

Licensing Act Sub-Committee

Agenda

Date:	Monday, 14th March, 2011
Time:	9.30 am
Venue:	Delamere 1 Floor 2, Delamere House, Delamere Street, Crewe, CW1 2J2

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. **Variation of Premises Licence - Bar 33, 33 Wheelock Street, Middlewich CW10 9AG** (Pages 5 - 26)

To consider an application to vary the Premises Licence for Bar 33, 33 Wheelock Street, Middlewich CW10 9AG.

4. **Variation of Premises Licence - The Victoria, 91-93 Victoria Street, Crewe CW1 2JN** (Pages 27 - 54)

To consider an application to vary the Premises Licence for The Victoria, 91-93 Victoria Street, Crewe, CW1 2JN.

PART 2 – THERE ARE NO PART 2 ITEMS

For requests for further information

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

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CHESHIRE EAST COUNCIL

PROCEDURE FOR HEARINGS – LICENSING ACT 2003

The Licensing Committee

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

Officers at Hearings

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

PROCEDURE

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

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

LICENSING ACT SUB-COMMITTEE

Date of meeting **Monday 14th March 2011** **9:30 a.m.**

Report of: **Jane Cornes, Licensing Administration Officer**
Title: **Application for Variation of a Premises Licence**
 Bar 33, 33 Wheelock Street, Middlewich. CW10 9AG

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 Middlewich

5.0 Local Ward Members

Councillor Paul Edwards
Councillor Simon McGrory
Councillor Michael Parsons

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 Man Wai Lee applied on 25th January 2011 for a variation to the Premises Licence (under section 34 of the 2003 Act) for the Premises known as Bar 33, First Floor, 33 Wheelock Street, Middlesbrough, Cheshire. CW10 9AG. The variation applied for is :-
1. To remove condition 1 of Annex 2 of the operating schedule, concerning alcohol only being served as part of a table meal.
 2. Extension of hours for Recorded Music, Provision of facilities for Dancing and Supply of Alcohol until 02:00 hours.

- 10.3 The Designated Premises Supervisor is: Mr Man Wai Lee
- 10.4 A copy of the Premises Licence for the above mentioned premises is attached as : **Appendix A**.
- 10.5 The consultation period for this variation application ended on 22nd February 2011. During the consultation period representations were made by persons living in the vicinity. The objections are concerned with public nuisance, rowdy and anti-social behaviour, which is believed by the persons making representations, to be associated with this Licence. There have also been representations received from the Environmental Health Officer and Police Licensing Officer in respect of noise nuisance and crime and disorder public nuisance and Prevention of children from harm. Copies of all the representations are attached at :(**Appendix B**). (1-7)

The Police Licensing Officer, Mr David Smethurst, has provided further information attached as (**Appendix C**)

A location plan is also attached (**Appendix D**) showing Bar 33.

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

- 10.7 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 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/0138/10

Part 1 – Premises Details**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

BAR 33
First Floor
33 Wheelock Street
Middlewich
Cheshire
CW10 9AG

Telephone number

01606 837888

Where the licence is time limited the dates**Licensable activities authorised by the licence**

Supply of Alcohol
Performance of Recorded Music
Performance of Dance
Making Music
Provision of facilities for Dancing
Late Night Refreshment

Times the licence authorises the carrying out of licensable activities**All Permitted Regulated Entertainment**

Sunday 11:00 – 22:00
Monday to Thursday 11:00 – 23:00
Friday and Saturday 11:00 – 01:00

Supply of Alcohol

Sunday 11:00 – 21:30
Monday to Thursday 11:00 – 22:30
Friday and Saturday 11:00 – 00:30

Late Night Refreshment

Friday and Saturday 23:00 – 01:00

The opening hours of the premises

Monday	11:00 - 23:00
Tuesday	11:00 - 23:00
Wednesday	11:00 - 23:00
Thursday	11:00 - 23:00
Friday	11:00 - 01:00
Saturday	11:00 - 01:00
Sunday	11:00 - 22:00

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

Alcohol is supplied for consumption on the Premises.

Part 2

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

Mr Man Wai Lee
33 Wheelock Street
Middlewich
Cheshire
CW10 9AG

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 Man Wai Lee
33 Wheelock Street
Middlewich
Cheshire
CW10 9AG

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: LAPER/0168/10 Licensing Authority: Cheshire East 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.

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 The following conditions are effective from 6th April 2010.

- 3 The responsible person shall take all reasonable steps to ensure that staff do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

An irresponsible promotions means any more or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - i. drink a quantity of alcohol, within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited unspecified quantities of alcohol free or for a fixed price or discounted fee to the public or to a group defined by a particular characteristic (Other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Licensing Act);
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where the provision is dependent on –
 - i. the outcome of a race, competition or other event or process, or
 - ii. the likelihood of anything occurring or not occurring;
 - e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 4 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a disability).
- 5 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

The following conditions are effective from 01 October 2010:

6. a) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- b) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
7. The responsible person shall ensure that -
- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - i. beer or cider; half pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml; and
 - b) customers are made aware of the availability of these measures.

Annex 2 – Conditions consistent with the Operating Schedule

1. Alcohol shall not be sold or supplied on the premises otherwise than to seated persons, taking table meals, using a waitress or waiter service and for consumption by such persons on the premises as an ancillary to their meal. This condition will not apply when the entire premises are pre-booked for a private function.
2. Whenever the premises are booked for a private function there shall be on duty at the premises not less than two SIA registered door supervisors, who must be present from 8pm and remain until the premises close.
3. The premises licence holder will, if he/she receives written notification from the Police Licensing Officer that they are required to do so, provide a minimum of two door supervisors every Friday and Saturday from 8pm until they close to the public.
4. The proof of age scheme Challenge 25 will be operated for all sales of alcohol.
5. All staff authorised to sell alcohol, unless already a personal licence holder, must be trained in the operation of the proof of age scheme Challenge 25. Records of all staff training must be retained at the premises for a period of at least 12 months after the training has taken place and be produced on demand for examination by an employee of the Local Authority, Police Authority, Security Industry Authority or a Police Constable.
6. A tamper proof CCTV system must be installed on the premises to the satisfaction of the Police Licensing Officer. The CCTV system shall be used to record during all hours that the premises are open for business. The images recorded by the CCTV system must be securely retained in an unedited form for a period of not less than 14 days and copies be made freely available on demand to an employee of the Local Authority, Security Industry Authority or a Police Constable.
7. At all times the premises are open there will be on duty at the premises a member of staff competent to operate the CCTV system and make copies from it.
8. Seating for at least 30 people must be provided at all times.
9. There shall be no entry or re-entry to the premises after 11pm, unless as a result of the observance of the ban on smoking in public places.
10. No person aged under 18 years may enter or remain in the premises after 11pm, unless attending a pre-booked private function.
11. All fire exits will be alarmed so that an audible and visual notification is given to the bar area if they are opened. Notices, of a type, size and location such that they can be easily read, must be maintained inside each fire exit indicating that the exit door is alarmed.
12. The premises will have in place and operate a written dress code policy, to the satisfaction of the Police Licensing Officer, and which will be produced on demand for examination by an employee of the Local Authority, Police Authority, Security Industry Authority or a Police Constable.
13. No nuisance shall be caused by noise coming from the Premises.
14. Refuse such as bottles shall be disposed of from the premises at a time (i.e. between 8am to 8pm) when it is not likely to cause a disturbance to residents in the vicinity of the premises.
15. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.
16. When regulated entertainment takes place, all windows and external doors shall be kept closed except to allow access and egress.

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

None

Annex 4 –

The Plan 0138/10 can be viewed at the Licensing Authority

Part B

Premises Licence Summary *Cheshire East Borough Council*

Premises Licence Number

LAPRE/0138/10

Part 1 – Premises Details

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

BAR 33
33a Wheelock Street
Middlewich
Cheshire
CW10 9AG

Telephone number 01606 83788

Where the licence is time limited the dates

Licensable activities authorised by the licence

Supply of Alcohol
Performance of Recorded Music
Performance of Dance
Making Music
Provision of facilities for Dancing
Late Night Refreshment

Times the licence authorises the carrying out of licensable activities

All Permitted Regulated Entertainment

Sunday 11:00 – 22:00
Monday to Thursday 11:00 – 23:00
Friday and Saturday 11:00 – 01:00

Supply of Alcohol

Sunday 11:00 – 21:30
Monday to Thursday 11:00 – 22:30
Friday and Saturday 11:00 – 00:30

Late Night Refreshment

Friday and Saturday 23:00 – 01:00

The opening hours of the premises

Monday	11:00 - 23:00
Tuesday	11:00 - 23:00
Wednesday	11:00 - 23:00
Thursday	11:00 - 23:00
Friday	11:00 - 01:00
Saturday	11:00 - 01:00
Sunday	11:00 - 22:00

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

Alcohol is supplied for consumption on the Premises.

Name, (registered) address of holder of premises licence

Mr Man Wai Lee
33 Wheelock Street
Middlewich
Cheshire
CW10 9AG

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 Man Wai Lee

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

Licence Granted : 19.11.2010

CORNES, Jane

From:
Sent: 15 February 2011 14:28
To: Licensing Mail Box (Congleton)
Cc:
Subject: Wheelock Street
Importance: High

To whom it may concern,

RE: Planning Application for Nightclub, Wheelock St

I have received notification today regarding a recent application for a nightclub premises close to the old Alhambra building. As you will be able to appreciate, this is within very close proximity to the Wallcroft Gardens estate, to which I am both a resident and a director.

This will without question have an adverse impact towards the estate which virtually backs onto the proposed venue. We already have severe disruption of a weekend from the opposite side of the estate by the club/bar Chocolate which we have notified you of previously.

On a separate note, we have had issues regarding anti-social behavior and criminal disorder in Middlewich which I am sure you can appreciate, adding another venue of this type will only make matters worse. For a quiet town/village I am amazed that you are even entertaining the idea of this.

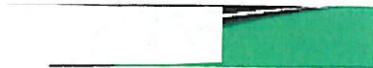
I strongly object to this and if you would like me to get a petition from the whole estate to voice their objection I will. Our house prices have taken enough of a tumble with recent goings on and this will only affect them negatively again.

Can you please lodge my objection on file:

I have copied one of the other directors into this message who will also be writing to you, as well as the managing director of our management company.

Please confirm receipt of this message

Many thanks



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- 0000
uk

15/02/2011

CORNES, Jane

From: [redacted]@com]
Sent: 15 February 2011 13:15
To: Licensing Mail Box (Congleton)
Subject: Objection to Premise License at Variation for Bar 33 at First Floor, 33 Wheelock Street, Middlewich CW10 9AG.

Dear Sir/ Madame,

Please take this as a letter of objection to the granting of a Premise License at Variation for Bar 33 at First Floor, 33 Wheelock Street, Middlewich CW10 9AG.

This is on the grounds of public nuisance due to the extra noise it will cause residents at Wallcroft gardens.

I am a director of Wallcroft Gardens Residents Committee and represent the freeholder of the common areas.

Kind Regards

J MSc
Management

BLI / P1

15/02/2011

CORNES, Jane

From: |
Sent: 15 February 2011 13:30
To: Licensing Mail Box (Congleton)
Subject: Objection to Premise License at Variation for Bar 33 at First Floor, 33 Wheelock Street, Middlewich CW10 9AG

Dear Sir/ Madam,

Please take this as a letter of objection to the granting of a Premise License at Variation for Bar 33 at First Floor, 33 Wheelock Street, Middlewich CW10 9AG.

This is on the grounds of public nuisance due to the extra noise it will cause residents at Wallcroft gardens. Residents who are already subjected to untold ongoing public nuisances.

I am a Wallcroft Gardens home owner and director of Wallcroft Gardens Residents Committee.
Yours faithfully

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Registered number 1893220
VAT registration number 243 8687 30

15/02/2011

CORNES, Jane

From:

Sent: 16 February 2011 12:59

To: Licensing Mail Box (Congleton)

Cc:

Subject: Objection to Premise License at Variation for Bar 33 at First Floor, 33 Wheelock Street, Middlewich CW10 9AG.

Dear Sir/ Madame,

Objection to Premise License at Variation for Bar 33 at First Floor, 33 Wheelock Street, Middlewich CW10 9AG.

To whom it may concern,

Please take this as a letter of objection to the granting of a Premise License at Variation for Bar 33 at First Floor, 33 Wheelock Street, Middlewich CW10 9AG.

This is on the grounds of public nuisance due to the extra noise it will cause residents at Wallcroft gardens.

I am a director of Wallcroft Gardens Residents Committee and a resident here at Wallcroft Gardens. We already have significant issues with anti social behaviour, criminal activity and noise disturbance on the road. This is clearly reported in crime figures and previous complaints regarding noise disturbance. There is a concerted ongoing effort of police and community police officers to target vandalism and anti social behaviour on the road and surrounding area ie Tesco/ Council run car park area which can only be undermined by new premises of this kind opening and increase the problems for residents living here. Already there is regular disturbances and drunken behaviour happening in that area over weekends that impacts on the residents and my family is awoken almost every Friday and Saturday night / early hours due to this. I don't feel it is acceptable to grant licence for more premises to open that will impact so directly on this family estate where there are numerous young children residing.

Please acknowledge receipt of this complaint.

Kind Regards,

Middlewich

16/02/2011

22nd February 2011

Re: Bar 33, 33 Wheelock Street, Middlewich

and knowing that they have responded rather negatively to being approached by Environmental Health before, and heard them arguing aggressively in the street with people from other nearby businesses, I feel very uncomfortable and vulnerable so would like my name and address to be withheld.

I was not surprised but nonetheless extremely distressed to see that this place has a notice of a license application up. In its previous incarnation as Cassie's Lounge it caused me many months of absolute misery. The worst of this was their extremely loud music, often so loud that the lyrics were audible, and the bass vibrated through my building. I couldn't watch TV or listen to the radio as to have it loud enough to hear over the noise was painful. I couldn't sleep, earplugs couldn't block out the noise, especially with the vibrations as well. When the music stopped there would be further huge noise from people yelling in the street, and frequently this also included fighting and sometimes breaking windows of nearby shops, or attempts to do so. It was very common to have police and ambulances arriving. I was kept up by the music until 2am and then the street noise from the crowd hanging around outside their door until at least 2.30, and then it took further time to calm down enough to sleep because that level of noise for hours on end inevitably brings about a physical stress response.

As this went on I would be crying in absolute despair at being subjected to this, even on the quiet nights in the week I kept thinking of what I was going to have to face again the coming weekend. Environmental Health were tremendously helpful, they got a defensive and dismissive response from the person running the place when they visited to raise the problem initially so I had to keep diaries and then they brought round equipment so I could make recordings. Eventually, a year ago, I received this news in a letter from Environmental Health:

"Recently, Cheshire Police undertook a visit to the premises and identified a number of issues. The designated supervisor was informed that the consequences of these findings could result in the premise licence being reviewed. The designated premises supervisor decided that the most appropriate course of action would be to close Cassie's Bar and just operate Alhambra Restaurant."

The relief was overwhelming. Most of last year was blissful, just knowing I didn't have to face this every weekend any more.

Then suddenly, at the beginning of December, it all started again. A new sign went up and I feared the worst, and then one weekend the noise started, just the same as before. On this very first night the glass in their door was smashed and an ambulance was called to a woman I saw lying on the pavement in the freezing cold. I contacted Environmental Health, extremely upset, I couldn't believe that after all I'd gone through they could open up again as if nothing had happened just with a change of name. They informed me that they were operating on Temporary Event Notices and to keep them updated as to how things went, which I have done. Since New Year's Eve they have been shut but I knew this couldn't be the end of it, and then I saw the notice. From the evidence of the

end of last year it is clear they are a nuisance establishment in just the same way as led to them closing before, totally undermining the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder.

LICENSING ACT 2003
Environmental Health Consultation Response

Date Received: 26th January 2011

Name of Applicant: Man Wai Lee

Address to which application relates: Bar 33
First Floor
33 Wheelock Street
Middlewich
CW10 9AG

Conversion: ☐ Variation: ☒ New: ☐

☐ Approve

☐ Approve with Conditions

☒ Object

Observations

Environmental Health have significant concerns about the impact on local residents that the current application to vary the premise licence may have.

The premise was previously licensed for the proposed hours and Environmental Health undertook a formal investigation into noise nuisance from the premises which resulted in the serving of a Noise Nuisance Abatement Notice for amplified music. The current application for the licence variation, seeks to extend the hours for regulated entertainment and hours of opening back to the original times when we served the Abatement Notice. Furthermore as the business is being run by the same operators, we have no reason to believe the business will be managed any differently this time, if the extension to the hours is granted.

In addition, the premises operated under Temporary Event Notices at the end of last year, to which we received complaints of noise nuisance from local residents.

Therefore there is the potential that the extension of hours and an increase in the frequency and duration of regulated entertainment in the premises, as applied for in this variation, could cause a public nuisance to neighbouring residential dwellings. Consequently Environmental Health must object to the above variation under the licensing objective of the prevention of public nuisance.

SIGNED: Sarah Edge

DATED: 21st February 2011

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Cheshire East Borough Council

Representation Form.

Responsible Authority.

POLICE

Your Name	David Smethurst
Job Title	Police Licensing Officer
Postal and email address	Police Office, Middlewich Road, Sandbach, CW11 1HU david.smethurst7541@cheshire.pnn.police.uk
Contact telephone number	01244 613580 (mobile 07796 440534)

Name of the premises you are making a representation about.	Bar 33
Address of the premises you are making a representation about.	First floor, 33 Wheelock Street, Middlewich, CW10 9AG

Which of the four licensing Objectives does your representation relate to? Please state yes or no.	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
The Prevention of harm to children	Yes	The effect of this application will be to return the nature and style of operation of these premises back to a late night licensed bar. When the same operators ran these premises in this way previously it undermined the Crime and Disorder, Public Nuisance and Prevention of Children from Harm licensing objectives and there seems nothing to differentiate its intended use from how it ran previously. Therefore the effect of allowing this application will be to give them the opportunity, once again, to undermine the licensing objectives.
To prevent Public Nuisance	Yes	As above
To prevent crime and disorder	Yes	As above
Public Safety	No	

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	
--	--

Signed: David Smethurst

Date: 17/02/11

Please note the information below which is for the attention of the licensing sub committee at the hearing into the application to vary the premises licence at Bar 33, 33 Wheelock Street, Middlewich.

A review of the incidence of Criminal Damage and Disorder involving fighting and assaults in Wheelock Street, Middlewich shows that the number of incidents is significantly higher during those periods when Bar 33, formerly known as Cassie's, was operating as simply a bar and doing so later at night.

Also during the period from when they obtained a licence with their later hours in April 2009, which allowed them to operate to 02:00 on Friday and Saturday nights, until they surrendered the licence in January 2010 the following incidents happened inside or directly outside Bar 33:

- 02/05/09 at 01:30 – Report of 8 males fighting upstairs at Bar 33 followed by one of them walking off up Wheelock Street and smashing a window at a nearby shop with a fire extinguisher. Another male punched, and smashed, a ground floor window at the Alhambra restaurant below Bar 33.
- 24/05/09 at 00:30 – Report of 40 males fighting outside Bar 33, lots of blood and ambulance requested (the Police Operator taking the call could hear screaming in the background). Numerous Police patrols attended and three males were arrested.
- 21/06/09 at 00:54 – An argument which started inside Bar 33 concluded outside when two females in their early 20s were assaulted by being punched and pulled to the floor by their hair. A 60 year old male passerby who attempted to intervene was assaulted by being kicked.
- 19/07/09 at 01:30 – A male was deliberately elbowed in the face whilst in the gents toilets at Bar 33 causing his nose and lip to bleed and chipping one of his teeth. He exits the toilets and tells a staff member what happened, asking them to call the Police. The staff member dismisses the explanation and instead expels him from the premises.
- 06/12/09 at 01:00 – Whilst on the dance floor at Bar 33 a 20 year old female is assaulted by having her hair pulled so violently that she suffers a whiplash injury to her neck.
- 01/01/10 at 03:00 – A 24 year old female outside Bar 33 is punched in the face by an unknown male causing injury.

In addition to the above there have been a number of occasions when conditions were breached on the previous premises licence at 33 Wheelock Street, when known as Cassie's and also operated by the this applicant's family. The previous premises licence, which would pretty much mirror the one applied for now, was only surrendered by this applicant in January 2010 under threat of, and to stave off, a criminal prosecution and a premises licence review.

I have noted the time and date of the hearing in your notice and ask you to note, in accordance with Regulation 8 of the Licensing Act 2003 (Hearings) regulations 2005, that it is my intention to attend the hearing and I will be accompanied by Police Sergeant Penny Jones in order that we may amplify our representation.

Please further note that I have copied this message to the applicant, Man Wai Lee, at the same time as sending it to you.

kind regards

David Smethurst MLoL
Police Licensing Officer
Sandbach Police Office
Middlewich Road
Sandbach
Cheshire
CW11 1HU



BAR 33, 33 WHELOCK STREET, MIDDLEWICH, CHESHIRE

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CHESHIRE EAST COUNCIL

LICENSING ACT SUB-COMMITTEE

Date of meeting: 14 March 2011
Report of: Peter Simester, Licensing Administration Officer
Title: Application to vary a Premises licence
The Victoria, 91-93 Victoria Street, Crewe, CW1 2JN

1.0 Report Summary

- 1.1 The purpose of the report is to request that the Licensing Act Sub-Committee consider an application by Admiral Taverns (780) Limited to vary the Premises licence at The Victoria, 91-93 Victoria Street, Crewe, CW1 2JN. The Council has received representations from the Environmental Health team at Cheshire East Council, the Chief Police Officer and three interested parties.

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to determine the application for the variation of the Premises licence.

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 Crewe East

5.0 Local Ward Members

- 5.1 Cllr S Conquest
Cllr M Martin
Cllr C Thorley

6.0 Policy Implications

- 6.1 The Council 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 Where relevant representations are received in relation to an application for the variation of a Premises licence under section 34 of the Licensing Act 2003, the licensing authority must hold a hearing within 20 working days (of the end of the consultation period) to consider the application and relevant representations.

8.2 Section 35 of the Licensing Act 2003 states that, before determining the application, the licensing authority must hold a hearing to consider the application and any relevant representations. In accordance with the provisions of section 35 of the Act, the authority must, having regard to the application and any relevant representations, take such of the steps mentioned in sub-section (4), if any, 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 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 the variation of an existing Premises licence under section 34 of the Licensing Act 2003. A copy of the existing licence is attached as Appendix 1.

10.2 Summary of proposed changes:

- (i) To extend the opening hours to the public.
- (ii) To extend the hours for the sale of alcohol.
- (iii) To extend the hours of provision of regulated entertainment.
- (iv) To extend the hours of provision of entertainment facilities.
- (v) To extend the hours of provision of late night refreshment.

(i) Opening hours

Proposed opening hours:

Monday to Wednesday:	09:00 to 00:30
Thursday	09:00 to 01:30
Friday & Saturday	09:00 to 02:30
Sunday	09:00 to 00:30

The applicant proposes to open between 09:00 and 02:30 on all Bank Holidays, Christmas Eve, Boxing Day and New Year's Day.

(ii) Sale of alcohol

Proposed times:

Monday to Wednesday:	09:00 to 00:00
Thursday	09:00 to 01:00
Friday & Saturday	09:00 to 02:00
Sunday	09:00 to 00:00

(iii) Provision of regulated entertainment

Includes: Films, Indoor sporting events, Live music, Recorded music, Performances of dance, Anything of a similar description. Indoors only.

Proposed times:

Monday to Wednesday:	09:00 to 00:00
Thursday	09:00 to 01:00
Friday & Saturday	09:00 to 02:00
Sunday	09:00 to 00:00

(iv) Provision of entertainment facilities

Facilities for Making music, Dancing and Entertainment of a similar description. Indoors only.

Proposed times:

Monday to Wednesday:	09:00 to 00:00
Thursday	09:00 to 01:00
Friday & Saturday	09:00 to 02:00
Sunday	09:00 to 00:00

(v) Provision of late night refreshment

Proposed times:

Monday to Wednesday:	23:00 to 00:00
Thursday	23:00 to 01:00
Friday & Saturday	23:00 to 02:00
Sunday	23:00 to 00:00

The applicant proposes to extend the times for sale of alcohol, provision of regulated entertainment, provision of entertainment facilities and late night refreshment to between **09:00 and 02:00** on all Bank Holidays, Christmas Eve, Boxing Day and New Year's Day.

10.3 Response from Responsible Authorities

The **Environmental Health** team at Cheshire East Council have objected to the proposed variation of this Premises licence. They are currently investigating complaints of noise nuisance arising from The Victoria public house in relation to noise from regulated entertainment as well as noise from individuals going outside to the front of the premises to exit the premises or to have a cigarette.

The full response from the Environmental Health team is shown in Appendix 2.

The **Chief Officer of Police** has asked for three additional conditions to be added to the Premises licence before the variation is granted. These are as follows:

- i. A minimum of two door supervisors will be on duty at the premises from 21:00, and they shall remain at the premises until they close to the public, on every Friday and Saturday, every Bank Holiday, Christmas Eve, Boxing Day, New Year's Eve and New Year's Day.
- ii. There shall be no entry or re-entry allowed into the premises after 00:30 unless as a result of observing the ban on smoking in public places.
- iii. A CCTV system is to be maintained at the premises to the satisfaction of the Police Licensing Officer and it must record at all times the premises are open to the public. Unedited images must be securely retained for at least 28 days and copies made freely available upon request to a constable or an employee of the Police Authority, Local Authority or Security Industry Authority.

The applicant has indicated that conditions ii. and iii. are acceptable but does not feel it is viable to have door staff on duty during all of the above days

10.4 Responses from Interested Parties

The licensing authority has received representations from two local residents and from the owners of a rented property in the vicinity of The Victoria public house. Details of these representations are shown in Appendix 3.

A location plan is included as Appendix 4.

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 writer:

Name: Peter Simester
Designation: Licensing Administration Officer
Tel. no: 01270 537114
E-mail: peter.simester@cheshireeast.gov.uk

Appendices:

- Appendix 1: Existing Premises licence.
- Appendix 2: Representation from Environmental Health team.
- Appendix 3: Representations from interested parties
- Appendix 4: Location plan.

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PREMISES LICENCE**Crewe and Nantwich Borough Council**

Premises licence number	234
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Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Victoria Hotel 93 Victoria Street	
Post town	Post code
Crewe	CW1 2JN
Telephone number	
01270 215501	

Where the licence is time limited the dates
Not applicable

Licensable activities authorised by the licence
Sale by retail of alcohol Provision of regulated entertainment Provision of late night refreshment

The times the licence authorises the carrying out of licensable activities	
Monday)
Tuesday)
Wednesday)
Thursday)
Friday)
Saturday)
Sunday)
Please see tables in Annex 2.	

The opening hours of the premises			
Monday	09:00	to	00:30
Tuesday	09:00	to	00:30
Wednesday	09:00	to	00:30
Thursday	09:00	to	00:30
Friday	09:00	to	01:30
Saturday	09:00	to	01:30
Sunday	09:00	to	00:30

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

Part 2

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

Admiral Taverns (780) Limited
150 Aldersgate Street
London
EC1A 4EJ

Tel: 01244 321171

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

05847941

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

Allan James Lawrinson

Tel:

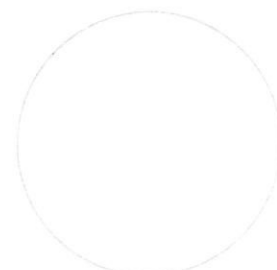
Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal licence number YMPA0156
Issued by Anglesey County Council

Issued by:

Executive Director, Environment & Development
Crewe and Nantwich Borough Council
Municipal Buildings
Earle Street
Crewe
Cheshire
CW1 2BJ

.....
03 March 2009



Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the Premises licence:
 - At a time when there is no Designated Premises Supervisor in respect of the Premises licence, or
 - At a time when the Designated Premises Supervisor does not hold a Personal licence, or his/her Personal 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.
3. The admission of children (i.e. persons aged under 18 years old) to the exhibition of a film is restricted in accordance with the recommendations given to the film by the British Board of Film Censors.

Annex 2 - Conditions consistent with Operating Schedule

1. No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
2. Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises.
3. Prominent and clear notices to be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly.
4. Doors and windows to be kept closed, except for entry and exit, during performances of live or amplified music.
5. Whilst regulated entertainment takes place a double door system should be in place to allow customers to access the outdoor drinking area and these doors should not be propped open.
6. No music to be played in the outside drinking area.
7. Outside drinking area to be closed for the sale/consumption of alcohol at 23:00 (Sundays to Thursdays) and at 01:00 (Fridays and Saturdays).
8. Proof of age scheme adopted.
9. Persons under 14 not permitted on the premises after 21:00 unless part of an organised function.

A	Plays			
	Will the performance of a play take place indoors or outdoors or both.		Indoors	
			Outdoors	
			Both	
Day	Start	Finish	Details	
Mon				
Tue				
Wed			Seasonal variations	
Thur				
Fri				Non standard timings
Sat				
Sun				

B	Films			
	Will the exhibition of a film take place indoors or outdoors or both.		Indoors	x
			Outdoors	
			Both	
Day	Start	Finish	Details	
Mon	09:00	00:30	Video entertainment on TV screens, jukebox video and amusement machines.	
Tue	09:00	00:30		
Wed	09:00	00:30	Seasonal variations	
Thur	09:00	00:30		
Fri	09:00	01:30		Non standard timings
			09:00 New Year's Eve to 09:00 New Year's Day.	
Sat	09:00	01:30		
Sun	09:00	00:30		

C		Indoor sporting events	
Day	Start	Finish	Details
Mon	09:00	00:30	To permit indoor pub games such as darts, pool, etc. which on occasions may attract an audience for finals or league matches.
Tue	09:00	00:30	
Wed	09:00	00:30	Seasonal variations
Thur	09:00	00:30	
Fri	09:00	01:30	
Sat	09:00	01:30	Non standard timings
Sun	09:00	00:30	None.

D		Boxing or wrestling entertainment							
		Will the boxing or wrestling entertainment take place indoors or outdoors or both.	<table border="1"> <tr> <td>Indoors</td> <td></td> </tr> <tr> <td>Outdoors</td> <td></td> </tr> <tr> <td>Both</td> <td></td> </tr> </table>	Indoors		Outdoors		Both	
Indoors									
Outdoors									
Both									
Day	Start	Finish	Details						
Mon									
Tue									
Wed			Seasonal variations						
Thur									
Fri									
Sat			Non standard timings						
Sun									

E	Live Music			
	Will the performance of live music take place indoors or outdoors or both.		Indoors	x
			Outdoors	
			Both	
Day	Start	Finish	Details	
Mon	10:00	23:30	Limited to small groups, trios, duos and single artists performing a variety of music. Live acoustic/amplified music and amplified voice.	
Tue	10:00	23:30		
Wed	10:00	23:30	Seasonal variations	
Thur	10:00	23:30		
Fri	10:00	00:30		
			Non standard timings	
Sat	10:00	00:30	New Year's Eve: To end at 02:00 on New Year's Day.	
Sun	10:00	23:30		

F	Recorded music			
	Will the playing of recorded music take place indoors or outdoors or both.		Indoors	x
			Outdoors	
			Both	
Day	Start	Finish	Details	
Mon	10:00	23:30	Performance of recorded music, including jukebox and karaoke, with or without a DJ, during normal business or as part of functions, and including audience participation.	
Tue	10:00	23:30		
Wed	10:00	23:30	Seasonal variations	
Thur	10:00	23:30		
Fri	10:00	01:00		
			Non standard timings	
Sat	10:00	01:00	New Year's Eve: To end at 02:00 on New Year's Day.	
Sun	10:00	23:30		

G	Performances of dance			
	Will the performance of dance take place indoors or outdoors or both.		Indoors	x
			Outdoors	
			Both	
Day	Start	Finish	Details	
Mon	10:00	23:30	Performance of dance or dancing as part of a performance accompanying live musicians including audience participation.	
Tue	10:00	23:30		
Wed	10:00	23:30	Seasonal variations	
Thur	10:00	23:30		
Fri	10:00	00:30		
			Non standard timings	
Sat	10:00	00:30	New Year's Eve: To end at 02:00 on New Year's Day.	
Sun	10:00	23:30		

H	Anything of a similar description to (E), (F) or (G)			
	Will this entertainment take place indoors or outdoors or both.		Indoors	x
			Outdoors	
			Both	
Day	Start	Finish	Details	
Mon	10:00	23:30	Comperes for quiz and similar events involving performances using voice amplification.	
Tue	10:00	23:30		
Wed	10:00	23:30	Seasonal variations	
Thur	10:00	23:30		
Fri	10:00	00:30		
			Non standard timings	
Sat	10:00	00:30	New Year's Eve: To end at 02:00 on New Year's Day.	
Sun	10:00	23:30		

I	Provision of facilities for making music			
	Will facilities for making music be indoors or outdoors or both.		Indoors	x
			Outdoors	
			Both	
Day	Start	Finish	Details	
Mon	09:00	00:30	Sound system, rooms. Conditions for live music apply.	
Tue	09:00	00:30		
Wed	09:00	00:30	Seasonal variations	
Thur	09:00	00:30		
Fri	09:00	01:30		
			Non standard timings	
Sat	09:00	01:30	09:00 New Year's Eve to 09:00 New Year's Day	
Sun	09:00	00:30		

J	Provision of facilities for dancing			
	Will the facilities for dancing be indoors or outdoors or both.		Indoors	x
			Outdoors	
			Both	
Day	Start	Finish	Details	
Mon	09:00	00:30	Premises have no defined dance area for provision of dancing but rooms which are used for entertainment have ample floor space for spontaneous dancing.	
Tue	09:00	00:30		
Wed	09:00	00:30	Seasonal variations	
Thur	09:00	00:30		
Fri	09:00	01:30		
			Non standard timings	
Sat	09:00	01:30	09:00 New Year's Eve to 09:00 New Year's Day	
Sun	09:00	00:30		

K	Provision of facilities for entertainment of a similar description to that falling within (I) or (J)		
	Will the entertainment facility be indoors or outdoors or both.		Indoors
			Outdoors
			Both
Day	Start	Finish	Details
Mon			
Tue			
Wed			Seasonal variations
Thur			
Fri			
			Non standard timings
Sat			
Sun			

L	Late night refreshment			
	Will the provision of late night refreshment take place indoors or outdoors or both.		Indoors	x
			Outdoors	
			Both	
Day	Start	Finish	Details	
Mon	23:00	00:30		
Tue	23:00	00:30		
Wed	23:00	00:30	Seasonal variations	
Thur	23:00	00:30		
Fri	23:00	01:30		
			Non standard timings	
Sat	23:00	01:30	09:00 New Year's Eve to 09:00 New Year's Day	
Sun	23:00	00:30		

M	Supply of alcohol			
	Will the supply of alcohol be for consumption		On the premises	
			Off the premises	
			Both	x
Day	Start	Finish	Details	
Mon	09:00	24:00		
Tue	09:00	24:00		
Wed	09:00	24:00	Seasonal variations	
Thur	09:00	24:00		
Fri	09:00	01:00		
			Non standard timings	
Sat	09:00	01:00	09:00 New Year's Eve to 09:00 New Year's Day	
Sun	09:00	24:00		

Hours premises are open to the public			
Day	Start	Finish	Seasonal variations:
Mon	09:00	00:30	
Tue	09:00	00:30	
Wed	09:00	00:30	
Thur	09:00	00:30	Non standard timings:
Fri	09:00	01:30	
			09:00 New Year's Eve to 09:00 New Year's Day
Sat	09:00	01:30	
Sun	09:00	00:30	

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

None

Annex 4 - Plan

LICENSING ACT 2003
Environmental Health Consultation Response

Date Received: 19th January 2011

Name of Applicant: Admiral Taverns (780) Ltd

Address to which application relates: The Victoria
91-93 Victoria Street
Crewe
CW1 2JN

Conversion: ☒ Variation: ☒ New: ☐

☐ Approve

☐ Approve with Conditions

☒ Object to Section(s) E, F and O

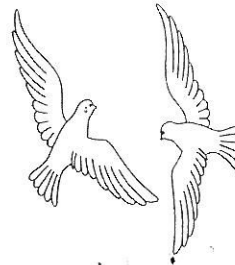
Observations

Environmental Health are currently investigating complaints of noise nuisance arising from The Victoria Public House in relation to noise from regulated entertainment, as well as noise emanating from individuals going outside to the front of the premises, either to exit the premises or to have a cigarette.

Therefore there is the potential that the extension of hours and an increase in the frequency and duration of regulated entertainment in the premises, as applied for in this variation, could cause a public nuisance to neighbouring dwellings. Consequently Environmental Health must object to the above variation under the licensing objective of the prevention of public nuisance, as we are currently investigating complaints of nuisance arising from the premises.

DATED: 14th February 2011

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27th January 11
Licensing Clerk
Re Victoria Public House (Letter of Objection)

Dear Sir/Madam

I wish to object to the application to vary a premises licence for the above public house

The reasons for my objections are as follows:-

We are Landlords of 90 Victoria Street, Crewe, and in the past have lost several tenants, directly as a result of the noise and anti-social behaviour from the Victoria Public House. The last tenant left in December 10, solely because of this problem.

We and some of our tenants, have reported this matter on a couple of occasions in the past, to the environmental health office, and the pub is currently being monitored, because other occupants of Victoria Street, are also having problems with noise etc.

You may be aware that Victoria Street Houses are Grade 11 listed, and consequently by law are not allowed to have modern double glazing fitted, and so we can not enjoy the benefits of double glazing to reduce the noise level

Our Tenants have never complained about any of the other night clubs/pubs in the area, only this one pub, who seems to have no regards, whatsoever, for the local residents of Victoria Street,

Therefore, to give this public house extended hours etc, would give the landlord even more scope, to make the local people's lives even more miserable, and their sleep disrupted more than it already is.

Please take the local residents fears and anxieties into account, when giving consideration to this application, and think how you would feel, if your single glazed home was a few yards away from this pub.

Yours truly,

1st February 2011

The Licensing Clerk,
Cheshire East Council,
Municipal Buildings,
Earl Street,
Crewe.
CW1 2BJ

Re: Victoria Public House, Victoria Street, Crewe.

Dear Sir/Madam,

I am writing to you with my deepest concerns regarding the application for extending the hours for the sale of alcohol and provision of regulated entertainment at the Victoria Public House, Victoria Street, Crewe.

At present myself and other residents are experiencing disturbances from the Victoria on a regular basis until 1-2 am in the morning, especially on Friday and Saturday nights, with the current licence. Extending their trading hours will only increase this disturbance period further into the early hours.

The problems I have been experiencing from the Victoria include:-

Bass music which I can hear within my house and which I have already reported to Tracy Billington, Environment Officer at Public Protection and Health,

Loud DJ announcements,

People leaving the premises, shouting, screaming, slamming car doors,

People being noisy whilst they are smoking outside the front door of the pub,

People sitting on my garden wall and using my garden to relieve themselves,

Other episodes include such things as a ceramic garden plant pot being taken from a neighbours garden and thrown thru the window of the pub. Also, more recently, ie Friday

28th January 2011, a large fight occurred at about 1.15 am, which spilled out from the pub. Police had to be called to the scene.

Because of incidents like these I find it very difficult to get to sleep, I have to get up for work at 5 am, which I then struggle to do, and in turn is having an effect on my health and well being.

I would therefore like to oppose very strongly the application made for the revision of the licence at the Victoria Public House. If anything, I would like to see their licensing hours being reduced from 1 am to midnight.

Yours sincerely

01 February 2011

The Licensing Clerk
Cheshire East Council
Municipal Buildings
Earl Street
CREWE
CW1-2BJ

Re: Application to vary a premises licence for the Victoria Public House / Hotel.

Dear Sir / Madam,

I am writing to you to voice my concerns and oppose the application for extending the hours for sale of alcohol and the provision of regulated entertainment at the Victoria Public House / Hotel, at 93 Victoria Street, Crewe, CW1-2JN.

This is a residential area, and extending the hours of alcohol throughout the week, will only cause discomfort to all residences living on Victoria Street. We already have problems with drunken people exiting the Victoria Public House, sitting on our walls, waiting for taxis, and in extreme case's urinating in our gardens. Only last weekend, I witnessed a large group of people exiting the Victoria Public House only to fight with another group in front of our house. The police were called to resolve this situation, and eventually it was resolved at 01:30. This was not much comfort to me, as I start work at 05:00, and didn't get the sleep I require to fulfil my full time employment. This is just one of many problems from the Victoria Public House we have had on Victoria Street.

Extending the hours of alcohol throughout the week will only encourage drunken people from the Victoria Public House to argue and fight outside my residence, and this will be a regular thing, causing fear, distress and anxiety for all residences alike.

We have had to call out the police on many occasions to disturbances which filter out from the Victoria Public House onto Victoria Street, which were violent conflictions between those drinking alcohols from the Victoria Public House.

This only enhances my concerns to the fact that the Victoria Public House wants to extent their opening hours, not only on a weekend but a week day, which these conflictions will go on longer and in to the early hours.

My other concern is with their entertainment hours being extended along with their opening hours, the noise levels will be somewhat unbearable in the early hours, which would affect my performance in full time employment but also in my health.

The extreme noise levels that I have personally experienced over the weekends have brought discomfort and frustration not only to me, but also to my 8 month pregnant fiancée, causing mild anxiety and frustration. To have this loud, irritating and unwanted sound throughout the week will only cause more discomfort for which we already experience, to all residence living in the residential area.

I believe that many residences have already complained to the Environmental Protection, complaining about the noise level that is already heard from the Victoria Public House over the weekend, and under the Environmental Protection Act 1990: Section 79 & 80, the complaint concerning the Victoria Public House is still being investigated and ongoing. Complaints' and disturbances regarding the Victoria Public House is not a recent issue, this has been ongoing since 2009.

If you wish to obtain any further information regarding the ongoing complaint on the subject of the noise pollution from the Victoria Public House, please contact Tracey Billington, Environmental Health Officer at Public Protection and Health. Ref.WK/021100098.

The Police will also have records of the disturbances and incidents from the Victoria Public House unfortunately I do not have references to hand.

I eagerly wait for your response to this representation of my concerns regarding the extended alcohol and entertainment hours for the Victoria Public House.

Please do not hesitate to contact me regarding any further information you may require.

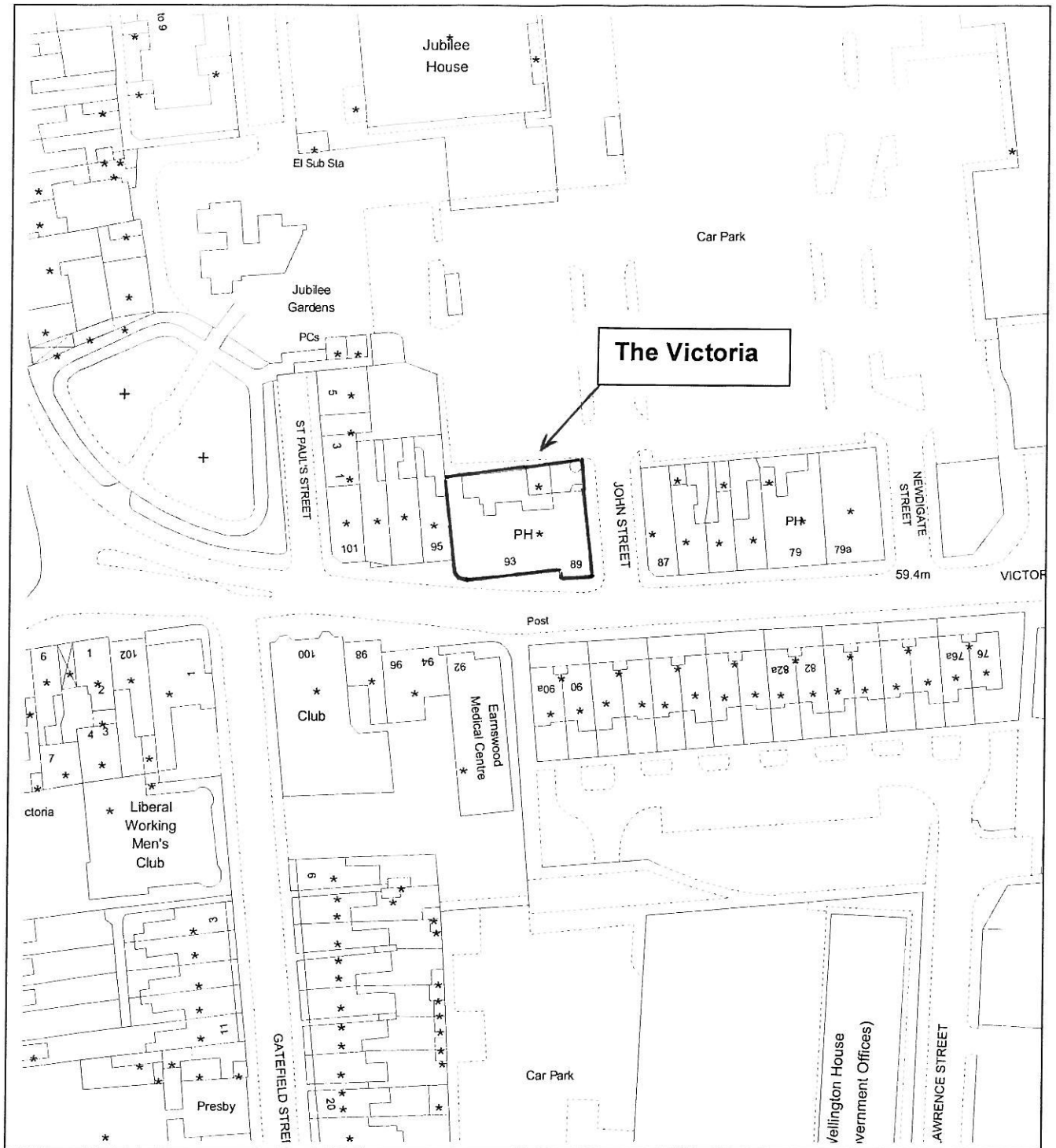
Yours sincerely

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Copy to: Edward Timpson, MP

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