



**Application: For a new Premises Licence (dated 23 July 2024)**

**Applicant: Bowdon Club Ltd ("the Applicant")**

**Premises address: Bowdon Cricket, Hockey and Squash Club, South Downs Road, Bowdon, Cheshire WA14 3DT ("the Premises")**

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## REPRESENTATION

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### INTRODUCTION

1. The purpose of this representation is two-fold:
  - 1.1. To challenge whether the Application has been advertised in accordance with statutory requirements, and to ask the Licensing Authority to recommence the consultation period; and
  - 1.2. To lodge an objection (representation) against the Application under each of the four licensing objectives.
2. Our client has a variety of concerns regarding the Application, in relation to noise nuisance (from music and people) and people nuisance, but also particularly in relation to traffic management and the Premises' existing and future use of the York Drive gate (which raises concerns in relation to public nuisance and public safety).
3. We understand that today is the last date for representations. However, due to the lateness at which my client became aware of the Application (see below), we reserve the right to provide additional evidence to support this representation and to elaborate upon further upon the concerns set out in this document.
4. In summary, the grant of the Application is objected to because:
  - 4.1. The Premises currently operates under a Club Premises Certificate ("CPC"). Both Trafford Council ("the Council") and the Application documents confirm the purpose of the Application is to replace the existing CPC. The Application is advertised as a mirror of the existing CPC times and activities, but with greater conditioning. However, the grant of a premises licence will effectively open up the facilities (especially the sale of alcohol) to the wider public and permit the Applicant the expand the Premises' business activities accordingly beyond the existing club membership. These concerns are significantly amplified in the light of how the Premises currently operates.
  - 4.2. The Application does not recognise that York Drive is a private road. Our client and other residents do not currently accept that the Premises has the legal right to use its York Drive gate (which opens onto York Drive) in the way it has being doing so recently and they reserve their position regarding that issue. The Premises' use of York Drive has exponentially increased and the purposes for using York Drive gate as an exit and entrance to the Premises have changed in a very significant way.

- 4.3. York Drive must not be treated as though it is a public road, on the face of the premises licence and within any Event Management Plan ("EMP") that is lodged under the terms of any premises licence that may be granted. Unless the Applicant can prove otherwise, the York Drive gate should and must only be used by the Premises infrequently in accordance with its original use (which would include in the case of emergencies).
- 4.4. The track record of management at the premises in the past has caused concern to the residents. The Premises has displayed a lack of professionalism in managing anything other than its own sports events and has shown nothing more than a token regard for the interests of its neighbours.
- 4.5. It must be questionable whether the site is a fit location for all the purposes for which the Applicant now wishes to use it, even with what may appear to be the appropriate conditions in place on the premises licence. This can no longer be described as a sports centre benefiting the local community. It has become an events business in its own right but we are concerned that the new ventures will be operated by persons who, in our client's experience, does not have the appropriate experience or expertise in proper events management. If that *is* to be allowed to continue it should only be on the basis of strictly controlled and monitored conditions, but our client remains concerned that they will not be upheld.
- 4.6. The Application is characterised by a lack of operational clarity as to how the 'indoor only' events or activities (that may not be deemed to be an event per se) might be managed. For example, if the Premises decides to open the premises to the public during the day, or open the bar to the public on certain evenings either generally or after e.g. training at the Premises (these may be called 'non-event' type days). It may also include weddings (which would constitute an event). It also does not address how other 'non-event' type operations would be managed e.g. allowing the public onto the site to use its car park. In brief, general 'day to day' non-event activities (indoors and outdoors) are not provided for in the Application.
- 4.7. There is also an operational lack of clarity as to how the Applicant defines 'outside licensable event' (are all of its proposed outside activities to be classed as such an 'event,' and therefore subject to the broad overarching Section 1 event conditions?), the types of events it envisages hosting and how the different types of events will be managed. As a result, the proposals for Section 1 events (and to a certain degree, Section 2 events) permit any number of a variety of large capacity outdoors events, operating with late hours, permitted against a background of existing poor management and with few appropriate safeguards on the face of the premises licence regarding minimum requirements and standards for any kind of EMP). The implication is that any kind of outdoor licensable activity would be addressed by the Section 1 EMP conditions, which also cover other kinds of activities such as weddings, sports matches, music events and so on up to 4,999 capacity. Arguably, very different EMP's would be required for each type of event / capacity and their minimum requirements do not appear to be articulated in the way that Section 2 events are.
- 4.8. In all cases, the Application's implicit reliance on the York Dive gate particularly undermines the licensing objectives of the prevention of public nuisance, and the public safety; and

- 4.9. The Application further undermines the licensing objectives of the prevention of crime and disorder, and the protection of children due to the lack of the necessary basic requirements on the face of the premises licences' conditions.
5. This document sets out in detail the concerns regarding the Application and confirms the need for the Premises to revert back to its previous and very occasional and severely limited use of the York Drive gate (which reflected the private ownership of York Drive).
6. It is our view that the consultation period should be recommenced and - in any event - the Application should be withdrawn, reviewed and relodged by the Applicant following:
  - 6.1. Significantly greater and more appropriate consultation with the residents.
  - 6.2. The explicit confirmation (on the face of any premises licence granted and within any EMP / traffic management plan) that - save for in the event of an emergency - any use of York Drive gate to be limited to its original occasional use (and this is to be determined with the advance explicit and written agreement of the residents of York Drive and Theobald Road). However, if the Applicant can establish the right to greater use of its York Drive gate (and therefore York Drive), then this document contains a set of provisions as to when the York Drive gate should be used in order to uphold the licensing objectives.
  - 6.3. More detailed consideration of the operating schedule, including:
    - 6.3.1. How the Premises will operate indoor only activities (such as the day-to-day / non-event operation of the bars and other indoor spaces) and indoor only events;
    - 6.3.2. A more detailed operating schedule in relation to events of 4,999 capacity or less (Schedule 1 events). This should also include provision for the different types of events the Premises intends to operate that arguably have different minimum requirements on their associated EMP. This may or may not include 'non-event day' outside activities the Premises may operate or permit; and
    - 6.3.3. A more detailed operating schedule in relation to events of 5,000 - 7,000 capacity (Schedule 2 events).
7. Taking such steps will facilitate the promotion of the four licensing objectives more appropriately than the current Application.

#### **Advertising the Application (blue notice and statutory advert)**

8. Advertising requirements for an application for a new premises licence are confirmed by Regulation 25 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 ("the Regulations").
9. The consultation period for the Application started on 31 July 2024 and concludes at midnight on 27 August 2024. During the consultation period a blue notice must be displayed at every 50m around the perimeter of the site. The blue notice must be displayed:

*"...in all cases, prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises and in the case of a premises covering an area of*

*more than 50 metres square, a further notice in the same form and subject to the same requirements every fifty metres along the external perimeter of the premises abutting any highway."*

10. The Application must also be published with the local press within ten working days of the Application being validated, that is by 14 August 2024.
11. The appropriate advertising of the Application is clearly important in this particular case. The premises licence being sought is highly significant and stands to have a large impact on the residents within the premises' environs under all four licensing objectives. This is clear when you consider the range of its licensable activities, the hours sought and the expected capacity of the persons and the conditioning (or lack thereof) within the proposed operating schedule. As a result, it is imperative that the residents are made aware of the Application and are afforded sufficient opportunity to consider how the premises licence - if granted as applied for - will impact them under the four licensing objectives.
12. Our client lives next to the Premises and frequently travels and walks along the roads around the Premises. My client first became aware of the Application on 22 August 2024 when their attention was drawn to a blue notice on the perimeter of the premises along York Drive. Prior to this date no such notice had been advertised at that place, or if it was there, it did not meet the requirement that it is clearly visible. The position and angle to the road in which it has been posted means that it is not clearly visible from York Drive, and it is not visible as you approach the gate. We understand there is a blue notice at the entrance / exit of the Premises, which we understand is not in accordance with the statutory requirement to place a blue notice every 50 m along the perimeter.
13. As a result, we are also concerned that the appropriate statutory advert has not been lodged within the appropriate timescale.
14. Based on the above, and without further evidence, it is our view that the Application has not been appropriately advertised in accordance with statutory requirements and that this has been materially detrimental to not only my client but also other residents for the reasons set out (below) within this representation.
15. We therefore invite the Licensing Authority to address this matter with the Applicant, and to provide us with the following:
  - 15.1. Evidence that the Application has been appropriately advertised by way of a blue notice being advertised at every 50m of the perimeter from 31 July 2024 - to 27 August 2024;
  - 15.2. A copy of the dated statutory advert.
16. In the event that the Application has not been advertised in accordance with Regulation 25, then the consultation period must recommence.

## **OBJECTION: FAILURE TO UPHOLD THE LICENSING OBJECTIVES**

### **The Application**

17. The purpose of the Application is to replace an existing Club Premises Certificate ("CPC") with a premises licence. The Application confirms that the licensable activities and hours sought reflect those on the existing CPC but that there are more conditions proposed with the new Application.

18. The Application form confirms that:

18.1. "...[the] Sports club consisting of cricket pitch, hockey pitch and four squash courts. Also has a pavilion building which contains two bars (main and link), changing rooms, kitchen, office and multi-function room. The pavilion is situational approximately 150m from the sites main entrance on South Downs Road. Licence required for complete site (see map)."

19. The Application is as follows:

#### Monday to Saturday

Opening: 07:00 - 01:30

Alcohol (on sales only): 10:00 - 01:00

Recorded music (in / out): 09:00 - 01:00

Live music (in / out): 12:00 - 01:00

Dance (in / out): 18:00 - 01:00

Films (in / out): 10:00 - 00:00

Plays (in / out): 10:00 - 00:00

Indoor sporting event: 08:00 - 00:30

#### Sunday

Opening: 07:00 - 23:30

Alcohol (on sales only): 10:00 - 23:00

Recorded music (in / out): 09:00 - 23:00

Live music (in / out): 12:00 - 23:00

Dance (in / out): 18:00 - 23:00

Films (in / out): 10:00 - 23:00

Plays (in / out): 10:00 - 23:00

Indoor sporting event: 08:00 23:30

20. The Application also stipulates that marquees may be used for "...use by sponsors / use for bar and BBQ facilities / use for major social events / use to cover the terrace".

21. The Application is accompanied by an Operating Schedule and a plan (although a copy of the plan was not provided by the Council when approached for a copy of the Application). As a result, it is not clear which areas are licensed for 'on sales' of alcohol but we anticipate it is the whole demise.

22. The overall capacity limit for the site is 7,000.

23. The Operating Schedule consists of two sections:

23.1. Section 1: Licensable outdoor events with a capacity of no more than 4,999 persons; and

23.2. Section 2: Licensable outdoor events with a capacity of 5,000 or more persons

24. The structure of the Operating Schedule suggests:

24.1. The conditions in Section 2 pertain only to outdoor licensable events of 5,000 or more capacity (those being conditions 2.1 - 2.75)

24.2. Outdoor licensable events of 4,999 people or fewer are subject to only three conditions (conditions 1.1 - 1.3)

**DAY TO DAY use of the licensed premises (indoors and outdoors)**

25. The Application's operating schedule pertains only to 'licensable *outdoor* events', which are subject to EMPs and various types of notice of events being given to the Licensing and Responsible Authorities.

26. We would welcome clarification as to how the Premises proposes to operate during the year in relation to the different activities it is planning to operate and host.

27. If every type of outdoors use of the Premises is to be considered an event of some kind, then the implication is that each type of activity by the Premises that engages the **outside** areas will be subject to an EMP, most likely under the Section 1 event provisions.

28. However, it is not clear whether and how the premises intends to operate when it is not putting on - what you would typically understand to be - outdoor licensable events (the latter being e.g. sports matches, music events in the grounds).

29. For example, the operating schedule does not address 'indoor' only operations (whether they are day to day 'non-event' type activities or amount to what we may understand to be an event e.g. wedding). The Premises has several **indoor** bars. It may be the case that the Premises wishes to open just these bars as a matter of routine during the week (without any other kind of activity or 'outdoor event' taking place at the Premises, or, just opening the bar after training sessions) and operate a standard 'bar'.

30. The premises may also be open to the public outside for other reasons during the day. These types of operations are arguably a 'non-event' type of operations and do not lend itself easily to the EMP format and notification requirements under the existing proposed operating schedule.

31. Both day-to-day indoor operations and other 'non-event' operations are the type of operation that would typically be managed by a general operating schedule found on a premises licence, with conditions addressing each of the four licensing objectives, and supported by further subsequent provisions being made for 'events' (and their different types/ EMPs). For example, it is not clear whether and how the various areas of the Premises (of which there are several) will be managed on such days and whether any special considerations / requirements will apply to certain areas. The present implication is that such usage would be subject to an annual EMP and the usual notification requirements. Is this the intention?

32. For example, while the bar(s) may be open, will drinking vessels be permitted to be taken outside of the bar area into the wider environs of the Premises. If so, then how will the Premises ensure patrons will not remove open vessels of drinks from the Premises to drink on the streets near residential properties (which has been witnessed on many occasions by residents, with particular reference to younger persons).

33. The Operating Schedule is completely silent in relation to this part of the Premises operation, which may in fact turn out to be the most common part. Therefore, the Application needs to address / explain this, and the Operating Schedule needs to set out a comprehensive set of conditions under each of the following headings.

*33.1. General (all four licensing objectives):*

- For example, including but not limited to the training of staff in the licensing objectives and the premises licence.

*33.2. Prevention of Crime and Disorder*

For example, including but not limited to

- CCTV requirements including type, specification, retention and access by staff
- SIA requirements, log of SIA staff, and communications between staff
- Any requirements for body cams
- Terrorism training
- Refusals log / incident log
- Not serving persons who are drunk (training and signage)
- No alcohol to be removed for the building / site / certain parts of the premises at certain times (depending on when certain parts of the premises are open etc).

*33.3. Public Safety*

For example, including but not limited to:

- Safety checks
- Liaising with fire service in relation to requirements
- Maintaining public liability insurance
- First aid equipment and staff training
- Incident logbook
- Any capacity numbers

*33.4. Prevention of Public Nuisance (especially, but not limited to, noise management and traffic management)*

For example, but not limited to:

- Noise from amplified music or voices not causing a nuisance to occupants of nearby premises
- No noise/ vibration to emanate from premises / transmit through premises to cause nuisance
- Notices requesting patrons to leave quietly
- External doors / windows kept closed after e.g. 10pm
- Smoking / dispersal policies
- Deliveries to premises - any times / access restrictions
- Requirement for noise limiter



- Waste storage / disposal
- Contact number for duty manager at entrance to premises with phone staffed at all times when open for licensable activities.

### 33.5. *Protection of Children from Harm*

For example, including but not limited to:

- Challenge 25
  - Offences of e.g. under age sales / proxy sales
  - Notices regarding such sales and not being able to serve persons who are drunk
  - Training in relation to Challenge 25, and offences in relation to sales to children / drunk persons.
  - You will appreciate it is not possible to comment fully on the Premises' operation on non-event days without further information.
34. We reserve the right to elaborate further and propose further conditions (or types of conditions) once more details are known about how the Premises proposed to operate indoor events, including any 'non-event days' and comment upon any proposals lodged by the Applicant in response to this part of the representation.

### **SECTION 1: Licensable outdoor events with a capacity of no more than 4,999 persons ("Section 1 events")**

35. This section requires the Applicant to:

35.1. Provide a minimum of 2 months' notice of the date of any proposed event with a brief description of the licensable activities proposed; and

35.2. Produce and retain an EMP and supply a copy of it to the Licensing Authority on request.

36. It is our view that such conditioning is inadequate for the reasons set out below.

37. It fails to define what an event is and that events will capture what may otherwise be considered usual activity for the sports Premises (as opposed to an 'event' being a departure from such normal activities). For example, it should be clear that this is to include match days. An event may also include days when training is taking place depending on what that might look like. The Application should also indicate the variety of the types of events it intends hosting.

**38. It fails to set out the minimum requirements for each type of EMP, as a general minimum standard (in comparison to Section 2 for events of 5,000 or more capacity).**

39. We appreciate a range of events may fall into this category. However, this is not a reason to not consider the further requirements of an EMP on the face of the premises licence. In fact, there is even greater reason to do so given the range of events of that would be captured by Section 1 (for example, a private wedding reception of 300 people, a sporting match attracting several thousand capacity, versus any other kind of public event of 4,999 persons).



40. Presently, the lack of conditioning means an outside event of 4,999 persons can proceed effectively 'unchecked' by minimum requirements stipulated on the face of the premises licence (in comparison to an event of 5,000 persons, which would be caught by the provisions of Section 2).
41. Therefore, it would be appropriate for the Operating Schedule to reflect the type of content set out in Section 2. For example, there should be a minimum EMP requirement set out, yet this appears to be absent for Section 1 events. Further consideration of the EMP requirements for different events may lead to the conclusion that either further conditioning requires the EMP to reflect the contents of a risk assessment specific to the nature of the event being put on, or it may result in the recognition that different events require different baseline EMP provisions on the surface of the premises licence. It is not clear that such thought has been given to this type of detail. We reserve the right to comment further upon what else should be included in Section 1 in relation to minimum premises licence conditioning requirements for such events. This would include, but is not limited to in particular:
  - 41.1. Noise management
  - 41.2. Traffic Management
  - 41.3. Liaising with residents and the authorities
  - 41.4. Managing patrons / crowd management
  - 41.5. Alcohol management and drugs policy
- 42. It permits an unlimited number of events of 4,999 capacity (or fewer to proceed).**
43. The difference between an event of 4,999 capacity and 5,000 is negligible but the latter are currently restricted to x2 events per annum in the Application.
44. However, the current provision would permit - in theory - an event of 4,999 capacity to take place every month, or week (even every day - unlikely, but it makes the point). The frequency and noise alone would incur an unreasonable amount of nuisance to the residents as well as other types of concerns under the four licensing objectives. Greater consideration needs to be given by the Applicant to this existing and broad category of events.
45. Therefore, it would be entirely appropriate for the Premises to confirm within the premises licence a limit to the **number of events** it proposes to put on each calendar year in relation to different capacity categories, for example, events up to 300 or 500 persons; events of up to 1,000 people (and going up per 1000 thereafter).
46. Capacity would also have to factor into any associated EMP and it may even be appropriate for EMPs to be developed for different capacity events, least of all because different requirements would pertain to an event of 500 persons compared to 4,999 persons.
47. We reserve the right to comment in more detail as to what those capacities should look like and the number of events per year (per capacity category) in order to uphold the licensing objectives.
- 48. It fails to require the EMP to be delivered to the Licensing Authority for their consideration. It also fails to consider by when amendments to the EMP should be made prior to the proposed event.**
49. This type of condition may clearly be more appropriate for the large capacity events, however, we reserve the right to elaborate further upon this point.

50. There is no requirement for a post-event debrief, when it should happen, who should attend and how the outcome will be managed and fed into the next similar event.

**SECTION 2: Licensable outdoor events with a capacity of 5,000 persons or more (“Section 2 events”)**

51. This section stipulates the following (amongst other provisions)

51.1. A minimum of 3 months’ notice of the event to the Licensing Authority (para 2.1)

51.2. The EMP and its subordinate plans are to be provided to the Licensing Authority at least 6 weeks before an event (para 2.10) with the final EMP to be provided the Licensing Authority 7 days before the event (para 2.10.1). The Operating Schedule then sets out the minimum requirements for each subordinate plan as may be permitted under the licensing regime.

51.3. However, the Traffic Management Plan and associated risk assessment has to be delivered at least 21 days before the event to the Licensing Authority in consultation with the police and other responsible authorities to minimise unreasonable disturbance to residents (para 2.64).

51.4. No more than x2 events of more than 5,000 capacity per year, unless more are agreed with the Licensing Authority (para 2.7).

51.5. Residents shall be contacted 14 days before an event where live / recorded music will be employed within a temporary building / marquee (save for annual Bowdon Fireworks) and be given pre event information in relation to sound checks as well as a key point of contact hotline number manned at all times during the event (para 2.62). Any complaints received via the hotline will be logged and necessary and practicable remedial measures will be put in place to address the issue (para 2.63).

51.6. It is our view that the provisions across Section 2 of the Operating Schedule do not provide sufficient scrutiny, protection or resident involvement.

52. We reserve the right to comment further in relation to this particular area of concern.

*(i) Number of Section 2 events*

53. The Application contains provision for the Licensing Authority to unilaterally grant further Section 2 events (that exceed 5,000 capacity) (para 2.7).

54. This prevents full and appropriate consultation with the residents, including my client, despite the impact such actions would have.

55. Given the broad permissions sought by the Application (which includes the potential for an unlimited number of events of 4,999 capacity), the premises licence should stipulate that:

55.1. Only 2 events of 5,00 - 7,000 capacity can take place per calendar year.

55.2. If the Premises wishes to increase this number, then it can apply to vary the premises licence to reflect the proposed condition at current para 2.7.

This is a reasonable and proportionate approach to adopt as it will allow the premises to see how the Section 1 events develop and operate (bearing in mind they permit a capacity of up to 4,999). This - and the x2 Section 2 events - will provide important context in which to consider whether it would be appropriate to loosen the restriction on the number of Section 2 events per annum.

55.3. There must be a maximum number of days over which the two events can take place.

Currently, there is no such limit and would permit a music festival of up to 7,000 capacity to take place over an unlimited number of days. We understand the purpose of the Section 2 events is to reflect the Bowdon Firework Display (which operates over one day) and Bowdonbury (which operates over two days). Therefore, it would be reasonable and proportionate to limit the maximum number of days permitted for Section 2 events to two days.

56. We reserve the right to comment further in relation to this particular area of concern.

*(ii) Consultation with residents*

57. Our client is concerned that the Application process and the Application itself seeks to minimise the involvement of residents.

58. Given the impact the premises licence will have on the residents, the Application contains insufficient provision for their consultation prior to and after the Section 2 events (save for 14 days 'notice').

59. It would be entirely appropriate for the following to be reflected in the Application:

59.1. The Applicant to contact residents on York Drive and other streets surrounding the premises 3 months prior to the event (at the same time the Licensing Authority is contacted) to arrange a meeting within a month to discuss their concerns regarding the event, with a view to being reflected in the EMP and its various associated separate plans prior to their first delivery to the Licensing Authority and other relevant responsibility authorities.

59.2. A further meeting should be arranged prior to the EMP and its subordinate plans being lodged with the Licensing Authority and other responsible authorities.

59.3. A meeting with residents should be arranged following each event as part of a debrief, to discuss any concerns and issues that arose during the event so that they can be taken into consideration and addressed in the future. The Applicant will then feedback these concerns to the Licensing Authority and relevant responsible authorities so that they are aware of the concerns and they may be taken into account when contemplating the next EMP.

59.4. There will be a dedicated complaints system to include an oral telephone hotline and a written 'online' form of communication. The complaints system shall be staffed throughout the duration of the event. All complaints shall be logged. This is to include the name of the contact, telephone number and / or email address, their location (if disclosed), a description of the

issue, and subsequent investigation and intervention steps taken. The log is to include also unidentified or anonymous contacts. The log will be available for inspection by the Local Authority during the event and a final copy will be provided to them within seven calendar days starting on the day after the event has concluded.

60. Paragraph 2.63 should also be amended to confirm that appropriate necessary and practicable remedial measures put in place immediately or as soon as practicable, if the remedy isn't or cannot be actioned immediately, then the Applicant is to record reasons for this (so that this can be used to inform the next EMP).
61. We reserve the right to comment further in relation to this particular area of concern.

***(iii) Noise management***

62. As a basic and obvious point, given the residential nature of the Premises' surroundings, it must be seriously questioned whether this is the appropriate site for the type of Application lodged and the permissions is seeks to develop the business of the Premises.
63. We would also welcome the Premises' views as to whether it may proceed with the Application given the nature of various restrictive covenants it entered into upon purchasing the site in relation to permitted usage (either accommodation or a Sports Club, in summary - as opposed to an event space) and not to cause a nuisance (or a depreciation in value of their properties).
64. We note the conditions in relation to noise management at paragraphs 2.53 - 2.63. These include (amongst others):
  - 64.1. Various limits on the hours of external regulated entertainment (para 2.57 - 2.60):
    - Outdoor film limited to 10:00 - 23:00 on any given day
    - Outdoor dance limited to 18:00 - 22:00 on any given day
    - Live / recorded music only in temporary building / marquee 10:00 - 22:00 on any given day except for four days of the year. On a maximum of four days of the year, live music until 22:30 and recorded music until 00:30
  - 62.2 All regulated entertainment to be conducted under the provision of a noise management plan ("NMP") (para 2.61)
  - 62.3 No noise nuisance at nearest noise sensitive properties, with a list of the nearest noise sensitive properties to be established but to include [*tbc - residential premises addresses*] (para 2.5)
  - 62.4 Notices at exits requiring customers to leave quietly (para 2.55)
65. Given the capacity of the events, the premises licence needs to include stricter minimum requirements in relation to noise management to ensure they are included within the NMP and that residents are not subject to public nuisance.

66. For example, the following are not clear from Application documents provided:

- 66.1. When, how, by whom and according to what criteria noise assessments and limits will be set for such events (inside and outside).
- 66.2. Where the various temporary structures and marquees will be placed within the grounds and how nearby residential accommodation will be taken into account in determining the location and how to manage sound within such structures with obvious noise insulation challenges (including where to position speakers; how sound levels will be set etc).
67. It is our view that the following provisions should be included within the operating schedule (and with provision to be included in the NMP):
- 67.1. The Noise Management Plan should be subject to a similar condition as para 2.64 (Traffic Management Plan / 21 days delivery to Licensing Authority and other responsible authorities).
- 67.2. Speakers in the external area (including any temporary buildings / marquees) to be directed away from residential premises on York Drive.
- 67.3. The event will comply fully with the relevant Noise Council Codes of Practice in relation to sound management.
- 67.4. The Applicant shall appoint a suitably qualified and experienced acoustic consultant in relation to any event, who shall be commissioned to oversee all sound management controls for the event. The consultant shall advise on acoustic arrangements and sound levels prior to any event and shall be present and contactable by the Council's Environmental Health Department throughout the event.
- 67.5. The Applicant shall ensure all relevant staff including the any promoters, sound system supplier and all sound engineers are informed to the sound control limits and that any instructions from the noise consultant regarding noise levels shall be implemented.
- 67.6. All regulated entertainment will be played through a noise limiting device to be set in accordance with the NMP and acoustic consultant (and, if appropriate, the Environmental Health Department).
- 67.7. Sounds propagation tests shall be undertaken prior to the start of the event in order to set appropriate control lists at any appropriate position e.g. sound mixer position. The sound system shall be configured and operated in a similar manner as intended for the event. The sound sources for test shall be representative of the music or types of sound (for example, when playing films) likely to be produced during the event.
- 67.8. What the proposals are for monitoring sound during the event and how will the sound levels be controlled / amended during the event if required; the NMP should also contain details of the noise sensitive receptors and monitoring positions.

- 67.9. A detailed site layout plan detailing e.g. tent / stage locations, speaker orientations, sound monitoring equipment etc.
- 67.10. The Applicant will monitor the event for rogue sound systems, including the periphery of the area, car parks and the immediate vicinity of the Premises.
- 67.11. The debrief of the event will include liaising with residents in relation to noise and ensuring that subsequent sound tests will take into account sites from where complaints about nuisance have been received.
68. We would also expect to see some recognition of the need to monitor and manage noise from people, particularly leaving the event. For example:
- 68.1. The Applicant shall also monitor the external perimeter of the premises to ensure those leaving the event, within its vicinity, are not causing a noise nuisance to residents.
69. We reserve the right to comment further in relation to noise management (in relation to people and regulated entertainment) following this representation.

*(iv) Traffic Management*

70. However, and of far greater significance, are our client's concerns regarding the Premises' current and future use and reliance upon the rear gate on the site that opens onto York Drive in order to accommodate the extra services and activities it currently offers and intends to offer in the future.
71. These concerns pertain in relation to any kind of operation or event that the Premises proposes to host.
72. The Applicant has been previously contacted by residents regarding concerns about public safety and the use of the site's rear gate. Correspondence to the Premises dated 7 March 2024 set out these concerns on behalf of the various residents (**attached**). The Applicant only replied on 15 August 2024 once the current Application was lodged (**attached**).
73. The entrance / exit to the Premises is on South Downs Road (it is not York Drive). The rear gate on York Drive was (and is) supposed to be used rarely by the Premises. South Downs is a public road (maintained by the Council) and the use of South Downs Road was determined (via the planning process with the various departments at Trafford Council) as the most appropriate place through which the Premises' traffic should arrive and leave.
74. In contrast, York Drive is a private road and maintained by the residents of York Drive and Theobald Road. The maintenance of York Drive by the residents is not easy to arrange and comes at vast private personal expense to them. There are no streetlights, no pavement or speed control measures on York Drive. However, pedestrian use of York Drive is significant at all hours, particularly when the Premises is being used for activities and during school times.
75. Whilst it is accessible by public pedestrians, the use of York Drive by vehicular traffic from the Premises has historically been minimal. The Premises very rarely used the rear gate, and this was

reflected in a small financial contribution it made to the Drive's upkeep in 2014 when it was resurfaced. At no point have the residents agreed to any ongoing or enhancement of the Premises' use of the York Drive gate - this is for good reasons that go beyond concerns associated with simple private ownership.

76. However, the Premises has significantly changed the way it operates and has opened its parking facilities to the wider public and an increased number of users. As part of the Premises' revised operation:
  - 76.1. The Premises permits Hale United Football Club to use its facilities on Tuesday and Wednesday evenings, as well as Saturday and Sunday mornings. There are often several matches taking place on Saturday mornings (and those using the Premises are not members), which entails a significant volume of traffic including players, and parents dropping off and picking up children.
  - 76.2. The parents of children at Bowdon Church School are permitted to park at the Premises whilst dropping off and pick up children from school. The Premises has permitted this in response to the school's expansion. Previously, the gate was shut during the week.
  - 76.3. The Premises more recently permits parking for Altrincham Grammar School during some evenings.
  - 76.4. After complaints, the Premises has placed cones on York Drive on a Saturday morning and there is often a security man there. This has occasionally happened in the evening (possible because the Premises now allows parking for local Grammar school). This confirms York Drive should not be used by the Premises' patrons for driving or parking in the way currently exercised.
77. As a result, there is a significant increase in the volume of traffic down York Drive. My client also understands from more recent correspondence from the Premises that this volume will increase even further as the Premises intends to increase the above types of activities and accessibility. It is doing so without consultation with the residents of York Drive and Theobald Road.
78. In order to accommodate its increased accessibility, the Premises opens the rear gate routinely. In so doing, it now operates a one-way system to manage the flow of the significant volume of vehicles it now allows onto site. The Premises uses the South Downs Road as the entrance and the York Drive gate as the exit. However, when the gate is left open for school parents' parking, cars enter and leave the site simultaneously through that gate. Cars are also parked on York Drive.
79. You will see from the correspondence that my client is particularly concerned about the confluence of traffic using the rear gate and pedestrians. York Drive has blind spots at the Premises' rear gate and where pedestrians emerge from behind the fence into the entrance of York Drive. The rear gate is a blind spot for vehicle users and pedestrians. The public footpath by the side of the Premises empties directly in front of the rear gate, which is also where residents driving out of Theobald Road also merge. Where cars exit York Drive, there is also a danger spot on the left with children and other pedestrians merging from behind the fence into the entrance of York Drive. Such concerns apply throughout the week and across the different types of Premises users. For example, on school days, parents park in the car park and then children (with or without parents) walk to and from the school.
80. The Premises is also planning on expanding its activities such that it will result in increased damage to York Drive due to the volume of traffic it is directing down the road. The traffic sent down York



Drive at the Premises' encouragement far exceeds the residents' usage of the road. The road is not designed or maintained for the volume produced by the Premises (either now or in the future). Due to the Premises' already increased activities, the surface of the road has deteriorated significantly. Previously the enhanced traffic caused potholes (one of which has resulted in harm to a pedestrian user) as well as resulting in damage to at least two drains. The road was subsequently resurfaced at private cost.

81. Whilst our client appreciates the Premises wishes to support the wider community and other sports facilities, it must do this without involving York Drive in the way it currently does.
82. The Premises needs a proper solution to its parking and traffic issues and must not simply pass them on to its neighbours. It must work with the Council to identify what that solution is. However, it should not and must not involve York Drive. The reliance on the York Drive gate is not only inappropriate (given the legal status of the road) but it also causes significant public safety and public nuisance concerns that will only worsen in the event the Application is granted. The volume of traffic despatched from the rear site far not only far exceeds the volume of traffic the private road supports but it is also fostering circumstances that greatly increase an already existing nuisance to the residents as well as the risk of harm to pedestrians and road users due to the various blind spots on York Drive and the Premises' rear gate.
83. You will see from correspondence **attached** accompanying this representation that the concerns in this objection are not held solely by my client but by other residents also.

*Conditions*

84. The Application's proposed conditions in relation to traffic management do not take into account the residents' concerns regarding the use of the York Drive gate (including the risks of nuisance and public safety issues) or the potential dispute as to how the Premises may use the gate.
85. In all cases the following conditions must appear on the face of the premises licence and be stipulated within any EMP / its Traffic Management Plan:
  - 85.1. The premises licence must also provide for the appropriate and timely consultation with the Highways Authority (as well as the residents) in relation to the various events it wishes to host. This is to ensure the appropriate traffic management measures are in place that do not encroach upon York Drive.
  - 85.2. In the event that the York Drive gate may be used for traffic, it will be in relation to exiting traffic only. All arriving traffic to enter the site by the existing main entrance on South Downs Road.
  - 85.3. The use of the York Drive gate by persons leaving on foot to be subject to a written risk assessment for all types of events and 'non-event' days, and to be used only as a last resort to ensure pedestrian safety. Risk assessment to be produced to the Licensing Authority as soon as practicable upon request. The risk assessment to be kept for a minimum of 1 year.
  - 85.4. Save for day-to-day 'non-event' operating, a debrief to take place after each Section 1 and Section 2 events, and indoor events, involving feedback from the residents, with key information to be provided to the Licensing Authority and Highways Authority. Any EMP and risk assessment to be amended in the light of the debrief.

86. Until such time the Premises can confirm how it is entitled to use the York Drive gate beyond its original occasional and rare use, then it is the view of my client and the residents that the following conditions must appear on the face of the premises licence and be stipulated within any EMP/ its Traffic Management Plan:
- 86.1. To ensure the original minimal level of use of York Drive by the Premises and its patrons, the York Drive gate is not to be used at all by the Premises' traffic on day-to-day 'non-event' days without prior agreement with the residents of York Drive and Theobald Road in order to confirm and clarify the nature and level of its use.
- 86.2. Thereafter:
- 86.2.1. The York Drive gate may be used by the Premises only in case of emergencies.
- 86.2.2. The York Drive gate must not to be used at all by the Premises' traffic on Section 1 or Section 2 event days, or when any other kind of event e.g. indoor only events, are taking place at the Premises. Premises to liaise with residents on York Drive to ascertain their (the residents') other further and reasonable steps to be taken by the Premises in relation to traffic / parking restrictions on York Drive during such events.
87. All of the above proposed conditions must appear both on the face of any premises licence granted and within any EMP / its Traffic Management Plan, lodged in accordance with the Premises Licence.
88. By the time of the hearing of this Application, if the Premises is able to demonstrate it is lawfully permitted to use York Drive for all purposes associated with the Premises' activities (which our client and other residents do not accept that it will be able to do), it would be fair and proportionate for the premises licence to contain the following conditions (to appear on the premises licence and to feature in any EMP/ its Traffic Management Plan):
- 88.1. Subject to consultation with and the approval of the Highways and Planning Teams (implementing any suggestions and requirements provided by those authorities regarding volume and management), on non-event days (when the premises is operating on a day-to-day basis), the York Drive gate may be used by exiting traffic only.
- 88.2. York Drive gate not to be used at all by traffic on Section 2 event days.
- 88.3. York Drive gate not to be used at all on Section 1 events, or any indoor only events, by traffic where the capacity of the event is over 300.
- 88.4. On any Section 1 and Section 2, and indoor only, event days when York Drive gate is not permitted to be used (as per with 88.2. and 88.3. above), the Traffic Management Plan is to ensure York Drive is blocked off to prevent visitors to the Premises from parking on the road (for example, via cones / signage and appropriately trained traffic marshals who are in place at a reasonable time prior to the event).
- 88.5. For events where the capacity of Section 1 and indoor only events is under 300, the use of the York Drive gate will be by exiting traffic only and only once it has been subject to consultation with and the approval of the Highways and Planning Teams (implementing any suggestions and requirements provided by those authorities). The need to close off York Drive and how to achieve and manage this to be subject to a risk assessment and consultation with

the Highways / Planning / Licensing teams. The instructions of such authorities to be followed.

88.6. In the event that the York Drive gate is to be used, then the Traffic Management Plan will give specific and detailed consideration to the volume, as well as the management of the timing, flow and direction of vehicles out of the York Drive gate.

89. We reserve the right to comment further in relation to this particular area of concern and suggest further traffic management measures in relation to York Drive.

(v) *Crowd Management, Stewarding and Security Plan*

90. My client is concerned that the event days currently held at the premises are not stewarded by appropriately trained staff or that sufficient consideration has been given to their basic requirements such as to be included on the premises licence (to ensure they are on the EMP or any other risk assessment). For example:

90.1. The premises licence needs to confirm the type of training the stewards are given and when the training was last received.

90.2. In addition, how the appropriate number of stewards required is calculated and for how long they will remain in post during an event.

90.3. Also, there is a clear need forward stewards to be positioned at York Drive in particular prior to the event and at the rear gate to manage patrons accordingly.

90.4. The stewards' duties are not sufficiently defined. Their duties should also include as a minimum ensuring patrons do not remove alcohol from the premises and continue to move down York Drive if they are exiting that way.

91. We reserve the right to comment further in relation to this particular area of concern.

(vi) Details for reception, collection and disposal of litter and other waste

92. The increased number of events is going to increase the need to monitor litter around the external perimeter of the site.

93. The proposed conditions do not contain the basic minimum requirements, such as:

93.1. The premises and its exterior will be cleared of litter at regular intervals throughout any event, and promptly following any event.

93.2. A plan showing the litter pick route should be appended to the premises licence and include York Drive and other surrounding roads along which patrons will walk to / from the premises.

94. We reserve the right to comment further in relation to this particular area of concern.

(vii) *Alcohol Management Plan and Drugs Policy*

95. Residents are frequently subject to patrons smoking marijuana and drinking near their homes.

96. It is not clear how the Premises intends to stop persons from taking drinks from the site.
97. The Operating Schedule states that staff shall be 'encouraged' to use the Challenge 25 policy. Staff must use this policy.
98. There is an absence of a training requirements in relation to Challenge 25 (or indeed any training the licensing objectives and the Premises licence at all). This must be included with the requirement that training is updated every six months for permanent members of staff and training records produced to the authorities as soon as practicable upon request.
99. A refusals book (detailing the date, time, reason for refusal and who made the refusal) should also be maintained (for a period of one year) and produced to the authorities as soon as practicable upon request.
100. Signage should also be included in relation to the illegality of underage and proxy sales. Such conditions are standard but lacking in this Application.
101. We reserve the right to comment further in relation to this particular area of concern.

*(viii) Other comments*

102. The Application is silent in relation to other key aspect of upholding the licensing objectives in relation to Section 2 events.
103. Particularly in relation to crime and disorder (for example, there is no minimum provision for SIA staff; there is no minimum provision in relation to CCTV use, set up and retention inside or outside the premises for any kind of event or non-event day).
104. There is a lack of a requirement for the Application to hold public liability insurance
105. All Section 2 and public Section 1 events must be ticketed events only.
106. There is no provision that considers a debrief for certain Section 1 events (however, there appears to be no provision in relation to Section 1 events at all).
107. There is no provision for debrief following the Section 2 events. There should be, and one that includes the residents, the responsible authorities and where appropriate those providing / supporting the event.

**CONCLUSION**

108. We appreciate that this objection is already somewhat detailed and that, given the issues with advertising the Application, our client will provide further information in due course where required.
109. We should stress that our client does support Bowdon CHS Club. However, they are clearly disappointed by the lack of engagement with the residents prior to the Application being lodged and the need to stipulate residential consultation further within the Application.
110. Our client is particularly concerned by the lack of consideration given by the Applicant to the future use of the York Drive gate (which no doubt features heavily in its plans). The Premises' current

usage of the York Drive gate has increased exponentially from its original very low level of use. The Premises' legal authority to exercise such an increase has not been confirmed by the Premises or discussed with the residents (who maintain there is no such authority), despite York Drive being a private road (maintained by the residents) and the obvious impact the Premises' activities has on public safety and nuisance. Such concerns and the associated risks will be exacerbated if the Application is granted.

111. We are aware that the Applicant has arranged a residents meeting at 6pm on 27 August 2024. My client is proposing to attend and is grateful for the opportunity to discuss the Application with the Applicant and other residents. However, it is felt that had the meeting been arranged sooner perhaps some of the issues within this objection could have been addressed in a more timely manner.

112. If granted in its present format, the Application will undermine the four licensing objectives but particularly the prevention of public nuisance and public safety. This is due to the potential number / frequency of events permitted, the lateness of hours they could operate until and concerns regarding the current management of the Premises. Management concerns include the current management's inability to operate non-sporting events adequately and the failure to consider in sufficient detail the different types of events (Section 1 / Section 2 outdoor licensable events, and indoor events) as well as the day-to-day standard operation of the Premises within the Application (including indoor and outdoor operations). However, our client's management concerns particularly pertain to the inappropriate and unauthorised use of the York Drive site.

113. It is our view that the Premises' site is not the appropriate location for the breadth of events it aspires to host, particularly if it intends to rely on using the York Drive access as a means of managing traffic to and from the site. Whatever the solution is to the challenges the site faces in relation to managing the traffic from its events, it must be developed with the appropriate involvement of the Highways and Planning teams at the Council, and it must not involve unfettered access to / from York Drive.

114. It is our view that the Application should be withdrawn and relodged following the appropriate consultation with the residents and with the appropriate detail within the Application to confirm the minimal use of the York Drive gate, and to sufficiently address the variety of the types of events envisaged as well as the day-to-day standard operation of the premises.

**KUIT STEINART LEVY LLP**

**FOR AND ON BEHALF OF  
MRS JEAN DAVIES OGLESBY AND MR CHRIS OGLESBY**

**27 AUGUST 2024**

To: The Chair of Bowdon Club, Mike Egerton, regarding traffic increase in York Drive

From: The Residents of York Drive

7 March 2024

Dear Mike,

As you know we, the residents of York Drive, are supportive of Bowdon Club, its various activities, and its role in the community. Moreover, we want the Club to be sustainable and the good relations between the Club and the local residents to continue.

That said we feel obliged to write to you to express our serious concern about the increase in traffic and parking along York Drive as a result of your decision to open the rear gate of the Club all weekend, on Tuesday and Wednesday evenings, and also recently to allow school parking during weekdays.

York Drive is a private road owned and maintained by the residents of York Drive and Theobald Road. There are no streetlights, no pavements and no speed control measures. The public footpath by the side of the Club empties directly in front of rear gate of the Club, and residents driving out from Theobald also merge at this blind spot. When cars exit York Drive, there is also a danger spot on the left with children emerging from behind the fence into the entrance of York Drive. York Drive is heavily used by pedestrians at all hours, but especially children going to and from Bowdon Church School and to the Club.

By opening the gate and encouraging exit down York Drive, you are significantly increasing the volume of traffic and its associated dangers in York Drive. At the weekends, more than one hundred cars exit the Club down York Drive each day and on Tuesday and Wednesday evenings more than sixty each evening, often in a very short space of time. This is far more than the traffic of all the residents of Theobald and York Drive combined. When the gate is left open for school parking, there are cars entering and exiting simultaneously, cars parked on the road, significant traffic in the road and young children mingling with the cars trying to go back and forth. We are very concerned about the safety implications of these situations.

Bowdon Club has its entrance and exit on South Downs Road, not York Drive. The South Down's Road entrance and exit is controlled by Trafford Council who through the planning process ensure the appropriate road safety features and rules are in place. Wear and tear on the road is paid for by the Council. Until your recent decisions, the Club's rear gate onto York Drive was seldom used. Indeed, in 2014 when the residents funded the resurfacing of the road, Bowdon Club made only a small contribution on precisely the basis of this rare usage.

We do understand that the Club has an issue with its own traffic, especially since your agreement with the football club to allow them to use your grounds. We also do understand that Bowdon School has a serious issue with traffic since its expansion and that both of you have had disappointing support from the Council. But the solution to these problems cannot be to export the traffic and its dangers to York Drive. We know there are pressures on the

**From:** Development Development@bowdonclub.com  
**Subject:** York Drive  
**Date:** 15 August 2024 at 09:33  
**To:** [REDACTED]  
**Cc:** [REDACTED]

Dear Chris

It's taken some time to get to the bottom of the reasons for the problem you recorded in your video, hence the late reply.

We could have avoided this much of this congestion had we planned the two school events that took place on our hockey pitch in a better fashion. We underestimated the amount of traffic and did not allow enough time between the start and finish of the events. We have put into practice measures to prevent this from happening in the future. Clearly, we created the scale of this problem, for which we apologise.

As far as we can see, the cars exiting our property down York Drive caused disruption but did not cause a significant safety issue. We believe that the traffic leaving our property did so at slow pace and that the scale of the congestion lasted for 10-15 minutes. The cars that drove up and parked at the top of York Drive, as shown in your video, relate to the end of the school day at Bowdon Church. This traffic is completely outside of our control.

As you know, we allow school parents to pick up and drop off their children in our car park. Sometimes, we open our York Drive exit so that cars can safely exit our property. The reason we allow this practice is purely from a sense of community spirit, with no charge to the school or parents. All residents of our area know that the enlargement of the school has led to severe and potentially dangerous congestion.

If we were to close our site to this traffic, we would be transferring the traffic from our site to the local roads. The potential for a serious accident doesn't bear thinking about. Ironically, any site closure would, we believe, have a severe effect on York Drive as parents would park on York Drive and then walk through to the school via the pedestrian part of York Drive.

Paradoxically, we are very grateful when residents bring problems to our attention, and as I have outlined, we have identified the cause of this particular problem. We hope that we will be able to prevent a repetition.

We have supported the upkeep of York Drive with a significant financial contribution and would, in principle, do so in the future. We feel that this is the correct way, given that we defend our right of way.

Bowdon Club are aware that daytime activity at weekends, particularly in the winter, results in the intensive use of our site. For some years now, we have provided an employed traffic officer at the entrance to York Drive, which is coned down both sides of York Drive. By and large, this has prevented traffic from entering York Drive and parking on York Drive.

This officer is on duty from 08:30 to 13:30. However, recognising that both our Hockey 1<sup>st</sup> teams will play in the National Premier League next season, we are planning to extend these hours. We are also planning traffic calming measures at our York Drive gate to prevent any access to our property at that point.

We have informed you that we are in discussions with Bowdon Church about using their car park and are waiting for their written agreement.

All of the above has no bearing on our recent licence application, which modernises our existing agreement. The application doesn't seek more favourable conditions; in fact, we will have to work a lot harder to ensure that the amenity of our neighbours is protected.

Regards  
Mike Egerton  
Chair – Bowdon Cricket Hockey and Squash Club



Club but we are a little surprised that you have taken this decision given the risks involved. We therefore ask that the rear gate returns to its original rare usage, and you find other ways to address the Club's traffic bottlenecks.

Kind regards, Chris Abbott on behalf of the residents of York Drive

