

# Licensing Act Sub-Committee

## Agenda

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**Date:** Monday, 24th April, 2017

**Time:** 10.00 am

**Venue:** Council Chamber - Town Hall, Macclesfield, SK10 1EA

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

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

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

1. **Appointment of Chairman**

To appoint a Chairman for the meeting.

2. **Declarations of Interest**

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

3. **Application to Vary a Premises Licence - Arley Hall and Gardens, Arley, Northwich, Cheshire CW9 6NA** (Pages 7 - 78)

To consider an application to vary a Premises Licence submitted by Arley Hall and Gardens in respect of Arley Hall and Gardens, Arley, Northwich, Cheshire CW9 6NA.

### **THERE ARE NO PART 2 ITEMS**

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For requests for further information

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**E-Mail:** [julie.zientek@cheshireeast.gov.uk](mailto:julie.zientek@cheshireeast.gov.uk)

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## CHESHIRE EAST COUNCIL

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

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

**Officers at Hearings**

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

**PROCEDURE**

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

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

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

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

### Notes

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

## Summary of Procedure

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

## CHESHIRE EAST COUNCIL

**REPORT TO: LICENSING ACT SUB-COMMITTEE**

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<b>Date of Meeting:</b>	<b>10am Monday 24 April 2017</b>
<b>Report of:</b>	<b>Jennifer Knight, Licensing Officer</b>
<b>Subject/Title:</b>	<b>Application for Variation to the Premises Licence at Arley Hall and Gardens, Arley, Northwich, Cheshire, CW9 6NA</b>

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**1.0 Report Summary**

- 1.1 The report provides details of an application for a Variation to a Premises Licence, and the proposed operating schedule together with details of relevant representations received in relation to the application.

**2.0 Recommendations**

- 2.1 The Licensing Act Sub-Committee is requested to determine the application for a Variation to a Premises Licence by Arley Hall and Gardens, in respect of:

**Arley Hall and Gardens, Arley, Northwich, Cheshire, CW9 6NA**

- 2.2 Acting in the capacity of Licensing Authority, Members must seek to promote the Licensing Objectives, and where Members consider matters have engaged one or more of the objectives, they may exercise their discretion. The licensing objectives are:

- (a) The prevention of crime and disorder
- (b) Public safety
- (c) The prevention of public nuisance
- (d) The protection of children from harm

- 2.3 Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it considers it desirable to do so. Careful consideration should be given to application and relevant representations in light of the proposed operating schedules.

- 2.4 The Sub-Committee in respect of this application must have regard to the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.

- 2.5 Finally, Members are also reminded that in determining the application in accordance with the Licensing Act 2003, Members must also have regard to:

- The rules of natural justice
- The provisions of the Human Rights Act 1998

**3.0 Reasons for Recommendations**

- 3.1 The Licensing Act Sub-Committee has the power to determine this application in accordance with the provisions of the Licensing Act 2003 and the Council's Constitution.

#### **4.0 Wards Affected**

- 4.1 High Legh

#### **5.0 Local Ward Members**

Councillor Olivia Hunter

#### **6.0 Policy Implications**

- 6.1 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.
- 6.2 Whilst having regard to the general principles within the Statement, Members may wish to consider the following:
- 6.2.1 The representations relate to the Prevention of Crime and Disorder and the Prevention of Public Nuisance Licensing Objectives. The Licensing Authority sets out at paragraphs 7 and 9 respectively, of its Statement of Licensing Policy how it will deal with representations under these objectives. At paragraph 9.1 the Statement of licensing policy confirm that a broad interpretation of what constitutes a public nuisance will be taken
  - In considering the potential impact of licensed premises on the surrounding locality the Licensing Authority, when in receipt of any Relevant Representations will take into account the type of entertainment activity proposed hours of operation, the capacity of the premises, the character of the areas and the proximity to local residents. Consideration will be given to the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas where there is residential accommodation in the proximity of the premises. Para 9.2
  - The Statement of Licensing Policy has a specific section relating to noise nuisance. This section is reproduced for the benefit of the sub-committee at appendix 3
- 6.3 Members should provide reason(s) for any decision taken and should set out the reasoning where they determine to depart in any way from the Policy or Guidance.

#### **7.0 Financial Implications**

- 7.1 Not applicable.



## **8.0 Legal Implications**

- 8.1 In accordance with the provisions of section 18 of the Licensing Act 2003 the Licensing Authority must, having regard to the representations, take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. Section 18(4) provides that the authority may:
- (a) Grant the licence subject to the relevant mandatory conditions and conditions consistent with the operating schedule
  - (b) Modify the application to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives
  - (c) Exclude from the scope of the licence any of the Licensable Activities to which the application relates
  - (d) Refuse to specify a person in the licence as the Premises Supervisor
  - (e) Reject the application.
- 8.2 Members are reminded that should any conditions be added, they should be practical, enforceable and appropriate to promote the Licensing Objectives.
- 8.3 Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1998 to through all of its various functions, and Licensing is one of those functions to do all that it can to prevent Crime and disorder, Anti-social Behaviour, behaviour adversely affecting the environment and re-offending.

## **9.0 Risk Management**

- 9.1 Section 181 and Schedule 5 of the Licensing Act 2003 make provision for appeal to the Magistrates' Court of any decision made by the Licensing Authority.

## **10.0 Background and Options**

- 10.1 The application was initially received on the 2<sup>nd</sup> March 2017. The application is for Variation to a Premises Licence under Section 34 of the Licensing Act 2003.
- 10.2 The operating schedule indicates that the relevant licensable activities applied for are:

The applicant has not proposed any changes to current licensable activities or times for licensable activities on the licence.

Proposal to extend the capacity limit from 5000 to 14,999

To add the following condition -

A traffic management contractor has been procured to work with Arley Estate management team to develop a traffic management plan to ensure the smooth arrival of attendees to any large scale event on the Estate and minimise the disruption to the local area. This plan will be shared with the

SAG group, ESAG and the local parish council at least 1 month prior to each event where the expected capacity is expected to exceed 5,000.

The Licence Holder will also work closely with representatives from the local Highways Departments together with the Events Planning Office at the police Force Planning & Resilience Unit at Constabulary HQ.

- 10.2 The operating schedule indicates that the relevant licensable activities applied for an extension of hours are for:

The opening times of the premises

- 10.3 The hours applied for are as follows:

Monday to Sunday 09:00 to 18:00

- 10.4 A copy of the application form is attached as Appendix 1.

- 10.5 Relevant Representations are attached as Appendix 2.

### Responsible Authorities:

No representations have been received by the Council.

### Other Persons:

- 10.6 The Council has received 10 objections to the application.

## **11.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Miss Jennifer Knight

Designation: Senior Licensing Officer

Tel No: 01270 686337

Email: Jennifer.knight@cheshireeast.gov.uk

## **APPENDICES**

Appendix 1 – Premises Licence Application Form, plan and proposed condition

Appendix 2 – Objections

Appendix 3 – Relevant section of the Licensing Policy

Appendix 4 – Premises Licence Summary

Appendix 5 – Site plan of premises



**Cheshire East**  
**Application to vary a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@cheshireeast.gov.uk](mailto:licensing@cheshireeast.gov.uk)  
 Telephone: 0300 123 5015

\* required information

### Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

☒ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

\* Is your business registered in the UK with Companies House? ☐ Yes ☒ No

\* Is your business registered outside the UK? ☐ Yes ☒ No

\* Business name

If your business is registered, use its registered name.

\* VAT number

Put "none" if you are not registered for VAT.

\* Legal status

Continued from previous page...

\* Your position in the business 

Home country

The country where the headquarters of your business is located.

**Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

\* Building number or name \* Street District \* City or town County or administrative area \* Postcode \* Country **Section 2 of 17****APPLICATION DETAILS**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number 

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address    ☐ OS map reference    ☐ Description
**Postal Address Of Premises**Building number or name Street District City or town County or administrative area Postcode Country **Premises Contact Details**Telephone number



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Non-domestic rateable  
value of premises (£)

5,500

**Section 3 of 17****VARIATION**Do you want the proposed  
variation to have effect as  
soon as possible?

Yes



No

Do you want the proposed variation to have effect in relation to the  
introduction of the late night levy?

Yes



No

You do not have to pay a fee if the only  
purpose of the variation for which you are  
applying is to avoid becoming liable to the  
late night levy.If your proposed variation  
would mean that 5,000 or  
more people are expected to  
attend the premises at any  
one time, state the number  
expected to attend

14999

**Describe Briefly The Nature Of The Proposed Variation**

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

The Arley Estate is a family home and business with a stately home and gardens which are open to the public. It is also a venue for events: the Hall and Gardens are available for hire for Wedding celebrations, private parties and Corporate events. In addition the Parklands is used for a variety of outdoor festival and shows.

The Arley Estate would like to apply for variation in the current Premise License as per below:

- \* increase the capacity of the estate (including Park lands) for specific events / festivals from 5,999 to 14,999
- \* amend our opening hours of Arley Hall and Gardens to the general public to:  
09.00 to 18.00hrs every day including Bank Holiday
- \* extend period open of Arley Park and Gardens as a visitors attraction to all year round (except Christmas Day, New Year's Day and period in between – 25 Dec to 2 Jan)

**Section 4 of 17****PROVISION OF PLAYS**Will the schedule to provide plays be subject to change if this application to  
vary is successful?

Yes



No

**Section 5 of 17****PROVISION OF FILMS**Will the schedule to provide films be subject to change if this application to  
vary is successful?

Yes



No

**Section 6 of 17**

Continued from previous page...

**PROVISION OF INDOOR SPORTING EVENTS**

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes ☒ No

**Section 7 of 17****PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes ☒ No

**Section 8 of 17****PROVISION OF LIVE MUSIC**

Will the schedule to provide live music be subject to change if this application to vary is successful?

☐ Yes ☒ No

**Section 9 of 17****PROVISION OF RECORDED MUSIC**

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☐ Yes ☒ No

**Section 10 of 17****PROVISION OF PERFORMANCES OF DANCE**

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

**Section 11 of 17****PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

**Section 12 of 17****PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes ☒ No

**Section 13 of 17**

Continued from previous page...

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☐ Yes

☒ No
**Section 14 of 17****ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

There will be no adult content or entertainment at the event, with the exception of bars. The bars will be managed by a personal license holder and will be manned by security at all times. All material shall be appropriate and aimed at families.

**Section 15 of 17****HOURS PREMISES ARE OPEN TO THE PUBLIC****Standard Days And Timings****MONDAY**Start End Start End 

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

**TUESDAY**Start End Start End **WEDNESDAY**Start End Start End **THURSDAY**Start End Start End **FRIDAY**Start End Start End **SATURDAY**Start End Start End



*Continued from previous page...*

SUNDAY

Start 09:00

End 18:00

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Arley Hall and Gardens to be open all year round as a Visitors Attraction with the exception of period 25 December to 2 January (including Christmas Day and New Year's Day)

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

N/A

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

NO

- ☒ I have enclosed the premises licence
- ☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

## Section 16 of 17

### LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

The licensee must complete a full Event Safety Management Plan prior to each event. This ESMP must be sent to the SAG one month prior to the event.

All external events will produce a detailed scaled site plan, which will include entrances, emergency exits, first aid/welfare, temporary bars, staging, structures and marquees.



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The organiser will obtain completion certificates for all temporary structures, power and water installations prior to the event opening to the public.

The organiser will produce an alcohol management plan.

The organiser will hold both public and employers liability insurance to a total of 5 million pounds for each event.

For all external events, a site perimeter will be created around the show arena

Where appropriate, outdoor events will have pitches for professional caterers to provide food for audience members. Relevant safety and insurance documentation for all caterers will be supplied to Cheshire East Council Health Officers as required in advance of the event and a schedule for onsite inspection agreed.

Where appropriate, outdoor events will be entry by tickets, be available for purchase in advance through established ticketing agencies. Where appropriate there will be a box office onsite to sell tickets, deal with any ticketing queries and to issue guest list.

After each event, a debrief will be held with SAG representatives.

b) The prevention of crime and disorder

A professional event security team will be appointed and may be supported by volunteer stewards. The operation will be overseen by the Event Manager who will be able to liaise with Cheshire Police as required. For all outdoor events, the physical layout of the site will be planned with crowd management and audience flow in mind and the security team briefed to prevent overcrowding in audience areas.

Method of entry to events will vary as to whether private or public. Where appropriate, conditions of entry will be advertised on the event website, issued with tickets and displayed at the event entrance. These conditions will be applied consistently and fairly.

The level of professional security personnel, approved in relation to each event by the licensing authority, will have a designated responsibility to maintain a safe environment for members of the public attending the event. SIA registered staff will be positioned at the entrance gates, bars, and stages and will patrol during the event. Additional stewarding staff will provide support, monitoring other areas and patrolling the event. All staff will be encouraged to be vigilant, identify suspicious behaviour and take appropriate action in the prevention of crime and disorder.

At all times when the premises are open to the public the Event Manager shall be aware of the number of persons on the premises and shall if requested give this information to an Authorised Officer of the Council, a Fire Officer or a Police Constable.

The Event Manager will keep a record of all incidents relating to entry, disruptive behaviour and child safety. The incident records will be available to be viewed by any relevant authority.

The sale of alcohol is not the main focus of activity. A 'Challenge 21' policy will be implemented. Anyone who appears to be under 21 will be asked to produce a passport, drivers licence ID or an accredited proof of age card in order to purchase alcohol. Ticket holders will not be permitted to bring any alcohol into any areas of the event site.

The DPS will keep a record of all incidents occurring in relation to the bars and sale of alcohol on site.

Bar staff will be trained to recognise drunkenness and will refuse service to customers who have consumed excessive alcohol and will be trained to handle potential trouble makers and diffuse difficult situations.

SIA security staff will be briefed to be on the lookout for minors consuming alcohol. Notices will be clearly displayed at bars indicating that it is unlawful for persons under 18 to purchase alcohol or for another person to purchase alcohol on behalf of a person under the age of 18.



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#### c) Public safety

All event activity within the premises will be controlled with specific reference to the capacity, the nature of the cultural content and in compliance with the standards for the provision of services as outlined by the relevant guidance. In the event of conflict between the licence conditions, the event safety plan, and the relevant guidance, the licence conditions and event safety plan will take precedence.

A SAG inspection of the premises will take place prior to the event opening.

The licence holders will appoint a suitably competent and appropriately qualified person(s), experienced in the specific nature of the event, to co-ordinate the management of the health and safety. Any such person(s) will be involved with and available to officers of the council and site employees during the prevent planning, site build, throughout the duration of the event and during the site de rig and clearance.

The Licence Holder shall prepare an Emergency Plan to respond to all foreseeable major incidents occurring on the site. The plan, which shall include evacuation procedures, will be prepared in consultation with the emergency services to enable quick and effective action to be implemented by the Licence Holder and the Emergency Services in the event of a major incident.

#### CONTRACTORS

All event contractors will comply with all relevant health and safety legislation and follow the control measures documented in their own risk assessments and method statements and be responsible for ensuring safe systems of work.

Event contractors must comply with site rules and regulations as set by the Licence Holder. These site rules and regulations must be made available to event contractors and employees prior to site build and there should be a consequence for breach of site rules.

The Licensee shall ensure that all temporary demountable structures including all stages, marquees, barriers, grandstands, towers and any other structure listed in the industry guide conform to The Institution of Structural Engineers "Temporary Demountable Structures - Guidance on Design, Procurement and Use" - Third Edition 2007 (ISBN 1 874266 45 X) or to any guidance that supercedes this.

The Licence Holder must ensure that prior to the public being permitted on to the site, a signed statement is received in respect of each temporary structure, which certifies that they have been inspected and where appropriate, tested by a competent person following completion and to confirm structures have been constructed in accordance with the design specifications. The Licence Holder must make these statements available to the Licensing Authority if requested.

All marquees onsite shall comply with fire safety code BS 7837 Specifications for Flammability Performance for Textiles used in the Constructions of Marquees and Similar Textile Structures.

No temporary electrical wiring or distribution system will be installed in the premises unless the installation is carried out by a suitably qualified and competent person. The Site Manager shall obtain a certificate from that person stating that the installation is fit for purpose and complies with BS 7671 and, where applicable, BS709 or any subsequent British Standard. A copy of that certificate will be produced by the event management team if requested to do so by an authorised officer of the Council or an officer of the Cheshire Fire and Rescue Service.

#### COMMUNICATION

Provision will be made to allow communication of emergency procedures and issues relating to health, safety and welfare of people within the premises. This will be done through signage, PA systems and event staff face to face. Emergency evacuation plans and blue routes for emergency vehicles will be detailed in the event safety plan. Loudhailers will be provided in order to address the crowd in the case of the failure of one or multiple sound systems or loss of power.

#### EXIT ROUTES



*Continued from previous page...*

Appropriate arrangements by way of fencing, barriers, gate systems, security or other provision will be made, in agreement with the responsible authorities, to prevent unauthorised access to the Licensed Premises and manage entry to the Licensed Premises.

All exits and escape routes (including external escape routes) from the premises will be free from all obstructions when the public are on the premises.

All exit gates from the premises or enclosures will be capable of being opened by any person without the use of a key card, code or similar means and will be kept free from all fastening devices when the premises is open to the public. In addition, all fire exits will be correctly signed with high visibility signage.

All exit routes shall be checked on every occasion before the premises opens and on regular occasions during the event to ensure they are free from defect, obstruction, trip hazards and surfaces are not slippery.

The layout of marquees and other temporary structures or furniture will be such so that it does not obstruct any exit, route to any exit or to any facility within the premises.

#### FACILITIES

The Organiser shall ensure that adequate sanitary provisions, hand washing and drying facilities are provided for the number of people expected to attend the event to the satisfaction of the Licensing Authority as per the Purple Guide and be proportional to the gender split and audience profile. As the festival is aimed at families the organiser will ensure there are suitable toilets for parent and child and nappy changing facilities.

The organiser will employ the services of a first aid provider; the numbers of staff will be in line with the HSG 195 The Event Safety Guide. A dedicated and clearly signed first aid point will be manned at all times that the premises are open to the public.

The medical contractor will keep records of incidents which will be available to view by any relevant authority.

There will be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials. An appropriate level of first aid cover will be maintained on site during build and break periods.

#### VEHCILES

Vehicle movement within the festival site must be managed to ensure that pedestrians are appropriately segregated from site vehicles during the site build, during the event and load out.

There should be a clear division between the completion of the site build and access by the public at commencement of the event, such that heavy plant and equipment must have left public areas of the site and construction tasks are no longer being carried out.

Vehicular movement while members of the public are on the licensed site shall be limited to essential journeys and shall be controlled in the interests of safety of the ticket holders and staff. The onsite traffic plan shall be available in the Event Safety Plan that is provided to the Licensing Authority. This document shall focus on vehicle and pedestrian movements on site. Its thrust shall be to reduce and / or manage potential areas of conflict between vehicles and pedestrians. The need for large vehicles to manoeuvre and reverse around any areas where ticket holders are present shall be eliminated wherever possible. Where not possible, appropriate safety rules shall be in place and shall be implemented and contractors shall be advised accordingly. Banksman or chaperones shall be used where vehicle movements in areas where there are pedestrians is unavoidable. They shall be adequately trained and provided with personal protective equipment. Any drivers found driving carelessly or dangerously shall be disciplined.

Only fully certified workers shall use the appropriate site plant supplied. Their certification shall be checked by the site office / event safety co-ordinator before any keys are distributed.

#### CONCESSIONS



*Continued from previous page...*

The Licensee shall ensure that only premises that are already registered under the Food Safety & Hygiene (England) Regulations 2013 shall be allowed to provide food and drink at Geronimo Fest. All food concessions will be available for inspection at times suitable to the Council's Environmental Health Officers.

There shall be provided suitable containers for the storage and disposal of waste foods and other refuse from the site. Those containers shall be constructed, maintained and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.

Cattle and other farmed animals shall be excluded from grazing on any part of the Festival site that is to be used for entertainment (excluding car park areas) for a minimum of 21 days prior to the traders being admitted onto the site and up until the end of the event.

No glass containers, glass bottles or cans shall be sold on the Licensed Premises. The event organiser shall also take appropriate measures to prevent glass containers, glass bottles or cans being brought onto the premises by the public.

**FIRE SAFETY**

Firefighting equipment will be provided throughout the premises at suitable locations and comply with BS 5306 part 8, selection and installation of portable fire extinguishers or subsequent fire regs.

Catering concessions are responsible for providing their own fire fighting equipment.

**WATER**

There is freshwater supply on site managed by the Arley Estate.

**d) The prevention of public nuisance**

**Prevention of Public Nuisance**

A cleansing plan will be agreed between Arley Estate a in order to manage the litter and refuse during the build, live event and de rig phases. A cleansing contractor will be employed.

There will be no emissions from the premises of any offensive smells which are likely to cause a nuisance.

Provided at the premises there will be containers for the storage of disposal of waste foods and other waste from the premises. These containers will be constructed, maintained and located so that access to them by vermin or unauthorised persons is prevented and arrangements will be made for regular lawful disposal of their contents.

A traffic management contractor will be procured and work with Arley Estate management team to develop a traffic management plan to ensure the smooth arrival of festival attendees and minimise the disruption to the local area. This plan will be shared with the SAG group for approval at least 1 month prior to each event.

Deliveries of all equipment, staging, plant, waste collection, traders etc to and from the site shall not take place outside the hours of 8.00am to 6.00pm daily. NB this list does not include artists.

**e) The protection of children from harm**

Arley Estate is a family business and as such all activities are h focused on families.

All adults must be accompanied by a child.

Where appropriate for specific events, children's tickets cannot be purchased separately - all under 18's must be

**Continued from previous page...**

accompanied by an adult. Unaccompanied children/youths will not be admitted. Parents or guardians are fully responsible for their children at all times and children must not be left unsupervised at any time during the festival.

Where appropriate, the organiser will create a dedicated welfare point which is clearly signed and manned at all times while the premises are open to the public. This point will also be indicated on any public literature.

Provision of the health, safety and welfare of children will be part of the event planning and organisation process and in the case of performers or participants interacting with children the event management team will be responsible for any required DBS checks.

Films may be screened. Under the terms of the premises licence films to be screened shall be restricted in accordance with any recommendations made:

- a) by the British Board of Film Classification (BBFC), where the film has been classified by that board, or
- b) by the licensing authority where no classification certificate has been granted by the BBFC or where the licensing authority has notified the licensee that section 20(3)(b) of the Licensing Act applies to the film.

The event safety plan will include a dedicated lost/found child policy which all security and staff will be briefed on the contents.

Within each zone of the festival there will be a overtly visible meeting point where there will be a DBS checked member of staff at all times. This will be marked on the event maps, clearly sign posted and communicated in advance. Parents / Guardians can then tell children to go there if they get lost and there will be staff to stay with them until their family can be located.

**ALCOHOL**

All drinks shall be served in plastic containers and shall not to be consumed outside of the designated area.

People will not be allowed to bring alcohol on to the site.

Children will need to be accompanied by an adult at all times.

The organiser will operate a Challenge 21 policy on the sale of alcohol. Anyone who appears to be under the age of 21 will be asked to produce identification.

All bar staff shall be trained in regards to the Challenge 21 policy. This training will be recorded in writing and be made available upon request of the Licensing Authority.

SIA security staff will be briefed to be on the lookout for minors consuming alcohol. Notices will be clearly displayed at bars indicating that it is unlawful for person under 18 to purchase alcohol or for another person to purchase alcohol on behalf of a person under the age of 18.

**Section 17 of 17**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non&nbsp;domestic rateable&nbsp;value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*



**Continued from previous page...**

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

**DECLARATION**

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant. unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date

26 / 02 / 2017  
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/cheshire-east/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

OFFICE USE ONLY	
Applicant reference number	Arley Hall and Gardens
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

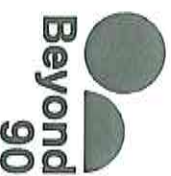
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[1](#)
[2](#)
[3](#)
[4](#)
[5](#)
[6](#)
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[9](#)
[10](#)
[11](#)
[12](#)
[13](#)
[14](#)
[15](#)
[16](#)
[17](#)
[Next >](#)



### Key & Notes

License Boundary

Project	Geronimo Festival 17
Project Live Date	May 2017
Drawing	Full Site Plan Draft v2
Client	Geronimo Festival
Drawn By	



Revision	Date
2	2/22/2017



### Amendment to Premises Licence Variation PR/0540

*A traffic management contractor has been procured to work with Arley Estate management team to develop a traffic management plan to ensure the smooth arrival of attendees to any large scale event on the Estate and minimise the disruption to the local area. This plan will be shared with the SAG group, ESAG and the local parish council at least 1 month prior to each event where the expected capacity is expected to exceed 5,000.*

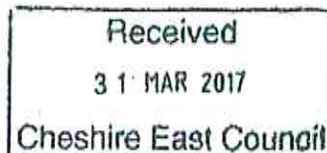
*The Licence Holder will also work closely with representatives from the local Highways Departments together with the Events Planning Office at the police Force Planning & Resilience Unit at Constabulary HQ.*

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LC PREMCA  
COPY LETTER  
FOR INFO

24th March 2017  
27

The Licensing Section  
Cheshire East Council  
Municipal Buildings  
Earle Street  
Crewe CW1 2BJ *east*  
[licensing@cheshire.gov.uk](mailto:licensing@cheshire.gov.uk)



Dear Sir

**Licensing Act 2003 : Application to vary a Premises Licence : Premises known as**  
**Arley Hall and Gardens : Application date 2nd March 2017**  
**Consultation period ends 30th March 2017.**

The village of Antrobus abuts the Arley Estate. The Parish Council considered the public notice of an application to vary a Premises Licence at the Arley Estate at its meeting on Monday 20th March 2017.

I'd like to draw your attention to the following sections in this letter:

- A. Concerns about Public Safety and Public Nuisance
- B. Planning and intensification of use
- C. Reasons for objection on Public Safety and Public Nuisance grounds
- D. Observations on the application documents
- E. Conditions if minded to grant a licence

**A. Concerns about Public Safety and Public Nuisance**

The Parish Council (PC) has a number of concerns about the application and its impact, if granted, on Antrobus. The PC's concerns are based on the relevant grounds of Public Safety and Public Nuisance. They can be summarised as follows;

1. Traffic – highway congestion surrounding the Premises. This is already experienced with events under the current Licence. (see photographs attached Pet fest 2016).
2. Promoting off Premises events notionally taking place at the Premises eg road races, Cheshire 10K (see promotional material from the promoters website attached).
3. Insufficient local infrastructure to support the scale of use applied for the site (14,999 persons).
4. Noise, litter, damage to roads by heavy vehicles setting up festivals and taking them down, delivery vehicles, guaranteed access for emergency services to the premises and surrounding area.

5. Interruption of local neighbourhood agricultural activity for example – access to fields for planting and harvesting – movement of livestock from farms to fields for milking and other agricultural reasons.
6. The hours of use by the public applied for do not reflect the kind of use of festivals. Festivals often occur over a number of days and so either the public have to all leave at 18:00 (6pm) or a different licence period is needed to allow some of the public, if not all, to remain on the premises overnight.
7. The submitted plan with the application shows camping on 4 sites, 2 substantial car parks, woodland activities, an event field, concessions, stalls and event rings. The total site area is not stated, but it looks from the plan to be at least 4 times as large as the House and Gardens.
8. Allowing camping and the other activities changes the character of the Estate and its landscape setting within the designated Greenbelt and of itself can be described as a Public Nuisance being "an act not warranted by law, or an omission to discharge a legal duty, which act or omission obstructs or causes inconvenience or damage to the public in the exercise of rights common to all Her Majesty's subjects". Sir JF Stephen Digest of Criminal Law p120.

#### B. Planning and intensification of use

The PC, which is a statutory consultee in planning matters, has concerns about this intensification of use without any evidence of planning consent for change of use. The PC considered the following points;

1. The increase in visitor numbers from 5,999 to 14,999 cannot be accommodated in the Hall and gardens. It must be the case the wider estate, described as parklands, will be used for festivals. Such use may necessitate accommodation on site for overnight stays and supporting infrastructure.
2. The on line search of the Cheshire East planning portal shows no application under the name of Arley Hall or the postcode CW9 6NA from 2009 to the date of this letter which is the time period for that on line facility. (print out of search attached). The current planning consent, which it is assumed was granted before 2009, will require a physical search by the local planning authority at a cost of £150. This search, we are advised by the planning department cannot be guaranteed to be done by Cheshire East before the end of the Licence consultation period of the 30th March 2017.
3. The Parish Council has written to the Planning Authority to raise the question of lawful use. (A copy of that letter is attached.)

#### C. Reasons for objection on Public Safety and Public Nuisance grounds

Public Safety is compromised and Public Nuisance may occur because of the following:

1. A licence if granted when no lawful use, in planning law, of the Premises exists would be in itself unlawful.
2. Even if a lawful use, in planning law, exists the intensification of use by capacity (5,999 persons to 14,999 persons) should be considered by a



quantifiable analysis of the nature and frequency of that use before a Licence is granted.

3. The application is predicated on the basis the Premises (not defined on the accompanying plan) has the capacity and necessary infrastructure to safely accommodate 14,999 persons and the public infrastructure surrounding the Premises can also accommodate the capacity proposed. No evidence of that presumption is submitted or lodged on the public file.
4. The application describes how each event will be approached with reference to various guides and other regulations. This is an inadequate basis for granting a Licence as it relies on other agencies, at a later date, to sanction the proposed use the Licence itself grants.
5. As a consequence of matters referred to in 4 it becomes very difficult, if not impossible, for the Licencing Authority to monitor and enforce the varied Licence once granted because it will be imprecise in it's wording.

#### D. Observations on the application documents

Subsequent to the PC meeting a physical inspection of the application documents took place on Thursday 23rd March 2017 at Delamere House, Cheshire East customer service centre, Crewe. A request for a copy of the application including the plan attached was refused and neither would an email copy of the information on the screen be given.

No evidence of the following was found to accompany the application;

1. A change of use planning consent or lawful use certificate
2. An analysis of the nature and frequency of that use
3. A plan of the defined Premises of Licence in the Premises Licence the application seeks to vary. Current Premises Licence reference PR/0540
4. The plan attached is unclear as to whether there is any change to the boundary defining the physical location of the existing Premises and by virtue of the application to vary it now location. It is therefore unclear what will be the 'Premises' under the Licence if the variation is granted.

#### -E. Conditions if minded to grant a licence

If the Licencing Authority is minded to grant a licence then the following conditions are requested be attached to the Licence;

1. The public will not be allowed to remain on site beyond 18.00 hours (6pm)
2. The public will not be allowed on site before 09.00 hours (9am)
3. No deliveries or set up of festivals will take place outside the hours of 09.00 (9am) and 18.00 (6pm).
4. Adequate refuse collection will be provided to remove from the Premise all refuse on a daily basis.
5. No refuse may be burnt on the Premises.
6. No refuse may be buried on the Premises.

7. No activity, event or festival may take place that involves using the surrounding public road network other than for access and egress to the event at the Premises.
8. In granting the Licence the Premises owners accept they will not, and will prevent any application for road closures in the surrounding network by any promoter using the Premises.
9. No lighting other than permanent lighting around the Hall and Gardens will be left on beyond 18.00 hours (6pm)
10. No audio equipment or sound system will be played in the Parklands included in the Premises beyond 18.00 hours (6pm)
11. Adequate water supply and sewage system will be provided and no sewage system or waste water may be discharged into any water course or the ground by soakaway or natural percolation.
12. The Licence holder will provide a publicly available emergency evacuation plan for any event where more than 5,999 persons could attend. This plan to be published on the Premises website 7 days before the event. The Plan will include named persons and contact telephone numbers landline and mobile of persons in authority of the Licence holder and named persons and contact numbers of responsible persons for the promoter.
13. The named persons for the Licence holder will be present at the Premises at all times the Premises are open to the public.
14. For the avoidance of doubt Premises in these conditions is applied the whole of Arley Estate.

The PC may wish to be represented at the meeting of the Licencing Committee. Notice of the intended date of the meeting to consider this Licence application is requested as soon it is scheduled. Communication by email is preferred.

Yours faithfully

Clerk to the Council

Attachments on following 2 pages

1. Photographs of traffic queue on Hollins Lane Antrobus June 2016
2. Promotional material
3. Print out of planning search result

Attachment sent as a separate file

4. Copy of letter to the planning authority Cheshire East 27 Mar 2017.

1. Pet Fest 18th June 2016 (11.00 hours) Hollins Lane approximately 1 mile from Arley Estates entrance queues and blockage of road





A FOUNDATION LEVEL PARISH COUNCIL (2015)

## 2. Off the Licenced Premises event promotional material



## 3. Print out of planning search result

[Skip to Main Content](#)

(<http://www.cheshireeast.gov.uk/default.aspx>)

## No Search Results

You are searching for:

Premises: **"Arley Hall and Gardens"**

Postcode: **"CW9 6NA"**

Licensing Type: **"\***

There are 0 matching records. Try using fewer or different search criteria to increase your results.

[Return to Search Public Register \(search, register and page to refine your search\)](#)

- [Help and accessibility \(http://www.cheshireeast.gov.uk/default.aspx?page=12036\)](http://www.cheshireeast.gov.uk/default.aspx?page=12036)
- [Website information, privacy and cookies \(http://www.cheshireeast.gov.uk/default.aspx?page=14711\)](http://www.cheshireeast.gov.uk/default.aspx?page=14711)

End (see attached file for last attachment)



Cheshire East Development Management  
PO Box 66606  
Municipal Buildings  
Crewe CW1 9HP  
[planning@cheshireeast.gov.uk](mailto:planning@cheshireeast.gov.uk)

24th March 2017  
27

← also sent by email

This →  
copy

and  
Cheshire East Development Management, North Area  
Town Hall  
Market Place  
Macclesfield SK10 1EA

Dear Sir,

**ARLEY HALL AND GARDENS PARKLANDS AND ESTATE**  
**ARLEY CHESHIRE CW9 6NA**

The Arley Trustees who we believe are the owners of the above property have made an application under the Licencing Act 2003 to vary a Premises Licence at the property. The application is out for public consultation with a closing date of the 30th March 2017. The Parish Council considered this matter at its meeting on the 20th March 2017 and wish to advise you of their concerns.

The application seeks;

1. To increase the capacity of the estate (including Parklands) for specific events/festivals from 5,999 to 14,999 (persons)
2. To amend the opening hours of Arley Hall and Gardens to the general public to 09.00 to 18.00 hours every day including Bank Holidays
3. To extend the period open of Arley Park and Gardens as a visitor attraction to all year round (except Christmas Day, New Year's Day and the period between -25th December to 2nd January.

Antrobus Parish Council is the adjoining Parish Council to the Arley Estate and is located in Cheshire West and Chester planning authority area. Arley Estate is in Cheshire East in the Parish of Aston by Budworth.

The intention to introduce camping and festival events that could extend over periods of days is felt to be an intensification of use which changes the character of the Estate and is of such a scale that the impact on the Greenbelt would be a material change of use requiring specific planning consent.

We have looked on Cheshire East's planning portal and cannot find any application for the period from 2009 to the date of this letter seeking a planning consent.

The PC has made representations to Cheshire East in its capacity as the Licencing Authority and I enclose a copy of that letter.

The PC would be obliged if you could consider the question of whether the proposed use is lawful and advise the PC of your decision.

If planning consent has been applied for and if consent has been granted please advise when that occurred.

If Cheshire East, as the Planning Authority, has been notified of the Licence application and asked to comment, may we please also request a copy of that representation.

Communication by email is preferred.

Yours faithfully,

Copy of letter to Cheshire East Licencing Authority dated 27 March 2017 attached as a separate file

F.a.o. CIVICANCE  
Muni. Buildings  
Crewe.



Licensing

Cheshire East Development Mgmt, North Area,

Town Hall

Market Place

MACCLESFIELD

SKID LEA



3 Apr 2017

Jennifer Knight  
Senior Licensing Officer  
Regulatory Services and Health  
People's Directorate  
Municipal Buildings  
Crewe  
CW1 2BJ  
licensing@cheshireeast.gov.uk

Dear Jennifer Knight,

**Licencing Act 2003 : Application to vary a Premises Licence : Premises known as  
Arley Hall and Gardens : Application date 2<sup>nd</sup> March 2017  
Consultation period ends 30<sup>th</sup> March 2017.**

1. Thank you for your email (30<sup>th</sup> March 2017 14.53) with attached representations from the Premises Licence Applicant and inviting us to respond to it.
2. In answer to your question "*Please let me know if this alleviates your concerns*" the answer is no they do not.
3. The representations fail to address the overarching objection which is the increase in capacity to 14,999 for the premises (not defined in the application with a clear plan) is of a scale to have significant Public Safety and Public Nuisance implications for the locality of the premises.
4. The tone of the application is that the applicant will obtain the licence and then unspecified event sponsors will promote events. The event sponsor is not the holder of the Licence and so the question is, who is responsible for these events? This is further reflected in the question of holding events at the premises that in fact involve extensive use of public roads away from the premises. The Licence holder seems not to understand the impact of allowing the Licence Premise to be used in this way encourages further uses that are disruptive to the locality. The Licenced Premises under its current licence has the land area and private roads to hold such events on the Premises.
5. The Licencing Authority is being asked to grant a Licence for Premises to accommodate 14,999 persons. That is, by any measure, a substantial increase. The hours of opening and number of times applied for are not limited to two or three events per year. The Premises can, under the Licence applied for, be open and used every day for 51 weeks of the year. The only limiting factor will be how many events can be sold. The fact the applicant is declaring only 2 advance bookings for 2017 is irrelevant.

6. The applicant 'believes' the Premises and surrounding public infrastructure can support the 14,999 capacity applied for. The applicant submits no independent evidence of that belief. For example no highway studies as to capacity on the surrounding highway network and no Environmental Impact Study.
7. The site is in the Greenbelt which is a statutory designation giving a presumption against development. Development includes change of use. Please refer to **Section 55 of the Town and Country Planning Act 1990** "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. (underlining is my emphasis) In the case of *Parks v Secretary of State for the Environment [1978]* 'use' was defined as 'comprises activities which are done in, alongside or on the land, but do not interfere with the actual characteristics of the land'. We believe this is still a valid authority on the point. The applicant however does not seem to have consulted with the Planning Authority but states "there is no change of use such that planning consent should be required". The applicant offers no evidence this is a correct statement.
8. The applicant admits that of the one the two events in 2016, Dog Fest, significant highway congestion occurred. The reasons given are remarkable. The first is the village of Antrobus held its annual village fete on the same day. The second is the promoter of Dog Fest failed to organise adequate traffic management and thirdly there was a road closure in Appleton Thorn. All this response does is to illustrate how inadequate the road network within 2 miles of the Premises is to accommodate large events at the Premises when other activities in the area are taking place. This tension cannot be resolved unless local events are prevented which is entirely unjustified to advance the commercial interests of the applicant.
9. The only thing the Licence holder seems to accept responsibility for during the Dog Fest event is inadequate car parking on the Premises. Even with a capacity of 4,999 under the existing Licence inadequate arrangements were made. Or it occurred because the applicant allowed more than 4,999 persons to be on the Premise thus overwhelming the car park provision and in so doing breached the terms of that licence. Breaches of a Licence are relevant matters to consider in a new Licence application.
10. To address the lack of car parking the applicant states two 'extra' fields have been 'acquired' for use as car parks. This seems a change of use from agriculture to a non-agricultural use. These fields may or may not be in the current Premises area, the application does not identify.
11. If the Licencing Authority is minded to grant the Licence then nothing in the applicants comments on the conditions we suggested in our response warrants their withdrawal.

12. Several villagers have expressed dismay to our councillors over the proposals.  
None in support.

**Please advise me of the intended hearing date.**

Yours sincerely

Clerk to Antobus Parish Council



Licensing at Cheshire East Council  
Licensing Team  
C/O Municipal Buildings  
Earle Street  
Crewe  
CW1 2BJ

27 March 2017

Dear Sir,

**Arley Hall, application to vary a premises licence**

I am writing on behalf of Aston by Budworth Parish Council and several residents of the Parish to comment on the application by Arley Hall to vary their Premises Licence to increase the capacity of the estate from 5,999 to 14,999.

Road access to service events at Arley is not adequate to deal with the influx of large numbers of people and cars. Last year Arley held an event called Dogfest, which resulted in such excessive traffic congestion it was reported in the Manchester Evening News (see attached extract and link below). Residents have reported to us that it was such a nuisance and inconvenience that they were trapped in their own homes and had people, who were queuing in the traffic, knocking on their door asking to use toilet facilities. Many of the roads leading to the estate are also used by recreational walkers, cyclists and horse riders whose safety is a concern with a large increase in traffic.

We ask you to consider if the increase is necessary and rather than granting a blanket licence we ask that you consider granting licences for specific events instead. Arley can produce the planned traffic management plan, referred to in section d) of their application, for each event. The actual impact and disturbance of events can then be reviewed and if necessary remedial action be put in place.

Yours faithfully.

Link to MEN article

<http://www.manchestereveningnews.co.uk/news/greater-manchester-news/dog-lovers-hit-out-dogfest-11492505>

0;

28th

Licensing Section  
Cheshire East Council  
Municipal Buildings  
Earle Street  
Crewe  
CW1 2BJ

Dear Sirs,

Application of 2nd March by Arley Hall & Gardens to Vary Premises Licence

I refer to the following correspondence:

- letter dated 20th March making representation "that permission for any capacity increase events be matched by specific Licence Conditions to ensure end results of an easy flow to and from the site for customers and residents and acceptably quick access for emergency vehicles".
- Licensing Section response of 21st March where you reject this representation as "the points raised are not considered valid objections to the application." You state that a valid representation must set out how you consider how the premises licence will undermine the licensing objectives: Prevention of crime and disorder; Public Safety; Public nuisance; and Protection of children from harm.
- Email from Kim Evans on 24 March clarifying Representation needs

You mention also here that "matters relevant to highway and traffic flow are not in the control of the premises licence holder and not taken into consideration". It seems strange that the consequences of the actions of the Licence Holder on traffic is considered irrelevant.

However I think it is possible that you have misunderstood the context in which this licence would be operated and the potential consequences of the visitor flow to and from and through the estate.

Arley Estate Configuration:

- The Estate is not just a large house with a couple of fields attached where events would take place.
  - It is extensive and incorporates some 40 or so dwellings, several large farms, Stockley Farm Park visited by some 1,000 car-borne parents each weekend day, plus a number of smaller businesses.
  - On the edge of the Estate is a large riding stable complex with grazing areas within the Estate; immediately outside the Estate are a significant number of additional dwellings.
-



- The two access roads into the Estate are private, mostly single track, and not "public highways" in the sense that you have likely considered them to be. Residents and businesses have rights of way over these roads and need ready access.
- A third road (Sack Lane) is narrow and has a weight limited bridge suitable only for cars. This could not be used for fire engines or possibly even a heavy ambulance.

As stated in my letter of 20th Arley's infrastructure and management copes quite well with the activities of the normal flow of visitors to the grounds, weddings and smaller events. There is some nuisance to residents and businesses but bearable.

However larger events, although much smaller than those now being considered, and traffic managed:

- have caused a significant public nuisance because residents and businesses have found it difficult gain access to and egress from the Estate. The two single lane roads in the morning were completely blocked with vehicles accessing the site; in the evening they were blocked with vehicles leaving.
- have put children in harm's way because there are no footpaths on these single track roads and cars and children cannot be readily separated.
- would make it extremely difficult for emergency vehicles to reach the Estate quickly. Public Safety would be prejudiced.

The larger events, even if carefully managed, can only exacerbate these issues.

It is noticeable that the Licence Variation Application focuses on the event site itself, does not consider implications for the wider Estate, is silent on the concerns raised above, lacks identification of the issues and the specifics needed to address them effectively. There is merely a somewhat inadequate mention of a traffic management contractor to effect "smooth arrival of attendees and minimise disruption in the local area".

So in summary:

- I argue that the above concerns have not been effectively addressed, that there is a valid representation being made and it is being made on a justifiable, factual basis.
- I applaud Arley's clear wish to increase income and thus support this special place. However this must not be done without careful consideration of the potential impact on residents and others.
- I contend that specific and detailed Licence Conditions would be needed to ensure this. These conditions might be a requirement to consult effectively with affected parties on Traffic Management schemes to mitigate unacceptable consequences for residents, neighbours and other stakeholders.

If these concerns are not matters that can be addressed via the Licence I would be grateful if you would pass this on to the appropriate parties.

Yours faithfully.

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Extract from Manchester Evening News 18th June 2016

## Dog lovers hit out at Dogfest organisers after traffic chaos leaves them stranded in cars for hours

BY ANDREW STUART

19:32, 18 JUN 2016 UPDATED 22:31, 18 JUN 2016

Dog lovers have hit out at traffic problems that caused them to sit in hot cars with their pets for hours on the way to a festival. Thousands of families from across the North West were heading to DogFest at Arley Hall, near Northwich, which was hosted by Channel 4's Supervet Noel Fitzpatrick.

The festival for four-legged friends is being held over Saturday and Sunday this weekend. A second festival is planned for Windsor, near London, next weekend. The event features dog-grooming demonstrations, a dog chill-out zone, and a big stage for the Supervet Live show. But those attending the first day of the show slammed what they say as poor traffic management and long queues.

One person who went to the event, Alison from Horwich, told the M.E.N: "I was a mile away at 10am and following signs for Arley Hall as instructed on the only DogFest sign I saw, when a steward sent us all down a lane rather than continuing towards the hall. "An hour and a half later, with no signs for DogFest or Arley Hall, and having been sat in stationary traffic for much of that I turned around and came home. as did many others." The general consensus was we had been sent the wrong way. All the lanes in the area are very narrow and were completely gridlocked." Everyone had dogs in the car who were getting hot and stressed. It was totally unacceptable."

The website for DogFest says visitors are to "Follow the brown tourist signs" and that "Arley is signposted from Junction 9/10 on the M56 and Junction 19/20 on the M6."

Writing on the Facebook page for Dogfest, furious would-be attendees have told of being sent the wrong way, long queues, being stuck in car parks and missing events they wanted to see. Chelsea Pearson said: "We had a full car and this was our first time coming to your event! Never again! We had 4 dogs in the car stuck in traffic for over 3 hours just because someone sent us and a thousand others the wrong way! Seriously this is so bad! We missed the walk and Noels talks and half a day!" Wayne Ratcliffe said: "It took us 3 1/3 hrs to get there... we were 1.2 miles away when one steward sent us on a pointless detour up country roads along with hundreds of other cars... all this time in a car with two young kids and a dog.... totally not acceptable... no signs, no traffic management, no thought of the animals." He added: "Then to top it off we got stuck on the way out and had to wait for two land rovers to pull us out..." Linda Bryce commented: "Have to add my voice to the many complaints, over 2 hours to get in from Warrington! It's just not good enough especially for the amount charged for entrance. We set out mid morning (ie not late) and didn't arrive until lunchtime."

DogFest said in a statement on their Facebook page: "We would like to issue a sincere apology to those who have been caught in traffic while trying to get to DogFest at Arley Hall this afternoon. Rest assured

we have been working hard on the ground to rectify this arranging extra car parking, traffic control and additional signage." For those planning on coming to DogFest tomorrow we hope the additional measures we have put in place will ensure the same problems do not reoccur.

KNIGHT, Jennifer

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**From:**  
**Sent:** 28-Mar-2017 15:48  
**To:** LICENSING (Cheshire East)  
**Subject:** Re Arley Hall Application to vary premises licence.

I shared a OneDrive file with you. To view it, click the link below.

 Photos folder

Kind Attn Licensing  
Re Arley Hall Application to vary premises licence.

Dear Sirs

Please would you consider the following representation in respect of Arley Hall's application to vary a licence

Public Safety - Access Roads to site.

Arley Estates plan to engage 'a traffic management contractor to ensure the smooth arrival of festival attendees'....etc

The departure of attendees is just as critical but is not mentioned in the application - it should be noted the lanes for several miles around Arley Hall are unlit.

In my experience having lived in this area for over 25 years the only traffic management plan which would successfully work would be to ensure the volume of traffic, which is allowed onto the lanes around Arley, is at the level to which the lanes were designed. This level needs to take into account walkers, agricultural traffic and the large volume of cyclists which are present most days. Also the narrowness, the pinch points where cars are unable to pass each other and open ditches, which in some instances are inches from the edge of the lane and as much as 18 feet deep, should be considered - please see attached photo.

If the number of attendees is raised from current levels to those requested, the issue clearly becomes one of infrastructure than just a traffic problem which can be resolved by a traffic management consultant. Arley Hall is several miles from major A roads and many problems were clearly demonstrated when hosting a recent Dogfest - please see link the Manchester Evening News article. Please note this festival took place under the current (lower) attendee

limits. <http://www.manchestereveningnews.co.uk/news/greater-manchester-news/dog-lovers-hit-out-dogfest-11492505>





## Dog lovers hit out at Dogfest organisers after traffic ...

[www.manchestereveningnews.co.uk](http://www.manchestereveningnews.co.uk)

Dog lovers have hit out traffic problems that caused them to sit in hot cars with their pets for hours on the way to a festival. Thousands of families from across the ...

### The protection of Children from Harm.

- The safeguards to be put in place for children whilst on site appear well conceived. In Section 16 e however the application determines that unaccompanied children/youth will be turned away (at the entrances). The area around Arley is quite some distance from other local inhabited places and extremely dark at night. Whilst parental responsibility is foremost should some form of responsibility lie with the applicant or do their responsibilities end at the gate even though unaccompanied children might still be on the estate grounds but outside the festival site?

As a local resident I am not aware of any local people who do not wish Arley Hall estates to succeed. If, however, you wish to hold festivals with up to 14,999 people common sense dictates it is held at a suitable venue / location which, in my view, is not to be found at the end of miles of small, narrow country lanes.

Your consideration of this representation is much appreciated.

Yours sincerely



KNIGHT, Jennifer

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**From:**  
**Sent:** 28-Mar-2017 15:39  
**To:** LICENSING (Cheshire East)  
**Subject:** Application to vary a premises licence - Licensing Act 2003

ARLEY HALL AND GARDENS

You have before you an application to vary the present licence for Arley Hall and Gardens to which I refer, and to my letter of 24th March and your reply dated 27th March. As representations need to be with you by 30th March 2017, I do so now with this e mail.

In your reply you advise that the points we raised in our letter were not valid, as they did not refer in particular to aspects regarding

Public Safety  
Public Nuisance  
Protection of children from harm

and how these may be undermined within the licensing objectives.

You go on to say that matters we raised were relevant to the highway and traffic flow, and therefore not relevant to the application.

We disagree with this contention. The use of such private and restricted roads would by definition detrimentally affect public safety, nuisance and possibly cause any families and children walking the footpaths to be under greater harm than at present. It would therefore possibly undermine present use by definition. They are private roads and not for public use.

We are not referring to highways in the accepted legal definition of them, but to private roads with their associated consents for access for the residents of the estate. They do not by definition provide for unlimited rights of way to the general public which would be the case for a highway.

My understanding of a highway is 'A main road or thoroughfare available to the public for the use of travel and transportation'.

In particular, Sack Lane where we live is a private single track road protected by a gate, providing access to Arley Green, and The Ashes private houses, and not as a general thoroughfare. It is a public footpath, and for part of its length a bridleway.

You refer to the submitted application where objectives would be translated into conditions on the licence if granted. It also refers to Geronimo Fest management and an associated traffic management plan to ensure the smooth arrival of attendees and minimise disruption to the local area.

This is to be commended but it does not refer to-

1.. Any other events which may take place where the licence increase of attendees to 14999 is appropriate.

2.. does not refer to traffic departure ( only arrival ) .

It also refers to the SAG group. We do not know who this group is or what their responsibility may be . Please clarify.

So we contend that there is a valid objection made in this representation and we need to be satisfied that there is a sufficient and robust approach to any consent for the increase in numbers applied for, with defined penalties for any breach.

We again confirm that we do not wish to stand in the way of a consent being granted, but to protect the interests of the estate residents in general, and Sack Lane in particular should you decide to do so. We need your assurance that these concerns will be addressed in your deliberations. .

regards

Sent from [Outlook](#)

KNIGHT, Jennifer

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**From:** LICENSING (Cheshire East)  
**Sent:** 31-Mar-2017 08:12  
**To:** KNIGHT, Jennifer  
**Subject:** FW: Application to vary premises licence at Arley Hall and Gardens CW9 6LZ

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:**  
**Sent:** 30-Mar-2017 18:13  
**To:** LICENSING (Cheshire East): LICENSING (Cheshire East)  
**Cc**  
**Subject:** Application to vary premises licence at Arley Hall and Gardens CW9 6LZ

The Licensing Section,  
Cheshire East Council,  
Municipal Buildings,  
Earle Street,  
Crewe CW1 2BJ

Dear Sirs,

I am a resident of the Arley Estate and live at I am writing  
to object to the application to vary the premises licence at Arley Hall and Gardens, CW9 6LZ.

My principal objection is to the application to increase the capacity of the estate (including Parklands) for specific events/festivals from 5,000 to 14,999.

This is a huge jump in numbers. The application is not time or date limited and could mean an unlimited number of events/festivals at this high capacity. It is not clear from the application that this is only for "specific" events, nor the number of such "specific" events proposed in a 12 month period.

In fact, according to the estate notice received by residents, which informs us about some of the "larger events we are looking forward to hosting" (wording from the Arley Estate notice) we are already facing 4 larger events within a six week period from 27 May to 2 July 2017, over 4 weekends.

#### **Prevention of Crime and Disorder:**

The Arley Estate markets itself and its events as family friendly. There is potential for crime and disorder given the numbers of people attending some of these events and the availability of alcohol at the venue. I cannot comment on drug misuse, but this may also be an increased risk given the huge increase in capacity proposed, and given that there is no restriction on the type of event or festival which can be held.

#### **Prevention of public nuisance:**

Arley is a small estate with small country access roads, which is part of the overall "look and feel" of the estate. Any larger event gives rise to severe traffic issues both for access to the estate and access to our homes. There is also substantial noise and nuisance during the day and evening from outdoor public address systems and music which are a feature of these events.



We have two recent experiences of unacceptable traffic issues, noise and nuisance caused by (a) the 2016 "Dogfest" held in the summer of 2016 and (b) the national Caravan Club rally held in 2014.

- (a) The Dogfest event last summer caused traffic chaos on and off the estate. Cars were abandoned all over the access roads to the estate, as visitors simply gave up trying to find a parking space. This added to the already appalling traffic congestion of those trying to enter (or leave) the event with roads blocked solid for hours. Residents, including my immediate neighbours, were unable to get home for several hours. The whole experience for residents was so dreadful we received letters of apology from the organisers of the festival (but not from the estate). The matter was reported in the Manchester Evening News – please see weblink below for details and photographs.

<http://www.manchestereveningnews.co.uk/news/greater-manchester-news/dog-lovers-hit-out-dogfest-11492505>

Dogfest 2017 is also being held at Arley on 17 and 18 June this year.

- (b) The Caravan Club rally was described by the Caravan Club as "its largest and most extravagant event of the year, The National at Arley Hall in 2014" (source: Caravan Times). "The event will cater for approximately 2,000 outfits and 6,000 participants" (source: Caravan and Motorhome Club website).

The volume of caravan and motor home traffic, on narrow country roads leading to the estate, and on the estate itself, led to single way traffic on what are (normally) two way roads and long traffic queues, with associated pollution from standing engines. This is a particular problem for those living on the access road to the estate from the direction of Appleton Thorn, where properties are very close to the road, and for walkers who are using the popular network of footpaths and minor roads on and around the estate.

Clearly the organisers of the event were expecting a capacity above 5,000. I am not aware whether Arley Hall applied for and obtained an increase in its capacity numbers for this event, or not.

Again the public address systems were a nuisance throughout the day and evening of each day of this event and were audible inside and outside my house.

### Events proposed for 2017:

The number of events and particularly those of Dogfest 2017 and the Geronimo Children's Festival will cause major disruption and public nuisance for estate residents, particularly those who live close to the access road coming onto the estate from the direction of Appleton Thorn and Stretton.

The 4 larger events scheduled within a six week period from 27 May to 2 July 2017, over 4 weekends, will impact the residents of Arley. We will have 8 days of high visitor attendance, and several additional days of noise and disruption before and after the events, during this six week period of the summer. This is particularly the case for the events of Dogfest on 17 and 18 June and the Geronimo Children's Festival on 27 to 29 May, where there will be heavy contractor and goods traffic onto the estate in order to set up and construct, and then de rig and remove, all the construction, stage, stalls, tents and facilities required for the events, including in the case of the Geronimo Festival, setting up camping and glamping areas and associated facilities.

The opening hours of the estate also mean that noise and disruption from the events can start early (if the hours are changed from 11 am to 9 am in accordance with the changes to the premises licence sought by the Arley Estate) and continue into the night, affecting residents. These events are not held in a purpose built event space with noise containment but are largely open air or tented events, with little or no noise containment.

We also have the issue of noise and disruption from dispersal after the event finishes each night, from those attending the event as they disperse and from traffic leaving the event.

These events have the potential (and have in the past) caused huge disruption to the normal life of residents in a quiet area. Events such as the Arley Garden Festival and Food Festivals which are held each year cause some disruption but these are smaller events and would not (I believe) require an

Increase in capacity. Arley has been running these events for a number of years and these events do not cause the public nuisance of Dogfest, the Caravan Club rally and the Geronimo Festival.

### **Health and Safety**

The numbers of visitors to the estate, and the access and parking issues, also give rise to H&S concerns, for those attending and living on the estate, and anyone walking or cycling in the area. The noise and disturbance caused by the larger events also affects the health and safety of Arley residents and the right to peaceful occupation of our homes.

Yours faithfully



LCPREMCO



Re - Atley Hall &amp; Gardens

29.3.17.



Dear Sir/Madam,

Although we live within the boundary of Atley Hall & Gardens we have only just seen the notice about proposed licencing changes. Surprised we were not notified directly. I know some residents that live abroad, part of the year, and are probably not getting a chance to express concerns.

Opening longer hours and all year around, will make the area busier. I don't object to this as appreciate Atley Hall running as a business. Some large events already have had a major impact. Those that have blocked the roads in and out and effected peoples livelihoods,

as it is taking over an hour and a half to drive out.

When the Caravan Club had their National Rally, caravans queued for hours, as did people trying to return home. This organisation usually plans exceptionally well. Pitches, field locations and routes were sent to members. Unfortunately they didn't all follow route. Also unfortunate that entry in and out of the fields was very slow due to excessive rain on clay soil. This group has it's own vehicles for pulling out stuck cars and vans. Most large events do not. -

Who takes responsibility for traffic congestion at Events? Dog Fest '16, I believe wanted to control traffic and parking, not Arley Hall. Annoyed motorists reported their experiences on the news. Families left drivers in their car, so adults, children and dogs started to walk on the country road too.



Hedged roads into Arley go through <sup>3</sup> two of the three gates, normally. These only allow one car, in one direction at a time.

This, the conditions on the fields for parking, single lane traffic, seem to cause tailbacks at some events. Hopefully the Emergency Services will never need to get through. Shouldn't solutions be found and tested before this part of the licence is expanded? Personally, living under these circumstances, intolerably.

Yours sincerely,

Royal Mail  
**Special Delivery**  
Guaranteed by

1 pm

AE 3233 5416 0GB



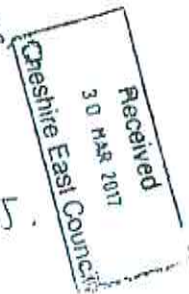
AE 3233 5416 0GB SD 1pm



AE 3233 5416 0GB SD 1pm

19369 Apr 2013

Licensing Section,  
Cheshire East Council,  
Municipal Buildings  
Eame Street,  
Crewe.  
CW1 2BJ.





LCPREMO

The Licensing Section  
Cheshire East Council  
Municipal Buildings  
Earle Street  
Crewe, CW1 2BJ.

29<sup>th</sup> March 2017

Dear Sir or Madam,

ARLEY HALL & GARDENS – APPLICATION TO VARY A PREMISES LICENCE.

The one aspect of this application which concerns the writer is road traffic safety. It is good to learn that the applicants have engaged consultants to formulate a traffic management plan.

To be specific, since Dogfest reportedly caused congestion problems on roads north of Arley last year, perhaps consideration is being given to routing more vehicles via the southern access to Arley Hall, via Moss End on Budworth Lane. With much smaller events (e.g. Antique fairs, gardening shows,) such access has not raised difficulties in the past.

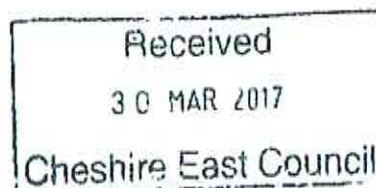
However, the large increase in numbers now envisaged could raise major safety issues not far away from Moss End – in both directions. Westwards, Budworth Lane leads to the A599 at Great Budworth and, eastwards, to B5391 and the M6 (at Junction 19).

Great Budworth village has a very blind, single-width corner at its centre and another 80 m away at the north end of Church Street, and its High Street is reduced to single file traffic most of the time by parked cars belonging to residents or weekend visitors. Newcomers to the village are unaware of just how hazardous the two street corners mentioned are.

To the east of Moss End, for drivers approaching Arley from the M6 (J19), there is a stone bridge on Budworth Lane, the approach to which is totally blind. This bridge has been rebuilt by East Cheshire probably in 6 of the past 8 years after vehicle damage. Perhaps stronger warning signs are needed.

I ask that these road safety issues be borne in mind when considering conditions attached to a revised licence.

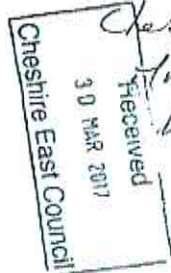
Yours faithfully,



Stroke



Vehicle Licensing Section  
Cheshire East Council,  
Municipal Buildings,  
Karl Stret,  
CREWE CW1 2BJ.



PREMCC

Application of 2<sup>nd</sup> March by Arley Hall & Gardens to Vary Premises Licence

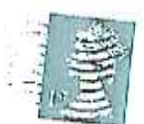
I write as secretary to the management company that collectively represents the residents of properties that comprise

The abuts the Arley Estate and can be directly affected by the numbers attending public events, traffic management issues at such events and noise pollution created by certain events. Within the parameters of the current premises licence significant problems have arisen and these are likely to be exacerbated unless specific measures are taken and conditions stipulated within any revised licence:

1. The current capacity of the roads into and out of the estate are unable to adequately and safely deal with the current licensed visitor numbers let alone the proposed increase. Significant congestion and blockages have been experienced at recent events, such as the national caravan club rally and DogFest. The information in section 16 of the application does not provide sufficient detail to conclude how these problems will be avoided in the future.
2. The possible usage of other routes on the estate to provide entry and exit from the site has not been addressed. Possible alternative routes (eg Back Lane) hold very limited potential given their width (ie single lane with passing points) and structural composition. An assurance is required that these inappropriate alternatives are not used.
3. Noise pollution from existing events is already noticeable. This is likely to be exacerbated with any increase in frequency in the number of events held and in the capacity of the audience able to attend these events.

While we understand that the estate needs to increase its income to meet maintenance and improvement goals, changes to licence parameters should be conditional on undertakings to ensure that the demands from additional visitors can be adequately met without detriment to the environment and its inhabitants.





LICENSING SECTION  
CHESHIRE EAST COUNCIL  
MUNICIPAL BUILDINGS  
EAGLE STREET  
CREWE CW1 2BT

Received  
30 MAR 2017  
Cheshire East Council



L.C. PREMCO

To Cheshire East Council

28 March 2017

Arley Hall Planning Application

I am a local resident of Reed Lane Antrobus.

I use New Road that runs from Appleton Thorn towards the Arley Estate on a regular basis.

I am very concerned about the traffic increase that the proposed extended year round opening hours except for Christmas to Jan 2<sup>nd</sup>, will cause. My other concern is the application to increase the capacity of the estate from 5999 to 14999 for specific events and festivals.

We already have the Appleton Thorn Primary school opposite the prison towards the top of the road, plus residential properties. Parents park on the road opposite the school to drop off children in the morning and pick them up in the afternoon. There is a slight bend in the road at this point. Not so bad in summer but in winter it is a hazard.

The road is just not wide enough for coaches, lorries and local tractors to pass cars without cars being forced to stop on the verge or in the odd gateway. Many cyclists use the road, as it is flat usually riding 2 abreast. Local pedestrians, often with their dogs, and horses with their riders use the road on a regular basis and they will be at increased risk because of the increase in traffic.

Last Friday March 24<sup>th</sup> going up the road I had to find somewhere to draw in to let 2 coaches and a lorry to pass me. 2 hours later on my return it was a coach and a lorry.

I do hope that these concerns will be considered when looking at this application. It will cause an accident waiting to happen.





Received  
29 MAR 2017  
Cheshire East Council

The Licensing Section  
Cheshire East Council  
Municipal Buildings,  
Earle Street.  
Crews  
CW1 2BS

**Relevant Sections of Cheshire East Licensing Policy**

**9. Prevention of Public Nuisance**

- 9.1 If Relevant Representations are received the Licensing Authority, when making an objective judgment about what constitutes a nuisance in respect of an application or review of a premises licence or certificate, will take a broad common law meaning when considering matters such as:

- Noise from premises
- Waste
- Litter
- Car parking
- Light pollution
- Noxious odours

- 9.2 In considering the potential impact of licensed premises on the surrounding locality the Licensing Authority, when in receipt of any Relevant Representations will take into account the type of entertainment activity proposed hours of operation, the capacity of the premises, the character of the areas and the proximity to local residents. Consideration will be given to the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas where there is residential accommodation in the proximity of the premises.

**Noise and Vibration**

- 9.3 In order to enforce the provisions of the Environmental Protection Act 1990 (which relate to noise nuisance) the Police, Environmental Health Officers and Licensing Officers will liaise to ensure that adequate control measures are properly used to protect the local environment. Any action taken will be conducted in accordance with relevant enforcement policies
- 9.4 Consideration will be given to whether the operating schedule contains adequate measures to prevent noise and vibration, generated from within the premises, outside it, or from an open site, that may cause disturbance. Stricter conditions will be considered on premises in areas that have denser residential accommodation or have residential accommodation close to them. Noise includes music and human voices. Measures in the Operating Schedule may include installation of soundproofing, air conditioning, acoustic lobbies, sound limitation devices or locking doors at specified hours. If the proposed operating schedule fails to address noise nuisance issues, the Environmental Health Department may request that an independent acoustic report is conducted. Environmental Health may use any recommendations from such a report to propose amendments to the Operating Schedule or suggest conditions for the consideration of any (Sub) Committee.



9.5 Applicants will be expected to have included measures in their Operating Schedules that make adequate provision to:

- Restrict the generation of any noise within the premises and from activities associated with the premises in the vicinity, or from an open air site
- Limit the escape of any noise from the premises or open air site
- Restrict any noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping
- Minimise and control any noise from customers arriving and departing from the premises

9.6 The Licensing Authority will not impose conditions on licensed premises that cannot be directly controlled, or on matters not related to the vicinity of the premises.

9.7 If it is considered that any noise emanating from within the curtilage of a licensed premise is causing a public nuisance, under the provisions of the Anti-Social Behaviour Act 2003, an Authorised Officer can require its immediate closure for a period of up to 24 hours. It should be noted that the 'test' is a lesser one than that required to determine a Statutory Noise Nuisance and the statutory defence of 'best practicable means' is not available.

### **3. Matters within the Control of the Premises Licence Holder**

3.1 The Licensing Authority recognises that licensing law is not the primary mechanism for the general control of individuals once they are away from a licensed premises, and therefore away from the direct control of the premises licence holder. Accordingly, in exercising its licensing functions the Licensing Authority will focus on matters which are within the control of the individual licensee and others who are granted relevant permissions. Nevertheless licensees should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, e.g. on the pavement, in a beer garden or in a smoking shelter, where and to the extent these matters are within their control.

3.2 The Licensing Authority will expect applicants to consider and make appropriate provisions to ensure that harm is not caused to the Licensing Objectives as a result of activity in, or in the vicinity of, the licensed premises.

3.3 It will normally be the responsibility of the premises licence holder to ensure that the managers, designated premises supervisor and door supervisors are competent and appropriately trained.

**Other Environmental Impacts**

- 9.9 Consideration will be given to whether Operating Schedules contain adequate measures to prevent:
- Litter, smells, fumes, dust, tobacco or other smoke, or other emissions
  - Street fouling
  - Light pollution
  - Congestion of the pavement or roadway, impeding reasonable access
  - arising from the proposed licensable activity that may cause nuisance to people in the vicinity.
- 9.10 If the sale of alcohol in open containers or food for consumption outside the premises has been proposed, the following considerations are relevant:
- Whether measures would be undertaken to prevent nuisance caused by the storage, handling and collection of refuse and recyclable materials
  - Whether late night premises are likely to generate litter and whether the sale of take-away food is proposed and the measures planned to prevent littering in the vicinity and to clear up any litter that occurs
  - The steps proposed to prevent queuing or, if some queuing is inevitable, to divert queues away from residential properties and entrances to neighbouring premises, and to manage the queue to prevent disturbance and obstruction
  - The steps taken to prevent disturbance by patrons arriving at or leaving the premises
  - The steps taken to ensure staff leave the premises quietly
  - The arrangements made or proposed for parking by patrons and the effect of parking on local residents
  - Whether taxis and private hire vehicles serving the premises are likely to disturb local residents
  - Whether routes to and from the premises on foot or by car or service or delivery vehicles pass residential premises
  - Whether other measures to prevent nuisance such as the use of CCTV or the employment of SIA registered door supervisors are necessary
  - The measures proposed to prevent the consumption or supply of illegal drugs, including any search procedures

- The likelihood of any violence, public disorder or policing problem arising if a licence were to be granted
- If the applicant has previously held a licence within the Cheshire East area, the details of any enforcement action arising from that premises
- Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.





### Premises Licence Summary

Premises Licence Number:

PR/0540

#### Premises Details

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

Arley Hall & Gardens  
Arley Hall  
Arley  
Northwich  
Cheshire

Post Town: Northwich

Post Code: CW9 6NA

Telephone Number: 01565 777353

Where the Licence is time limited, the dates:

Not applicable.

Licensable activities authorised by the Licence:

Live Music  
Recorded Music  
Performance of Dance  
Performance of Plays  
Sale and supply of alcohol  
Provision of facilities for making music  
Provision of facilities for dancing  
Late Night Refreshment

The time the Licence authorises the carrying out of licensable activities:

**Live Music (to take place both indoors & outdoors)**

Monday to Sunday 11.00 to 23.45

New Years Eve 11.00 to 02.00

On up to 3 occasions per year to 01.00 for weddings, the dates of which shall be notified to the Police and the Local Authority in advance.

**Recorded Music (to take place both indoors & outdoors)**

Monday to Sunday 11.00 to 23.45

**Performance of Dance (to take both indoors & outdoors)**

Monday to Sunday 11.00 to 23.45

**Performance of Plays (to take place both indoors & outdoors)**

Monday to Sunday 12.00 to 23.00

**Sale and supply of alcohol**

Monday to Sunday 11.00 to 23.45

New Years Eve 11.00 to 02.00

On up to 3 occasions per year to 01.00 for weddings, the dates of which shall be notified to the Police and the Local Authority in advance.

**Provision of facilities for making music (to take place both indoors & outdoors)**

Monday to Sunday 11.00 to 23.45

**Provision of facilities for dancing (to take place both indoors & outdoors)**

Monday to Sunday 11.00 to 23.45

**Late Night Refreshment (to take place both indoors & outdoors)**

Monday to Sunday 23.00 to 23.45

**The opening hours of the Premises:**

Open to the general public:

Monday to Sunday 11.00 to 18.00

Gardens open April- September and at weekends in October.

Closed Mondays except Bank Holidays.

Hall open April - September Tuesday and Sundays and Bank Holidays.

Open for events:

Monday to Sunday 09.00 to 00.15

New Years Eve 09.00 to 02.30

On up to 3 occasions per year to 01.30 for weddings, the dates of which shall be notified to the Police and the Local Authority in advance.

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

For consumption either on the premises only.

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

Arley Hall & Gardens  
Arley  
Northwich  
Cheshire  
CW9 6NA





## Licensing Act 2003 – Premises Licence

### Duration of a Premises Licence

A premises licence has effect until such a time that it is suspended, revoked or surrendered.

### Duty to notify change of name or address

The holder of a premises licence must, as soon as is reasonably practicable, notify the relevant licensing authority of any change of name or address.

Where the designated premises supervisor (DPS) under a premises licence is not the holder of the licence, he should notify the licensing authority of a change in name or address as soon as possible. The DPS must also notify the holder of the premises licence.

*Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (i.e. £500)*

### Duty to keep and display licence

The holder of a premises licence must ensure that the licence or a certified copy of it is kept at the premises in the custody of or under the control of the holder of the licence or a person who works at the premises whom the premises licence holder has nominated in writing. A notice should be prominently displayed at the premises specifying the position of any such nominee.

The premises licence holder has a duty to ensure that a summary of the licence or a certified copy of that summary is prominently displayed at the premises.

*Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (i.e. £500)*

### Duty to produce licence

A constable or an authorised person may require production of the premises licence for examination. An authorised person must, if requested, produce evidence of his authority to exercise the power.

*Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (i.e. £500)*

### Theft or loss of premises licence

Where a premises licence or summary is lost, stolen, damaged or destroyed, the holder of the licence may apply to the relevant licensing authority for a copy of the licence or summary. A fee of £10.50 is payable in relation to such an application.

Where an application is made for a replacement licence or summary the licensing authority must issue the holder of the licence with a licence or summary if it is satisfied that –

- (a) the licence or summary has been lost, stolen, damaged or destroyed; and
- (a) where it has been lost or stolen, the holder has reported that loss or theft to the police.

### Surrender of premises licence

Where the holder of a premises licence wishes to surrender his/her licence he/she may give the licensing authority a notice to that effect. The notice must be accompanied by the premises licence, or where that is not practicable, by a statement of the reasons for the failure to provide the licence. Where a notice of surrender is given, the premises licence lapses on receipt of the notice by the licensing authority.

### Death, Incapacity, Insolvency of licence holder

A premises licence lapses if the holder of the licence –

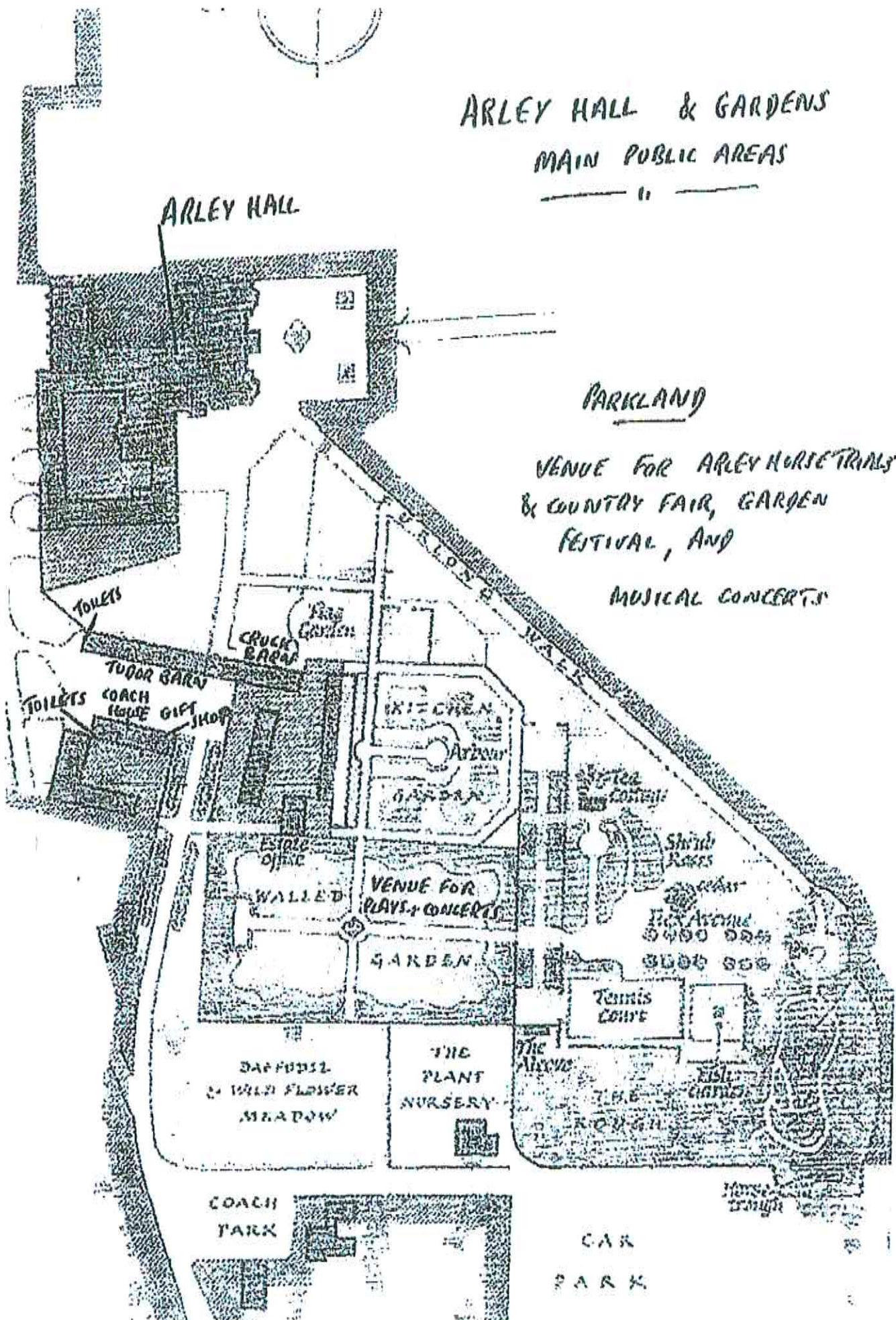
- (a) dies,
- (a) becomes mentally incapable (within the meaning of section 13(1) of the Enduring Powers of Attorney Act 1985)
- (b) becomes insolvent,
- (c) is dissolved, or
- (d) if it is a club, ceases to be a recognised club

(subject to provision for re-instatement in certain circumstances).

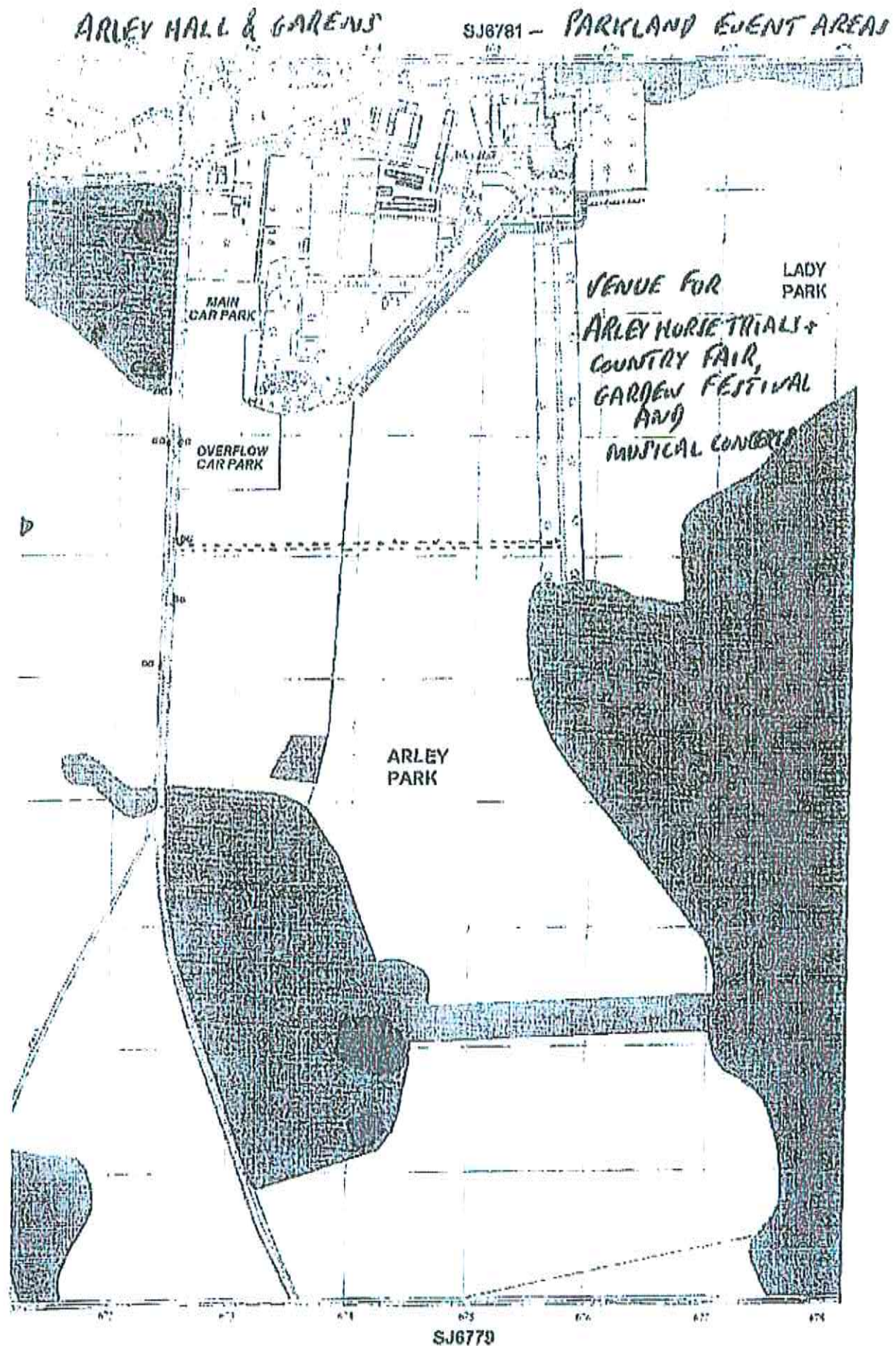


# ARLEY HALL & GARDENS

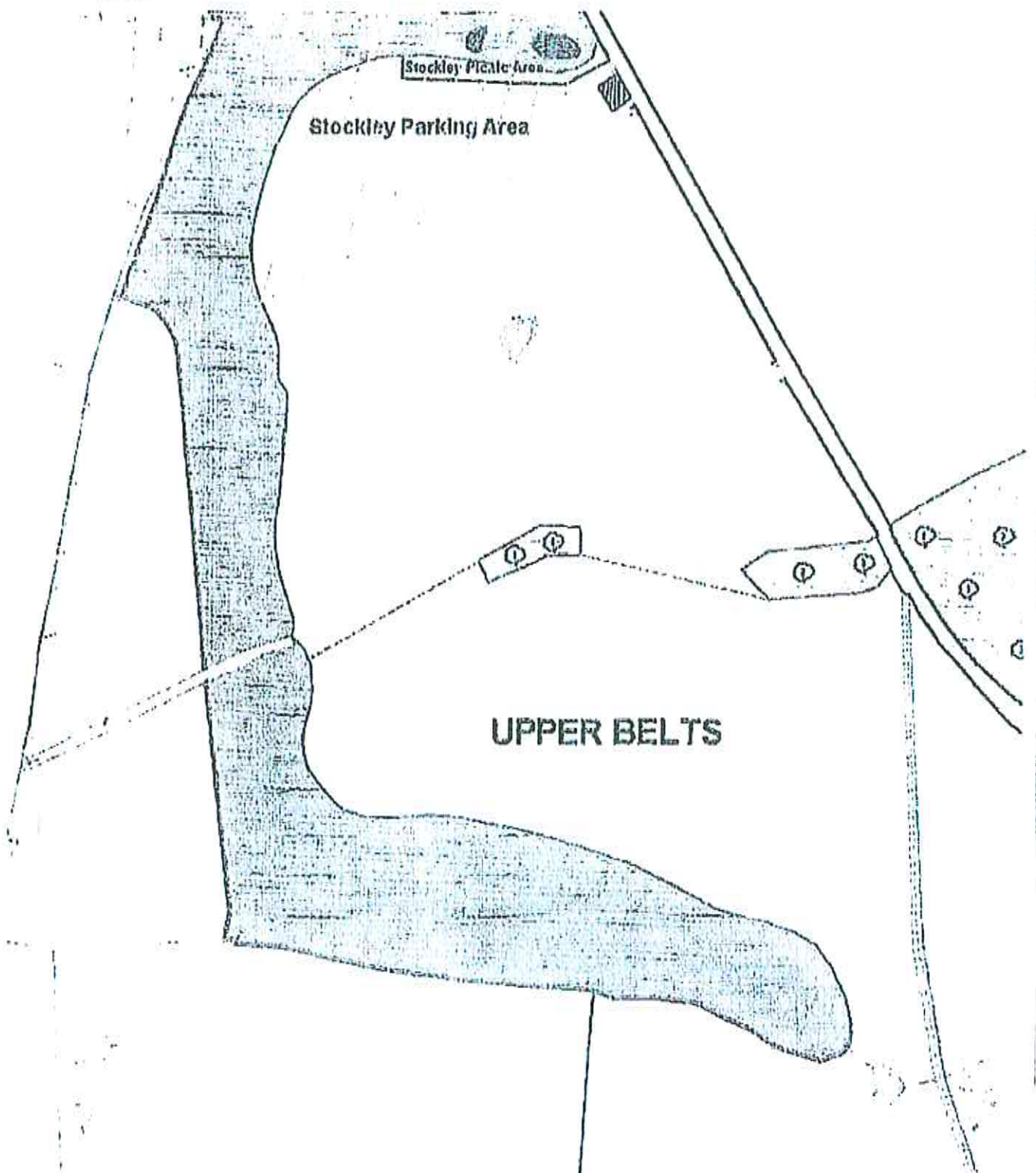
## MAIN PUBLIC AREAS







ARLEY & GARDENS - EVENT CAR PARKING.  
HALL





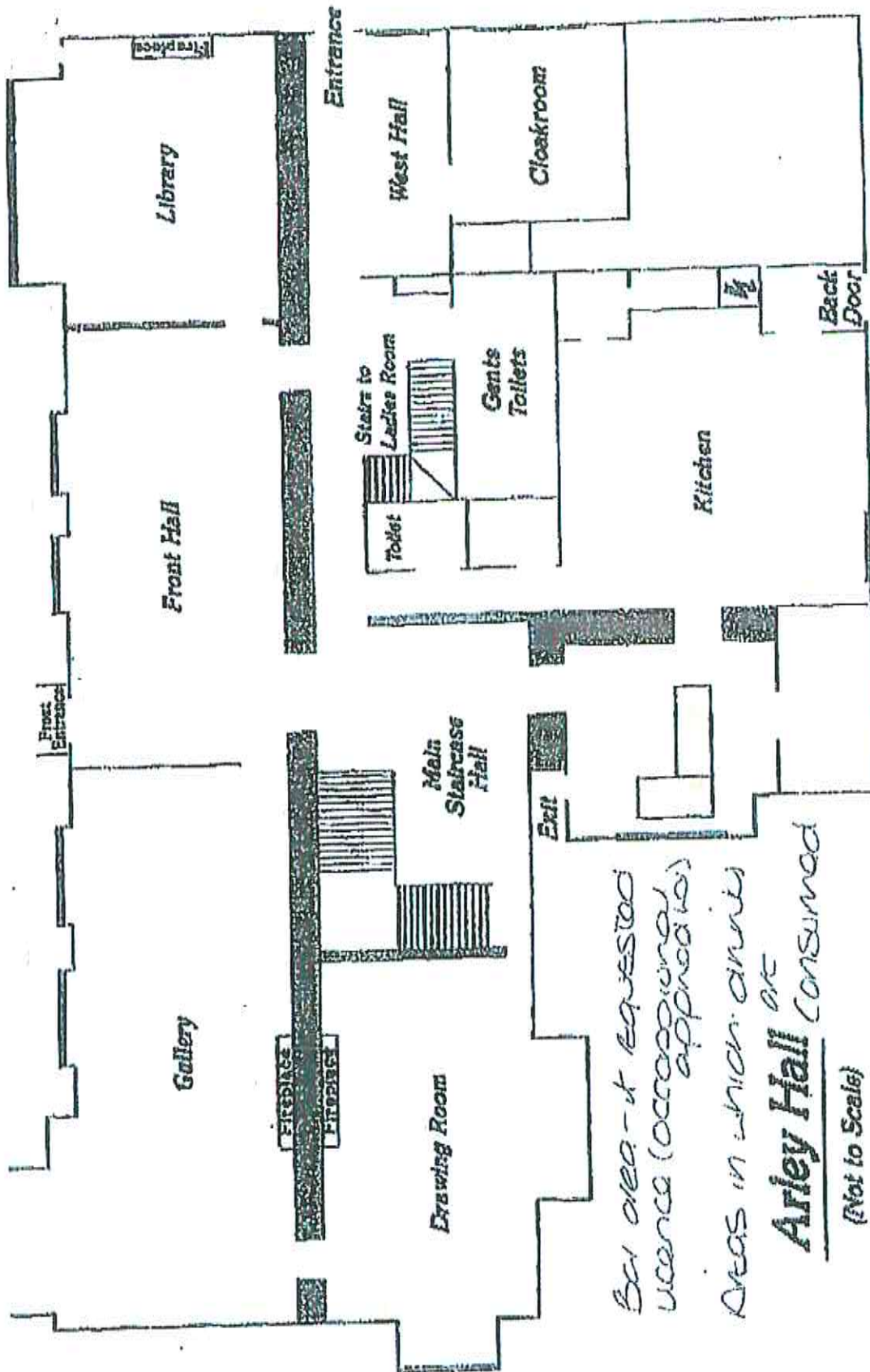
for given motion

the area is not  
available during  
the evening just  
to say the same



### Not drawn to Scale



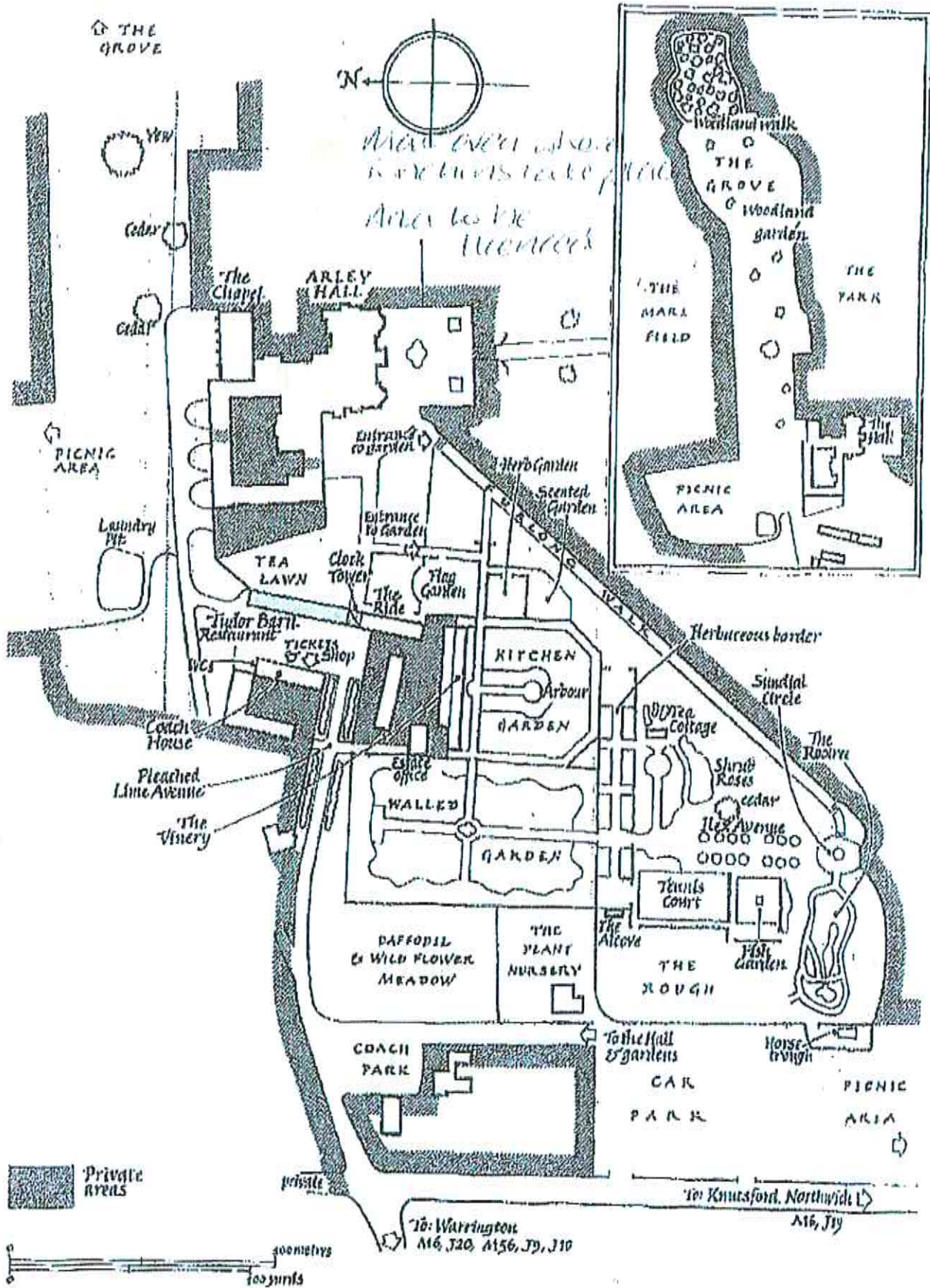


Bar area - & requested  
licence (occasional  
approval)

Areas in which are

**Arley Hall** <sup>or</sup> consumed

(Not to Scale)





**Annex 1 - Mandatory Conditions**

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.

**LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS) ORDER 2010**

**MANDATORY CONDITIONS**

**Condition 1**

(1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) 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.

**Condition 2**



The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

**Condition 3**

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

**CONDITIONS 4 & 5 APPLICABLE WITH EFFECT FROM 1<sup>ST</sup> OCTOBER 2010**

**Condition 4**

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

**Condition 5**

The responsible person shall 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: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

**Annex 2 - Conditions consistent with the Operating Schedule**

**Prevention of Crime and Disorder**

1. There shall be adequate well briefed and experienced staff to supervise public access and every event held at the premises.
2. There shall be suitable communications and a clear line of reporting between all staff at the premises.
3. The sanctioning of events at the premises shall be sensitive to and in keeping with an historic country estate.

**Public Safety**

4. There shall be a clear and accessible Health and Safety Policy at the premises.
5. There shall be regular and updated risk assessments on public and event areas at the premises.
6. There shall be controls at the premises on vehicular traffic at public and event areas.
7. There shall be published Health and Safety notices at the premises.
8. There shall be clear and visible safety and directional signage on display at the premises.

**Prevention of Public Nuisance**

9. Staff shall monitor noise levels at the premises so as to prevent public nuisance.
10. There shall be close supervision of all events and adequate stewarding at the premises.

**Protection of Children from Harm**

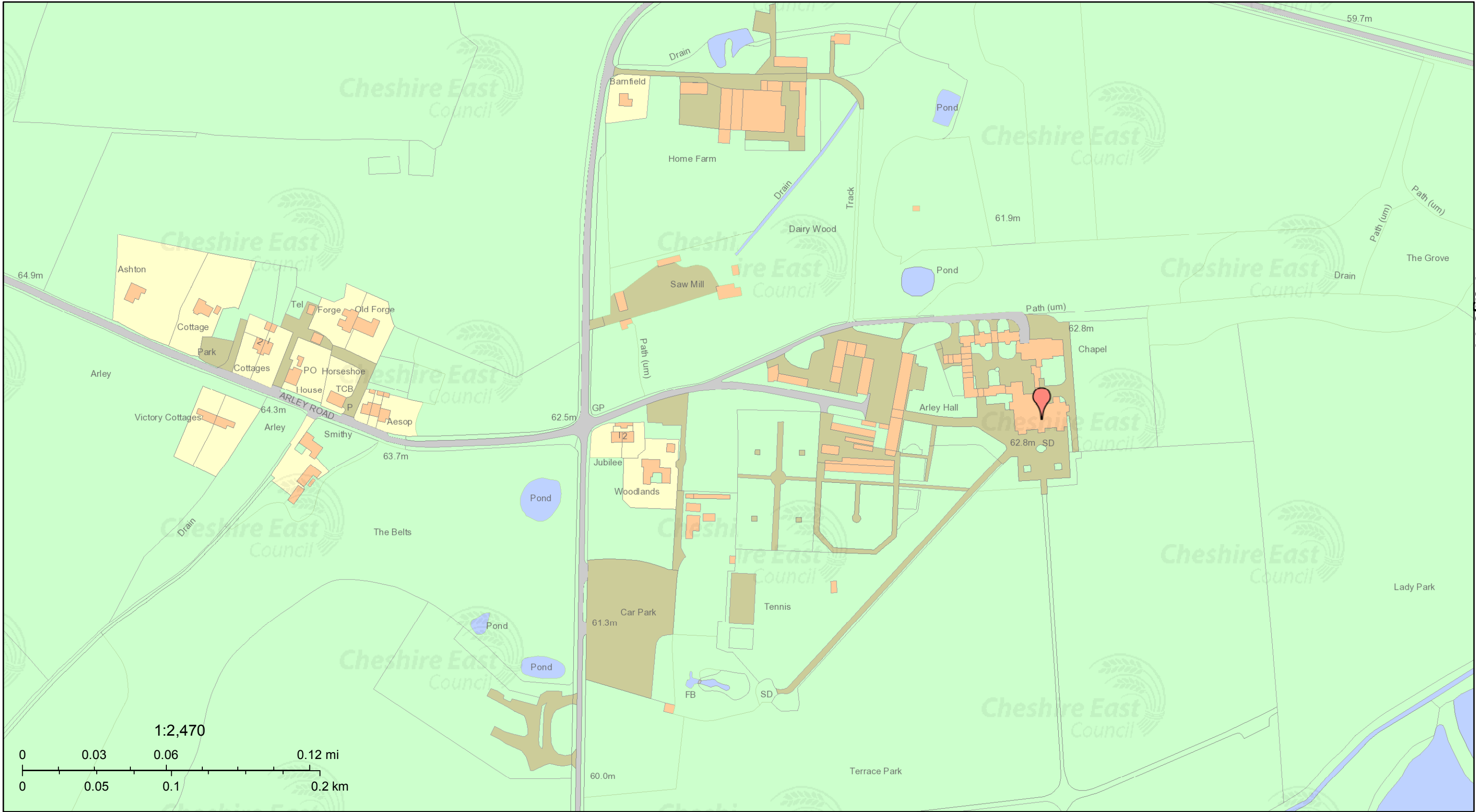
11. There shall be appropriate approval of event content at the premises for the protection of children from harm.

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

None.

**Annex 4 - Plans**

See attached.



April 6, 2017





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