

DECISION NOTICE

LICENSING ACT 2003

Applicant: Dubbed Out Ltd
Application: Premises Licence
Event: Dubbed Out Festival – Royal Cheshire Showground, 27.7.23 – 30.7.23
Application Hearing: 12.12.22
Committee: Licensing Act Sub Committee of Cheshire East Council

Committee Decision

It is the decision of the Licensing subcommittee on the application for a premises licence that the application be granted subject to the attached conditions.

Application

The application was for a premises licence pursuant to section 17 of the Licensing Act 2003 in respect of the Royal Cheshire Showground at Clay House Farm, Flittogate Lane, Tabley, Knutsford WA16 0HJ between for an event known as The Dubbed Out Festival to take place between 27.7.23 and 30.7.23.

Representations against the grant of the licence

There were written representations concerning:

1. The lack of experience of the operator in events of this nature;
2. Traffic management issues in relation to Pickmere Lane;
3. The possibility of antisocial behaviour/violence/parking problems as a result of the event;
4. The possibility of noise nuisance with the provision of alcohol from 12 midday until 11 PM and also because of traffic noise;
5. The possibility that the event might disturb wildlife during the breeding season;
6. The fact that the showground is used in excess of the 28 days allowed for non-agricultural events;

Representations for the grant of the licence

There were written and oral representations as follows:

1. There had been confusion about the nature of the event arising out of the name of the festival ("*Dubbed Out*"). This was mistakenly construed as a reference to the entertainment likely to be provided on site – the suggestion being that it would involve significant drum and bass music – when, in actual fact, the word "*Dub*" refers to classic VW camper vans. In reality, this would be a family event, rather than a music festival. There will be a stage for bands, a children's circus, children's rides, a dog show and a disco for children.

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2. The event organisers had almost 2 decades' experience in the events industry and would organise this event so that the licensing objectives were promoted. They have organised an identical event at another venue in June 2022 and no complaints have been received. There had only been 2 complaints.
3. The applicant's sound engineer had contacted 20 residents in the local area and the feedback received had been positive about the event.
4. The process of entry to the site will be expedited by virtue of the fact that ticket purchase/check-in predominantly occurred online. The stretch of 1.5 km of roadway on site will control the extent of the traffic queueing on the highway. Day ticket vehicles will exit directly onto the A556, avoiding the local villages of Tabley, Pickmere and Wincham. Once the visitors leave the event, they will be obliged to purchase a new ticket in order to re-enter. The arrival of campers will be staggered over 2 days to alleviate traffic and any potential queueing. The event organisers anticipated queues of no more than 20 vehicles at any time. Stewards and a security company will be on hand to manage traffic movement. The Applicant would liaise with the Highways Department to ascertain whether or not they had any concerns/advice concerning traffic management at the site.
5. The Applicant would liaise with the showground in relation to the suggestion that birdlife in the area would be adversely affected by the event.

There were no representations by any other Responsible Authority and no oral representations from members of the public.

Determination

In consideration of the application, the subcommittee took into account:

- The Application, including the Operating Schedule.
- The 4 licensing objectives – namely:
 - The prevention of crime and disorder,
 - Public safety,
 - The prevention of public nuisance,
 - The protection of children from harm

and the steps appropriate to promote them.

- The oral and written representations made by the Applicant;
- The written representations of 2 objectors
- The Licensing Act 2003;
- The Secretary of State's Guidance on the Licensing Act 2003 (April 2018).
- Cheshire East Council's Statement of Licensing Policy.

In coming to its decision that that the Application should be granted, the subcommittee considered whether the licensing objectives set out above would or would not be promoted by the decision.

The Prevention of Crime and Disorder

The Cheshire East Council Statement of Licensing Policy 2019-2024 requires the Licensing Authority to consider whether the effect that granting the premises licence would have on levels of crime and disorder in the borough.

The subcommittee was satisfied that the granting of the licence would not make crime and disorder more likely.

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Reasons

The subcommittee considered that the following measures would be sufficient to control crime and disorder at the event:

- The presence of SIA licensed and trained staff on site during the event.
- Warning signs concerning potential criminal activity.
- No selling of alcohol to drunk or intoxicated customers
- Staff training
- The restriction on visitors bringing their own alcohol to the event
- the use of plastic “glasses” for the sale of alcohol
- The keeping of logs of drunken behaviour

Public Safety

The Cheshire East Council Statement of Licensing Policy 2019 - 2024 requires the Licensing Authority to have regard to whether the grant of the premises licence would have a detrimental effect on the physical safety of customers using the premises to be licensed.

The subcommittee was satisfied that the measures to be taken by the applicant as described in the Operating Schedule and at the hearing would promote public safety at the event, namely measures relating to lighting, the deployment of trained staff, the training for, and implementation of, underage ID checks, recording systems relating to the performance of inspections, the maintenance of fittings and equipment and the restriction on fires at the event

The prevention of public nuisance

The Cheshire East Statement of Licensing Policy 2019 – 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.

The subcommittee noted that a similar event had been organised in June 2022 at another venue with only 2 complaints concerning the event.

The subcommittee was satisfied that the measures to be taken by the Applicant as described in the Operating Schedule and at the hearing would control nuisance arising to local residents from traffic congestion and noise, namely the appointment of an acoustic consultant to manage noise, the monitoring of noise levels with decibel metres, the management and documentation of complaints, the engagement with local residents and businesses, the deployment of notices, the management of customers, the deployment of lighting and speakers, the siting of waste receptacles, the restriction of music on the campsite and the provision of a phone line and log book for complaints

The Protection of Children from Harm

The Cheshire East Council Statement of Licensing Policy 2019 - 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 where the supply of alcohol for consumption on the premises is the exclusive or primary purpose.

The subcommittee recognised that this was a family event and that, therefore, most children at the event would be subject to supervision by their parents. However, the presence of large numbers of children at the event meant that the organisers had to be vigilant to ensure that

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measures for their protection were adopted and enforced. The subcommittee was satisfied that the following measures set out in the operating schedule would achieve this objective:

- 2 DBS licence holders permanently present on site during the event;
- Limitations as to when children may be present in all or parts of the premises;
- The imposition of requirements for children to be accompanied by an adult;
- Requirements for accredited proof of age cards with photographs
- Measures to ensure children do not purchase, acquire or consume alcohol;
- Measures to ensure children are not exposed to incidences of violence or disorder;
- Appropriate training and supervision of those employed to secure protection of children from harm;
- Restriction of the presence of children under certain circumstances unless accompanied by a responsible adult;
- Restriction on the entry of children to the event without accompaniment by a responsible adult;
- Enforcement of the Challenge 25 policy.

Conclusion

The Sub-Committee felt the licensing objectives would best be promoted by granting the licence for the reasons above.

Dated this 12th day of December 2022

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.

Annex 1 - Mandatory Conditions (as applicable)

1. No supply of alcohol may be made under this Premises Licence –
 - a) at a time when there is no designated premises supervisor in respect of the Premises Licence, or
 - b) at a time when the designated premises supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under this Premises Licence must be made or authorised by a person who holds a Personal Licence.

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

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

Mandatory condition where the licence authorises the exhibition of films

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

Prohibited conditions: plays

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

Mandatory condition: Door supervision

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

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

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

MANDATORY CONDITIONS

Condition 1

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
 - a) Games or other activities which require or encourage, or are designed to require or encourage individuals to –
 - i. Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

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- ii. Drink as much alcohol as possible (whether within a time limit or otherwise);
- b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period for 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Condition 2

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

Condition 3

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - a) A holographic mark, or
 - b) An ultraviolet feature

Condition 4

The responsible person must ensure that –

- a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - i. Beer or cider: ½ pint;
 - ii. Gin, rum, vodka or whisky: 25ml or 35ml; and
 - iii. Still wine in a glass: 125ml;
- b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—

- a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b) 'permitted price' is the price found by applying the formula—

$$P = D + (D \times V)$$

Where —

- i. P is the permitted price,
- ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence—

- i. the holder of the premises licence,
- ii. the designated premises supervisor (if any) in respect of such a licence, or
- iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) 'valued added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.