

Licensing Act Sub-Committee

Agenda

Date: Monday, 27th September, 2010
Time: 12.30 pm
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1DX

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.

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 personal and/or prejudicial interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Application for Premises Licence - Park Tavern, 158 Park Lane,
Macclesfield** (Pages 5 - 24)

The Licensing Act Sub-Committee is requested to determine an application for a Premises Licence by Vale Inn Ltd in respect of Park Tavern, 158 Park Lane, Macclesfield, Cheshire.

PART 2 - THERE ARE NO PART 2 ITEMS

For requests for further information

Contact: Sarah Baxter
Tel: 01270 686462
E-Mail: sarah.baxter@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.

1	Chairman	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).
2	Licensing Officer	Will introduce and summarise the application, highlighting areas of contention or dispute.
3	Committee Members	May ask questions of the Licensing Officer
4	Applicant	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	Responsible Authorities (who have made representations)	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.

6	Local residents (ie. defined as “interested parties”)	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	Committee Members	Each in turn may ask <u>questions</u> of the applicant.
8	Applicant	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	Responsible Authorities	Will make their representations.
10	Applicant	Or his representative or witnesses to ask <u>questions</u> of Responsible Authorities represented at the meeting, by way of clarification.
11	Local residents (ie. defined as “interested parties”)	May ask <u>questions</u> of the Responsible Authorities represented at the meeting, by way of clarification. (Note: This is not the point at which local residents should be stating their objections.)
12	Committee Members	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	Local residents (ie. defined as “interested parties”)	The local residents who are objecting to the application will be invited <u>to make observations on the application</u> and present the bases of their objections.
15	Applicant	Or his representative or witnesses may ask <u>questions</u> of the Local Residents, by way of clarification.
16	Committee Members	May ask <u>questions</u> of the Local Residents.
17	Chairman	To invite both Responsible Authorities and Local Residents to make their closing addresses.
18	Applicant	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested conditions.
19	Committee	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
20	Committee	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.

		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.
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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 **Local residents** (defined as interested parties) 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

Date of Meeting:	27 September 2010
Report of:	Mr J Hopper, Licensing Officer
Subject/Title:	Application for a Premises Licence – Park Tavern, 158 Park Lane, Macclesfield, Cheshire

1.0 Report Summary

- 1.1 The report provides details of an application for a premises licence together with information as to representations received in relation to the application.

2.0 Recommendations

The Licensing Act Sub-Committee is requested to determine the application for a Premises Licence by Vale Inn Ltd in respect of Park Tavern, 158 Park Lane, Macclesfield, Cheshire.

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.

4.0 Wards Affected

- 4.1 Macclesfield Forest

5.0 Local Ward Members

Cllr Asquith
Cllr Gaddum
Cllr Smetham

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 and Guidance issued under section 182 of the Act.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

- 7.1 Not applicable.

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

- 8.1 Not applicable.

9.0 Legal Implications (Authorised by the Borough Solicitor)

- 9.1 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 necessary for the promotion of the licensing objectives. Section 18(4) provides that the authority may (a) grant the licence subject to conditions; (b) exclude from the scope of the licence any of the licensable activities to which the application relates; (c) to refuse to specify a person in the licence as the premises supervisor; or (d) to reject the application.

10.0 Risk Management

- 10.1 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.

11.0 Background and Options

- 11.1 The application is for Premises Licence granted under Section 17 of the Licensing Act 2003.

- 11.2 The operating schedule indicates that the relevant licensable activities applied for are:

Films

Recorded Music

Sale and supply of alcohol

Late Night Refreshment

- 11.3 The hours applied for are as follows:

Films

Monday to Sunday 12.00 to 24.00

The exhibition of films will take place indoors.

Recorded Music

Monday to Sunday 10.00 to 24.00

The playing of recorded music will take place indoors.

Seasonal variations: Christmas Eve – extend terminal hour by 2 hours, New

Years Eve – Extend terminal hour up until start of New Years Day trading.

Sale and supply of alcohol

Monday to Sunday 12.00 to 24.00

The supply of alcohol will be for consumption both on and off the premises.

Seasonal variations: Christmas Eve – extend terminal hour by 2 hours, New

Years Eve – Extend terminal hour up until start of permitted hours on New Years Day

Late Night Refreshment

Monday to Sunday 23.00 to 24.00

The provision of late night refreshment will take place indoors.

Seasonal variations: Christmas Eve – extend terminal hour by 2 hours, New

Years Eve – Extend terminal hour up until start of New Years Day trading.

11.4 Designated Premises Supervisor: Mr Lee Wainwright

11.5 Hours Premises are open to the public

Monday to Sunday 10.00 to 00.30

Seasonal variations: Christmas Eve – extend terminal hour by 2 hours, New Years Eve – Extend terminal hour up until start of permitted hours on New Years Day.

11.6 The operating schedule includes the following steps to promote the licensing objectives:

(a) Prevention of crime and disorder

We will not serve people who are already drunk and we will stop serving people we deem to have had too much.

We will keep drugs out of the pub. We will keep trouble makers and known problem causers out.

A sign will be displayed on the premises indicating the normal hours during which the sale of alcohol is permitted.

(b) Public safety

We will provide taxi numbers for customers to get home safely.

We will provide the relevant electrical and fire certificates. We will carry out and implement a health and safety risk assessments.

(c) Prevention of public nuisance

We will put up quiet notices at the front and back doors of the pub to encourage people to leave quietly and keep the noise down in the beer garden.

(d) Protection of children from harm

We will only allow children in the pub if they are properly supervised at all times.

We will operate a Challenge 25 policy – confirming age only acceptable with photo type driving licence or passport.

11.7 Relevant Representations:

Responsible Authorities

11.7.1 The Police state in their response:

Application received 10 August 2010 for the Grant of a Premises Licence in relation to the Park Tavern, Park Lane, Macclesfield. The application made by Lee Wainwright.

This application supersedes a previous application dated 13 July 2010 due to discrepancies in the legal notices which are required to be advertised.

Until April 2009 when the Premises Licence was surrendered by Robinsons Brewery the premises had operated for many years as a public house but, due in some part to the conduct of the last DPS, the business degenerated which caused Robinsons to make the decision to close.

The new application will see the premises re-open as a community public house by the applicant who also runs the successful Vale Inn, Bollington and included within the application is a facility to show films which will be in a separate function room that will also be available for private hire on an occasional basis.

The applicant seeks to have 'Recorded Music' only as a background and the 'Supply of Alcohol' will be from 1200 to 2400 whereas the previous licence was from 1100 to 0030hours.

The applicant is fully aware of the previous history of the premises and is mindful of the needs of residents in Ryle Street & Park Lane around the premises.

Challenge 25 will be operated and subject to any recommendations from the other statutory authorities there are No Police Representations.

11.7.2 Environmental Health – State in their reply:

Re . Park Tavern, 158 Park Lane, Macclesfield - application for a premises licence

Applicant : Vale Inn Ltd, 29-31 Adlington Road, Bollington (Lee Wainwright)

I would advise that the Environmental Health Service has considered the above application for a premises licence in terms of the licensing objective of 'the prevention of public nuisance' and would recommend that the following points form a condition of the premises licence :-

1. The outdoor area to the rear of the Park Tavern (beer garden) shall not be used by patrons for any purpose after 21.00 hours on any day

2. Sign(s) shall be erected within the beer garden and by the access door to the beer garden to request patrons to be considerate of the residential amenity of neighbours in terms of noise.

3. Sign(s) shall be erected by the front door to request that patrons leave the premises quietly in terms of respecting the residential amenity of neighbours.

11.7.3 Cheshire Fire Service – No comment.

11.7.4 Local Planning Authority – No response received.

11.7.5 Local Safeguarding Children Board – As Police response.

11.7.5 Health and Safety Officer – No comment.

11.7.6 Trading Standards – No response received.

Interested Parties

The Licensing Authority has received representation from ten neighbour objectors. Details of these representations are appended to this report.

12.0 Overview of Year One and Term One Issues

12.1 Not applicable

13.0 Access to Information

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

Name: Mr J Hopper
Designation: Licensing Officer
Tel No: 01625 504205
Email: jim.hopper@cheshireeast.gov.uk

APPENDICES

Appendix 1 – 10 Neighbour Objections
Appendix 11 – Plan of area

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Ryle Street
Macclesfield
Cheshire
SK11

02/09/10

Dear Sirs,

I would like to make my objection known for the recent licence application at the Park Tavern Pub, 158 Park Lane Macclesfield.

As a father of two children aged 9 and 14 I am horrified at the thought of the Park Tavern reopening and having the beer garden filled with people drinking alcohol while my children are sleeping during the evening and playing in the house or garden at other times.

My first priority as would be any parents, is the protection of my children from harm. If the licence application was to be approved I believe that litter problems, strong language, noise pollution from customers in and around the pub and customers smoking in the beer garden would be prevalent. This would not only be a detriment to myself and reduce my quality of life in my own house and my right to peace and quiet, but would cause me greater concern to think that my children were being subjected to all of these problems as well.

The area around the ex Park Tavern has been a quiet, safe area over last 18 months that I am more than happy to bring up my children in. Granting of the licence application I feel will not only be bad thing for me but for the other residents who also adjoin the beer garden and the area as a whole.

With Regards



Poplar Road,
Macclesfield,
Cheshire,
SK11
31st August 2010.

Licensing Section,
Cheshire East Council.

Dear Sirs,

I am writing to object to the proposed granting of a license for the re-opening of the "Park Tavern" at 158 Park Lane, Macclesfield.

Previously I and other residents had cause to complain to the previous landlord, due to recurring problem of excessive noise from the Pub and Beer garden on afternoons and evenings. Due to the immediate proximity of residential properties, such a proposed re-opening would have a detrimental affect on the quality of life of residents in the area.

In private conversations with the new owners, they indicated their plans to make the "Park Tavern" a real ale pub providing food as well. This would inevitably draw people from a wider area many of whom would travel by car. The pub has NO parking provision and this would mean increased parking problems for residents on neighbouring streets.

Last time the pub was open we had recurring problems with drunken customers using foul language and causing criminal damage in the area. I and many residents have young children and this is one of the main entrances to South Park and we don't want our children exposed to such behaviour again.

Again in private conversations with the new owners they reassured us that there would be No wide screen TVs and music and yet the license application clearly shows an application for both.

In conclusion I and many residents implore you to reject this license application as it is not needed or wanted.

Yours Sincerely

Park Lane
Macclesfield
Cheshire
SK11

Cheshire East Council
Licensing department
Town Hall
Macclesfield
SK10 1DX

August 31st 2010

Dear Sir

We wish to make a formal objection to the application made by Vale Inn Ltd for a Premises Licence in relation to the Park Tavern.

We wish to formally object to all of the licensable activities applied for, the showing of films and supply of alcohol, the playing of recorded music, and the supply of late night refreshments.

158 Park Lane, formerly known as the Park Tavern. Before the pub was shut in February 2009 we were subjected to noise pollution, which was recorded by the council's recording equipment and resulted in a noise abatement order being served on the landlord. We were led to believe that because of the problems we had, and the fact that the pub was in a residential area, a music license would not be granted again in the future. Despite being older buildings, the adjoining walls are NOT thick enough to stop public address systems and music systems penetrating through the wall and even causing vibration. The noise of music and films would make our lives unbearable as it did before.

We also suffered verbal abuse and received death threats. This was reported to the police and they took the matter seriously.

The customers regularly stood on the pavement at the front of the pub to smoke and we would always hear them swearing and shouting. There have been occasions where broken glass has been left on the pavement outside the pub. There were often problems of drunkenness, noise and fighting with the police being called several times and even ambulances if the fighting got serious.

There are children living in the vicinity, including next door but one. If activities were allowed to go on as late as midnight seven days a week, how are children supposed to receive an unbroken nights sleep and be able to learn efficiently at school? Since the trouble of drunkenness and fighting happened in the day time as well as late at night, children in the vicinity will have heard and seen this during the day, as well as passers by.

We personally have to get up before 7am to be at work by 8am and struggled to work efficiently after being woken, sometimes several times a night, in the past. The mid terrace pub has residential property directly behind, as well as in front and to either side, so many other residents also suffered from the noise.

We hope you will not grant the licence, as we believe the effect will be as before when the pub was open. It will again lead to crime and disorder, public nuisance, risk public safety and would not protect local children from harm.

Yours faithfully,

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APPENDIX 4
PARK LANE

MACCLESFIELD

CHESHIRE

SKILL

Dear Sir/Madam.

I would like to put forward an objection to a new License being issued to the

PARK TAVERN PUB - PARK LANE, MACCLESFIELD - SKILL BUS.

As a local resident my objections are due to the problems caused by the pub in the past.

- Noise pollution - in summer we have had to close windows at night due to loud music playing.
- Fighting in the street directly outside our house & outside the pub.
- Clients of the pub urinating down the alleyway to the side of our house.
- Noise pollution from kick out time.
- Smashed glass in the road & on the pavement.

There has been a marked improvement since the last closing of this pub.

Yours sincerely

Poplar Road

Macclesfield

Cheshire SK11

1st September 2010

To whom it may concern

I am writing to you to make you aware of the objections I have in reference to The Park Tavern Public House re-opening.

I live literally round the corner from the pub and as it stands now, parking is an absolute nightmare. Should the pub re-open then this problem would increase ten-fold due to there being no car-park. When you have a baby it is no fun attempting to park on your own road, outside your own house.

Since the pub closed, it has been a lot quieter, from Thursday to Sunday. The noise from the pub carried through the neighbourhood, along with cars coming and going late at night, doors slamming, engines revving and horns beeping. This was especially worse on Manchester United match days and Bank Holidays.

I am led to believe that the application is to include film showings, serving alcohol, music playing and food being served, starting from 10am until midnight. When we were invited to an open evening in July, we were informed there would be no entertainment licence applied for as the customers they wanted to attract were "the opposite to those who frequent Last Orders". It would seem from what is being applied for, that is not the case.

I would appreciate you taking this letter into account when deciding whether or not the application goes through.

Yours sincerely

2nd September 2010

Brown Street
Macclesfield
Cheshire
SK11

Dear Sir/Madam,

RE: New license application for the 'Park Tavern' public house, Park Lane, Macclesfield, Cheshire.

I am writing this letter to inform you that I have become aware of the aforementioned licensing application which, amongst other things, seeks permission to serve alcohol from 10:00 am to midnight seven days a week. If this information is accurate then I would like to take this opportunity to contest the application and ask that changes be considered that take into account the welfare of local residents. In the past, there have been frequent disturbances of the peace owing to drunkenness and other forms of alcohol related anti-social behaviour. I cannot help but feel that allowing a 14 hour continuous service of alcohol each and every day to the public will only serve to increase this and make matters worse. Having lived in close proximity to the pub for several years, it is extremely annoying and indeed intimidating to be woken up during the night to people playing out the effects of excessive alcohol consumption such as shouting, screaming profanities, fighting and occasionally causing criminal damage to property. Many families in the neighbourhood have young children and so I can only imagine what they must be going through when such events occur.

I hope that you take my views into consideration and a solution can be found that is mutually beneficial to all parties concerned.

Yours faithfully,

**Stapleton Road
Macclesfield
Cheshire
SK10**

Cheshire East Council
Licensing department
Town Hall
Macclesfield
SK10 1DX

September 1st 2010

Dear Sir/Madam

I would like to make an official **objection** to the application for a **Premises Licence at the Park Tavern**, 158 Park Lane, Macclesfield.

I own 160 Park Lane, which is next door. Before the pub closed down in February 2009, my tenants were subjected to **noise pollution** (proved by the environmental health department recording equipment) and threats. The **threats to kill** them were reported to the police at the time and the matter was investigated. The details of the noise pollution are with your environment health department. A noise abatement order was served on the landlord and I was led to believe that because of this and the fact that the pub is in a residential area, no music licence would ever be given again.

In addition to the problems my current tenants suffered, my previous tenants left because of the noise from the pub. It was not only the music and customer rowdiness that kept them awake. They suffered from **verbal and racial abuse** and taunts and actually **feared for their safety**. They were very hard working and decent Polish girls. Since the no-smoking laws came into place, (leading to pub customers spilling out onto the pavement at the front of the pub, or standing in the courtyard at the back of the pub,) the noise levels have been unbearable. Music can be heard so clearly that normal living is not possible. It even makes things in the house vibrate.

I was without income for three months the last time I lost tenants because of the pub. I stand to lose tenants again and would probably not be able to re-let the house. I live off my letting income, so the **public nuisance** of noise and late opening hours will definitely affect me.

It is not just my tenants that suffer. All residents in the vicinity have suffered from the noise nuisance of not only the music, but also noisy and drunken customers spilling out on to the pavement to smoke, urinate, fight and drop litter. There is a small and inadequate outside area at the back of the property with a smoking shelter. Therefore, residents at the back also suffer from noise pollution. (Being mid-terrace there is no access from the back and there are residential dwellings on all sides.) Fights were a regular occurrence and I know the **police were called on several occasions**, as was the ambulance service on at least one occasion that I know of, but I have heard there were other occasions.

I realise that any application being sought will be with a new landlord, however the customers will probably be the same and therefore I see it as a foregone conclusion that the **problems of crime and disorder and public nuisance will return**. It is especially worrying that the application is for films, music, alcohol and food, till midnight, EVERY day of the week. This is bound to attract people who are already inebriated. By the time everyone has disbursed it will be gone 1 a.m. in the morning. How are local residents and their children supposed to get a good night's sleep?

Since there are two other pubs within about 200 yards, I do not see the need to return this dwelling to becoming a public house again, especially as it has used up so much time of the police and ambulance services in the past.

I feel I need to re-iterate that it is surrounded by residential property, to both sides, behind and in front. The local residents have enjoyed peace and quiet for over 18 months now and I would hope that the licensing authority would consider their needs and views over ONE new business. I hope that you would consider the prevention of public nuisance and the prevention of more crime and disorder. Finally I hope you will consider the public safety of my tenants in particular.

Yours faithfully,

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Park Lane
Macclesfield
Cheshire
SK11

August 16, 2010

Licensing Department
Cheshire East Council
Town hall
Macclesfield
SK10 1DX

Dear ,

Subject: Licensing Objection Park Lane Tavern

I wish to place an objection to the new licence being granted to the above named public house.

The objection being that in the past it was the cause of considerable nuisance due to

a.) noise caused by

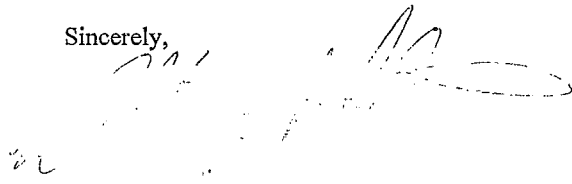
1. Karaoke after 11pm at night
2. Patrons leaving the premises at closing time.

b.) Increase of alcohol based crime in the vicinity of the public house, mainly fighting and minor

Public order offences.

I feel if the licence is granted the problems will return

Sincerely,



.....

Ryle Street
Macclesfield
Cheshire
SK11

18/08/10

Ref: Park Tavern 158 Park Lane Premises licence application

Dear Sirs,

As a resident whose property along with 6 others back directly onto the beer garden of the premises, I wish to object to the application made by Lee Wainwright for the former Park Tavern public house at 158 Park Lane.

In the 2 years before Robinson's brewery sold the failing establishment, myself, neighbours who back onto the premises and other residents in the surrounding residential area had been subjected to excessive noise caused by both pre-recorded music coming from the building and the patrons themselves swearing, shouting, jeering and chanting. Most weekends the noise was still audible through double glazed windows and through a closed internal door in the house.

In addition to the excessive noise in part caused by the amplification effect of the "courtyard" layout on the buildings surrounding the beer garden, I have been subjected to light nuisance caused by the lights mounted on the building shining into my property that had been used to light up the beer garden, odour nuisance from the cigarette smoke coming from the patrons who are now forced to smoke outside. I have also spent time cleaning up other people cigarette butts that have been flicked over the wall into my garden.

The back entrance to the premises has been a particular problem with broken bottles, glasses and evidence of drug taking (smoking papers) being found on a weekly basis in the passage that runs into the beer garden.

The culmination of these issues left myself and other residents unable to enjoy the outside spaces of our property and virtually locking us into our own houses.

I have no reason to suspect that a new landlord or new premises licence would remove any of the problems previously associated with the Park Tavern pub and to this end I would like to object to the licence on the following licensing objective headings:

The prevention of crime and disorder

Anti-social behaviour (eg: swearing) by patrons both in the premises beer garden and the surrounding residential area.

The prevention of public nuisance

Noise pollution emanating from the premises itself, particularly from the beer garden and from patrons leaving and entering the premises. Litter from the increase in footfall in the area. Odour from both the landlords proposal to serve food and patrons using the beer garden to smoke in. Light pollution from the need to light the beer garden.

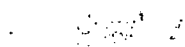
The protection of children from harm


As a residential area, there are many children who live near the premises, two of whom (a 9 year old girl and 14 year old boy) back directly onto the beer garden who should not be subjected to strong language or adult conversations that are inevitable in and around a public house.

Although parking consideration is not a licensing objective I believe that because of the location of the premises in question and the absence of a public car park nearby, the increased traffic caused by people visiting the premises would fall under the Prevention of public nuisance heading. The proposing landlord wishes to create a specialist establishment offering real ale and food which is likely to appeal to a clientele which is not necessarily confined to the surrounding locality, but will attract patrons from a much wider area, the knock on effect of which will be more cars in the area adding to the nuisance. The surrounding area is comprised of terrace houses with on street parking making up 99% of the parking facilities. In addition to this the road outside the front of the premises is a double yellow line area leaving patrons who drive to visit the premises competing with residents for parking space in an already heavily congested area.

In conclusion I sincerely hope that the premises application and entertainments licence application is rejected to ensure the area stays as a pleasant place to live and that the rights of the local residents to peace and quiet are upheld.

Regards



1/2 

Delivered by hand

Ryle Street
Macclesfield
Cheshire
SK11 7 JG

Home Tel:

Work Tel:

Cheshire East Council
Licensing Department
Town Hall
Macclesfield
Cheshire
SK10 1DX

03 September 2010

Dear Sir/Madam,

Park Lane Tavern: Request for a new licence

I am writing to formally object to the application for a new licence for the Park Lane Tavern, Park Lane, Macclesfield.

My partner and I have lived at 133 Ryle Street, Macclesfield since 2004. Our property is situated on Ryle Street, and an alley way linking the garden with Ryle Street extends alongside our garden and beneath one of our first floor bedrooms. As such we have considerable experience of the various issues and nuisances when the site was a public house which I list below.

Noise

Up until 18 months ago when the Park Lane Tavern finally closed my partner and I were forced to tolerate a large amount of background noise throughout the day and late into the evening from the pub. In effect, noise levels from the pub and its customers had effectively denied us the use of our courtyard garden during summer months. This included recorded music, loud television sounds and shouting and swearing coming from smokers and drinkers. On occasion this could be heard from inside our property. This noise came from within the pub garden, from the alley way beneath one of our bedrooms and from Ryle Street. There were also several altercations within the pub garden, in the alley way and outside my house late at night involving pub customers.

On several occasions late night events such as the Champions League final have resulted in considerable noise extending from Sunday night through until approximately 2:30AM on Monday morning. Not conducive when you have to go to work that morning! I believe the police have been called on several occasions due to the noise levels from the pub although I am sure you already have access to this information.

The licence request for a seven-day-a-week opening between 12:00 midday and 12:00 midnight causes me considerable concern suggesting a general rise in background noise levels but also high noise levels at particular 'events' which could run up until 12:00AM. Not to mention the potential for later lock-ins.

Litter

Between 2004 and early 2009 the amount of litter dropped both within the alleyway and outside my and neighbouring properties after the weekend was considerable. This included food waste and packaging, cigarette butts, vomit, broken glass and on occasion what would appear to be drug paraphernalia. Litter was also thrown into my back garden on regular occasions. We grew extremely tired of cleaning this rubbish up and the publican at the time did little to deter his customers from littering and nothing to clean up the litter. I can only presume this problem was the same on Park Lane although this main road was more likely to receive council cleaning. I assume that this nuisance will recommence should this licence be granted.

Parking

Park Lane Tavern has no dedicated parking and so customers would be forced to park in side streets. Parking on Ryle Street is congested at the moment and I can only presume that parking would become even more congested causing more problems for residents trying to park on side streets.

Ethos

In general I understand that the prospective publicans are looking to develop a pub focused upon providing good food and real ales. In my opinion this runs contrary to the requested licensing hours and the proposal to show films, play music etc. I can only envisage that the opening hours, coupled with the location and lack of space and parking will attract the same clientele as previously frequented the Park Lane Tavern. In my view should this licence be granted then the same problems highlighted in this letter will re-emerge causing more stress for local residents.

Reuse

While I understand that this is not an issue for the Licensing Board, the sustainable reuse of standing buildings is an approach to be supported. However I am concerned that the company involved have not thoroughly reviewed alternative options for the reuse of this site. They have seen a public house with its accoutrements and have automatically considered that the only viable option would be its reuse as a pub. There is already a public house nearby on Park Lane some 100 metres closer to the town centre. I find it hard to believe that a new public house would represent a viable economic option particularly in the current economic climate with numerous pubs closing every week across the country. I am therefore concerned that should this licence be granted we would see the closure of the new pub in the near future with the continued dereliction of the property.

Thank you for your time with regard to this matter. I would be happy to discuss my various concerns in greater detail with you should you feel it necessary.

Yours sincerely



PARK TAVERN, 158 PARK LANE, MACCLESFIELD, CHESHIRE

