# APPLICATION FOR REVIEW OF A PREMISES LICENCE BROUGHT BY MRS A. WRIGHT IN RESPECT OF LEICESTER WARREN HALL

#### PREMISES LICENCE HOLDER BUNDLE

**HEARING 25<sup>TH</sup> OCTOBER 2018** 



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Municipal Buildings Earle Street Crewe CW1 2BJ

0300 123 5015

www.cheshireeast.gov.uk licensing@cheshireeast.gov.uk

Our Ref: 058913

Mr Keith Stokes 10 Coppice Road Poynton Cheshire East SK12 1SL

Date: 30th August 2018

Please Contact: Miss Kim Evans

Dear Mr Stokes

## APPLICATION FOR A REVIEW OF A PREMISES LICENCE NOTICE OF HEARING

I refer to the application in relation to:

Premises:

Leicester Warren Hall

Address:

Leicester Warren Hall, Bexton Lane, Knutsford

I write to advise you that representations have been received in relation to the above application. Please find enclosed herewith copies of the objections.

This application will now be determined at a hearing of the Licensing Sub-Committee on:

Date:

20th September 2018

Time:

10:00am

Location:

Council Chamber - Town Hall, Macclesfield, SK10 1EA

I would be grateful if you could provide to the writer a notice no later than five working days before the date of the hearing stating (a) whether you intend to attend the hearing or be represented at the hearing; or (b) whether you consider a hearing to be unnecessary.

Please note that Cheshire East Borough Council may dispense with holding a hearing if all parties agree that such a hearing is unnecessary and have given notice to this effect to the Council.

#### Additional information

A party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified (subject to (i) the Licensing Authority's discretion to exclude the public from all or part of hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public; and (ii) the Licensing Authority's discretion to require any person

attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing).

At the hearing a party shall be entitled to:

- in response to a point upon which the authority has given notice to a party that it will want clarification under regulation 7(1)(d), give further information in support of their application, representations or notice (as applicable);
- · if given permission by the authority, question any other party; and
- address the authority

If a party has informed the Licensing Authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.

If a party who has not given such notification to the Licensing Authority and does not attend, the Authority may:

- where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
- hold the hearing in the party's absence.

Where the authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.

Where the authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

Please find enclosed a copy of the procedure to be followed at the hearing.

Yours sincerely

Kim Evans Licensing Team Leader

#### Rachael Killworth

From:

Keith Stokes

Sent:

26 September 2018 14:37

To:

Anthony Lyons

Subject:

FW: [OFFICIAL] Review Hearing - Knutsford Masonic Hall

From: EVANS, Kim <Kim.Evans@cheshireeast.gov.uk>

Sent: 04 September 2018 15:50 To: Undisclosed recipients:

Subject: [OFFICIAL] Review Hearing - Knutsford Masonic Hall

Dear All

I write with regards to the above Hearing, which was scheduled to take place on the 20th September 2018.

Last week we were made aware that the Review application (the 'July application') was potentially not served on the premises licence holder as required by regulation 29 of The Licensing Act (Premises licences and club premises certificates) Regulations 2005.

I understand that the applicant's representative delivered a copy of the application to the Club's registered address on the 30<sup>th</sup> August 2018. This follows the return of the 'July application' by Royal Mail. Following discussion with our legal team the 'July application' is now deemed to be invalid. The Hearing scheduled for the 20th September 2018 will now NOT take place. The timescales for hearings etc will be recalculated from the 30<sup>th</sup> August 2018, when service can be deemed compliant with the regulations, and I will be issuing amended Notices of Hearing in due course. The Hearing will now take place sometime between 27/09/2018 and 25/10/2018.

I trust this clarifies the situation.

#### Regards

Kim Evans MIOL Licensing Team Leader Regulatory Services and Health Municipal Buildings Crewe CW1 2BJ 0300 123 5015

Kum evansi@cheshireeast.sov.uk / kim.evansi@cheshireeast.gov.edu.uk

CHILD SEXUAL EXPLOITATION THE MORE YOU KNOW



### Paterson's Licensing Acts 2014, Volume 1: Alcohol, Refreshment, Taxi and Street Trading Licensing, by Simon Mehigan QC, Jeremy Phillips and The Hon Justice Saunders

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# TINSELTOWN NW3 LTD -V- LONDON BOROUGH CAMDEN Comment by Miss Sarah Clover

On the 30<sup>th</sup> October 2012 in the Highbury Magistrates' Court, District Judge Staveley gave a ruling in relation to the status of a review application that did not comply with the statutory Regulations regarding the application procedure.

The review application was made against Tinseltown, a burger and milkshake bar in Hampstead. Tinseltown is represented by Poppleston Allen solicitors.

The review application, made by two Councillors (both of whom were at the time Members of the Licensing Committee), was submitted to the London Borough of Camden Licensing Authority, and accepted as valid on 1<sup>st</sup> May 2012. The application form was incorrectly completed by the Applicants in several particulars. The name of the 2<sup>nd</sup> Applicant was omitted on the first page, and the address of the 2<sup>nd</sup> Applicant was omitted on the third page. Although the box on the application was ticked, asserting that copies had been sent to the responsible authorities and the premises licence holder, this had not, in fact, been done, and furthermore, the Councillors failed to tick the box on the same page confirming that they understood that if they did not comply with the requirements, the application would be rejected.

On receipt of the application, the Council sent a copy to the premises licence holder, which they were not required to do – that being the responsibility of the Applicant – a week later on the 8<sup>th</sup> May, and there is no evidence that they sent copies to anyone else – again this was the responsibility of the Applicant.

Finally, the notice required to be displayed on the premises was not displayed until the 4<sup>th</sup> May, 2012 which was 2 days late.

The Council maintained that these irregularities did not matter; no prejudice had been caused as all parties were aware, and they proceeded with the review application as if it had been validly made. The Licensee appealed the decision of the Sub-Committee, but took, as a preliminary legal point in the

Magistrates' Court, the stance that the entire review hearing was null and void because the application was invalid and did not properly trigger a hearing in the first place.

Section 51 of the Licensing Act 2003 states:

#### 51 Application for review of premises licence

- (1) Where a premises licence has effect, [a responsible authority or any other person] may apply to the relevant licensing authority for a review of the licence.
- (2) Subsection (1) is subject to regulations under section 54 (form etc of applications etc).
- (3) The Secretary of State must by regulations under this section—
- (a) require the applicant to give a notice containing details of the application to the holder of the premises licence and each responsible authority within such period as may be prescribed;
- (b) require the authority to advertise the application and invite representations about it to be made to the authority by [responsible authorities and other persons];
- (c) prescribe the period during which representations may be made by the holder of the premises licence, any responsible authority or any [other person];
- (d) require any notice under paragraph (a) or advertisement under paragraph (b) to specify that period.

By virtue of section 51(3), it is a mandatory requirement under the primary legislation that the applicant for the review of the licence give notice containing details of the application to the premises licence holder and to each responsible authority within the prescribed period.

By virtue of section 51(3)(b), it is a mandatory requirement under the primary legislation that the licensing authority advertise the review and invite representations about it within a prescribed period.

The regulations specified under section 51 have been implemented by the Secretary of State and comprise the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, SI 2005/42.

Those regulations state:

#### Review of premises licences

An application for a review of a premises licence under section 51 shall be in the form and shall contain the information set out in Schedule 8 (Now Schedule 2 of 2012 No 955 by virtue of changes made by Licensing Act 2003 (Premises licences and club premises certificates) (Amendment) Regulations 2012).

The language of the Act and the Regulations is mandatory.

## The Consequence of Procedural Defects.

Section 52 of the Licensing Act 2003 (so far as is relevant) states:

## 52 Determination of application for review

- (1) This section applies where—
- (a) the relevant licensing authority receives an application made in accordance with section 51.
- (b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
- (c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section.

(2) Before determining the application, the authority must hold a hearing to consider it and any relevant representations.

Therefore, determination of the review application may only take place, in accordance with section 52, where those mandatory requirements have been satisfied. The clear language of section 52 is that the section only applies in those circumstances.

The Council argued before the (Deputy) District Judge that a failure to comply with a procedural requirement need not prove fatal to legal proceedings and cited:

\*R v Secretary of State for the Home Department ex p

Jeyeanthan [ 2000] 1 WLR 354. Jeyeanthan is authority for the proposition that the distinction between "mandatory" and "discretionary" language is not the real consideration, and that the important point is whether there is any prejudice resulting from non-compliance with regulations, and whether Parliament can have intended invalidity to result from a technical non-compliance. In the Tinseltown case, there was no prejudice to any party.

Sarah Clover for the Licensee cited another case, however:

R v Clarke and Another [2008] UKHL 8

In this case, Lord Bingham found that there was a distinction to be made, between non-compliance with a procedural technicality in the course of proper proceedings, and, on the other hand, non-compliance with a technicality which robbed the decision making tribunal of its jurisdictional power entirely. The Tinseltown case, it was argued, was an example of the latter, not the former.

Lord Bingham

Paragraph 4:

"whenever a court is confronted by failure to take a required step properly or at all, before a power is exercised ('a procedural failure'), the court should first ask itself whether the intention of the legislature was that any act done following that procedural failure should be invalid."

### Section 52 of the Licensing Act 2003 states:

#### (1) This section applies where -

- (a) the relevant licensing authority receives an application made in accordance with section 51;
- (b) the applicant has complied with any requirement imposed on him under sub-section (3)(a), or (d) of that section and
- (c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section." [Emphasis added]

Section 52 goes on thereafter to endow the Licensing Authority with its power to hold a hearing and take steps in relation to the premises licence. The section, by clear interpretation, does *not* apply if the review application has not been made in accordance with s.51, and the applicant has not complied with the requirements of service of the review application, and the Licensing Authority has not complied with the requirements of advertising and inviting representations. There is no other reasonable interpretation.

The alternative interpretation would have to be:

## "(1) This section applies where –

(a) the relevant licensing authority receives an application made in accordance with section 51;

- (b) the applicant has complied with any requirement imposed on him under sub-section (3)(a), or (d) of that section and
- (c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section."

And this section also applies where those matters at (a) to (c) have not been complied with.

[Emphasis added].

This is nonsensical, and robs the first words at (1) of all sensible meaning. It makes the words in sub-section (1) entirely otiose.

The Council argued that:

"We remain of the view that it was not Parliament's intention that breaches of the Regulations, however small, would render the proceedings invalid."

and

" This cannot have been the intention of Parliament when devising a procedure whereby members of the public could bring review applications before a Council's licensing sub-committee even if the premises licence was ultimately at stake through that process."

The Learned Deputy District Judge disagreed. Section 52, as Deputy District Judge Stavely observed, provides an important protection for licensees. She was clear that it was mandatory, and that any issue of prejudice was irrelevant.

The Council's contention that "this cannot have been the intention of Parliament" when devising a procedure to be used by members of the public did not bear scrutiny. The regulatory requirements are not onerous or difficult for a lay person to understand. Furthermore, and more importantly, it is not

necessary for a lay person to have any knowledge or understanding about the Regulations. It is the responsibility of the Licensing Authority, in receiving an application to be diligent in confirming that the regulatory requirements have been complied with. This is particularly so in relation to the regulatory requirements that the Licensing Authority themselves must comply with, as opposed to those that applicants must comply with. There is no excuse for the failure of a Licensing Authority to conform to the regulations. Any failure of procedure can be notified to a lay applicant, and any non-compliance can be rectified, and the review application submitted again. This is not prejudicial or onerous to an applicant.

The consequence of the failure to comply with the regulations is, therefore, that the review application is invalid; no hearing should be convened, and any purported determination made upon the application is null and void. This was the (Deputy) District Judge's finding, and she awarded costs against the Council.

Sarah Clover
Kings Chambers
Embassy House, 60 Church Street
Birmingham
0121 200 3570

26th June 2013

#### Rachael Killworth

From:

Megan Stevenson on behalf of Anthony Lyons

Sent: 01 October 2018 15:05

To:

'licensing@cheshireeast.gov.uk'

Cc:

'simonjames.taylor@shoosmiths.co.uk'

Subject:

Knutsford Masonic Club - Review Proceedings (LEI108/1)

FAO Kim Evans, Licensing team leader

Dear Sirs.

We have been instructed by the directors of Leicester-Warren Hall Company Limited to act on their behalf in connection with the Section 51 proceedings for the review of the Knutsford Masonic Club premises licence issued by your authority under the Licensing Act 2003.

Our clients have shared with us correspondence, forms and notices relating to the review proceedings.

We note the review application is dated 26th July 2018 although it appears to have been submitted with a later letter dated 30th July 2018 to the authority from Messers Shoosmiths who are instructed to act on behalf of the applicant Adele Wright.

From our examination of the sequence of dates and events relating to the review we have concluded that the current proceedings are invalid and ought not be entertained by the licensing authority.

As you will be aware there is a strict procedure to be followed in connection with reviews.

It appears the applicants have failed to comply with regulations 27; 29; 38 (1-2); and 39.

You will also be aware that by reason of Section 52 Licensing Act 2003 an application for review can only proceed to a determination where it is made in accordance with Section 51 (1) (a-c) which is clearly not the case.

We have seen the licensing authority email of the 4<sup>th</sup> September 2018 (15:50) addressed to "undisclosed recipients" which acknowledges the application (whichever date it is said to have commenced) was not made in accordance with the regulations.

The authority purports to rectify the error by "recalculating" timescales stating that a notice of hearing will be advised in due course.

Unfortunately it is simply not possible to adjust the application in this way. Legislation does not provide for any such modification of the original application no matter how expedient the licensing authority may consider this to be.

Having brought the above to your attention our clients are keen to emphasise that they (without any admission of fault) acknowledge the continuing concerns of Mr and Mrs Wright and are not seeking to avoid their responsibilities. In fact these abortive proceedings have had the positive outcome of promoting a new dialogue between the parties.

At the suggestion of Shoosmiths we understand that Mr and Mrs Wright would like to enter into renewed discussion with our clients representatives. Our clients are presently awaiting a suggested day and time for a mediation meeting at which hopefully a resolution can be found to the satisfaction of the parties. This may well obviate the need to involve the licensing authority in any renewed review proceedings.

It would be most helpful if you could acknowledge safe receipt of this email and confirm that the extant review proceedings cannot proceed.

As a matter of courtesy we are sending a copy of this email to Shoosmiths and await their suggestion for a meeting.

Yours sincerely

Anthony Lyons

#### Rachael Killworth

From:

Anthony Lyons

Sent:

12 October 2018 17:10

To:

'Licensing CE@cheshireeast.gov.uk'

Cc:

Megan Stevenson

Subject:

Leicester Warren Hall - Review

Dear Kim,

Thank you for your email.

As I set out in my correspondence of 1 October. The Licensing Act 2003 does not provide a function for an application for review to be determined unless it has been made properly. Section 52 of that Act deals with the determination of applications for review, but, by virtue of Subsection 1, only applies where the Authority 'receives an application made in accordance with section 51.' Section 51 provides that an interested party may apply for a review of the licence, subject to the Regulations.

Those Regulations are found within The Licensing Act 2003 (Premises Licences and club premises certificates)
Regulations 2005: As previously stated we believe that the Licensing Authority and applicant have falled to comply with those including, but not limited to numbers 27, 29, 38 & 39.

Regulation 27 requires an applicant for review to serve a copy of the application on each of the responsible authorities. We do not believe that has been complied with. Cheshire East's own Guidance notes on the lodging of a review lists the Licensing Authority, Police. Fire Service, Environmental Health, Planning Authority, Weights & Measures, Health & Safety Authority as responsible authorities but omits that of the Home Office Immigration Enforcement who became a responsible authority in 2017.

Regulation 29 requires an applicant to serve a copy of their review on the premises licence holder, at the same time as they serve a copy of the application on the Licensing Authority and all other responsible authorities. We have had sight of the letter from Shoosmiths to our client, dated 28 August 2018 re-serving a copy of the application on them following the return by Royal Mail of a previous attempt. However, this letter was sent a month after the application was served on the Licensing Authority when it should have been made contemporaneously.

Regulation 38 requires the applicant to display a blue notice at the premises for 28 days starting the day after the application has been served, and where a Licensing Authority maintains a website, details of the application must also be published there. We could find no evidence of such notice on the Council's website. Regulation 39 sets out what that notice should say, but by virtue of the non-compliance of 38 above, 39 has not been complied with either.

It therefore follows that if the Regulations have not been complied with, the application has not been made in accordance with Section 51, and must fail. There is no 'slip rule' whereby an application can be deemed valid when it has not been lodged in compliance with the regulations; nor can any deficiencies in it be remedied by simply recalculating the end of the consultation period or postponing the hearing. The application must instead be re-lodged in full, from the beginning.

As such I don't believe that the matter can be determined at the hearing you have listed for 25 October 2018 and would respectfully suggest that it be vacated.

However, I can confirm that discussions between my client and Mr and Mrs Wright continue and we are in the course of arranging a meeting between all parties to discuss matters further.

Hook forward to hearing from you.

Kind regards,

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	and for this	purpose the conditions of the licence are modified if any of their is altered or omitted or earlinew condition is a	dded
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(7)	In this sect	on "relevant representations" maans representations which—	11
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	(b)	meet the requirements of subsection (6).	
(2)	The require	ments of 9 ····	A.
	(a)	inal the representations are made—	
		(i) by the holder of the premises licence, a responsible sulforety or [F3 any other person], and	
		(ii) within the period prescribed under section \$1(3)(c),	
	(6)	that they have not been withdrawn, and	
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(9)	that data a	matieri.	
(10)	Where a lic	ensing authority determines an application for review under this section it must notify the determination and its r	easons for making it to
	(3)	the holder of the licence.	
	(b)	the applicant.	
	(4)	any person who made relevant representations, and	
	(d)	the chief officer of police for the police area (or each police area) in which the premises are situated	
(11)	A Selemin	stion under this section does not have affect—	
	(3)	until the end of the period given for appealing against the decision, or	
	(b)	if the decision is appealed against, until the appeal is disposed of	

## Annetsdons: 🕖

#### Amendments (Textual)

- F1 Word in \$ 52(3) superfitted (25 4 2012) by Police Reform and Social Responsibility Act 2011 (c. 13), sa, 109(11), 157(1) (whith a 108(15)); 5 1 201(21129, art 2(d))
- F2 Words in a 52(5) published (29.1.2010) by Policing and Crime Act 2009 (c. 28), 4s. 112, 116, Seh. 7 Pt. 5 para, 34, 51, 2010/125, arr. 2(1)
- F3 Wards in s. 52(5)(8)(f) substituted (25.4 2012) by Police Relatin and Social Responsibility Act 2011 (c. 13), ss. (06)(9)(a), 157(1) (with s. 198(7)); 51.2012/1129, an. 2(d)

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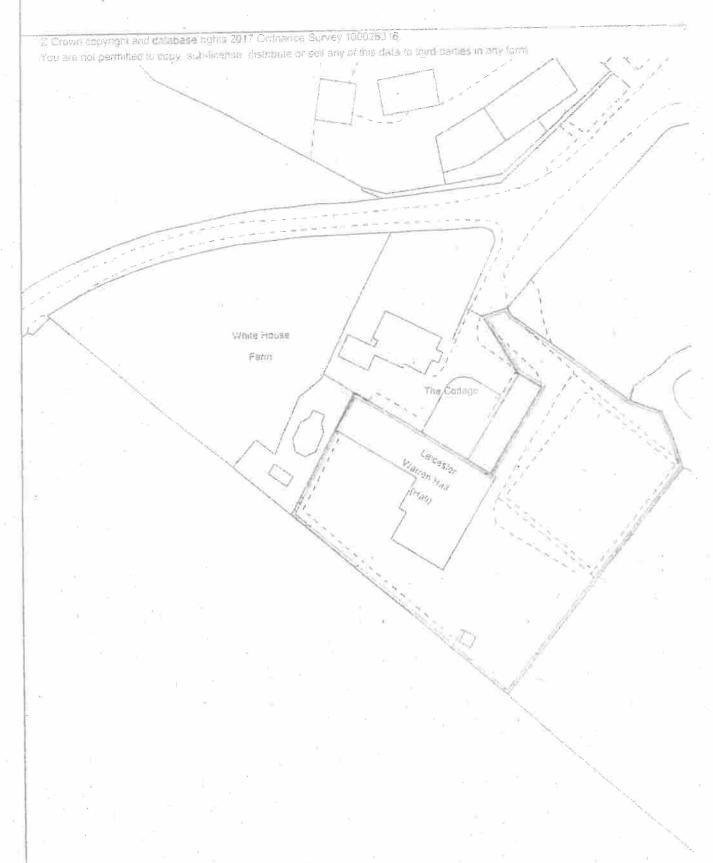
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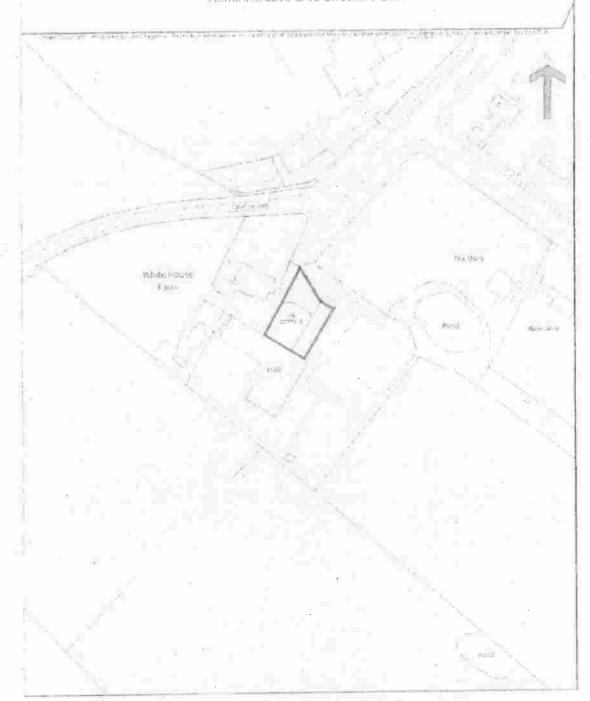
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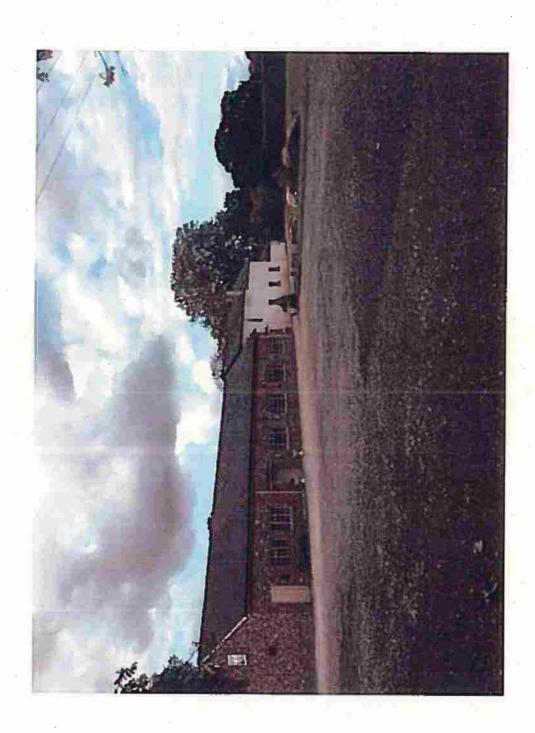
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#### Introduction

This narrative is written in response to an application for review of the Premises Licence (PR/0640) issued by Cheshire East Council (CEC) to The Leicester-Warren Hall Company Limited (LWHCo) in respect of licensable activities carried out at Leicester-Warren Hall, Bexton Lane, Knutsford (LWH).

LWH is a Masonic Hall, owned by LWHCo and is currently the home of thirteen Masonic Orders with a combined membership of around 360 drawn from Knustsford and the surrounding areas. LWH has been a regular meeting place for Freemasons since 1969. LWHCo is a non-profit making organisation with around 50 Shareholders and is managed by a Board of up to 9 Directors. The Articles of Association of LWHCo do not permit any distribution of "profits", all Shareholders and Directors are Knutsford Masons and all are unpaid volunteers.

Freemasonry is essentially a charitable organisation which raises significant amounts for local and national charities mainly from Members' contributions, donations and social functions.

#### **Previous History of LWH**

LWH was built in 1969 as a redevelopment of former farm buildings. It was built and maintained by the then Members, who included professional architects, builders, tradesmen and labourers. In the 1980's the hall was extended by the addition of the dining room and a new and much improved bar and has remained unchanged since that time. The hall is an expensive building to maintain and an average of around £25,000 pa is required for repairs and renewals.

During the 1980's and 1990's there was a significant amount of Masonic activity at LWH, with around 150 midweek meetings each involving around 40 to 50 Members and guests attending and, in addition, around 40 weekend Masonic social events with typically 120 attending.

From 1990 onwards, as the numbers of Members began to slowly decline, it became clear that the revenue raised from Members would be insufficient for the future maintenance of the hall. Around 2008, it was decided by LWHCo that, in order to secure the future of the hall, a commercial partner was required, whereby the hall would continue to be used as a venue for Masonic functions, whilst also being operated as a venue for external functions. At that time, the Premises Licence was revised and LWH was approved by CEC to be regularly used as a venue for marriages/partnerships by civil ceremony. The building is ideally suited to such events and is a popular venue in the area.

#### Activities of Tradcafe/Wilshaws at LWH

In July 2008, Tradcafe Limited, a member of the K8 Group of companies, took over operation of the hall under a three-year contract later assigned to Wilshaws of Bexton Limited, also a member of the K8 group (Wilshaws). Under that contract, it was envisaged that sufficient revenue would be generated to sustain commercial operations whilst providing a surplus for the maintenance and improvement of LWH.

During Wilshaws' tenure at LWH, we are aware that there have been difficulties between them and Mr & Mrs Wright, the owners of the adjoining house regarding noise and other nuisance arising

from the commercial activities of Wilshaws. Although throughout this period, the Premises Licence was in the name of LWHCo, the Designated Premises Supervisor was Ms Katrina Shenton, a Director of Wilshaws and LWHCo did not become directly involved in resolving those difficulties. We are aware that, from time to time, the relationship between the parties became extremely strained and that several formal complaints were made by Mr & Mrs Wright.

It is apparent from the diary records kept by Mr & Mrs Wright that there may have been inadequate control and management of events run by Wilshaws. There are several references in the diary to fire-doors being left open, which is somewhat of an exploitation of an omission in the Premises Licence which requires all windows to be closed after 22.00 but makes no mention of doors being closed.

#### Future Activities at LWH

It remains the case that significant revenue from external events is crucial to the future existence of LWH. Without that revenue the likely outcome would be the end of Freemasonry in Knutsford and sale of the land for development, there being extremely limited options for the use of such a building.

Following the departure of Wilshaws on 31° August 2018, LWHCo has entered into a new lease and quite different contractual arrangements with Belle Epoque Bespoke Limited (BEB). This lease will be effective from 1° September 2018 and for a period of 20 years. BEB has close links with La Belle Epoque Limited, a highly respected family run catering and events business operating in Knutsford for many years.

The income to LWHCo generated from this lease and obligations on **BEB** under the lease are essential to the maintenance of the building and its future as a Masonic Hall. We understand from BEB that the permitted hours under the Premises Licence are already somewhat limited compared to industry standards and to other local licenced premises close to residential properties. Any further restriction would render the business unviable.

BEB will continue to provide facilities and cater for Masonic events. Throughout the year, there are currently around 80 evenings when LWH is used for Masonic meetings and rehearsals. In addition, around 10 Masonic social functions are held which involve entertainment and music. These events require the full use of current licencing hours.

BEB will also operate external events at LWH, including use as a wedding venue as the main focus of their business.

#### Application for Review

Documents notifying LWHCo of the application for review were posted to us at LWH and not to our. Registered Office, the covering letter is dated 30 July 2018. We only became aware of the application on 11th August 2018, when one of our Directors attended a function at the hall and saw the notices posted there. We subsequently contacted CEC Licencing Team for clarification and received copies of the documents from them under cover of a letter dated 14th August 2018. Shoosmiths, Solicitors acting for Mr & Mrs Wright, subsequently advised us in a letter dated 28th August 2018 that the documents posted to LWH had been returned to them by Royal Mail. The documents were eventually delivered by hand to our Registered Office on 30th August 2018. The timetable for representations, consultation and the hearing were set on the basis that the application and supporting documents had been delivered on or around 30th July 2018, which was not the case.

It should be noted that the name of the premises licence holder stated in the application is incorrect, it should read "The Leicester-Warren Hall Company Ltd" and not "The Knutsford Masonic Club". The copy Premises Licence included in the application is out of date and identifies Ms Stephanie Jane Dawson as Designated Premises Supervisor, whereas up to 31st August 2018, the DPS was Katrina Shenton, a Director of Wilshaws and from 1st September 2018 is Matthew Mooney, a Director of BEB.

#### **Grounds for Review**

The grounds for review set out by CEC are:

- 1. The premises is causing a serious disturbance amounting to a public nuisance. and
- 2. Events at the premises give rise to anti-social behaviour including criminal offences.

These allegations relate to the activities of the previous occupant Wilshaws and their apparent inadequate control and management of events and not to the building or its suitability as a venue.

The diary of events kept by Mr & Mrs Wright, although subjective is an indication of the level to which their relationship with Wilshaws had deteriorated.

As stated above, Wilshaws occupation of LWH came to an end on 31st August 2018. Through the application for review, BEB are aware of the background to the allegations made by Mr & Mrs Wright and are sympathetic to their situation. BEB intend to operate LWH in a far more professional manner. Their proposals include the installation of hedging/fencing to separate LWH from Mr & Mrs Wright's property, with a substantial gate at the boundary between the hall and the adjoining house. It is their policy to have security staff on duty at the door at all times during events in order to monitor who can enter and observe any activities taking place outdoors. BEB have a zero policy towards anti-social behaviour.

Reference to anti-social behaviour including criminal offences. We cannot comment on the substance of those allegations, except to say that we are not aware of any action being taken by the authorities or any criminal charges arising.

#### 3. Sleep deprivation and disturbance.

For several years, noise has been at the heart of the problem between Mr & Mrs Wright and Wilshaws. It is apparent from correspondence and other reports that relations between the parties became strained and at times highly charged.

In 2016, a report was commissioned by Mr & Mrs Wright which was prepared by Warren King, Senior Consultant of Vanguardia Limited based on sound insulation tests carried out by Stroma Technology Ltd on 25<sup>th</sup> July 2016 and 2<sup>nd</sup> December 2016. A further report by Warren King of Vanguardia, dated June 2018, is based on the findings of the 2016 study and does not appear to include any further measurement of noise other than subjective observations. References below are to numbered paragraphs in the 2016 and 2018 reports.

In 2018 - 2.6, it is pointed out that in the 2016 report, following complaints from Mr & Mrs Wright, CEC had installed noise monitoring equipment in Mr & Mrs Wright's house.

Environmental Health Offices acknowledged that noise was audible, certain recommendations were made on a "good neighbour" basis and the case was closed. It is therefore reasonable to conclude that the noise levels monitored were not considered excessive.

In 2018 - 5.6, it is stated that the "...existing party wall does provide some level of sound insulation.....but that it is not sufficient...". This conflicts with the results of the 2016 test report, which indicated that, "2016 - 3.1....the sound insulation performance of the existing wall is high...". 2016 - 3.2 and 3.10 go on to say that the noise levels are increased when the main venue fire doors are open, when the Wrights' kitchen window is open and through the fire door on the end of the party wall. In 2016 - 4.1, it is again mentioned that, "...performance of the existing party wall was high....." and that, "it cannot be guaranteed that by only treating the party wall, sound transmission....will be significantly reduced". This is repeated in 2016 - 5.2.

It has been LWHCo's intention for some time to remove the single fire door on the party wall and to brick-up the opening including use of appropriate insulation material. This was not previously carried out due to problems agreeing access with Wilshaws. However, this work has now been carried out.

Clearly, opening and closing of the Wrights' kitchen window is under their hands.

#### 4. The premises is not suitable for events to be heldthere.

Setting aside the problem of audible noise, which is addressed throughout this response to the application, it is our view that the premises is suitable for events to be held there, as indeed they have been over the last 50 years or so.

Problems referred to in the application are historical and relate to the activities of Wilshaws, who have now vacated the premises. In the response to item 3 above, we have set out the measures BEB intend to adopt in order to ensure that events are properly managed and controlled.

The design and size of the premises is considered well suited for the events which take place and it provides an ideal venue for Masonic and social activities in the Knutsford area. With the exception of the adjoining property, the hall and grounds are secluded, access is good and there is a large car park which can accommodate over 70 vehicles.

#### 5. The following licensing objectives are not being promoted:

- Prevention of Public Nuisance
   See the response to items 1 and 2 above.
- ii. Prevention of Crime and Disorder

We are not aware of any crime being committed at the premises. In respect of disorder, see the response to items 1 and 2 above.

Protection of Children from Harm
CEC's conditions relating to Protection of Children from Harm relate to entertainment of children, supervision and control of the movement of children. We do not consider that objective relevant to this application. If the intention is to link audible noise in the house to causing harm to children in the house through sleep deprivation, we consider this to be addressed under item 3 above.

#### 5. Summary

Problems detailed in the application for review relate to events managed by Wilshaws from 2008 to date. Wilshaws have now vacated the premises and have been replaced by what is considered to be a more experienced and professional organisation, BEB.

We are confident that any disturbance, public nuisance and anti-social behaviour issues will be resolved by BEB's improved working practices.

It is accepted that noise arising from certain events at LWH is audible in the adjoining house. Action has already been taken to reduce the impact of noise and it is BEB's intention that this should continue by the introduction of improved operating practices..

LWH is a long-established venue for Masonic and social events, having operated for almost 50 years. It was originally established as a Masonic Hall, but it now relies for its continued existence on revenue raised from external functions. In that respect, the viability of BEB's business at the hall for both masonic and external functions is crucial. Any restrictions on the current premises licence conditions in terms of permitted hours or number of events would have a serious impact on viability and the future of the hall.

We believe that the measures we have outlined in this response together with LWHCo and BEB's intention to create a more constructive and effective relationship with Mr & Mrs Wright should resolve the historical problems which have led to the application.

It is our hope, for the future existence of LWH that this review of the premises licence will not result in restrictions being imposed.

I and my family have owned and run the Belle Époque in Knutsford for the last 45 years. We are an independent second generation family business. We are located in an historic grade 11 listed building and have gained a national reputation for fine dining and hosting wedding events.

The restaurant has been recognised by the Michelin Guide for over 35 years and has gained 2 AA Rosettes for our restaurant and a Platinum 4 Star status for our hotel. The AA Rosette rating ranks us in the top 10% of restaurants in the UK.

We have been voted by Tatler Magazine as one of the top 100 Wedding Venues in the UK.

On average we host two weddings a week in Knutsford. We have residential property adjoining the rear of our building and have always maintained an excellent and harmonious relationship with all residents.

We have employed generations of Knutsfordians and have pioneered the use of local produce, using local farmers and food producers where possible. We take our role in the Knutsford community seriously and regularly support charity events at our venue and other.

I have chaired several committees within the local business community to raise the profile of Knutsford and attract more visitors, I'm a passionate ambassador for the town and spoken on Radio Four and appeared in the Times newspaper promoting Knutsford town. I have been a Trustee of the Knutsford Heritage Centre.

Our plans for Larkspur Lodge, (formerly Leicester Warren Hall), are simple. Wwe intend to take the same standards and level of hospitality as the Belle Époque, but offer them in a much more informal setting of a vintage barn.

We operate at a high standard and staff are trained accordingly. We are currently recruiting for new members of staff to join the Belle Époque team, where once they have been trained, they will be utilised at Larkspur Lodge. We are planning to creating 12/15 new full and part-time jobs at our new venue.

By the end of January 2019, we will have invested approximately, £30,000 at Larkspur Lodge, subject to planning permission. These works include the creation of a new sound-proofed entrance porch, a new outdoor terrace area, away from neighbouring property, a gated entrance and fenced area, internal and external decoration, "bricking-up" an adjoining disused fire exit and new garden landscaping and planting.

I have now had an opportunity to meet with our adjoining neighbours and their legal representative. They have set out their concerns which, to my mind, reflect on the questionable management of our predecessors at the Hall.

I would like to assure them and the Licensing Committee that the improvement works we propose coupled with the implementation of our robust management policies should see the elimination of the historic issues. As we stated during our meeting, we are committed to being good neighbours.

Although we are agreeable to the implementation of a number of new conditions to the Licence, we need the operational flexibility to trade the hours as the Hall is currently licensed in order to be commercially viable and in turn, contribute to the sustainability of the Freemasons Hall.



#### Warren King MIOA, Senior Consultant, Vanguardia

June 2018

From:

Sent: Thursday, February 11, 2016 5:11 PM

To:

Subject: RE: Noise control at Leicester Warren Hall

Dear Adele

Thank you for your email and the information it contains.

I haven't heard from anyone regarding this since early autumn last year when discussion were had with the clubs management over their planning permissions etc.

Previously we had deemed the entertainment noise as not proved a statutory nuisance thus the club has no need to "please environmental health". I recall we have also provided you with information on taking your own nuisance action EPA1990 s82 (Environmental Protection Act 1990 s82).

We attempted – on a good neighbour basis- to encourage the club to carry out their construction plans that would have placed a lobby corridor between the function room and the party wall however this is not something that we or our planning Dept. can force

The club was also considering some form of amelioration and a Sound Limiting Device was an option. We also considered being involved in the setting of the limit should the club decide on that option, that was in September 2015 and no approach has been made since.

We now consider this matter fully closed. It is apparent that, as you say, by us agreeing to a limit there is a strong possibility we would be called back on any suspicion of altering or bypassing of the equipment - rather than our statutory role of investigating statutory nuisance. Thus we believe it is best dealt with as a private matter.

Trefer you to the advice above on the statutory nuisance aspect.

Should you wish to liaise with the club in the setting of the noise limit, we feel you should take any opportunity for improvement as offered as there is nothing that we could impose.

You suggest that you are willing to support financially improvements to the club or your own home, yet it is clear you have a distrust of the clubs management – ie bypassing the noise limiting device- why they would when they are spending money as a voluntary improvement am not sure.

However, as you share a party wall and are the ones disturbed by the occasional event at the licenced premises, you may wish to consider the financial outlay you are proposing on your side of the party wall?

We advise that you consider being involved in the sound limiting device setting and see if this improves your assessment of the noise impact and if not, consider progressing your own legal

Leicester Warren Hall

#### Warren King MIOA, Senior Consultant, Vanguardia

June 2018

action, be this via the EPA1990 sB2 or calling the premises licence in for review as an independent neighbour or physical insulation.

I fully understand that this is not the information you wished. However, we are not in a position to progress complaints that we have recently investigated and decided upon or be involved in mediation.

regards

Hamish Roscoe
BSc(HONS), MCIEH, AMIOA
Senior Enforcement Officer

postal communication to:-

Cheshire East Council
Hamish Roscoe
Regulatory Services and Health
(Macclesfield Town Hall)

C/O Municipal Buildings Earle Street CREWE CW1 28J

> Cheshire Last ! Rest in the North West

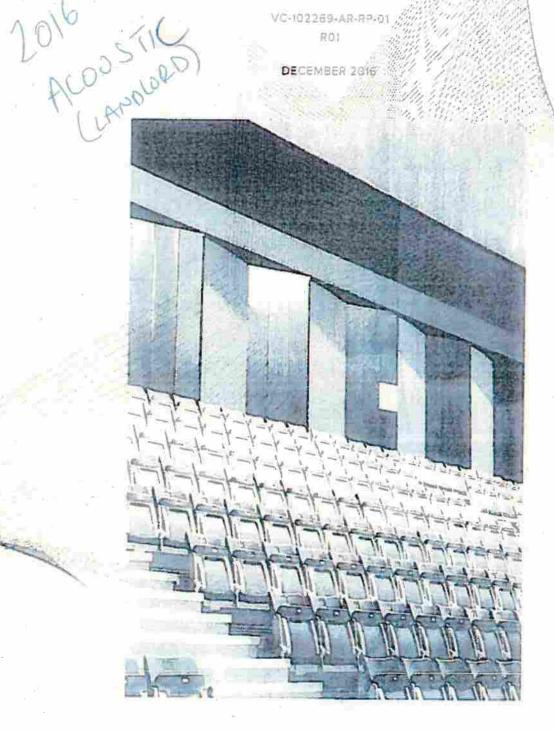
THIS EMAIL IS INTENDED FOR THE NAMED RECIPIENTS: -TO, CC AND BCC ONLY AND REMAINS CONFIDENTIAL

#### WHITE HOUSE FARM COTTAGE BEXTON LANE KNUTSFORD

ACOUSTIC REPORT

VC-102269-AR-RP-01

DECEMBER 2016



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ACOUSTIC REPORT DECEMBER 2

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#### VANGUARDIA LIMITED

HEAD OFFICE 21 Station Road West, Oxfod Surrey RHS 9EE

Tel 144 (0) 1889 718690 Fax 144 (0) 8700 516196

office Gvanguardia sca.uk vanguardia.co.uk ACCUSTIC REPORT

DECEMBER 2016

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DECEMBER 2015

#### 1.INTRODUCTION

- 1.1. Vanguardia Consulting has been commissioned by the owners of White House Farm Cottage. Bexton Lane, Knutsford to provide an assessment of the sound insulation of a party wall between the cottage and the venue adjacent to the property. Leicester Warren Hall which is used for wedding receptions and other functions throughout the year.
- 1.2. The purpose of this document is to provide an assessment of the existing party wall between the cottage and the venue and to provide recommendations to reduce the level of entertainment noise within the cottage.
- 1.3. A glossary of acoustic terms is shown in Appendix A.

#### CONSULTANTS EXPERIENCE

- 1.4 Vanguardia Consulting is an independent acoustic consultancy specialising in the field of sound, noise and acoustics related to entertainment venues. The team of consultants have many years' experience dealing with some of the largest and most innovative sound and acoustic projects in the UK, including Wembley Stadium, the Millennium Dome. The Millennium Stadium, Wembley Arene and Earls Court.
- 1.5. The consultants have successfully provided sound management advice, including noise control, at over 1000 concerts during the past 25 years. These concerts have ranged from relatively small scale events at green field sites to major events staged at national stadia providing entertainment for tens of thousands of people.
- 1.6. The company director also sat on the UK Noise Council Working Party which prepared the Code or Practice on Environmental Noise Control at Concerts (1995). They have also managed Government research projects related to sound and noise aspects of the entertainment business.
- 1.7. As well as the provision of sound and acoustic design management for entertainment venues, the company deals with the whole range of acoustic, noise and vibration issues and our staff have presented expert testimony at planning and licensing hearings, magistrates and high courts, Judicial Reviews and House of Commons and House of Lords Select Committees.

#### LEICESTER WARREN HALL

1.8 Leicester Warren Hall is used for private functions such as weddings and birthday parties and shares a party wall with the adjacent cottage. It is understood that for the majority of events, the venue uses a preferred supplier to provide entertainment in the form of a DJ who supplies the sound system. However,

#### VIHITE HOUSE FARM COTTAGE, BEXTON LANE KNUTSFORD ACQUISTIC REPORT

VC 102259-AR-RP-0



DECEMBER 2018

the venue also allows for their clients to supply their own entertainment which can include D3's, bands and other tribute type acts. The venue operates under a premise licence which permits the following:

Live and Recorded Music (to take place indoors).

Moriday to Thursday 11.00 to 23.00

Friday and Saturday 11.00 to 24.00

Sunday 12.00 to 23.00

New Years Eve extend hours to 01.00

In addition, to the above, the premises licence is also subject to the following conditions:

#### Prevention of Public Nuisance

- 3. Speakers shall point away from the adjoining wall and there shall be no amplified music on the party wall.
- 4. Windows shall be closed after 22.00 hours when regulated entertainment is taking place.

#### 2. ACOUSTIC SURVEY

#### INITIAL TESTS

2.1. An initial sound test was carried out at the venue using the same sound system setup and similar genre of music as for the majority of events at the venue. Although the sound system supplier and DJ were the venue's preferred supplier, parties that hire the venue are entitled to bring their own sound system and entertainers. Music was played in the venue at a level considered to be normal by the DJ. It was then requested that the levels were increased to replicate what happens on some nights at the venue.

#### SOUND INSULATION TEST

- 2.2. A sound insulation test was carried out by Stroma Technology Ltd on 25° July 2016 to establish the performance of the existing party wall. The sound insulation tests were carried out in accordance with the guidance provided in British Standard 8S EN ISO 16283-1:2014 Acoustics. Field measurement of sound insulation in buildings and of building elements. Airborne sound insulation.
- 2.3. Noise measurements were taken in both the source room (venue) and receiving rooms (living room). kitchen area and first floor bedroom) which share the party wall of the adjacent cottage using a broadband noise signal capable of producing noise in third octaves with centre frequencies within the range of 50Hz and 10KHz. Sound insulation tests were carried out with the venue doors open and closed in order to assess the effect on the noise levels in both receiving rooms. In addition, a background noise measurement was also taken in the receiving room without the noise source in operation.
- 2.4. The following table 1 shows a summary of the noise measurements in the source and receiving rooms during the test as well as the background noise level in the receiving rooms in the cottage.
- 2.5. All results are based on an overall level in the venue of approximately 107dBA. Whilst the overall A weighted level is higher than would be expected in the venue noise levels in the 50Hz 125Hz third octave bands are comparable to those generated with typical music noise.

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Table 1

Suit maly notice measures remp.

1/3 Octave Centre Frequency (Ht)	Living Room (Venue doors closed)			Living Room (Venue doors open)			Bedroom (Venue doors			Bedroom (Venue doors			Background
	Source Room	Receiver Room	Diff	Source Room	Receiver Room	Diffi	Source Room	Receiver Room	Dłff	Source	Receiver Room	OHI	Receiving Room
50Hz	84	47	37	84	54	30	84	49	35	84	45	40	35
63Hz	95	56	40	95	59	36	95	46	49	95	51	45	31
SOHz	100	57	44	100	64	35	100	53	47	100	60	40	27
100Hz	105_	54	51	105	56	49	105	55	50	105	55	49	24
125Hz	103	49	54	103	49	54	103	47	. 56	103	49		22
160Hz	101	45	55	101	49	52	101	44	57	701	47	54	24
200Hz	104	45	58	104	57	<b>4</b> 7	104	41	63	104	45	59	27
250Hz	102	45	57	102	57	45	102	35	67	102	40	62	23
315Hz	102	38	64	102	42	60	102	36	66	102	39	63	12
400Hz	105	34	71	105	35	70	105	35	71	105	35	71	14
500Hz	99	30	69	99	32	65	199	25	74	99	27	72	13
630Hz	100 .	30	71	100	32	69	100	22	79	100	21	79	9
300Hz	99	28	71	99	30	69	99	145	82		15	83	12
lkHz (	95	26	69	95	28	67	95	14	82		11	85	15
i 25kHz	93	25	69	93	26	67	93	16	77	93	9	84	17
16kHz	91_	24	66	16	25	65	91	[4	76	91	9	81	16
2kHz	86	21	65	86	22	64	86	12	74	86	8	78	14
2.5kHz	84	22	62	34	22	62	84	17	73	84	7	77	12
3 15kHz	82	20	63	82	19	64	82	10	73	82	7	75	10
ikhiz .	67	20	48	67	17	50	<b>6</b> 7	11	57	67	9	59	10
ikHz .	57	17	39	57	15	41	57	10 .	47	57	9		9
S 3kHz i	54	16	38	54	15	39	54	10	44	54	10	44	9
lk =iz	50	14	36	50	13	37	50	11	39	50	10		10
0kHz	47	13	34	47	12	35	47	11	36	1	11	1	11

#### ADDITIONAL NOISE TESTS

- 2.6. Further no se tests were carried out on 2. December 2016 in order establish the possible sound transmission paths between the venue and the cottage. The tests were carried out in the same way as the initial tests with a DJ playing similar music to that as at events.
- 2.7. The following tests were carried out to identify sound transmission paths through various building elements:
  - Between the venue and cottage kitchen and bedroom party walls
  - Through the adjecent kitchen and bedroom walls perpendicular to the party wall

# WHITE HOUSE FARM COTTAGE, BEXTON LANEXMUTEFORD ACOUSTIC REPORT

VC-102269 AR RP 0

VANGUARDIA

DECEMBER 2016

- Through the kitchen floor.
- With the kitchen window open and closed
- With the venue doors open and closed
- Through the small fire escape on the party wall
- With the sound system mounted on the resilient mats and directly on the floor
- The attenuation through the cottage further away from the venue

### 3. SOUND INSULATION ASSESSMENT

- 3.1 The results indicate that the sound insulation performance of the existing wall is high. In summary, the to loving level differences between the venue and cottage were measured:
  - From the venue to the ground floor living room, a weighted level difference of D, 66 dB was measured with the venue doors closed and D, 63dB with the venue doors open.
  - From the venue to the first floor bedroom, a weighted level difference of D,, 73 dB was measured with the venue doors closed and D,, 73dB with the venue doors open.
- 3.2 The results indicate that the opening of the main venue fire doors degrades the sound insulation to the kitchen / living room and is most notable at 160-315Hz. There is a window in the kitchen that faces the rear of the venue on the same side as the venue doors and a smaller window on the same façade of the cottage on the first floor landing facing out to the rear of the venue. Therefore, it can be assumed that there is some noise break-in from the kitchen window when the main venue fire doors are open. This was confirmed during the additional noise tests when noise levels were subjectively louder in the kitchen when the window was open.
- 3.3. Using the sound insulation test data and measurements made in the venue with music operating, it is expected that noise levels in the cottage from amplified music are likely to be in the region of 30-35 dBA.

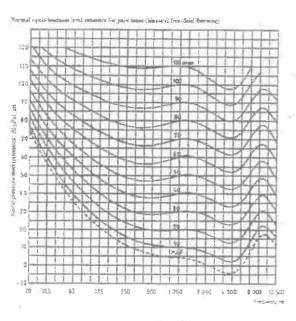
  L. Background noise levels recorded in the cottage were around 25 dBA.
- 3.4. The results indicate that amplified music is approximately 5-10dB above the background noise level in the cottage, with noise levels at low frequencies (63Hz, 80Hz and 100Hz) approximately 10-30dB above the background noise level. Music noise at these levels will be audible in the cottage due to the low background noise level in the cottage.
- 3.5. Details of the exact party wall construction are currently unknown, although the sound insulation tests of the wall are commensurate with a high performance thick masonry wall, potentially with some discontinuity. Due to the high sound insulation measured, transmission from the venue to the cottage may not only be via a roome paths through the wall, but also via flanking via indirect paths such as via the floor, walls or via windows coors.

#### THRESHOLD OF HEARING

3.6. The following chart shows the threshold of hearing for pure tones across the audible frequency range.

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Figure 1 Interiors of historic



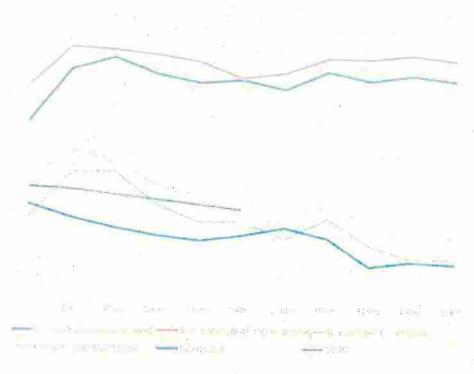
3.7. Research carried out by Defra on low frequency noise disturbance (contract no NANR45) proposes criterion for the assessment of low frequency noise. Although it does not specifically relate to entertainment noise the maximum third octave values given below are an appropriate judgment of the low frequency disturbance.

Table 1	2	Autosamont é	PALO SEEL				
Frequency (Hz)	40	50	63	80	100	125	160
( dB)	19	43	42	40	38	36	34

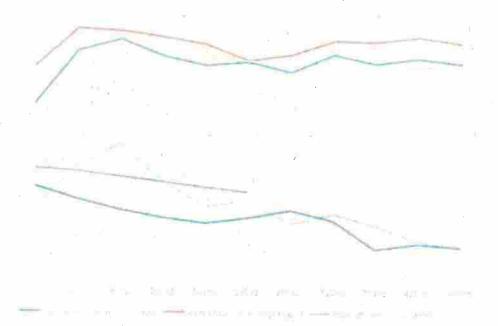
- 3.8. The following figures compare an assessment of the low frequency transmission into the cottage from amplified music against the Defra low frequency noise criterion. Results above 500Hz have not been shown as they were background affected.
- 3.9. The graphs show that the low frequency amplified music no se exceeds the DEFRA criterion at 63Hz, 80Hz and 100Hz by up to 15 dB. Although this criterion is not relevant for amplified music, in the absent of any other clear guidance, this forms a useful indication.

DECEMBER 2016

Manuit & Dr. - Keon



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CLECT VIEW DOUG

- 3.10. The additional tests carried out on 2.º December suggested the following subjective assessment of no selevels:
  - Broadband music noise was sudible through the party wall between the venue and the kitchen and bedroom
  - Music was not audible through the adjacent walls or through the floor
  - Noise levels were subjectively louder with the kitchen window open and with the main venue doors open
  - There was significant noise breakout through the fire door on the external element of the party wall.
  - There was no subjective difference in noise levels in the cottage when the sound system
    was mounted on the resilient mats and directly on the floor.
  - There was a noticeable reduction in noise levels between the rooms in the cottage close to the party wall and the rooms further away. This provides evidence that the sound transmission path is predominantly through the party wall.

DECEMBER 2016

#### 4. MITIGATION

- 4.1. [The initial sound insulation tests indicate that the performance of the existing party wall was high.

  Although it is likely that there is a degree of airborne sound transmission through the party wall there is not conclusive evidence to confirm it is the dominant transmission path across the whole frequency range. Therefore it cannot be guaranteed that by only treating the party wall, sound transmission between the venue and the cottage will be significantly reduced.
- 4.2. However, the additional sound tests that were carried out on 2° December out provided further evidence that the dominant sound transmission path is through the party wall and the fire exit door on the external element of the party wall. The tests also indicated that there was an additional sound transmission path through the main venue doors when open.

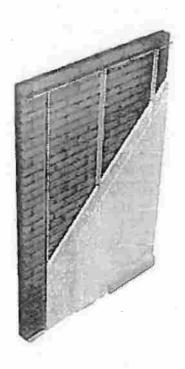
#### RECOMMENDATIONS

4.3. It is recommended that the following noise mitigation measures are carried out to reduce the noise transmission paths between the venue and cottage.

#### Install an independent wall lining system

- 4.4. It is recommended that an independent wall lining comprising of 3 layers of 15mm Soundbloc on independent study with 300-400mm cavity from the existing wall filled with 200mm Acoustic Rockwool (48kg/m²) is constructed to reduce the sound transmission through the party wall. The construction is a non-load bearing wall erected independently of the existing wall and would most likely be applied on the venue side, resulting in adding a minimum 345mm to the depth of the wall. The wall lining would need to extend the full height of the wall (including within the roof void). It is important that a cavity of less that 300mm is not specified and there is no bridging between the lining and the wall as this could lead to a worsening of the sound insulation. Antihoependent wall lining solution would only reduce noise transmission through the wall element only and further mitigation is likely to be required to reduce the additional noise transmission paths between the venue and the cottage.
- 4.5. All construction details should be in accordance with the manufacturer's instructions and recommendations and be well sealed. In addition, a structural or roofing expert should be consulted to confirm that the integrity of the existing roof is not effected and that the existing structure can take the weight loading of the independent wall lining system. A typical independent wall lining system is shown in the following figure (indicative only):

Figure 2 Partir Protection Wall Labor Saldin



#### Block the fire exit on the party wall

4.6. There is significant noise breakout from the venue through the fire escape doors on the external element of the party wall. It is understood that the fire exit is not required by the venue and that it is planned for it to be illied. This should be done with high density blockwork to provide at least the same reduction as the existing external wall. This would then be encapsulated by any proposed independent wall lining as above.

#### Limiting entertainment noise from the venue

4.7. It is understood that the venue manager is considering the installation of a permitted include sound system and preventing any parties from bringing their own sound system and being restricted only to the use of the venue system. The sound system should include a compressor limiting device which prevents anyone from incredsing music noise levels from a pre-set level. This would also be applicable to performers and for speeches using microphones which should be connected to the same sound system. A small monitor loudspeaker should also be included as part of the sound system in order for those using microphones to be able to near themselves clearly and would also be connected to the limiting device. All loudspeakers should still be mounted on resilient mats to isotate them from the building and minimise transmission paths through the building structure and not include sub-bass units.

# VIHITE HOUSE FARM COTTAGE, BEXTON LÂNE KNUTSFORD. ACOUSTIC REPORT

VC (02259 AR RP D)

VANGUARDIA

DECEMBER 2016

Minimise breakout through the venue doors

4.8. The existing venue doors should be replaced with acoustic doors which should include door closures and acoustic seals and kept closed during events. A lobby/porch may be constructed on either side of the existing doors to minimise noise breakout from the venue. The looby should be constructed of as high mass and density material as possible and be of great enough depth so that both sets of doors cannot be opened by one guest.

#### 5. SUMMARY

- 6.1. The sound insulation tests carried out indicate the following.
  - The existing party wall provides a high level of sound insulation. It is considered that
    generally the higher the sound insulation of the building element, the more significant
    sound transmission through flanking paths become.
  - The sound insulation test results indicate that noise levels from the venue are lower than in the bedroom than in the kitchen. This provides some indication that there are additional sound transmission paths into the kitchen. However, the residents commented that subjectively, music noise levels are higher in the bedroom. This is most likely because of higher background noise levels in the kitchen.
  - Moise levels in the kitchen are higher when the venue doors are open. This is less apparent
    in the bedroom which suggests that there is some transmission through the venue doors.
- 5.2. The sound insulation tests did not provide conclusive evidence that the dominant sound transmission path across the frequency range is through the existing party wall and that additional sound transmission paths may exist.
- 5.3. The additional tests carried out after the sound insulation tests indicate the following:
  - Music noise is audible through the party wall between the venue and the cottage kitchen and bedroom
  - Music noise was not audible through the adjacent walls or through the floor indicating that
    these are not significant sound transmission paths.
  - Noise levels were subjectively louder with the kitchen window open and with the venue
    doors open. This was most likely as a result of the noise breakout through the fire door on
    the external element of the party wall, next to the kitchen window and through the main
    venue doors.
  - There was no subjective difference in no selevels in the cottage when the sound system was mounted on the resilient mats and directly on the floor.
  - There was a noticeable reduction in noise levels between the rooms in the cottage close to the party wall and the rooms further away.
- 5.4 The following mitigation measures should be considered to minimise sound transmission from the verue to the adjacent cottage.

# WHITE HOUSE FARM COTTAGE, BEXTON LANE KNUTSFORD ACQUISTIC REPORT

VC-102259 AR RP 01

VANGUARDIA

DECEMBER 2016

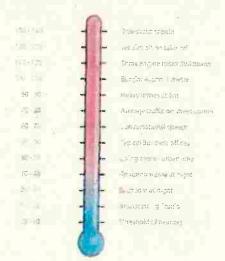
- Install an independent wall lining system.
- Fill the fire exit on the external element of the party wall.
- Limit the noise levels within the venue.
- Reduce the noise breakout through the main venue doors.

#### 6. APPENDIX A

#### GLOSSARY OF TERMS

- 6.1. Noise is defined as unwanted sound. The range of audible sound is from 0dB to 140dB, which is taken to be the threshold of pain. The sound pressure detected by the human ear covers an extremely wide range. The decibel (dB) is used to condense this range into a manageable scale by taking the logarithm of the ratio of the sound pressure and a reference sound pressure.
- 6.2. The frequency response of the ear is usually taken to be about 18Hz (number of oscillations per second) to 18,000Hz. The ear does not respond equally to different frequencies at the same level. It is more sensitive in the mid-frequency range than at the lower and higher frequencies, and because of this, the low and high frequency component of a sound are reduced in importance by applying a weighting (filtering) circuit to the noise measuring instrument. The weighting which is most used and which correlates best with the subjective response to noise is the dB(A) weighting. This is an internationally accepted standard for noise measurements.
- 6.3. The ear can just distinguish a difference in loudness between two noise sources when there is a 3dB(A) difference between them. Also when two sound sources of the same noise level are combined the resultant level is 3dB(A) higher than the single source. When two sounds differ by 10dB(A) one is said to be twice as loud as the other.
- 6.4. The subjective response to a noise is dependent not only upon the sound pressure level and its frequency.

developed to try and correlate annoyances with the noise level and its fluctuations. The parameter used for this measure is Equivalent Continuous Sound Pressure Level (Lam). The A-weighted sound pressure level of a steady sound that has, over a given period, the same energy as the fluctuating sound under investigation. It is in effect the energy average level over the specified measurement period (T) and is the most widely used indicator for environmental noise. A few examples of noise of various levels are given right:



#### VANGUARDIA LIMITED

#### LONDON OFFICE

Sputhbank Technoperk 90 London Road London SEL BLN

HEAD OFFICE 21 Station Road West, Oxford Surrey RHB 9EE

NORTH WEST OFFICE 3A Toli Road, Knutsford Cheshire WA16 OPE

Tol +44 (0) 1883 7 3590

office avanguardia co uk vanguardia co uk

Page to

#### Suzanne Francis

From:

Suzanne Francis on behalf of Anthony Lyons

Sent:

24 October 2018 10:48

To:

'Simon Taylor'

Subject:

Knutsford Masonic Club - Premises Licence MBC/PR/0640- Review Proceedings

(LEI108/1)

Attachments:

Proposed Conditions.doc

Dear Mr Taylor,

On behalf of Keith Stokes (representing the Premises Licence Holders) and Matthew Mooney (Belle Epoque Bespoke Limited – the new commercial occupants) i write in advance of tomorrow's hearing to confirm our proposals to address your client's concerns.

You will note that considerable thought has been given to this matter, and, notwithstanding our serious concerns in respect of the procedural propriety of these proceedings, we are keen to work with your clients to reach a solution.

As such, I attach a list conditions which directly relate to the points of concern raised by your clients in their review application.

As well as the offending fire escape door already having been bricked up, within the conditions you will note additional significant concessions which include:

- A cut off time for live music at 11pm.
- The closing of doors as well as windows from 10pm.
- The reduction in opening hours.

You will appreciate these are significant concessions, and we would hope that these proposals, coupled with my client's intention to develop a new picket fence (with planted screening) and farm gate would be welcomed by Mr & Mrs Wright.

I will be sending a copy of this email and the proposed conditions to the licensing committee in advance of the hearing, and in the event that they do not agree that the matter should not proceed to a full hearing tomorrow due to the procedural irregularities, will be offering these conditions as a proposal to the Committee for their consideration.

Should you wish to discuss any further, please do not hesitate to contact me.

Kind regards,

Anthony

#### Knutsford Masonic Club - Premises Licence MBC/PR/0640

Proposed conditions to be added to the Premises Licence to be effective on those occasions when Leicester Warren Hall is used for licensable purposes other than Masonic activities.

- 1. After 22:00 when regulated entertainment takes place all external doors will be maintained in a closed position, save for access and egress.
- 2. External doors will be self-closing.
- 3. The DPS or Manager will be responsible for the orderly management of events, such as to avoid nuisance to residents who live in the vicinity.
- 4. Any complaints (including noise complaints) will be recorded by the DPS or Manager in a complaints book kept for the purpose and will promptly be dealt with.
- 5. Notices will be prominently displayed at the exit requesting patrons and staff to leave the Premises quickly and quietly out of respect for our residential neighbours.
- 6. A smoking area away from the adjoining resident will be identified for such use.
- 7. Use of the external area (save for smokers) will cease at 23:00.
- 8. A taxi pick-up area will be agreed with a nominated taxi supplier with a view to minimising any noise nuisance to our neighbours.
- A sound lobby will be constructed to the main entrance and the DSP/Manager will use best endeavors to ensure that after 22:00 the doors are managed in such a way to avoid the escape of sound.
- 10. Staff will be trained to understand the importance of reminding patrons to exit and depart from the Premises quickly and quietly out of respect for our neighbours. Such training will be documented.
- 11. SIA registered door staff shall be employed at the premises, in accordance with a risk assessment, to be carried out by the DPS.
- 12. A new CCTV system will be provided with internal and external cameras.
- 13. Wedding and event bookings at Leicester Warren Hall will be available to residents at least 2 weeks in advance.
- 14. There will be no emptying of bottles into external bins or receptacles after 11pm or before 7am.
- 15. There will be no live music permitted after 11pm.

16. The premises licence terminal hour for opening will be reduced by 30 mins as follows:

Monday - Thursday 11:00-23:30

Friday and Saturday 11:00-00:30

Sunday 12:00-23:00

New Years Eve 02:00

CHAMBERS

#### CASES

R (May) y Rother Statist Council (2013) EWCA Civ 810

DATE 22 Jun 2015

In this case, the Court of Appent (Lord Dyson MR, Lewison & Sales LJJ) considered a challenge to a planning permission granted by Rother District Council in which the challenge to a planning permission granted by Rother District Council in which the challenge of the considering the potential noise impact by reference to Policy GD1 of the Rother Local Plan, which required that development is in seeping with and does not unreasonably herm the amendes of adjoining properties", the Council had failed to take into account para 123 of the NPPF (to which its decision documentation and does not unreasonably name an emerce of automong properties , we counted not released account part 120 of the CEPP to ancient of the as a result of new had not released which provides that planning decisions should "avoid noise from giving rise to significant adverse impacts on neaths and quality of life as a result of new development (and) magate and reduce to a minimum other adverse impacts on health and quality of life ensing from notice from new developments. Including through the use or

The Court held that, having regard to the Noise Policy Statement for England, which was incorporated by reference in a feotrate to MPPF para, 123, it was clear that MPPF para. 123 1s to be interpreted as minimising noise as far as reasonably possible", which required that all reasonable steps' should be taken to minimise noise and does not mean that adverse effects from noise cannot occur, see para. 17 of the judgment of Lewison LJ (with whom Lord Dyson MR and Sales LJ agreed). At pare, 18 Lewison LJ continued

Whather the impossion of a condition is a "reasonable step" is, in my judgment, one of planning judgment for the planning authority. As the history of this case allows the a judgment on which reasonable people can disagree. Falso consider that which is a sessonable step is a judgment which may take into account both the powers of the would be affected by the development, I do not, therefore consider that NPPF [123] promitts the decision maker from balancing conflicting considerations

The Court accordingly concluded that para 123 did not impose a differentiest to that posed and applied by the Council in Policy GOT of the Escal Plan, and therefore dismissed the appeal

appeared for the successful respondent, Rother District Council

said. "Inspector rut has clearly gone to solved everyone will say of course."

n Wicks, of , said the d at Hiding mans was anies and ns through e said. "The AT. All the n cash and

de himself nal receiver w hundred !d furniture other's a sixa parn. inside the rove of fine

## Couple lose fight to outlaw noisy playground next door

A couple's decade-long legal fight with the owners of a playground near their home in East Sussex has ended in defeat and with a judge calling them obsessive and over-sensitive to noise.

Susan May, 58, and James May, 60. kept detailed diaries since 2005 recording the sound of "thumping balls, foul language and screaming" from a paved area owned by the Beatrice Drewe Trust 50 metres from their £L5 million cottage in Ticehurst.

They said at an earlier court hearing that they had been living on tenterhooks for the past decade and had not once felt able to sit out in their garden. However, Simon Coltart, the judge on

that occasion, dismissed their concerns. "In an organised society everyone must put up with a certain amount of discomfort and annoyance caused by the legitimate activities of his neigh-bours," he said. "It is quite clear from their logs that every single time there is the use of the games area, that is logged

as being unacceptable noise."
The Mays took their case to the Court of Appeal, insisting that they had been denied a fair hearing — but Lord Justice Vos ruled against them. Noise from the games area could be heard in their garden, he agreed — but the judge had rightly focused "on what was reasonable to put up with in this neighbourhood".

## The Telegraph

## Legal defeat for neighbours who complain of pub and church bell noise

Pough, agreeting framesmours hards believer engles pitches the a complainabile this and se should just tolerare in the High Court be reded.



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By Graham Tibbeits

8 31PM BST 23 Oc: 2008

A judge said that incomers who knew about the potential disturbance before they moved in had law grounds for challenging the nuisance

The ruling meant defeat for St Albans Council, Herts, which had supported a complaint from a worran that she could hear drinkers chatting in a pub beer garden after moving in next door.

The court was told that Jane Lockley's garden adjoined the grounds of Mokoko on Verulam Road.

The case originally went before magistrates who were satisfied that there was a noise nuisance

However, taking into account that Mrs Lockley had known about the publisher she moved in, and following efforts by the publican to reduce that nuisance, they dismissed the case against Jass Patel, proprietor of Mokoko

That decision was upheld by Mr Justice Forbes, who dismissed an appeal from the local authority.

"I am satisfied that none of the matters raised by the council has called into question the correctness of the decision reached by the madistrates in this case "he said. -

Although he said it would be going too far to say that Mrs Lockley had "brought the nuisance upon nerse i", the judge added that the courts were entitled to take into consideration the fact she knew that the pub was there before she moved.

He backed the magistrates who had said earlier that while the pub had become more lively since Mrs Lockley's arrival, it was "the nature of things" that the business at licensed premises changed.

Mr Justice Forbes also noted that Mr Patel had done his best to help neighbours and had installed secondary glazing in one person's property.

in addition. Mr Patel had closed part of the pub garden and had restricted the number of people entitled to be in the garden to less than half the legal limit.

After the ruling lawyers said they believed it could offer protection against complaints for other longstanding establishments such as airfields, sports grounds, farms and churches.

In May the Daily Telegraph reported that a 135-year-old cricket club, Rushden Town in Northants, had been blocked from putting up practice nets because the local council feared the sound of feather on willow would annoy neighbours.

It was ordered to pay £2,000 for a noise surve, before the planning application could proceed

Baroness Billincham, the Labour peer, took up the club's case in the House of Lords

Two years ago the eight bells of St Mary's Church, Redenhall, Norfolk, which were to have been rung in aid of church funds, were a lenced because residents said it could disturb villagers' barbecues

Or Arthur Dinn, chairman of St Mary's Friends Society, said: "A minority of people do not like the sound of the bells, I say to them. If you don't like church bells, why did you move to a village?"

3 Copyright of Telegraph Media Group Limited 2011

### Imposed conditions

- The licensing authors may negrappine any conditions unless its discretion has been - 10.8 exercised inflowing receipt of raisvent vituresentations and it is satisfied as a result of an impose conditions to proincte one or more withe four homological provider to prompte the times presumant increasing by a time continuous may be included that are minor variatsina.
  - It is possible. May in a product an exprine the major in all the appropriate to promote the licensing objectives

#### Proportionality

10.10 The 2003 Aut rectures that healthly don't liver about its fallored to the size! type. location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a pays-by-pays pasts and standardised conditions -CCTV, poly rated rate drinking valuals or calminy scanners where they would not be prevention of illegal working in premises it arised to sail alcohol or late night. refreshment might include near rate a premisus lidence holder to undertake right to work chacks on all staff employed at the libensed premises or requiring that a copy of any document checkers as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing and mines smould research the training any unnumbers they impose are only

#### Naming, packing and promotion in retail premises

- The Government acknowleaves from the mespensible naming, packing or promotion of 10.11 alcoholic thinks may contribute to already related harms. Where there is directlevidence of specific long-lang or in equal after whiting, packing or promotion of alcoholic drinks in the exercise of tremblers og far trulis is of permiller in relation to an application for the grant variation or review tha practises consider whether it is appropriate to impose conditions on item as that is mile the idence holder to domaly with the Poeman Girtus side eller Hiell Suite : Third distance should be considered on a case
- The Ponnian Parada objecting the sale of characteristic founding a Code of Practice on 10.12 the Naming Packaging and Form have of August Danies. The Gode seaks to ansure mose who are 15 years do no more in replacts about products under the Oode are. considered by an it departs on Opening his Panel and the Panel's decisions are published on the Perthan Broup a warrante in the gods press and in an annual report if த்துவள்கள் அடுத்து அதிரது பூடர் அடிய ஆட்டிய புராய் புராயும் இருந்திரும் இரும் இருக்கும் விருந்த Code

Cheshire East Licencing Department

To whom it may concern,

I live on Valley Way, Knutsford which neighbours Leicester Warren Hall. I believe the current premises licence is under review.

l also understand that The Belle Epoque will be the new licence holders from the 1st September 2018.

I would like to record that I have no objection to this and that I trust **Be**lle Epoque to run the venue in a highly responsible manner.

For the record I currently have no issue with the current noise levels generated from the venue.

Kind Regards

Name L. BOOTH

Signature

Date 1-9-18

Cheshire East Licencing Department

To whom it may concern,

Hive on Beggermans Lane, Knutsford which neighbours Leicester Warren Hall. I believe the current premises licence is under review.

Lalso understand that The Belle Epoque will be the new licence holders from the 1<sup>st</sup> September 2018.

I would like to record that I have no objection to this and that I trust Belle Epoque to run the venue in a highly responsible manner.

For the record I currently have no issue with the current noise levels generated from the venue.

Kind Regards

Name T. WYGAMOUSE

Signature.

Date //4/18

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For the record I currently have no issue with the current noise levels generated from the venue.

Kind Regards.

Name ... HARK Hisson

Signature

Date / 03 09 18

#### Applying to Review Premises Licences

LACORS and CISH have provided the following guidance on the rate, antipiov sions of the Cicersing Act 2003.

A local authority charged with minimising or preventing the risk of oclusion of the environment or of narm to human health is in at diction to any licensing function, designated a responsible authority under the Licensing Act 2003. As such, the authority is empowered under section 52 of the Licensing Act to apply to review the premiseur bence of any idensed a emisse. This function is normally delegated to its Environmental Health Department.

The grounds for any review must relate to at least one of the four statutory, carrsing objectives namely

- The prevention or grime and disorder,"
- Public safety.
- . The prevention of public nulsance, and
- The protection of addition from harm

Following a 28-day consultation behold where other into ested parties may add the representations to the review, the application in this obtainmed by the Licensing Sub-Committee who may take any of the following steps against the uremises location.

- mac fy the conditions of the licence;
- exclude a idensia a admity from the scope of the ligenital
- remove the designated promises superviso :
- suspend the licence for a period not exceeding inference months
- revoke the idence
- take no action

The Licensing Act 2003 does not define "Ulpilo rusence, and the Statutory Guidance states at ming."

TRUCKS ou sampe is given a statutor, meaning in many clases of lags at 1 to x is however in X nampula. Jeffred in the 2003 Astrono relains its cross common law meeting.

Remaps the most often guidled common, aw definition contest from the case of AG viPYA Quartes [1957] 2 QB 169 in which Romer Lil described a Jubic hubance as

An actinor warranted by, aw or an ornes on to obscharge a legal duly which alt or omiso on obschuda or causes, modellenence on dainage to the outlib. The exertise of hydrocommon to an Her Malastys subjects (

to which Denning Lu added that Edvas

ja nuisance which is so widespread in its range or so includininate in its effect that it would not be easonable to expect one person, as district from the community at large, to take proceedings to end it.

