

Licensing Panel

Licensing Act 2003 Application for New Premises Licence

Cotton Clouds Festival Ltd - Saddleworth Cricket Club Well-i-Hole Road, Greenfield, OL3 7HY

Report of Executive Member for: Neighbourhoods

Officer contact: John Garforth
Ext. 5026

19th June 2018

Reason for Decision

The purpose of this report is to inform Members of an application for new premises licence in respect of the, Cotton Clouds Festival Ltd, Saddleworth Cricket Club, Well-i-Hole Road, Greenfield, Oldham which, due to representations being received, has been referred to this Panel for determination.

Recommendations

Members are recommended to consider the application, taking into account the representations received.

Licensing Act 2003 – Application for New Premises Licence**Cotton Clouds Festival Ltd - Saddleworth Cricket Club, Well-I-Hole Road****1 Background**

1.1 The purpose of this report is to inform Members of an application for new premises licence in respect of the, Cotton Clouds Festival Ltd, Saddleworth Cricket Club, Well-i-Hole Road, Greenfield, Oldham which, due to representations being received, has been referred to this Panel for determination.

2 Recommendations

2.1 Members are recommended to consider the application, taking into account the representations received.

3 The Application

3.1 The applicant, Cotton Clouds Festival Ltd, have applied for a new premises licence in respect of the premises named above.

3.2 Details of the licensable activities and the times applied for are as follows:-

Licensable Activity	Days & Times	
Plays (Indoor & Outdoor)	Friday and Saturday	Friday 17:00 – 22:00 Saturday 12:00 – 22:00
Films (Indoor & Outdoor)	Friday and Saturday	Friday 17:00 – 22:00 Saturday 12:00 – 22:00
Live Music (Indoor & Outdoor)	Friday and Saturday	Friday 17:00 – 22:00 Saturday 12:00 – 22:00
Recorded Music (Indoor & Outdoor)	Friday and Saturday	Friday 17:00 – 22:00 Saturday 12:00 – 22:00
Performance of Dance (Indoor & Outdoor)	Friday and Saturday	Friday 17:00 – 22:00 Saturday 12:00 – 22:00
Other musical activities	Friday and Saturday	Friday 17:00 – 22:00 Saturday 12:00 – 22:00
Supply of Alcohol (On the Premises)	Friday and Saturday	Friday 17:00 – 21:30 Saturday 12:00 – 21:30 (modified by GMP)
Hours premises are open to the public	Friday and Saturday	Friday 17:00 – 22:00 Saturday 12:00 – 22:00

- 3.3 A copy of the application is attached at **appendix III**, this includes the proposed operating schedule which, if the application is granted, would form part of the conditions attached to the licence. In addition event safety managements plans and fire/risk assessments have been submitted which can be made available to Members at the hearing if required.
- 3.4 A location map is attached at **appendix I**.
- 3.5 Members should note that an application was granted in 2017 for a one day festival. This application is to issue a new licence for a one and a half day event over a Friday and Saturday.

4 Representations

- 4.1 Following submission and advertisement of the application two representations have been received against the application two residents who reside at the bottom end of Armit Road, near Hollin Crescent, Greenfield. Their comments can be viewed at **Appendix II**.
- 4.2 Members should note that the concerns expressed about sound checks, closure of footpaths and parking restrictions are not issues that can be taken account of in relation to this application. Members should therefore restrict their consideration of the objections to those of noise and the length of the event.
- 4.3 It should also be noted that following consultation with Greater Manchester Police the application has put forward the following amendments to the application:

Supply of alcohol

Friday – 1700 – 2130

Saturday – 1200 – 2130

General

Maximum capacity on each day that the event is open to the public – 4000 people.

Prevention of Crime and Disorder

Door Staff

1. 1 SIA registered Door Supervisor per 100 customers. Door staff must be present while the premises are open for business in accordance with the licence opening times. Door staff will stay on duty until the premises are closed.
2. All door supervisors to wear hi-visibility / reflective jackets and display their SIA badge in an arm band. This arm band will be worn on the sleeve of their coat/jacket, so that it is visible to members of the public, police officers and licensing officers.

3. A written record of the door supervisors working on any evening must be kept. The minimum amount of information that must be recorded is 'date', 'full name', 'time shift started', 'time shift finished', 'SIA badge number', 'signature'. Upon request this record must be given to Greater Manchester Police and/or and authorised officer of the Council.
4. Door staff will maintain an orderly queuing system outside the venue.

Protection of Children from Harm

Challenge 25 scheme

A Challenge 25 scheme will be operated at the premises and will ensure that any person purchasing alcohol, who appears to be under 25 years of age, shall be asked to provide acceptable identification to prove that they are 18 years of age or over. Failure to supply such identification will result in no sale or supply of alcohol to that person.

A PASS card must be accepted as proof of age if a purchaser possesses one. Where a purchaser does not possess a PASS accredited proof of age card, only the following alternative forms of alternative identification will be acceptable:-

- (a) Photo driving licence
- (b) Passport or
- (c) Her Majesty's Forces Warrant Card
- (d) A PASS accredited holographic proof of age card

No under 18's permitted on the premises unless accompanied by a parent or guardian over 18 years of age.

Adult Entertainment

No entertainment or activity of an adult or sexual nature will take place within the premises.

5 Licensing Policy

5.1 Members considering the application should take note of the Authority's Licensing Policy Statement when determining an application. In particular as Crime & Disorder plays a key part in the representations, attention should be drawn to Section 6 of the Council's Statement of Licensing Policy.

5.2 In relation to Crime & Disorder paragraph 6.2 provides:-

When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and/or

activities), which are likely to adversely affect the promotion of the crime and disorder objective. Such steps, as are required to deal with these identified issues, should be included within the applicant's Operating Schedule.

5.3 In relation to Public Nuisance paragraph 8.2 and 8.3 provide:-

When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities), which are likely to adversely affect the promotion of the public nuisance objective. Such steps as are required to deal with these identified issues should be included within the applicant's Operating Schedule.

If relevant representations are received, the Authority may impose conditions to prevent nuisance, noise, disturbance, light pollution, noxious smells, vermin and pest infestations and accumulations of rubbish and litter.

5.4 A full copy of the Councils Licensing Policy statement will be available at the hearing.

6 **Secretary of State Guidance**

6.1 Members also need to consider statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003 (April 2018).

6.2 In relation to 'Public Nuisance', paragraph 2.15 provides:-

The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

6.3 A full copy of the guidance will be available at the hearing.

7 **Options/Alternatives**

7.1 When determining the application Members having had regard to the representations, may take such steps as they consider appropriate for the promotion of the licensing objectives. The steps are -

- a) Grant the application as applied for with or without the amendments agreed with Greater Manchester Police;
- b) Grant the application but modify the operating schedule in relation to hours, days, conditions or activities;
- c) To reject the application;

- 7.2 Any steps appropriate to promote the licensing objectives should be specified. If no steps are appropriate the application should be granted.
- 7.3 Findings on any issues of fact should be on the balance of probability.
- 7.4 In arriving at a decision Members must have regard to the relevant provisions of national guidance and the licensing policy statement and reasons must be given for any departure.
- 7.5 The decision should be based on the individual merits of the application.

8 Consultation

- 8.1 Consultation in accordance with the Act has taken place with all Responsible Bodies and notice has been given to allow for any representations from other persons.

9 Legal Services Comments

- 9.1 In determining the application Members should have regard to the Authority's licensing policy statement and the Secretary of State's Guidance. The applicant for the premises licence or any other person who made relevant representations in relation to the application have a right of appeal to the Magistrates' court. (D. Joy)

10 Environmental and Health & Safety Implications

- 10.1 Contained within the body of the report.

11 Equality, community cohesion and crime implications

- 11.1 The Council's 'Statement of Licensing Policy' takes into account these matters. All decision made by the Licensing Panel, must have regard to this policy and National Guidance.

12 Equality Impact Assessment Completed?

- 12.1 No

13 Background Papers

- 13.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act :

File Ref: Records held in Directorate
Officer Name: John Garforth
Contact No: 0161 770 5026

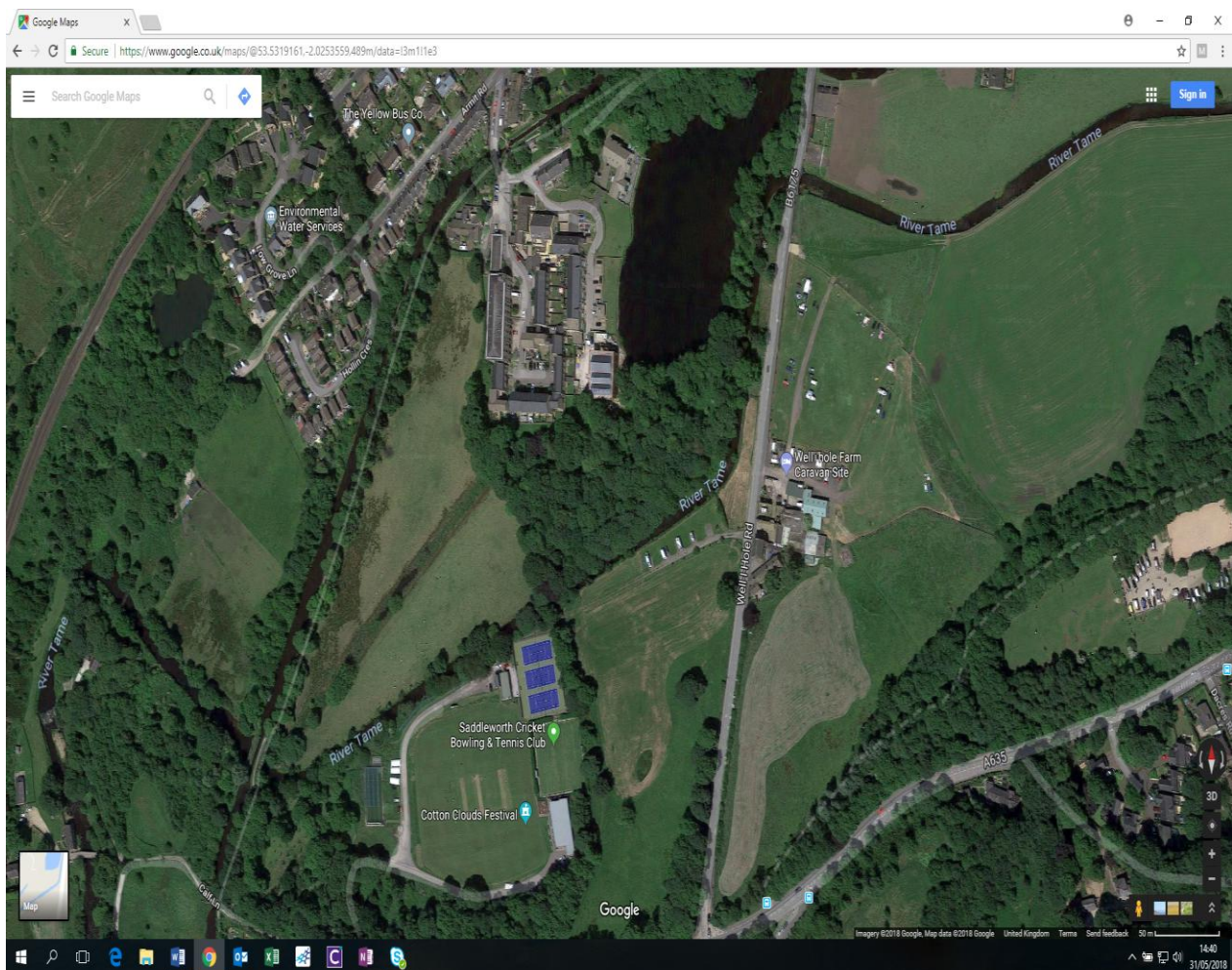
14 Appendices

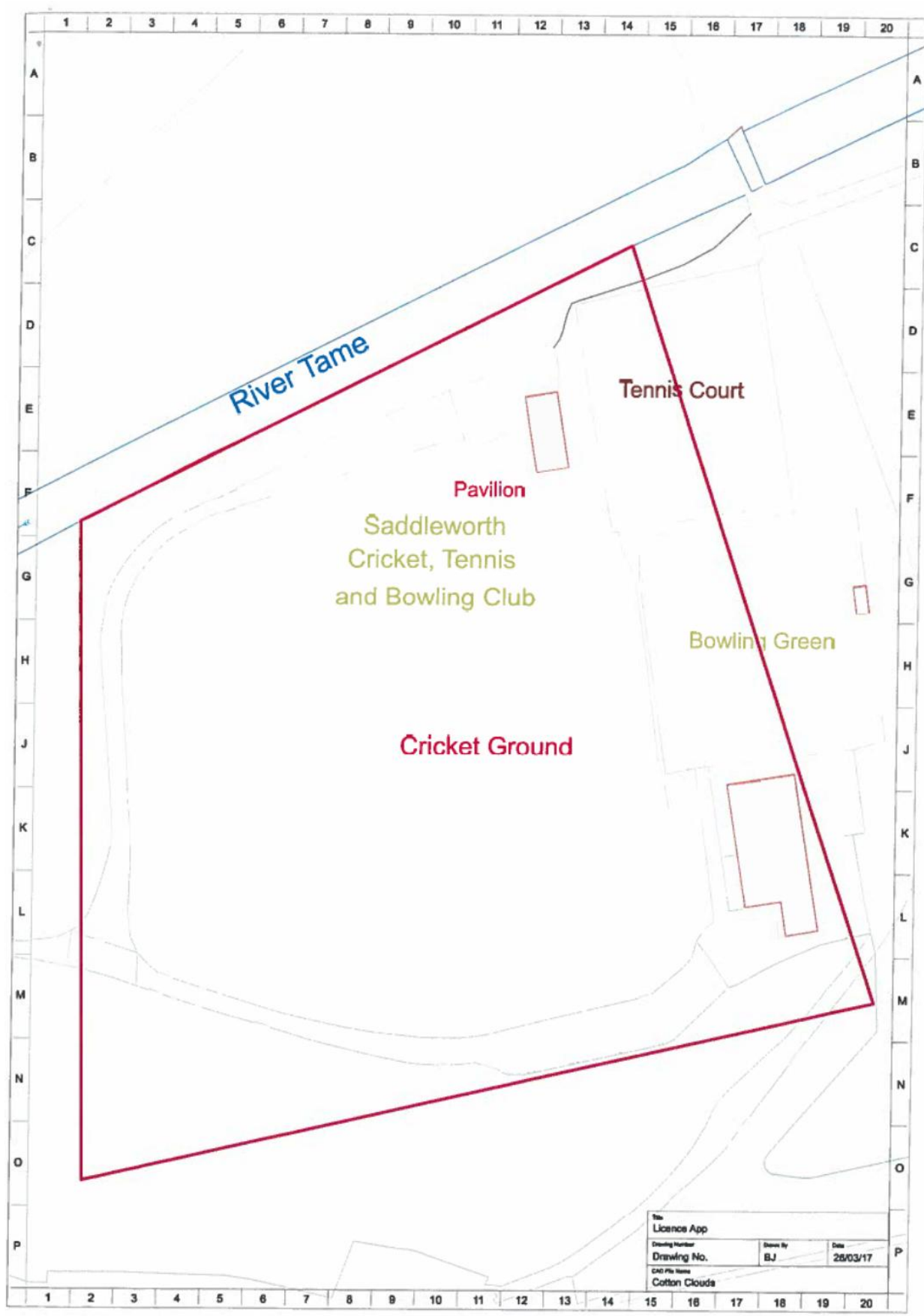
Appendix I – Location Map

Appendix II – Representations against the application

Appendix III – Application form

Appendix I





Title Licence App		
Drawing Number	Drawn By	Date
Drawing No.	BJ	26/03/17
CAD File Name Cotton Clouds		

Cotton Clouds
Representations Received

From: Sandra Mavro
Sent: 19 April 2018 11:32
To: ENV LICENSING
Subject: cotton clouds

Dear Sir/Madam

I would like to object to increasing the number of days. Another day is would add to the noise disruption. There are sound checks before the concert which create further noise.

Parking problems would increase and add to the days already allocated to Well-i-ole Farm which is very close by.

The foot paths are closed before and after the date. They were not opened until the following lunch time which makes it difficult to access walks and peaceful enjoyment of the country side. One day should be enough.

Yours,

Sandra Mavro

Armit Road, Greenfield

From: Jeff Garner

Sent: 19 April 2018 18:23

To: ENV LICENSING

Subject: Cotton Clouds Festival 2018 – application to extend licence

As a local Friezland resident, I wish to make a representation regarding the application for a licence for the Cotton Clouds Festival at Saddleworth Cricket Club on 17 and 18 August.

I have concerns about the proposal to extend a one day event to two days.

I found the noise last year was too loud, especially later on in the evening and consider it an infringement to have to put up with it for 2 evenings on the run.

This year, apart from the proposed Friday evening and Saturday afternoon/evening events, it is also proposed there will be sound tests on Thursday evening, Friday afternoon and Saturday morning, meaning there will be noise from the site over three days.

Local public footpaths used by families, dog walkers etc. and closed for the festival last year took too long to reopen. If the festival includes the Friday, these footpaths will be closed for double the length of time – an imposition on the public that should not be caused by a commercial event.

Traffic cones were introduced on narrow local roads during the festival over the weekend last year. Extending the festival to two days would mean residents would have the inconvenience of the parking restrictions being imposed over a much longer period, this time including a working day, raising issues when residents return from work.

The event is heavily promoted as a family friendly festival, so there should be concerns in the licence application to show any films that are unsuitable for children.

Jeff Garner

Arrmit Road, Greenfield