

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.

OFFICIAL

- 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.

OFFICIAL

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.