

Licensing Act Sub-Committee

Agenda

Date: Thursday, 17th March, 2011
Time: 9.30 am
Venue: The Silk 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 a Premises Licence - Mo's Store, 28 Plumley Road, Handforth, Cheshire** (Pages 5 - 14)

To consider an application for a Premises Licence in respect of Mo's Store, 28 Plumley Road, Handforth, Cheshire.

4. **Variation of Premises Licence - Blue Bell Inn, Smallwood, Sandbach CW11 2XA** (Pages 15 - 38)

To consider an application to vary the Premises Licence for the Blue Bell Inn, Smallwood, Sandbach CW11 2XA.

For requests for further information

Contact: Julie Zientek
Tel: 01270 686466
E-Mail: julie.zientek@cheshireeast.gov.uk

5. **Exclusion of the Public and Press**

To consider passing a resolution under Section 100(A)(4) of the Local Government Act 1972 to exclude the public and press from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information in accordance with paragraphs 1 and 2, pursuant to part 1 of Schedule 12 (A) of the Act.

PART 2 - MATTERS TO BE CONSIDERED WITHOUT THE PRESS AND PUBLIC PRESENT

6. **Application for a Personal Licence** (Pages 39 - 54)

To consider an application for a Personal Licence.

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. |
|--|--|--|

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: | 17 March 2011 |
| Report of: | Mr J Hopper, Licensing Officer |
| Subject/Title: | <u>Application for a Premises Licence – Mo's Store, 28 Plumley Road, Handforth, Cheshire.</u> |

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 Mr Yasar Hussain in respect of Mo's Store, 28 Plumley Road, Handforth, 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 Wilmslow North

5.0 Local Ward Members

Cllr Paul Whiteley
Cllr Jim Crockatt
Cllr Don Stockton

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 2010/11 and beyond (Authorised by the Borough Treasurer)

- 7.1 Not applicable.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 In accordance with the provisions of section 18 of the Licensing Act 2003 the Licensing Authority must, having regard to the representations, take such steps (if any) as it considers 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.

9.0 Risk Management

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

10.0 Background and Options

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

- 10.2 The operating schedule indicates that the relevant licensable activities applied for are:
Sale of alcohol

- 10.3 The hours applied for are as follows:

Sale and supply of alcohol

Monday to Sunday 08.00 to 22.00

The sale of alcohol will be for consumption off the premises.

- 10.4 Designated Premises Supervisor: Mr Yasar Hussain

10.5 Hours Premises are open to the public

Not known

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

(a) Prevention of crime and disorder

Challenge 25. No ID no sale.

(b) Public safety

Keep the premises tidy and make sure display the wet sign when required.

(c) Prevention of public nuisance

Do not serve anybody who seems to be drunk as this will cause public nuisance.

(d) Protection of children from harm

Do not sell any products such as glue or other products to kids.

(e) General

Food store / convenience with off licence.

10.7 Relevant Representations:

Responsible Authorities

10.07.1 The Police state in their response:

Application received 20th January 2011 for a Premises Licence at Mo's Store, 28 Plumley Road, Handforth.

The shop is currently owned by Nawid Mohamed, b: 14/10/1971, and is situated on a well established housing estate. It currently operates as a convenience store selling food items, cigarette's etc, and neighbours with a Bargain Booze which is licensed from 08:00 to 23:00 hours, Monday to Saturday, and Sunday 10:00 to 22.30 hours.

Concerns over the running of the Convenience Store were raised in 2010 over the illegal sale of alcohol, cigarettes and BB guns. As a result, multi-agency checks were made which proved negative although there were issues in relation to the storage of fireworks which was subsequently addressed by Trading Standards.

The Initial application made by Yasar Hussain, b: 11/02/1985, was refused due to administrative errors, but did specify that CCTV was to be fitted.

Mr. Hussain is in the process of becoming the Proprietor and the Designated Premises Supervisor on the proviso that a Premises Licence is granted.

This revised application makes no mention of CCTV and, as a result, Police concerns were raised and, as such, have come to an agreement with the applicant Yasar Hussain that should the application be successful, a suitable CCTV system will be installed and recordings kept for a minimum of 28 days in line with the Crime & Disorder Objective, prior to any sales of alcohol.

At 11:30 am on Tuesday 1st February 2011 I visited the store and observed the Blue obligatory notice was correctly displayed in full view on the shop door. A digital photograph of the notice was taken and can be produced if necessary

10.7.2 Environmental Health – No response received.

10.7.3 Cheshire Fire Service – No comment.

10.7.4 Local Planning Authority – No response received.

10.7.5 Local Safeguarding Children Board – As Police response.

10.7.6 Health and Safety Officer – No comment.

10.7.7 Trading Standards – No comment.

Interested Parties

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

11.0 Overview of Year One and Term One Issues

11.1 Not applicable

12.0 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: 01270 685957
Email: jim.hopper@cheshireeast.gov.uk

APPENDICES

Appendix 1- 4 Neighbour Objections
Appendix 5 Plan of area

①

The Licensing Section

Cheshire East council

Town Hall Macclesfield

Cheshire

SK10 1DX

Plumley Road

Handforth

cheshire

SK9

Ref;- Mr Yasar Hussain applying for a premises licence to sell alcohol at 28 Plumley road SK9 3RR

This is a letter setting out the reasons why the the shop known as Mo's Store should not be granted a licence

- 1 the prevention of crime – The sale of imported cigarettes the council and police already know about this, the sale of cigarettes taken from multipacks and sold separately
- 2 the prevention of disorder – youths continually gather outside this shop and cause a nuisance creating a no go area due to harassment to sections of the community the police know about this
- 3 Public safety – is an issue due to the amount of paper cardboard and general rubbish stored in the rear of the shop – fire hazard to the occupants living above and to each side of the shop
- 4 The shop creates a public nuisance – with litter not cleared from the front of the shop and the sale of out of date food e.g. (health & hygiene & safety) the council already know about this also the sale of fireworks and contravening the council licence council officers have been to the shop on several occasions
- 5 Protection of children from harm – how can he ,when he sells cigarettes to underage customers and charges extra in case he gets caught and has to pay a fine, sells fireworks to underage customers
- 6 These are a few items relating to why he should not be allowed sell any licenced products

The Council and the police must have records of the complaints made and investigated

Yours Sincerely

①

Mumley Road

Handforth

SK9.

30/1/11

Dear Mr Hopper

We write to say we object to Mo's Store being granted an Alcohol licence reason for this are as follows

Prevention of crime and disorder. = His shop has not got CCTV and the doors are very flimsy the back of the shop has only got a roller shutter which is not very secure at all and he sometimes does not put his alarm on.

The prevention of public nuisance. = There are always gangs of children hanging around causing a nuisance and throwing litter around. They are swearing and shouting
 prime example of this on the 21st January we had to phone the police because they were causing a public nuisance they were swearing at the shop keeper because he would not serve them the police did attend but by the time they had arrived the shop keeper had closed and left the shop the police had to call back the following day to see him.

The protection of children from harm. = he serves children under age cigarettes especially the school kids when they are waiting for the bus in the mornings and last year he sold cap guns to children which had 18+ on them also fireworks which were not kept in a secure place.

Public safety = He does not keep the outside of the shop clean litter is always being drop and when approached to clean this up he say why should I it's not mine I haven't drop it so why should I pick it up he is not very approachable at all.

We feel that it would be a huge mistake for this store to be granted this licence he does not care about anything or anybody whenever he is approached he is always very aggressive and abusive

We do hope you take these points into consideration over this application for the licence.

Yours Sincerely

The Licensing Section

Pickmere Road

Cheshire East Council

Handforth

Town Hall

Wilmslow

Macclesfield

Cheshire

Cheshire

SK9

SK10 1DX

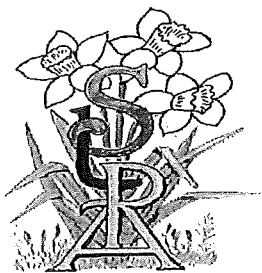
Alcohol Licence Application Mo's store, 28 Plumley Road Handforth Wilmslow.

Dear Sir,

With reference to the above Alcohol Licence Application I wish to register an objection to Yasar Hussain's application on the grounds listed below:-

1. He does not have adequate security for the over-night storage and sale. The existing alarm is not put on every night, the premises could do with cctv coverage.
2. It is going to encourage youth to congregate outside even more than at present, thus causing anti social behaviour
3. Over the last 6 months the existing store has been visited by Police and other agencies.

Yours faithfully



SPATH LANE RESIDENT ASSOCIATION

Pickmere Road
Handforth
Wilmslow
Cheshire
SK9
14 February 2011

Dear Sir

Re license application for MO'S Stores at 28 Plumley Road Spath Lane Handforth

On behalf of Spath Lane Residents Association I wish to strongly object to the granting of a license to sell alcohol at the above premises on the following grounds:-

Protection of children from harm The opening at 8am in the morning is when the teenagers congregate at the shop before going to school and the temptation to purchase alcohol would be greater.

Public Safety The shop has poor security and no CCTV which could attract prospective thieves.

Prevention of public nuisance The litter would increase, also the hours of opening is when the teenagers would gravitate to this shop. Having lived close to this shop for over thirty years, with the availability of alcohol this will have a direct correlation with an increase in anti-social behavior.

Yours faithfully

Spath Lane Residents Association



MO'S STORE, 28 PLUMLEY ROAD, HANDFORTH, SK9 3RR

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CHESHIRE EAST COUNCIL

LICENSING ACT SUB-COMMITTEE

Date of meeting **Monday 17th March 2011** **11:00 a.m.**

Report of: **Jane Cornes, Licensing Administration Officer**
Title: **Application for Variation of a Premises Licence**
 Blue Bell Inn, Smallwood, Sandbach. CW11 2XA

1.0 Report Summary

- 1.1 The purpose of the report is to provide details of an application for the variation of an existing Premises Licence under section 34 of the Licensing Act 2003 ('the 2003 Act'). It outlines the current licence authorisations together with the evidence presented by the parties in relation to the application.

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to:
- 2.1.1 consider the variation application and any relevant representations received; and
- 2.1.2 determine what steps, if any it considers are necessary for the promotion of the licensing objectives.

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 2003 Act.

4.0 Wards Affected

- 4.1 Congleton Rural

5.0 Local Ward Members

Councillor Les Gilbert
Councillor Andrew Kolker
Councillor John Wray

6.0 Policy Implications

- 6.1 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the 2003 Act and Guidance issued under section 182 of the 2003 Act.

7.0 Financial Implications 2011/12 and beyond

- 7.1 None

8.0 Legal Implications

- 8.1 Where relevant representations are received in relation to an application for the variation of a Premises Licence under section 34, the Licensing Authority must hold a hearing within 20 working days (of the end of the consultation period) to consider both the application and the relevant representations.
- 8.2 Section 35 of the 2003 Act provides that before determining the application, the authority must hold a hearing to consider it and any relevant representations. In accordance with the provisions of section 35 of the 2003 Act, the authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives. Sub-section 35(4) provides that the authority may: (a) modify the conditions of the licence; or (b) reject the whole or part of the application;

9.0 Risk Assessment

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

10.0 Background and Options

- 10.1 Mr Karl D'Annunzio-Bruns applied on 24th January 2011 for a variation to the Premises Licence (under section 34 of the 2003 Act) for the Premises known as Blue Bell Inn, Spen Green, Smallwood, Sandbach, Cheshire CW11 2XA. The variation applied for :-
1. Extension to Property Planning Application No. 10/3927C to allow larger dining kitchen and associated amenities to Blue Bell Inn, Smallwood.

- 10.2 The Designated Premises Supervisor is: Mr Karl D'Annunzio-Bruns
- 10.3 A copy of the Premises Licence for the above mentioned premises is attached as : **Appendix A**.
- 10.4 The consultation period for this variation application ended on 21st February 2011. During the consultation period representations were made both in support and against this application. Representations are attached at :(**Appendix B**). (1-4)

A location plan is also attached (**Appendix C**) showing Blue Bell Inn, Smallwood,.

No representations have been received from any of the other Responsible Authorities.

- 10.5 In determining the application, the Licensing Act Sub-Committee must have regard to representations made by the applicant and any representations received from responsible authorities or interested parties. The Committee is required to take such steps (if any) as it considers necessary for the promotion of the licensing objectives.

11.0 Overview of Day One, Year One and Term One Issues

- 11.1 Not Applicable

12.0 Access to Information

There are no background papers associated with this report.

For further information:

Officer: Mrs Jane Cornes
Designation: Licensing Administration Officer
Tel No: (01270) 537113
Email: jane.cornes@cheshireeast.gov.uk

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Schedule 12 Part A

Regulation 33,34

Premises Licence *Cheshire East Borough Council*

Premises Licence Number

LAPRE/0933/05

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Blue Bell Inn
Spen Green
Smallwood
Sandbach
Cheshire
CW11 2XA

Telephone number

01477 500262

Where the licence is time limited the dates

04.11.2009 -

Licensable activities authorised by the licence

Supply of Alcohol
Late Night Refreshment
Performance of a Play
Indoor Sporting Events
Performance of Live Music
Recorded Music
Similar Regulated Entertainment
Making Music
Provision of facilities for Dancing
Performance of Dance
Similar Provision of Ents Facilities

Times the licence authorises the carrying out of licensable activities

All permitted licensable activities

Sunday to Thursday 10:00 - 00:00
Friday and Saturday 10.00 - 01.00

Friday, Saturday, Sunday, Monday, of all Bank Holidays, Thursday of Easter Weekend, Christmas Eve and Boxing Day - one additional hour on the finish time.

The opening hours of the premises

| | |
|-----------|---------------|
| Monday | 10:00 - 00:30 |
| Tuesday | 10:00 - 00:30 |
| Wednesday | 10:00 - 00:30 |
| Thursday | 10:00 - 00:30 |
| Friday | 10:00 - 01:30 |
| Saturday | 10:00 - 01:30 |
| Sunday | 10:00 - 00:30 |

Friday, Saturday, Sunday, Monday, of all Bank Holidays, Thursday of Easter Weekend, Christmas Eve and Boxing Day - one additional hour on the finish time.

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Karl John D'Annunzio-Bruns
Blue Bell Inn
Spen Green
Smallwood
Sandbach
Cheshire. CW11 2XA

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Karl John D'Annunzio Bruns

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Reference: 114909/075201 Licensing Authority: Stafford Borough Council

Annex 1 – Mandatory conditions

- 1 No supply of alcohol may be made under the premises licence: At times when there is no designated supervisor in respect of the licence, or at a time when the designated premises supervisor does not hold a personal licence, or their licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 – Conditions consistent with the Operating Schedule

The proof of age scheme 'Challenge 21' shall be operated for all sales of alcohol and the only photographic proof of identity which may be accepted are:-

1. a photo card driving licence or,
2. a current passport or,
3. a national identity card containing a photograph of the holder,
4. 'Pass' accredited proof of age card.

All children must be accompanied by an adult

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans

The Plan 0933/05 can be viewed at the Licensing Authority

Part B

Premises Licence Summary *Cheshire East Borough Council*

Premises Licence Number

LAPRE/0933/05

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Blue Bell Inn
Spen Green
Smallwood
Sandbach
Cheshire

Telephone number 01477 500262

Where the licence is time limited the dates

04.11.2009 -

Licensable activities authorised by the licence

Supply of Alcohol
Late Night Refreshment
Performance of a Play
Indoor Sporting Events
Performance of Live Music
Recorded Music
Similar Regulated Entertainment
Making Music
Provision of facilities for Dancing
Performance of Dance
Similar Provision of Ents Facilities

Times the licence authorises the carrying out of licensable activities

All permitted licensable activities

Sunday to Thursday 10:00 - 00:00
Friday and Saturday 10.00 - 01.00

Friday, Saturday, Sunday, Monday, of all Bank Holidays, Thursday of Easter Weekend, Christmas Eve and Boxing Day - one additional hour on the finish time.

The opening hours of the premises

| | |
|-----------|---------------|
| Monday | 10:00 - 00:30 |
| Tuesday | 10:00 - 00:30 |
| Wednesday | 10:00 - 00:30 |
| Thursday | 10:00 - 00:30 |
| Friday | 10:00 - 01:30 |
| Saturday | 10:00 - 01:30 |
| Sunday | 10:00 - 00:30 |

Friday, Saturday, Sunday, Monday, of all Bank Holidays, Thursday of Easter Weekend, Christmas Eve and Boxing Day - one additional hour on the finish time.

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the Premises

Name, (registered) address of holder of premises licence

Mr Karl John D'Annunzio Bruns
Blue Bell Inn
Spen Green
Smallwood
Sandbach
Cheshire. CW11 2XA

Registered number of holder, for example company number, charity number (where applicable)

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Karl John D'Annunzio Bruns

State whether access to the premises by children is restricted or prohibited

Restricted

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8th February 2011

The Landlord

Bluebell Public House

Smallwood

Dear Sir,

Following on from our phone conversation, I can confirm that one of our guests increased the music volume at our party on the 5th of February. Your staff informed us immediately and took action to reduce the volume as soon as it happened.

As a resident in Smallwood, I believe a good pub is one of the core facilities at the heart of a rural community. Smallwood has few enough facilities and I am delighted to see a growing, local business offering residents a high quality, professionally run establishment. I am pleased to see that you are planning to build on the recent improvements to the services being provided by the Bluebell and I wish you every success with your application to further improve your facilities.

Yours faithfully

The Licensing Dept
Cheshire East council
Municipal buildings
Earl Street
Crewe
Cheshire
CW1 2BJ

07/02/11

Re: The Blue Bell Pub Smallwood.

Dear Sir or Madam,

I enclose the letter that I wrote to John Wray in support of the Blue Bell and its expansion.

The village can only benefit from the input of the young and ambitious. There seem to be a lot of people that have objections to the projects but they are possibly from a "not in my back yard" view, this is not the opinion of everyone in the village.

I live opposite the Blue Bell and have done for 22 years approximately. My family and I enjoy the Blue Bell and have no cause to complain, we are very happy to see it trying to expand and develop, in an effort to do well.

Yours faithfully

F



RE: Bluebell parking issues

From

Sent: 24 January 2011 11:12:51

To:

Dear John,

I am writing in response to your copied letter to Malcolm McCuaig, I feel that the opinions of Mr Craig are not necessarily those of the whole village. He gives the impression that we are all in agreement. We are not. I very strongly object to the thought of yellow lines, hatching and plastic bollards on our junction.

I feel that maybe Mr Craig is over reacting to the possibility that the pub will be so very busy. I am sure if this did happen, the the landlord would be only too happy to do something about the problem.

I have lived in the village for 22 years and the pub has gone through three different landlords in this time, all of whom thought that they would run the most popular pub in Cheshire. Yes at times it can be very busy but only once every couple of months or so.

When Bob Slack had the pub there were cars parked up the road as far as the Brownlow most Friday and Saturday evenings. There were no complaints then. I am worried that this is turning into a bit of acampaign.

A few years ago a group of villagers tried to get a speed limit or some speed bumps put on the junction so that our children could walk to school, no one would help then, and personally I feel that children walking safely to school is of much more importance. So bearing that in mind, if there are cars parked up the lane on a regular basis the traffic has to slow down, making the junction actually safer.

In my 22 years here I cannot think of one instance when the lane has been blocked, for emergency vehicle or others. There are always two sides to a debate, and the side being driven forward is that of pro yellow lines and bollards. Really a terrible addition to any rural community.

I urge you to please, please think of a more environmentally friendly solution to this possible, potential issue, that would suit all, including the young landlord and his family who are trying to run a friendly and quaint public house that serves good food and good beer.

yours sincerely

Subject: Blue Bell Licence

Date: Monday, February 21, 2011 09:52

From:

To: <licensing@cheshireeast.gov.uk>

Conversation: Blue Bell Licence

For the attention of Jane Corns

Dear Jane,

I am following up our conversation at the end of last week.

Enclosed a letter of representation signed by a number of the residents who live immediately adjacent to the Blue Bell or on the un-adopted Lane. Attached to it are the minutes of a recent meeting between the landlord, police, Highways, two local residents, and John Wray (Rural Councillor). These minutes have been agreed by the landlord, the residents present and the police. Others present have not responded as yet.

For reasons of some immediate local difficulty in scanning documents I have enclosed your attention copies of the documents and as jpgs the final signature pages for the minutes (page5.jpg) and the letter of representation (Roger1a.jpg)

I will separately deliver the same original documents to the Council offices at Sandbach today.

All those living in the vicinity of the Blue Bell effected by the Blue Bell entertainment activities have now commented in writing.

I believe a meeting with residents and other interested parties is now needed so a decision can be taken as to whether the proposed route to manage the Blue Bell entertainment licence going forward is acceptable to Licensing, or whether given the circumstances it would be more appropriate to undertake a full review of the Blue Bell entertainment licence, and indeed the need and scope of the licence should the Restaurant be completed.

I would be grateful if you would confirm receipt of these documents.

Please note that further evidence of public nuisance resulting from Blue Bell activities will shortly be submitted to Vilma Robson in her role of enforcement officer.

Yours sincerely

Roger Craig

Tel:

23 FEB 2011

Modification of Licence for Blue Bell Public House Smallwood. Inclusion of Restaurant following planning consent for application 10/3927C

Dear Sir,

We write as residents living in the immediate locality of the Blue Bell and would express our concerns regarding the scope of activities planned for a relatively small site on a 60mph road at a complex junction of rural roads. As residents we have already expressed our concerns to Licensing regarding how this business is currently being run and associated issues of public nuisance and public safety.

The proposal for a restaurant extension at the Blue Bell has the support of all residents. As stated in correspondence from residents during the consultative phase of the planning application 10/3927C, the Blue Bell is important to the community, and it is recognised that in this day and age such businesses cannot survive on beer alone. However planning permission also encompasses a Marquee, formerly a temporary structure, which is currently used for lunchtime and evening functions.

Evidence collected by residents at the request of Highways during the recent planning process, demonstrates that the current bar/restaurant business plus evening Marquee events leads to displacement of traffic onto the highways leading to obstruction of private drive ways and cars parked dangerously contrary to the highway code. Where drivers have clearly broken the Highway Code, this must be dealt with by the Police as they are the enforcement officers in such instances.

Since the Marquee as a permanent structure now forms part of the new planning consent, any further custom from the proposed restaurant can only result in the displacement of further vehicles onto the public highway.

Recently, residents have held extensive discussions with Highways, the Police, the landlord (Karl D'annunzio Bruns) and John Wray (Rural Councillor Cheshire East) as how best to resolve the impact of the proposed expansion at the Blue Bell on those in the immediate vicinity, whilst ensuring that the business can thrive. Conclusions and action plan are summarised in the agreed minutes of a meeting held on Tuesday the 15th February 2011 (enclosed), the key features being the removal of the Marquee and an increase in on-site parking space. Subject to the actions proposed being carried out within a formal legal framework through attachment of the minutes to the licence, residents would support the inclusion of the proposed new restaurant within the current licence.

In summary residents would be grateful if Licensing would take steps to ensure that the current action plan is implemented at all times by the landlord, and advise whether the recent agreed actions to address residents concerns going forward maybe attached as a condition to the current Blue Bell Licence proposal. The landlord is supportive of this approach. Should this not prove acceptable then a formal review of the License will be requested.

We would also suggest that a meeting is arranged with residents to review enforcement of the current action plan agreed with Vilma Robson in 2009, and how this action plan might be amended once the Restaurant is in operation.

We look forward to your response in due course

Agenda

Blue Bell Review Tuesday 15th February 2011, 2.00pm at
Jubilee House Farm CW11 2XB

Attendees:

Roger Craig (Chairman and Resident)
(Resident)
Russell Thomas (Congleton Police)
John Wray (Congleton Rural Councillor)
Karl D'annunzio Bruns (Publican)
David Chan (Highways)

1. Introduction
2. On-site review of increased car parking options, need for planning permission?
options to rent space on long-term lease
3. Disabled Parking and signage on un-adopted Lane
4. Displacement of cars on the highways. Improved road markings at junctions and
enforcement. Role of Parish Council
5. Status of Marquee post completion of Restaurant
6. Taxis on-site pick-up area?
7. Current operations outside of agreement with residents. Resident concerns on
public nuisance and public safety. Compliance and the revision of conditions of
existing license.
8. Recording evidence for benefit of Licensing, Highways and the Police. The need
for transparency
9. Conclusions and Actions
10. AOB

Minutes of meeting held at 2.00pm Tuesday 15th February 2011 to resolve outstanding issues relating to Blue Bell expansion plans for the mutual benefit of residents and Blue Bell management and staff.

Participants:

Roger Craig (Chairman and Resident)
Resident)
Russell Thomas (Congleton Police)
John Wray (Congleton Rural Councillor)
Karl D'annunzio Bruns (Publican)
David Chan (Highways)

1. Introduction.

Roger Craig welcomed those present and reminded them that proposed expansion plans at the Blue Bell following recent planning consents had caused local concerns in particular related to public safety and public nuisance in the locality of the Blue Bell and the road junction. The purpose of the meeting was to resolve outstanding issues and document the conclusions.

2. Displacement of traffic onto the public highways.

It was agreed that the best approach was to increase on-site parking and consider the possibility of leasing adjacent land for temporary over-spill parking. This would limit the need for parking on the highways.

Karl identified space for an additional 8 on-site parking spaces. Potential space for temporary parking was identified on land owned by _____ and _____
Karl would approach the _____s with a view to leasing temporary car park space whilst Roger Craig would raise the matter with _____. Ideally the lease might be for 25 years and the space accommodate 20 or more vehicles.

Karl also identified improvements in the present plans which would increase the width of the current parking area giving more room for manoeuvre and better access for taxi pick-up.

3. Disabled parking and restricted access to the un-adopted lane.

It was agreed that the historical property boundary of the Blue Bell would be the line of cobbles and that this should be extended by a white line to meet the hedgerow on the Blue Bell side of the un-adopted lane. Karl then outlined plans already agreed in principle with the residents to provide four or five disabled parking spaces within the Blue Bell property line positioned head on to the Blue Bell. The final positioning would be agreed following advice from David Chan (Highways).

Signage would be agreed limiting all access to the un-adopted lane to residents, disabled parking and Blue Bell deliveries, and directing all customer traffic to the new Congleton Road entrance and parking space.

Polite notices would also be positioned on the Parlour Cottage wall requesting that there should be no parking so as to maintain access at all times to the un-adopted lane. Final signage to be approved by David Chan (Highways)

Karl agreed he would re-tarmac the Blue Bell forecourt and un-adopted lane as necessary and repair pot-holes, maintenance of the un-adopted lane thereafter to be shared with residents.

4. Parking on the Highways

Russell Thomas emphasised the need for event management, and the use of traffic cones to deter inappropriate parking. It was agreed that as a first step cones would be used on "event" days to deter parking in and around the road junction. Karl would manage this and inform the police where possible one month ahead of the proposed event that cones would be in use at the junction on specified dates.

It was agreed that road lighting should be limited to the new car park entrance, and that in the event traffic problems persisted then further steps would be implemented. This might include white lining but would be reviewed at the time.

To encourage "sensible" parking practice polite notices should be displayed in the Blue Bell, and on Blue Bell literature and booking forms, to remind customers that in the event parking on the roads was necessary that vehicles should be single parked pointing in the correct direction and with a parking light displayed.

5. The Marquee

Karl stated that the Marquee would be removed as a "permanent" structure on completion of the restaurant. The decking would be retained and the Marquee used for one-off functions only, being erected before any given function then taken down the following day. Karl emphasised that he planned to use the Marquee primarily for weekday lunchtime events (Christenings, weddings and funerals) but in the event there was an evening disco function that music would be limited to the use of an MP3 type device and no band/disco sound amplification would be acceptable. Karl expressed the view that the Marquee would not be used for Friday, Saturday and Sunday evening functions since this would overstretch his resources at a busy time for the restaurant.

It was noted (now confirmed) that the Marquee represented a permanent structure under the current planning consent, and that this was not a satisfactory situation. This would be resolved by the submission of a new planning application which set out revised on-site parking proposals and eliminated the Marquee as a permanent structure. The use of the Marquee as a temporary structure as outlined above would then be an acceptable under the licence.

6. Recording incidents

The continuing need for residents to report and record dangerous or obstructive parking and noise pollution was discussed, in particular the discomfort this gave to

certain "regular" customers. It was agreed that the way forward was a consistent message to all that no one who parked in a designated parking space or an acceptable manner on the public highway should be concerned. Where inappropriate parking occurred as a first step the driver should be identified by Blue Bell staff and asked to move and park elsewhere. In the event the customer did not comply then the police would be informed and the incident recorded.

7. It was noted by residents that Karl's compliance with the conditions of the existing licence as set out in the action plan of November 2009 was not always good. Since circumstances were changing Roger Craig was of the view that the best way forward was to ask for a review of the license, and that during this review steps would be taken to ensure that the actions agreed at this meeting were implemented and that a new action plan be agreed and implemented to encompass the expanded business. Emphasis should be placed on noise pollution at Trap House Farm which was particularly exposed to Marquee noise and would be more exposed to noise from taxi pick-ups when all traffic was re-directed to the single car park entrance on the Congleton Road. The use of the Marquee as a temporary structure for lunchtime events only and on-site evening taxis pick-ups should largely resolve this issue. Karl accepted that a new action plan should be agreed but asked that this be done in discussion with Vilma Robson of Licensing (enforcement) as soon as possible so as to avoid the need for a formal review of the license. This was agreed on the proviso that the minutes of this meeting when circulated were agreed in writing by all present as a true reflection of the meeting. The minutes would then be presented to the licensing committee for its imminent review of the Blue Bell restaurant with a covering letter from residents which supported the inclusion of the restaurant under the current license subject to the applicant (Karl) taking agreed actions as set out in these minutes. Roger Craig agreed to prepare a new action plan for discussion with Vilma Robson which reflected the needs of residents and the expanded Blue Bell business going forward.

Russell Thomas emphasised the need for Karl and residents to work together in their mutual interest, and Roger Craig reminded Karl that residents had always supported the new restaurant proposal, but not under circumstances which compromised the interests and well being of residents or at the expense of one or more residents. It was agreed that not everybody's needs could be accommodated all of the time, but with good will and compromise a working solution could be found.

8. The Meeting closed following a site inspection

Actions:

Karl

1. Prepare and submit a new planning application detailing revised customer on-site parking, the restaurant and no Marquee. Dismantle Marquee on completion of the Restaurant

2. Initiate negotiations with regarding a lease of land for over spill/temporary parking for 20 or more vehicles

3. Arrange a meeting as soon as possible between residents and Vilma Robson to review and agree a new action plan, the basis of the entertainment license going forward. Discuss and agree improved Blue Bell documentation highlighting the need for considerate customer parking on the highways
4. Agree with Highways new signage for the redirection of customer traffic to the Blue Bell car park using access off the Congleton Road
5. Agree with Highways the positioning of up to five disabled parking spaces within the Blue Bell property line adjacent to the un-adopted lane. Mark out, re-tarmac and repair potholes.
6. Source traffic cones and advise police of planned events.
7. Discuss issues of noise pollution with (Trap House Farm). Explain new plan and address any concerns raised.

Roger Craig

1. Discuss with the possibility of Karl leasing land for temporary car parking
2. Agree with Highways and residents all new signage limiting access to the un-adopted lane, to residents, disabled parking and deliveries
3. Prepare new Licensing action plan for discussion with Karl, Vilma Robson and other residents

These minutes reflect the discussions which took place and the actions agreed

Signed:

Name: I

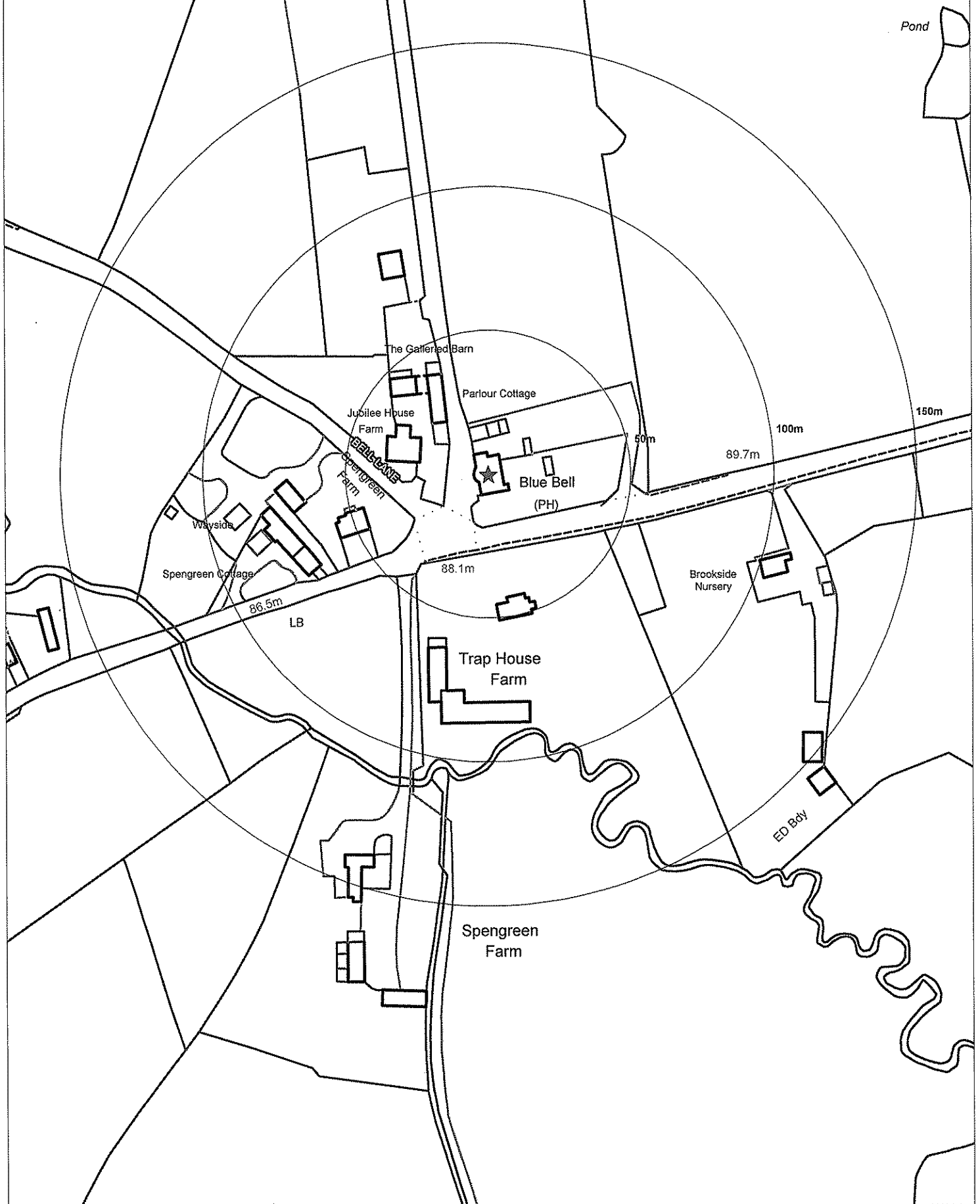
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BLUE BELL INN, SMALLWOOD, SANDBACH, CHESHIRE.

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