personal Licence.

Where a Village Hall is exempt from needing DPS under s.19 Licensing Act 2003

Every supply of alcohol under the premises licence must be made or authorised by the Management Committee.

Mandatory condition where the licence authorises the exhibition of films

The admission of children to the exhibition of any film must be restricted in accordance with section 20 of the Licensing Act 2003. Admission of children must be restricted in accordance with any recommendation made by the British Board of Film Classification or the Licensing Authority.

Prohibited conditions: plays

1. In relation to a premises licence which authorises the performance of plays, no condition may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under the licence.
2. But subsection (1) does not prevent a licensing authority imposing, in accordance with section 18(2)(a) or (3)(b), 35(3)(b) or 52(3), any condition which it considers necessary on the grounds of public safety.

Mandatory condition: Door supervision

Each individual engaged in security activities at the premises must either:

- a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- b) be entitled to carry out that activity by virtue of Section 4 of the Private Security Industry Act 2001.

LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS)(AMENDMENT) ORDER 2014

MANDATORY CONDITIONS

Condition 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).

Condition 2

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Condition 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

Condition 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: 25ml or 35ml; and
 - iii. Still wine in a glass: 125ml;
- 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.

The 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 amount 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.

Annex 2 - Conditions consistent with the Operating Schedule

Prevention of Crime and Disorder

The following measures will be implemented with a view to preventing crime and disorder at the event, or in the area surrounding and as a direct result of the event taking place:

- A well-resourced deployment of security personnel will be positioned at all entry points, and other key locations within and surrounding the event.
- All security supervisors will be SIA registered.
- A robust search procedure will be implemented at the point of entry, as detailed in the Security Operational Plan which appends this document.
- A robust Drugs Policy will be implemented, as detailed within this document.
- No bar staff under the age of 18 to be employed.
- All bar staff will be thoroughly trained on licensing legislation and event policies.
- SIA registered security personnel will monitor the sale of alcohol at the event bars.
- Attendees will not be permitted to leave the site with alcoholic beverages bought on the premises.
- All public areas will be adequately lit during hours of darkness.
- Intelligence and information will be shared with the local authorities.

Public Safety

The Risk Assessment will consider all foreseeable hazards and risks, and reasonable control measures will be implemented to ensure public safety is always prioritised. These measures include:

- A competent and qualified Event Safety Advisor will be engaged to oversee all event activity with a view to prioritising public safety.
- Event plans will be developed through consultation with the SAG, and in accordance with best practice from relevant industry guidance.
- Ensuring adequate medical provisions are offered for all event staff, volunteers, contractors, performers and attendees, as detailed in the Medical Plan.
- Maintaining clear access routes for emergency vehicles.
- Robust policies concerning controlled substances including psychoactive substances, and the sale of alcohol will be implemented, as detailed in the Drugs Policy herein, and the Alcohol Management Plan.
- All stages and enclosed structures will be subject to a capacity assessment, with the safe operating capacity not exceeded.
- Event admissions will not exceed the safe operating capacity of the site.
- The required exit width will be calculated in accordance with the overall capacity.

Prevention of Public Nuisance

The following measures will be implemented to ensure that any negative impact on the local community is minimised as far as reasonably practicable:

- Local residents and relevant stakeholders will be consulted during the planning process to ensure their views are taken into consideration. Engagement with Bruntwood regarding the Booth's Park Estate has taken place
- The site layout will be designed in such a way as to minimise any impact on residents and neighbouring businesses.
- Robust measures relating to the management of traffic, and transport will be implemented for all persons travelling to and from the event, as detailed in the Traffic Management Plans presented to SAG
- Noise monitoring will be carried out to minimise the impact on local residents and noise sensitive areas, as detailed in the Noise Management Plan.
- The clearance and disposal of all waste materials will be completed as soon as reasonably practicable.

Noise emanating from the premises as a result of entertainment shall not be clearly audible at the boundary of any adjacent residential premises.

Regular noise assessments shall be undertaken by a competent person (either the Licensee or Manager) and steps shall be taken to reduce the level of noise where it is likely to cause a disturbance to local residents. The noise assessments shall be undertaken during opening hours of the premises and when entertainment or music is occurring. A written record shall be made of those assessments in a log book, kept for that purpose and shall include; the time and date of the checks, the person making them and the results including any remedial action in order to reduce the level of noise where it is likely to cause a disturbance to local residents.

Protection of Children from Harm

The following measures will be implemented with a view to protecting children from harm, which is an objective considered throughout this document:

- A policy around the attendance of unaccompanied minors will be implemented and presented to SAG
- All medical personnel will be DBS checked and trained in dealing with children and young adults.
- A robust procedure for the management of missing and found children will be implemented.
- A 'Challenge 25' policy will be in place with supporting signage at all event bars.
- Only PASS accredited ID, passports or photo driving licenses will be accepted as proof of age.

General – All Licensing Objectives

The event will be planned and operated in line with advice and recommendations from the Safety Advisory Group (SAG). During the planning process the SAG will meet as required to review aspects of the event relating to key operational areas including health and safety, emergency planning, crowd management, traffic management and noise management. SAG members will be invited to inspect the event site prior to opening, and will be invited to provide feedback during a debrief post event.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

Noise emanating from the Premises because of entertainment or music shall not be clearly audible at the boundary of the nearest residential premises.

Regular noise assessments shall be undertaken by the Licensee or Manager and steps taken to reduce the level of noise where it is likely to cause a disturbance to local residents.

The noise assessment shall be undertaken during the hours the Premises are open to the public and when entertainment or music is occurring.

A written record shall be made of those assessments in a logbook kept for that purpose and shall include:

- The time and dates of the checks
- The person making them and.
- The results including remedial action

In order to reduce the level of noise where it is likely to cause a disturbance to local residents.

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DECISION NOTICE

LICENSING ACT 2003

Applicant:	Cheshire Fest Limited Unit 2 Alderley Edge Business Centre Alderley Road Chelford Cheshire SK11 9AP
Application:	Premises Licence
Premises:	Two adjoining fields directly North and North East of Moseley Hall Farm, Chelford Road, Knutsford in Cheshire WA16 8RB
Application Hearing:	14 th December 2021
Committee:	Licensing Act Sub Committee of Cheshire East Council

Committee Decision

The application for a Premises Licence for Two adjoining fields directly North and North East of Moseley Hall Farm, Chelford Road in Knutsford is granted with Additional Conditions.

In consideration of the application, the Sub-Committee took into account:

- The oral and written representations made by all parties.
- The Application and Operating Schedule attached to this Notice
- The four 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 under the Licensing Act 2003 (April 2018).
- Cheshire East Borough Council's Statement of Licensing Policy.

Additional Conditions

Noise emanating from the Premises because of entertainment or music shall not be clearly audible at the boundary of the nearest residential premises.

Regular noise assessments shall be undertaken by the Licensee or Manager and steps taken to reduce the level of noise where it is likely to cause a disturbance to local residents.

The noise assessment shall be undertaken during the hours the Premises are open to the public and when entertainment or music is occurring.

A written record shall be made of those assessments in a logbook kept for that purpose and shall include:

- the time and date of the checks,
- the person making them and,
- the results including remedial action,

in order to reduce the level of noise where it is likely to cause a disturbance to local residents.

Reasons

To protect the interests of residents and ensure the licensing objective of public nuisance prevention is upheld.

Application

The application is for one annual live music, food, and drink outdoor festival event. Oral representations in support of the application were received from Mr Joshua Boyd Project Manager for the Applicant. In summary these were:

- i) Cheshire Fest has operated successfully since 2016. It was previously held at Cheadle Cricket Club and is and will remain small scale. It is a safe, well run, professional event. They have delivered other events at Capesthorpe Hall and can point to that as experience of running a successful event within the borough.
- ii) They have engaged with the landowner about the event to ascertain the potential delivery of the event at that site. The Lambing Shed want low impact on the local people. This is a family focused event. It has never exceeded 3,000 people in the past. They have reduced the maximum capacity sought for the event from 9,999 people to 4,999 people. They empathise with residents and their points. They want to build a positive relationship with residents.
- iii) In 2022 the event will run from Thursday 2nd June to Sunday 5th June to coincide with the Queens Jubilee event. Thereafter the event dates will be dependent on the change in bank holidays each year. The event will close by 11.00 pm for its duration save on its last day when it will close at 9.00pm. There will be a curfew on amplified music.
- iv) This is not an application for an open-ended license. It is a once-a-year event.
- v) Pub in the Park obtained a license for the same place for over 15,000 people to attend. Their application is for less than 5,000 people. They will encourage staged endings to entertainment and music to stagger exit flow.
- vi) Pub in the Park had some management issues and a large stage and significantly sized sound systems that impacted residents. Their stage will be over 500m from the nearest residential property and will be to the rear of the stage. Their sound system does not send sound backwards.
- vii) They have agreed to all conditions proposed by the Environmental Health Officers. They are fully confident they can maintain those conditions. They will undertake noise impact assessment surveys.
- viii) All process documents will form part of an Event Management Plan and Event Safety Plan that will need a joint sign-off from all partners which includes the licensing authority.

- ix) They will have a Traffic Management Plan. They have an agreement in principle to use Booths Park car parking facility for the event. This has capacity for between 800 and 900 cars. They do not believe this will be exceeded. For 18+ events in the evening they expect more minibuses or taxis. Saturday- Sunday during the day they are expecting more people and cars with families. As cars leave, those who have paid and left early will be added back to the pool of car parking available.
- x) Access to the event will be by a three-lane highway. Booths Park have an application pending to widen its access. There will be two for entrance and one lane for exit at the beginning and during an event day which will be reversed at the end of each day so there will be two lanes to exit and one lane to entrance. They are confident even without the widening the team could handle the traffic flow. Access to site will be litter picked every day. Sat and Sun will have clean ups during the day. Any restocking will come via the Lambing Shed access road.
- xi) They are aware that taxis are an issue for residents. They will move these to a central pick up and drop off point at the Lambing Shed car park. This will be marshalled by stewards along Goughs Lane and Chelford Road. Previously there has been a lack of stewards which caused congestion and confusion where taxis were to drop off.
- xii) Car parking will be used as much as possible. They will have roving stewards to discourage attendees from parking in residential areas surrounding the site and Goughs Lane. They cannot negate all car parking issues but experience and capability of their teams means they are well placed to ensure residents are protected as much as possible during the event.
- xiii) They recognise litter can be an issue. To counter this, they will have event bins and staff will prompt all attendees to discard rubbish at the gate of exit including alcohol to ensure no alcohol leaves the site. They will have a decommissioning process to clean the site and ensure litter pickers do rove the local areas.
- xiv) They will put toilets on all the entry and exit points to accommodate attendees as they enter and leave the site.

Representations

There were relevant representations from one of the statutory consultees to the application. This was from the Environmental Health Department of Cheshire East Council as the Responsible Authority. This related to the prevention of public nuisance caused by noise. In return for agreeing to withdraw the representation the Applicant agreed to the Additional Conditions being imposed.

There were no other relevant representations from the statutory consultees to the application.

There were eight relevant written representations objecting to the application which between them engaged all four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. In summary these were:

- i) The music at the last event was excessively loud and intrusive until very late. This was exacerbated by throngs of noisy and drunken people returning to Knutsford for more than an hour after the music had finished. The parking was unmanaged and

taxi's waiting both sides of Goughs Lane made the road almost impassable and dangerous. Multiple events will impact homes in the Leigh Road Conservation area.

- ii) Large events will affect public safety due to poor management of people movement and car movement in the area and issues of bad behaviour where alcohol is served.
- iii) The feedback from residents regarding the last event was of major concern regarding nuisance and late night disturbance and noise. There is no indication as to how the Applicant will monitor and control this. Weekly events will have a significant impact on traffic movement to and from the site causing parking issues in nearby streets from visitors and taxis waiting to collect people. Residents have experienced anti-social behaviour from previous events, especially noisy drunken people returning to Knutsford.
- iv) Those leaving the Lambing Shed's previous Pub in the Park events in 2018 and 2019 showed a considerable lack of concern for the disturbances they were creating as they left the events in the late pm and the late evening. Those walking out of the site down Goughs Lane on the first night decided that a group conga was the way to go and that carried on for a quarter of a mile till they were out of sight. Others waited for taxis – this was chaotic. Taxi drivers did not want to enter the designated pick up within the site so they hung around the entrance to St George's Close adjacent to the A537 roundabout at Booths Hall semi parking on the roundabout creating a dangerous traffic problem and becoming involved in aggressive physical altercations and arguments with locals. To cap off the evening countless revellers decided that urinating along Goughs Lane was either their only solution or their preferred solution. The problem created by inconsiderate parking off site on Goughs Lane without effective supervision by experienced marshals proved disastrous. Parents with pushchairs could not use the pavement and had to walk down the middle of the road during the pm concerts and at the evening ones being passed by cars and facing oncoming ones.
- v) A licence extended to 23.00 is simply too late for a residential area. With previous events litter and inappropriate behaviour due to the consumption of alcohol have been witnessed and we wish to avoid similar issues.
- vi) The Character of the area is not compatible with the grant of a licence for live music, recorded music, performance of dance and supply of alcohol Thursday to Monday which would have a severe and adverse impact on the peaceful enjoyment of these residential areas. During the Pub in the Park event a couple of years ago we and our neighbours could hear music from the event well into the late evening. We observed a significant increase in traffic along Goughs Lane as well as inconsiderate parking by those attending the event. There is no public transport access to the Lambing Shed. This would inevitably increase traffic by car or taxi adding to the burden on already busy roads. Allowing the sale of alcohol in a location where no public transport is available will in our view encourage anti-social behaviour by those who are either unable to afford a taxi or avoid that cost by driving under the influence of alcohol.

Oral representations against the application were not heard by the Sub Committee. The South Knutsford Residents Group were present via a video link but were unable to address the Sub Committee as notification of their attendance at the hearing had not been received by the Licensing Authority within the timescales required by Regulation 8 of the Licensing Act 2003 (Hearings) Regulations 2005.

Determination

The Sub Committee is mindful that in the absence of relevant representations the default position for the Licensing Authority is that it must grant the licence in accordance with the application.

Where an application comes before the Sub Committee because of relevant representations, having regard to those representations the Sub Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- a) Grant the licence subject to conditions.
- b) Exclude from the licence any of the licensable activities to which the application relates.
- c) Refuse to specify a person as the premises supervisor.
- d) Reject the application.

The Sub Committee determined the application should be granted with Additional Conditions. In coming to this decision, the Sub Committee considered whether the licensing objectives would or would not be promoted. These are:

The prevention of crime and disorder

The Cheshire East Statement of Licensing Policy 2019 to 2024 requires the Licensing Authority to consider whether the premises to be licensed makes or will make a detrimental contribution to levels of crime and disorder and whether the Applicants Operating Schedule is based on an adequate risk assessment of the likelihood of crime and disorder occurring as a result of the application.

It was noted that no objection had been forthcoming by the Police to the application. Relevant representations had concentrated on anti-social behaviour that had arisen from a previous event. This appeared to be in no small part to alcohol consumption and concerned:

- Noisy and drunken people returning to Knutsford.
- Those leaving the Lambing Shed's previous Pub in the Park events in 2018 and 2019 showing a considerable lack of concern for the disturbances they were creating as they left the events in the late pm and the late evening.
- Inappropriate behaviour due to the consumption of alcohol.

Complaint had been made about organisation of previous events at the Premises suggesting a better run event may have ameliorated such behaviour. The Subcommittee drew a distinction between the venue and organisation of the last event that caused the problems complained of. Large events at Tatton Park for example passed off well suggesting it was the organisation and not necessarily the venue. This was a new application by a new event organiser with previous history in the area.

The Sub Committee was satisfied that the Operating Schedule to the application had sufficient safeguards to prevent crime and disorder arising from licensable activities at the Premises. All security supervisors will be SIA registered and will monitor the sale of alcohol at the event bars. They will also be positioned at all entry points and other key locations within and surrounding the event. Attendees will not be able to leave the site with alcoholic beverages brought on the premises.

It was also satisfied the Police, Local Authority and residents had the ability to seek a review of the Premises Licence in the event this objective was not upheld at a future event.

Public safety

The Cheshire East Statement of Licensing Policy 2019 to 2024 requires the Licensing Authority to have regard the physical safety of customers using the premises to be licensed. It is not concerned with public health.

There had been relevant objections that access to the Premises was precipitous based on the last events. The parking was unmanaged and taxi's waiting both sides of Goughs Lane made the road almost impassable and dangerous. Parents with pushchairs could not use the pavement and had to walk down the middle of the road during the pm concerts and at the evening ones being passed by cars and facing oncoming ones.

As before the Sub Committee drew a distinction between the venue and organisation of the last event that caused the problems complained of. This was a new application by a new event organiser with previous history in the area. The Premises by their very nature had access that was not as could be expected in a more urban environment

The Sub Committee was again satisfied that the Operating Schedule to the application had sufficient safeguards to ensure public safety at events arising from licensable activities at the Premises. A competent and qualified Event Safety Advisor will be engaged to oversee all event activity with a view to prioritising public safety. Clear access routes for emergency vehicles will be maintained. Exit widths will be calculated in accordance with overall capacity.

The Sub Committee was also satisfied there were sufficient safeguards for the Police, Local Authority and residents in that they had the ability to seek a review of the Premises Licence in the event public safety was being compromised at a future event.

The prevention of public nuisance

There was opposition to the application based on noise, parking, litter, and general nuisance to the local residents.

The Cheshire East Statement of Licensing Policy 2019 to 2024 requires the Licensing Authority to consider the potential impact of the licensed premises on the surrounding locality and will consider, the type of licensed activity, the proposed hours of operation, the capacity of the premises, the character of the area and the proximity to local residents.

There had been relevant objections that:

- The music at the last event was excessively loud and intrusive until very late. This was exacerbated by throngs of noisy and drunken people returning to Knutsford for more than an hour after the music had finished. The parking was unmanaged and taxi's waiting both sides of Goughs Lane made the road almost impassable and dangerous.
- The feedback from residents regarding the last event was of major concern regarding nuisance and late night disturbance and noise.
- Those leaving the Lambing Shed's previous Pub in the Park events in 2018 and 2019 showed a considerable lack of concern for the disturbances they were creating as they left the events in the late pm and the late evening.
- Taxi drivers did not want to enter the designated pick up within the site so they hung around the entrance to St George's Close adjacent to the A537 roundabout at Booths Hall semi parking on the roundabout creating a dangerous traffic problem and becoming involved in aggressive physical altercations and arguments with locals. To cap off the

evening countless revellers decided that urinating along Goughs Lane was either their only solution or their preferred solution.

- With previous events litter and inappropriate behaviour due to the consumption of alcohol have been witnessed and we wish to avoid similar issues.

The Premises is rural, open and away from residential areas. Unfortunate as it was, objectively, some the behaviour complained of appeared to be low level, transient and not persistent.

As before the Subcommittee drew a distinction between the venue and organisation of the last events that caused the problems complained of, again suggesting it was the organisation and not necessarily the venue. This was a new application by a new event organiser with previous successful history in the area.

Cars and taxis in general were clearly a problem at the last events. Capacity at those events had been considerably more than what is proposed for future events at the Premises. The Applicant was alive to this issue.

The Sub Committee was again satisfied that the Operating Schedule to the application had sufficient safeguards to ensure the prevention of public nuisance arising from licensable activities at the Premises. There will be a Traffic Management Plan. Better marshalling of both Goughs Lane and surrounding residential areas. Visitors will be requested and reminded to leave the Premises in a quiet manner. Alcohol is not to be removed from the Premises. Access to site will be litter picked every day. Saturday and Sunday will have clean ups during the day. Any restocking will come via the Lambing Shed access road. Noise from entertainment and music is subject to a condition requested by Environmental Health which the Applicant agreed should be a condition of any grant.

As before, the Police, Local Authority and residents had the ability to seek a review of the Premises Licence in the event this objective was not upheld at a future event.

The protection of children from harm

The Cheshire East Statement of Licensing Policy 2019 to 2024 requires the Licensing Authority to consider whether there are effective measures to check the age of those young people who appear to be under 25, to ensure alcohol is not sold to those under 18 and those under 16 are accompanied in alcohol led premises. Whether the supply of alcohol for consumption on the premises is the exclusive or primary purpose.

It was noted that no objection had been forthcoming by Children's Services or the Police to the application. There had been an objection on the ground that at the last events in 2018 & 2019 parents with pushchairs could not use the pavement on Goughs Lane and had to walk down the middle of the road during the pm concerts and at the evening ones being passed by cars and facing oncoming ones. This did not strictly fall to be considered by the Sub Committee under this heading as opposed to public safety. Notwithstanding, for reasons given earlier on for the public safety objective, the Sub Committee felt a robust traffic management plan as well as reduced capacity should assist in protecting children from harm in so far as access and egress to the Premises requires.

The Sub Committee was also satisfied that the Operating Schedule to the application had sufficient safeguards to prevent harm to children arising from licensable activities at the Premise. There was a Challenge 25 Policy and required acceptable means of identification. There will be DBS checks and a policy around attendance of unaccompanied minors. The primary purpose of

the Premises is not to sell alcohol but to provide entertainment and music. Alcohol sale is subsidiary.

Overall, the Sub Committee felt the licensing objectives could be promoted by the Applicant's proposed Operating Schedule and acceptance of Additional Conditions. It determined its application as follows:

The opening hours of the Premises:

Once a year Thursday to Monday 11:00 – 23.00

All Authorised Regulated Entertainment:

Both indoors and outdoors:

Once a year Thursday to Monday 11.00 - 23.00

Supply of Alcohol:

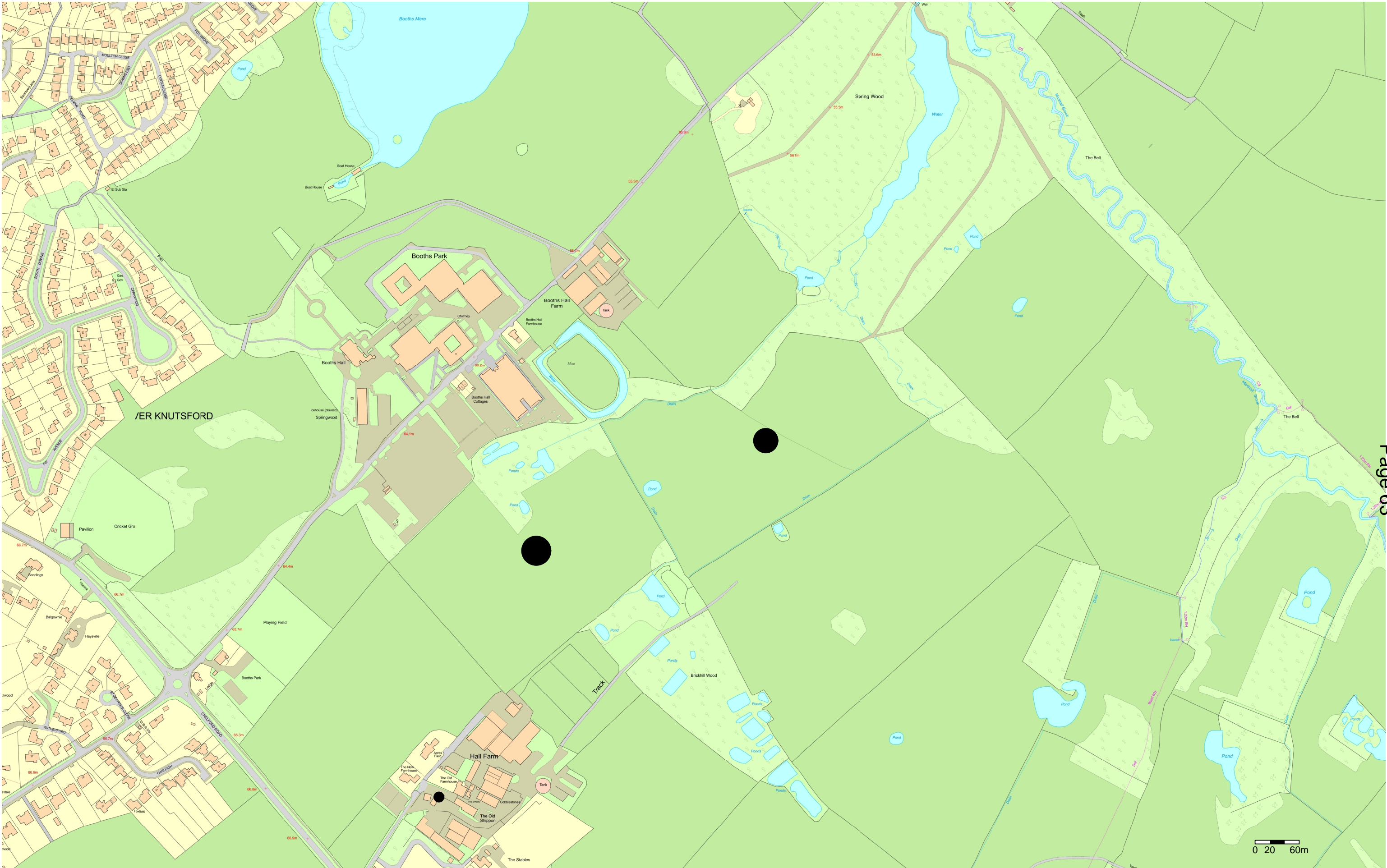
Both indoors and outdoors

Once a year Friday to Monday 12:00 – 23:00

Dated: 20th December 2021

If you are aggrieved by this Decision of Cheshire East Council you may appeal to a magistrate's court within 21 days of being notified of this Decision.

You are advised to seek independent legal advice before doing so.



24/11/2022

Cheshire Fest



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