

Melanie Steadman

From: Tricia [REDACTED]
Sent: 18 July 2022 11:42
To: licensing
Cc: Leo Charalambides
Subject: Betley Court Farm License Application 21250

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Dear Licensing Authority

Licensing Act 2003
Premises: Betley Court Farm, Main Road, Betley, CW3 9BH
Application 21250

I make this representation in my personal capacity as a local resident. I am directly affected by the current activities and events at Betley Court Farm and much more so by the activities and events proposed by the new premises licence application.

Civil Society and the Licensing Act 2003

Licensing involves an evaluative judgment as to what is to be regarded as reasonably acceptable in a particular location (*Hope & Glory (CA)* [42]). This evaluative judgment involves the weighing of a variety of competing considerations (*Hope & Glory (CA)*[42]) of which the interests of the wider community are paramount (see s 182 Guidance, paras 1.5, 9.38 and 11.26). The key crucial concepts are ‘balance’, ‘location’ and ‘community interest’.

This is recognised and highlighted in the Newcastle-under-Lyme Statement of Licensing Policy (“SLP”) 2020 – 2025 states that ‘the Licensing authority must take account of its duty to safeguard all the community’ (para 2.5, p 9; see also paras 2.8, 2.12 and 6.3: ‘It is recognised that it is the Licensing Authority’s duty to promote the licensing objectives in the interests of the wider community.’)

This Particular Location

The civil parish of Betley comprises the neighbourhoods of Betley, Balterley and Wrinehill which is located on the A531 and B5500 about 8 miles northwest of Newcastle-under-Lyme and 6 miles southeast of Crewe on the boundary of Staffordshire with Cheshire. It covers 1,073 hectares and has a population of 1,250. It is striking that a maximum capacity event at the Betley Court Farm could involve a capacity four times greater than the population of the village itself.

The character of the village is predominately rural with open countryside consisting of undulating land. The village lies within Green Belt land. Much of the village was designated a conservation area in 1970 and is one of the only conservation villages in Staffordshire.

The village is described as ribbon development running along the A531. Betley Court Farm is located along the A531 on land in the centre of this ribbon and at the heart of the village.

The village is built on a naturally dropping slope with the effect that the Betley Court Farm sits lower than the surrounding village land forming a natural amphitheater which amplifies and contains sound and other noise nuisance. The location and topography make the village a noise sensitive area which requires careful consideration (see SLP para 3.10, p 17).

The A531 is the main and only route to and from the village. The main access to the village is by car. There is a rural bus service from the local railway stations but there are 6 and 10 miles away at Crewe and Stoke-on-Trent. It is well established and documented that large scale events at the Betley Court Farm, such as the Betley Bonfire, always result in severe traffic congestion that result in traffic jams in the village in excess of 2 hours.

Current Operation and Licences

Currently the farm operates a number of commercial activities. These include a busy tearoom (Tuesdays – Sundays), a B&B facility, holiday cottages and offices (NFU insurance, an osteopath and dance academy). There is also a building known as the ‘Shed’ that is used for events.

Betley Court Farm has the benefit of two premises licences granted under the Licensing Act 2003. There is the “Concert” licence (009323): this has not been operated since 2014. The historic attempts to operate this concert licence demonstrated that the premises and the location are unsuitable to large scale outdoor events.

The more recent premises licence (12336) gives authorisation for licensable activities mainly outdoors but is restricted to eight events year. Other ‘licensable events’ must be held in a marquee and limited in capacity to more than 450 persons in attendance. It is unclear how licensable activities could lawfully take place within a marquee given that the authorisation for all licensable activities is limited to outdoor use. Furthermore, PL 12336 has no premises plan.

Betley Court Farm has in more recent times made use of TENs to hold further events including live music theatrical productions.

Proposed Application

The current application is confused and lack clarity. The application form seeks to ‘amalgamate the activities on site in one concise premises licence’. In the application there is reference to the existing events: the Betley Gun & Game Fair, the Betley Show, the Betley Bonfire and generic Charity ball; limited weddings and private events and theatre productions. In an e-mail sent by Jane Speed (dated 8 July 2022) the applicant states: ‘We were trying to get one licence for everything The Show, Bonfire, tearoom, Rues productions.’ She also states: ‘We also want 10 events up to 1 am, which is things like Show ball, charity ball, local wedding, sometimes the show tent will go up the week before the show and can be used three times over that weekend.’

For convenience, a copy of the e-mail is attached to this representation; it will be relied upon and referred to at the hearing of the licensing sub-committee.

The scope of the licensable activities and hours is far greater than that which is currently authorised and operated on the current arrangements.

The nature of the events and activities is vague and unclear. The application seeks permission for 10 so-called special events but these are not defined or fixed. The provision of film and dance are now added. An application is made for late night refreshment from 11:00- 01:00 yet the hours that the premises is open to the public cease at 23:00. The premises propose to operate from 09:00 and all licensable activities commencing at 11:00. Licensable activities are to end at 22:30 and the premises close as 23:00.

The applicant gives as an example of what is contemplated to include a three-day special event starting at 09:00 and ending at 01:00 with a capacity four times greater than the population of the village.

Plan/s

The application is not accompanied by a plan. A plan is a legal requirement (see Licensing Act 2003 (Premises Licence) Regulations 2005, reg 23; also s 182 Guidance, para 8.34) – this basic and fundamental legal requirement is missing from the application. This raises a fundamental question of whether the application has been properly made.

Duty of Risk Assessment

The s 182 Guidance highlights the very clear and comprehensive duty upon an applicant for a new premises licence to conduct a thorough risk assessment of the proposed application (see s 182 Guidance, paras 8.41 – 8.49). This must be particularly so where a premises proposes such an extensive range of events both indoors and outdoors. The Newcastle-under-Lyme SLP provides that: ‘It is the Licensing Authority’s intention to ensure well run and managed premises and that licence holders take positive action with regard to their responsibility to promote the licensing objectives’ (para 2.4, p 9).

It is not evident from the application whether any such risk assessment has been carried out and therefore what restrictions will be necessary. No attempt has been made to provide a considered and particularised operating schedule. Paragraph 3.3 (p 14) of the Newcastle-under-Lyme SLP provides that:

‘All applications for premises licence and club premises certificates must be accompanied by an operating schedule. This should be drawn up following a full risk assessment of the activities to be undertaken and contain the information requested in the application form to include a floor plan, details of the licensable activities proposed, opening hours and operating arrangements.’

The impacts and risks associated with different types of operation and events are well established and self-evident. Given the varied and extensive uses that this broad-brush application envisages a full risk assessments and robust operating schedule is of the upmost necessity. Operating a tearoom is very different to operating a three day, all day, all night indoor and outdoor event with a maximum capacity of 4,999.

The proposed operating schedule is limited with significant details and measures being left to be determined on an ad hoc basis in the future. The operating schedule is a key document needed to demonstrate a proper risk assessment and key proposals for the promotion of the licensing objectives. It is staggering that an event management plan is proposed to be submitted 1 month to any event taking place.

Planning and building control

The s 182 Guidance recognises that planning and licensing regimes are separated to avoid duplication. However the regimes do aim to agree mutually acceptable operation and design and should aim for proper integration between the two regimes (see paras 14.64 and 14.65). In the present circumstances the recently approved Neighbourhood Plan makes the following provision:

- Objective 5: To reduce the harmful impact of traffic in the center of the village to reduce air pollution, noise and vibration and improve highway safety for pedestrians and cyclists.
- 6.5.6 NDP Policy BBW7 aims to encourage small scale business development which is appropriate in the Parish and which does not have an unacceptable adverse impact on local roads and residential amenity.

- BBW7 1 Local residential amenity is protected, and suitable measures are put in place to mitigate and reduce to a minimum any noise or air pollution or other disturbance which impacts on human health and quality of life.

The Current Application

The current application represents a massive escalation of licensable activities at the Betley Court Farm. The application is not only incomplete but also very poorly considered. There is a lack of clarity as to the proposed operation. There is a failure to undertake any meaningful risk assessment, consideration of locality or put together a professionally considered operating schedule.

I am not against the licensing of this premises. However, there needs to be a proper and professional risk assessment. Fundamentally (and legally) we need to see a plan of the premises. There needs to be prior details of a limited number of proposed events and activities that are planned and pre-set, have limited hours, fully detailed control measures and strict limits on capacity.

I will have a representative at any hearing in relation to this matter who will expand upon these representations and call upon direct evidence as to the matters raised in this representation.

Please acknowledge receipt of this letter and please let us know the date, time and place of hearing in relation to this matter. I would like to attend with my representative.

Yours faithfully,

Tricia Gee

8 Chamberlain Court,
Betley CW3 9GB

ATTACHMENT AS ADVISED:

From: Jayne Speed [REDACTED]

Subject: Betley licence application

Date: 8 July 2022 at 06:35:01 BST

I am just contacting people who I have email addresses for or what's app .

There is much confusion about our licence application and I wanted to explain , what we are trying to do . I am aware that notices / flyers are being pushed through doors .

We have met with the council and are trying to get a licence for the tea room for 365 days , because sometimes we do funerals on Monday or Tuesday when we are closed and people have asked for a glass of Sherry , which we currently can't provide and prior to covid we did some evening parties an 80 th , 65 th etc and Alsager tangent ladies group . We can't provide alcohol in the cottages - a man a few weeks ago booked the Pig Pen for his wife's 40 th , he wanted a bottle of rose wine putting in for her , which we couldn't do .

Then we come to Reubens shows of which he would like to do more , he has talked about a Christmas panto in the shed and desperately wants to do Sound of Music , but couldn't get the rites for that this year as it was going into London !

We were trying to get one licence for everything The Show , Bonfire , tea room , Rues productions . But it has caused so much confusion . The licensing numbers jump from 499 on a TEN (temp event notice) which is not viable for Rues shows , the 499 includes everyone on site , cast , orchestra , bar staff , stewards , chaperones for child actors . Soon have 100 who are not paying !!.

The licence numbers then jump to 4,999 which we can't help , that's simply how it is .

Locals seem to have got it into their heads that we are having concerts again , but we still have the concert licence and that jumps again to 14,999.

We also want 10 events up to 1 am , which is things like Show ball , charity ball , local wedding , sometimes the show tent will go up the week before the show and can be used 3 times over that weekend. If we have a wedding it's always someone that we know or a local , we are usually invited . Likewise with a 21 st birthday party .

When the twins were 21, Dec . We lined out the shed and had 4 events in it . 21st , wedding , YF dinner dance , Becky was lady chairman and a YF charity night which raised 6 K for the Christie (we had the YF winning play, choirs etc and it finished at 11)

That's what generally happens , when a tent goes up , it gets used for more than one event .

When the Show was 150 years old we sat 460 in the marquee , had a waiting list for tickets and daren't sell anymore due to the TEN numbers .

Rue and I went to see Mike Covell last week , and I just messaging people who I have contact details for or seeing in the tea room .

Just wanted to keep people in the loop .

Many thanks

Kind regards Jayne

