

Licensing Act Sub-Committee

Agenda

Date: Thursday, 22nd December, 2011
Time: 9.30 am
Venue: Committee Suite 2/3 - Westfields, Middlewich Road,
Sandbach, CW11 1HZ

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: Best One (Nisa), 65 Bond Street, Macclesfield, SK11 6QR** (Pages 5 - 10)

To consider an application for a Premises Licence for Best One (Nisa), 65 Bond Street, Macclesfield

4. **Application for a Premises Licence: Barley Hops, 5 Derwent Close, Macclesfield, SK11 7XS** (Pages 11 - 34)

To consider an application for a Premise Licence for Barley Hops, 5 Derwent Close, Macclesfield

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: Thursday 22nd December 2011 at 09.30hrs
Report of: Mrs N Cadman, Licensing Officer
Subject/Title: Application for a Premises Licence:
Best One (Nisa), 65 Bond Street, Macclesfield,
SK11 6QR

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 made by Mr Noaman Malik in respect of Best One (Nisa), 65 Bond Street, Macclesfield, Cheshire, SK11 6QR.

3.0 Reasons for Recommendations

- 3.1 The Licensing Act Sub-Committee has the power to determine this application in accordance with the provisions of the Licensing Act 2003.

4.0 Wards Affected

- 4.1 Macclesfield Central

5.0 Local Ward Members

Cllr Ken Edwards
Cllr Janet Jackson

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 2011/12 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 decide (a) to grant the licence subject to conditions; (b) to 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 under section 17 of the Licensing Act 2003.
- 10.2 The operating schedule indicates that the relevant licensable activities applied for are:

Sale and supply of alcohol (for consumption off the premises only).

- 10.3 The hours applied for are as follows:

Monday to Sunday 07.00 to 22.00

The hours the premises are open to the public

Monday to Sunday 07.00 to 22.00

- 10.4 Designated Premises Supervisor: Mr Noaman Malik
- 10.5 The operating schedule includes the following steps to promote the licensing objectives:
- (a) General – All Four Licensing Objectives
All statutory regulations will be observed.
- (b) The Prevention of Crime and Disorder
The premises will be equipped with CCTV and recording equipment.
- (c) Public Safety
All safety equipment will be regularly checked and maintained; the staff will be trained to deal with emergencies.

(d) The Protection of Children from Harm

All staff will be trained in the law relating to the sale of alcohol and to require, where necessary appropriate proof of age.

10.6 Relevant Representations

Responsible Authorities

10.6.1 The Police state in their response: Application received 2nd November 2011, from Noaman Malik for a Premises Licence at Best One, to be known as Nisa Local, 65 Bond Street, Macclesfield, SK11 6QR. The premises are situated in a built up area on the outskirts of the town. The premises Licence is for the sale and supply of alcohol only from 07:00 to 22:00, hours Monday to Sunday. The proposed Designated Premises Supervisor is Noaman Malik. The operating schedule states the applicant will operate a Challenge 21 Policy. In line with Cheshire East and national Trading Standards, Police would request that a Challenge 25 policy is adopted in relation to the Protection of Children from harm, in order to prevent underage sales of alcohol, this has been agreed with the applicant. There are no other Police representations.

10.6.2 The Environmental Health Officer – No response received.

10.6.3 Cheshire Fire Service – No response received.

10.6.4 Local Planning Authority – No response received.

10.6.5 Local Safeguarding Children Board – As Police response.

10.6.5 Health and Safety Officer – No response received.

10.6.6 Trading Standards – No response received.

Interested Parties

The Licensing Authority has received a representation from a neighbour objector. Details of this are appended to this report.

11.0 Access to Information

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

Name: Mrs N Cadman

Designation: Licensing Officer

Tel No: 01270 685957

Email: nikki.cadman@cheshireeast.gov.uk

APPENDICES

Appendix 1 – Representation from neighbour objector

Appendix 2 – Plan of area

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Cars and desks, of things
So I would like you take
all these in consideration.

because I will make things
easy for them to get the drunk
if this goes through, and I
hope you see the problems
we would have

yours sincerely,

Dear Sir

I am writing to object
to a license being granted
to the Best one shop on
Bond St. a few years ago
a group of us objected to
the Boozer shop there. We
went to court and with the
help of a ~~counselor~~ we won
the case, we have had a
lot of trouble in the passage
way between west bond st
and peter st. I live in a
block of flats for the over 60s
and across from me is an old
Peoples Home. and if this license
is granted it will make a
nightmare situation, much worse
the passage way is left with



Cheshire CC WebGIS



CHESHIRE EAST COUNCIL

LICENSING ACT SUB-COMMITTEE

Date of Meeting: Thursday 22nd December 2011 at 10.30hrs
Report of: Mrs N Cadman, Licensing Officer
Subject/Title: Application for a Premises Licence:
Barley Hops, 5 Derwent Close, Macclesfield, SK11 7XS

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 made by Mr Paul Plant in respect of Barley Hops, 5 Derwent Close, Macclesfield, Cheshire, SK11 7XS.

3.0 Reasons for Recommendations

- 3.1 The Licensing Act Sub-Committee has the power to determine this application in accordance with the provisions of the Licensing Act 2003.

4.0 Wards Affected

- 4.1 Macclesfield South

5.0 Local Ward Members

Cllr Laura Jeuda
Cllr Damien Druce

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 2011/12 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 decide (a) to grant the licence subject to conditions; (b) to 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 under section 17 of the Licensing Act 2003.
- 10.2 The operating schedule indicates that the relevant licensable activities applied for are:

Sale and supply of alcohol (for consumption off the premises only).

- 10.3 The hours applied for are as follows:

Monday to Friday 09.00 to 18.00

Saturday, Sunday and Bank Holidays 12.00 to 18.00

- 10.4 Designated Premises Supervisor: Mr Paul Plant
- 10.5 The operating schedule includes the following steps to promote the licensing objectives:

(a) General – All Four Licensing Objectives

The garage shall be a secure storage facility for the Licence Holder's on line 'Real Bottled Ale' business. All deliveries to and from the application site shall be restricted to / made between 9am and 6pm from Monday to Sunday inclusive and including Bank Holidays. There shall be no direct sales made to the general public or other type of customer (e.g. other companies) from the garage site. No home sales to general public, home delivery sales service operation only.

All sales shall be conducted by telephone and or by on line sales only for consumption off the premises. Proof of age/ Challenge 25 shall be conducted on delivery.

(b) The Prevention of Crime and Disorder

There shall be no sales to the general public from site directly. All transactions shall be undertaken remotely on line. The premises shall be secured and manned.

(c) Public Safety

There shall be no public access permitted onto the premises. The premises shall be purely a storage facility. Delivery shall be undertaken by the Licence Holder locally and by a selected courier nationally.

(d) The Protection of Children from Harm

Deliveries shall require a signature at all times and a policy shall be put in place to prevent delivery to anyone under age. The garage shall be secured both externally and internally.

(e) The Prevention of Public Nuisance

Customers shall not be allowed to collect their orders from the premises, sales shall be by delivery only.

10.6 Relevant Representations

Responsible Authorities

10.6.1 The Police state in their response: Application received 3rd November 2011, from Paul Plant for a Premises Licence at Barley Hops, 5 Derwent Close, Macclesfield, SK11 7XS. The premises are situated in a built up area on the outskirts of the town. The intention is to run an internet business delivering locally bottled beers. The premises Licence is for the sale and supply of alcohol only from Monday to Friday 09.00 to 18.00 hours, Saturday and Sunday and Bank Holidays 12.00 to 18.00 hours. The proposed Designated Premises Supervisor is Paul Plant. The operating schedule meets the four licensing objectives, but so as to clarify some points the Police would ask for the following conditions to be included should the licence be granted.

1. No home sales to general public, home delivery sales service operation only.
2. All sales shall be conducted by telephone and or by on line sales only for consumption off the premises.
3. Proof of age/ Challenge 25 shall be conducted on delivery.

This has been agreed with the applicant. There are no other Police representations.

10.6.2 The Environmental Health Officer states in her response: I have considered the above application which relates to the storage / deliveries of real ale bottles from a domestic garage of a dwelling within a residential area. In order to protect the residential amenity of the neighbouring from the site and under the Licensing objective of the prevention of public nuisance, I would recommend that the following points form conditions of a Premises Licence in the event of an approval of the application:

1. All deliveries to and from the application site shall be restricted to / made between 9am and 6pm from Monday to Sunday inclusive and including Bank Holidays.
2. There shall be no direct sales made to the general public or other type of customer (e.g. other companies) from the garage site.

10.6.3 Cheshire Fire Service – No response received.

10.6.4 Local Planning Authority – No response received.

10.6.5 Local Safeguarding Children Board – As Police response.

10.6.5 Health and Safety Officer – No response received.

10.6.6 Trading Standards – No response received.

Interested Parties

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

11.0 Access to Information

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

Name: Mrs N Cadman
Designation: Licensing Officer
Tel No: 01270 685957
Email: nikki.cadman@cheshireeast.gov.uk

APPENDICES

Appendix 1 – Representations from neighbour objectors.

Appendix 2 – Written agreement to Police and Environmental Health recommended conditions, from the applicant Mr Plant.

Appendix 3 – Plan of area

Appendix 4 – Applicant's Letters to Neighbouring Residents

The Residents of Derwent Close

The Licensing Section
Cheshire East Council
Westfields
Middlewich Road
Sandbach
Cheshire
CW11 1HZ

16th November 2011

Dear Sir/ Madam,

**Re : Application for Premises Licence Licensing Act 2003 - BarleyHops,
5 Derwent Close, Macclesfield, Cheshire SK11 7XS**

Further to the legal notice published in the Macclesfield Express (09/11/2011) regarding the above Premises Licence request for Mr P Plant for 5 Derwent Close, Macclesfield, Cheshire SK11 7XS, we the residents of Derwent Close wish to lodge a representation for this case.

Derwent Close is a quiet and family orientated residential cul de sac and has been since it was built over 41 years ago. We as residents wish to see it remain that way and feel that the above Premises Licence application would not lend itself to this environment in any way for the reasons that follow.

- Alcohol distribution and delivery can be extremely noisy and it is unfair to expect fellow residents to accept this in a quiet residential environment when it is more suited to an industrial unit and consequently not infringing on any residents right to peace and quiet at their own property.
- Delivery vehicles that are loading or arriving and departing could block an already narrow road, resulting in many residents having difficulty accessing their own properties or worse still any Emergency Services vehicles not being able to gain access. Children also regularly play out in the Close and industrial delivery vehicles arriving, unloading and departing could potentially lead to an accident. Derwent Close was designed for private light traffic only and not for any type of regular industrial use and consequently would not lend itself at all to this kind of business.

- Having a business of this nature run from a residential address could severely impact on property value in Derwent Close making it potentially hard to sell or receive the value of the property as it stands today. This would particularly affect the adjacent properties either side of 5, Derwent Close and also opposite this dwelling.
- Alcohol is an age restricted substance and this is not acceptable nor fitting to be stored in a residential area where families and young children are in the vicinity.
- From a security point of view storage of age restricted substances in a residential garage, no matter how well secured, is an invitation to encourage crime and could potentially be observed by any passers-by or opportunists. The residents of Derwent Close do not wish to be placed in a situation that could lead to worry about criminal activity that could be aimed at both this property or their own.
- If this Premises Licence is agreed it sets a precedent for other similar businesses to be able to trade in the future which we as residents do not wish to encourage. Potentially this could destroy the safety and tranquillity of our community which has been set up here over the past few decades.

Consequently we are writing to ask that this Licence should not be granted on this occasion due to the nature of the business proposed, and that our Close can remain a safe environment for all residents, young and old, to live in and enjoy the peace and quiet that encouraged them to move to this residential area in the first place. We enclose a petition with names and signatures of all those who are opposed to this Licence Premises proposal and business venture being operated from 5 Derwent Close, Macclesfield, Cheshire, SK11 7XS.

We wish Mr Plant every success with any business proposal he wishes to pursue but would ask that he operate this from an official safe and secure storage unit on an appropriate industrial estate where no bother will be caused to any residents and his stock will be a lot more safe and secure.

We look forward to hearing from you.

The Residents of Derwent Close

Encls.

EXTRACT FROM DEEDS OF DERWENT CLOSE PROPERTY OWNERS

APPENDIX - 1

(11) With the object of achieving uniformity of siting design and external appearance on the estate of the Lessor not without the previous consent in writing of the Lessor to erect or maintain or suffer to be erected or maintained in front of the building line any building erection or structure whatsoever whether movable or immovable or any gate post wall fence hedge or other partition AND not without the like consent to plant in front of the building line any tree shrub (except as hereinafter mentioned) bush or plant of any description which shall exceed a height of two feet AND not without the like consent to cut down or damage any tree or shrub planted by the Lessor on the demised premises as part of the initial landscaped layout of its estate and to prune tend and replace when requisite such trees and shrubs

(12) To give notice to the Lessor of any Underlease Assignment Assent or other devolution of the interest of the Lessee in the demised premises or any part thereof giving particulars and details of the name and address of the person liable to pay the yearly rents hereby reserved and to pay to the Lessor its - Solicitors or Agents a fee of One pound one shilling in respect of each such registration

(13) Not to do or permit or suffer anything to be done on the demised premises or in any buildings erected thereon anything which may be or become a nuisance - damage or annoyance to the Lessor or to the occupier or occupiers of any adjoining or neighbouring premises

(14) At the expiration or sooner determination of the said term peaceably to yield up to the Lessor the - premises hereby demised with all the buildings and additions made thereto in the meantime and all fixtures in such good and substantial repair and condition as aforesaid and in all respects in such state and - condition as shall be consistent with the due -

**Derwent Close Residents Signatures for Petition Against the Premises Licence
Application for BarleyHops, 5 Dewent Close, Macclesfield, Cheshire, SK11 7XS**
Page 1

**Derwent Close Residents Signatures for Petition Against the Premises Licence
Application for BarleyHops, 5 Dewent Close, Macclesfield, Cheshire, SK11 7XS**

Page 2

18 November 2011

The Licensing Section
Cheshire East Council
Westfields
Middlewich Road, Sandbach
Cheshire CW11 1HZ

Dear Sirs

**re: Application for a Premises Licence at "BarleyHops", 5 Derwent Close, Macclesfield
(Mr P Plant)**

With regard to the legal notice published in the Macclesfield Express (9/11/2011), and details of the licence application kindly supplied by yourselves: as residents in Derwent Close, my wife and I wish to lodge the following representation. (Please also refer to the attached street plan of the area.)

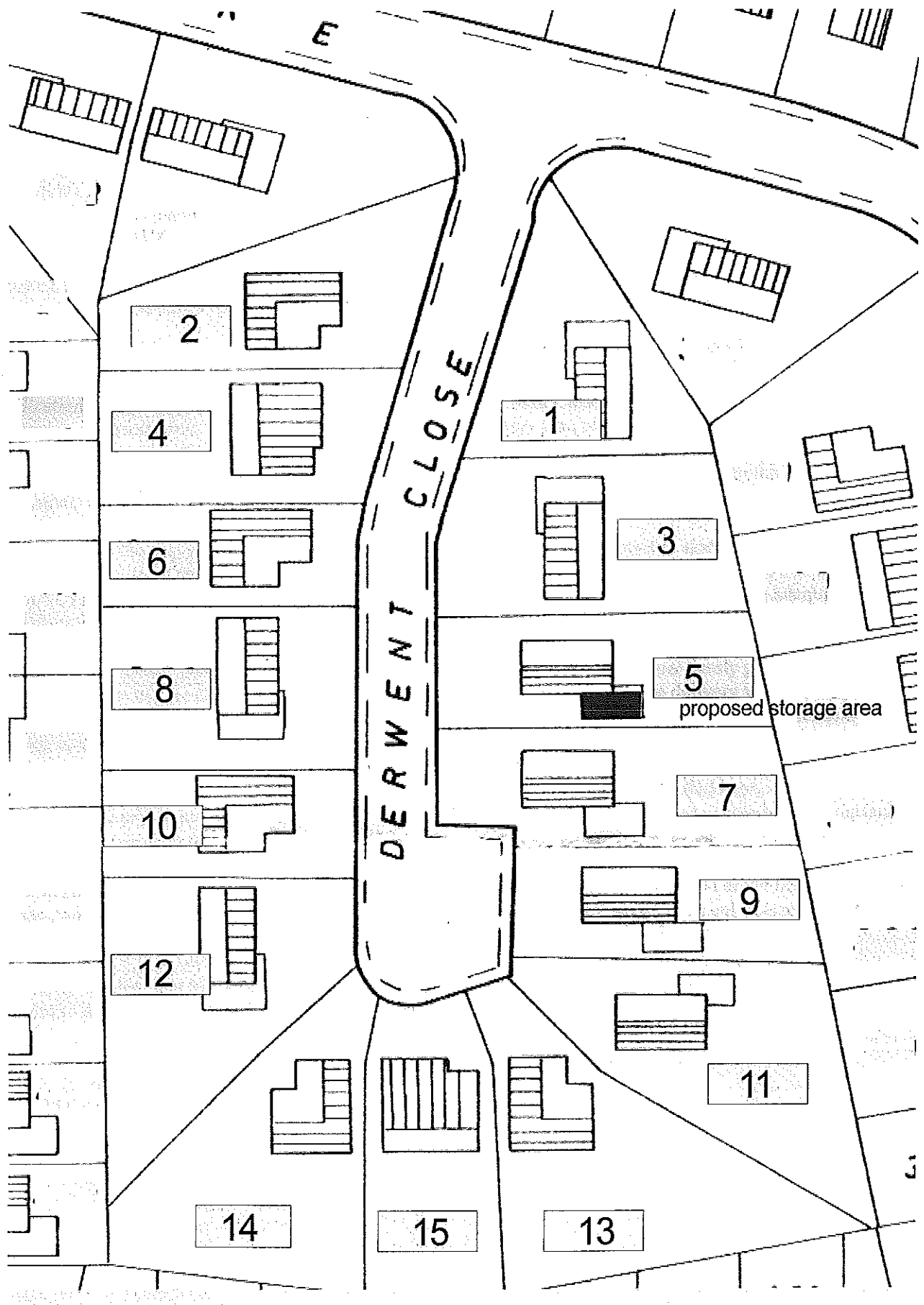
We feel that the proposal to store and distribute alcohol from the above premises is open to the following objections:

- (1) concerning the prevention of crime and disorder: The address of the proposed storage facility has been published in the local press, and will be available to anyone researching the registered website domain name www.barleyhops.co.uk (using WHOIS), thus providing a prime target for thieves. To provide adequate security will presumably require unsightly steel shutters, security lights etc.
- (2) concerning public safety: this is a narrow residential road; even one or two carelessly parked vehicles can and quite commonly do create access problems. Regular use of the road by large delivery vehicles may be expected to make these problems considerably worse. It is vital to ensure that access to ambulance and fire service vehicles is not compromised.
- (3) concerning the prevention of public nuisance: Unloading and loading of bottled beer, apart from creating traffic problems (2 above), would be a noisy and protracted operation, creating considerable nuisance and distress, especially to close neighbours.
- (4) concerning the protection of children from harm: Large vehicles have to turn round at the head of the cul-de-sac, which is an area in which children regularly play. Residents have chosen this cul-de-sac as a largely traffic-free road which is ideal for family life. It is wholly out of character to encourage extra traffic.

In general, we feel that to encourage activity more appropriate to an industrial estate is likely to cause upset and distress to the majority of residents, and sets an undesirable precedent for the future. It is characteristic of housing estates that their character tends to deteriorate with the passing of time, and Derwent Close is a notable exception to this trend.

I should be grateful if you would acknowledge receipt of this letter (e.g. by email).

Yours sincerely ..



Street plan of Derwent Close, Macclesfield, SK11 7XS
(Google Earth provides an excellent image of this street -
regrettably copyright prevents inclusion here)

APPENDIX - 1

Sent: 30 November 2011 21:22

To: CADMAN, Nikki

Subject: Application for a Licence: Barley Hops, Derwent Close.

Re: your letter dated 24 Nov 2011.

We note the changes made to the application and feel that we still need to object to a business of this nature being run from this address.

We would re-iterate our previous objections and also point out that not only would it cause safety and security problems for we the neighbours on the close but it could have an adverse affect on the value of our property.

Other than requesting a rebate on our council tax and some form of recompense for the de-valuation of our home and lessening of the attractiveness of our neighbourhood, we feel that this venture would cost us not only in money terms but also in the disruption these hours of license would cause.

For several years there has been a distribution business run from the above address. Not only have there been two large white vans parked on or in the vicinity of the house, they had had their own personal car at the address and often those of any workers who have left their vehicles whilst working – not necessarily on or near the above address. According to the property deeds no business shall be run which may affect the neighbouring properties. We live directly opposite this house.

There have also been large delivery vehicles frequently in the close delivering pallets of leaflets or items for distribution at the address.

This has meant large Lorries frequenting what is for us a quiet, secluded close where many of us have allowed our children to play in safety.

We have lived here happily for 14 years and bought the house because of the safe, friendly nature of the neighbourhood.

We have never complained about the previous business as we do commend small businesses but this is a residential estate and not an industrial estate.

We hope that the licensing committee would consider the affect were it your house neighbouring this kind of business.

With thanks

APPENDIX - 1

Sent: 28 November 2011 16:48
To: CADMAN, Nikki; DRUCE, Damien (Councillor); JEUDA, Laura (Councillor);
Subject: OBJECTION TO LICENSE APPLICATION AT 5, DERWENT CLOSE
Follow Up Flag: Follow up
Due By: 30 November 2011 09:30
Flag Status: Red

Dear Mrs Cadman (Ref. 016488)

Thank you for your reply (tr) dated 24 November 2011 concerning the petition from the residents of Derwent Close objecting to the license application by Mr & Mrs Paul Plant of 5, Derwent Close.

We note the changes to the application and wish to reinforce our objection to the license application with the following observations.

The original notice in the Macclesfield Express announced that sales and supply of alcohol were to be Monday to Friday 9 a.m. - 6 p.m. and Saturday, Sunday and Bank Holidays to be 12 noon - 6 p.m. Now they are to be extended from 9 a.m. - 6 p.m. Mondays - Sunday inclusive plus Bank Holidays. Therefore, potentially we could be suffering noise and disturbance from the deliveries of bottles all week.

An advertisement in the Macclesfield Express dated 23 November 2011 by Holden & Prescott, Estate Agents, quotes the sale of 1, Derwent Close as "a highly attractive cul-de-sac providing quiet location". As we have been residents of Derwent Close (along with 4 other residents) for over 40 years, we expect this description to be maintained.

Our boundary : from Mr Plant's garage (proposed storage facility). Therefore, further adequate strengthening of security would be required, but this would still not quell our fears of burglaries. The storage of alcohol next to us is totally unacceptable to us considering that the location has been well advertised in the press, internet, and Mr Plant's front garden.

We trust that you will consider the above points when you make your judgment.

Yours sincerely,

Sent: 29 November 2011 17:02
To: CADMAN, Nikki
Subject: Licensing application for 5, Derwent Close, Macclesfield.
Importance: High

Dear Mrs. Cadman, with reference to the above application and objections to that application from the residents of Derwent Close. May I first inform you that I wholeheartedly support the objects outlined in the letter dated 16/11/11 from the residents of Derwent Close. I would also like to add further objections to those already outlined.

Mr. Plant appears to already run a business from his residency at 5, Derwent Close. This is a courier/distribution business called Distribution Unlimited. This business has been running for some years and consists of a large Transit van type vehicle and smaller van. These are parked on his drive leaving little room for any other vehicles. His own personal vehicle is parked on the road outside his house or in front of his neighbours house across the road. We have already had the scenario where deliveries on pallets have been left on the footpath or on his path and not unloaded for some time. In the past vehicles have also been parked in various parts of the close. Running another business from his premises will make the problem worse.

I live Derwent Close and look up the close towards number five and do not want to see deliveries coming and going from my dinning room window. I bought the house because it is a quite Close and property value rises steadily. I will in the next few years be looking at retirement and possibly selling my house, imagine what this business will do to the value of my property. Potential buyers will be put off by it.

The Environmental Health officer has stated that a condition imposed on the deliveries shall be that they are restricted between the hours of 9am and 6pm. Monday to Sunday inclusive of Bank Holidays. What happens during the summer holidays when children are out in the close during that time or when children under five are playing there, we have families in the close who have children who have young children and the parents perform baby sitting duties. Delivery vehicles and young children do not mix, has a risk assessment been taken into consideration on that particular issue I wonder.

My other concern is to do with the storage of the alcohol within the property. The letter from the residents already outlines the crime issue but I am also concerned about the fire and health and safety risk that the storage presents. We know that alcohol burns and could produce a far fiercer blaze that would be expected and potential cause extra damage in a fire situation to neighbouring properties. What guarantees do the residents have that the alcohol will be stored correctly and not present the risk outlined.

The licence conditions state that there will be no direct sales from the premises, how is that going to be Policed and monitored. Could we be in a situation that if illegal activity is identified that the residents would now have to provide evidence, ie video, statements

of the wrong doing. This would cause upset and upheaval in a quite close.

The Human Rights Act states that I have a right to a private life but it will not be very private with this activity in close proximity, if the business is succesful then we will see an increase in activity and more intrusion into private lives.

Article 8: Right to privacy

(1) Everyone has the right for his private and family life, his home and his correspondence.

(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Has Mr Plant applied for planning permission as some of the criteria outlined below seems to apply.

If running your business from home means that the use of the building changes a lot, or the activities that you undertake have an effect on the area where you live, you may need to apply for planning permission from your local authority.

You may have to apply for planning permission if:

- Your home will no longer be used mainly as a private residence. This is the key test - has it become business premises first and a home second?
- Your business activities will lead to increased traffic or parking in a residential area.
- Your business involves any unusual activities for a residential area.
- Your business may disturb your neighbours at unreasonable hours or create other forms of nuisance, such as noise or smells.
- You are making major structural changes to your property, altering or extending it.

Hazardous substances and working from home

If you have to use hazardous substances or materials in your home-based business, you should check whether they:

- are flammable, toxic or corrosive
- give off fumes
- are safely stored, well away from children
- are being used strictly according to manufacturers' instructions

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Dear Mrs. Cadman,

We note the changes to the application, however we wish to re-inforce our objection to the license application.

We would also like to remind you that, in accordance with the terms of our leases, running any type of business from these properties must not in any way cause disturbance or annoyance to the neighbours. We feel that with lorries delivering beer and vans collecting sales would cause us annoyance.

Yours sincerely,

30/11/2011

"Paul Plant"

29/11/2011 17:44

To <macclesfield.licensing@cheshire.pnn.police.uk>
cc
Subject RE: Premises Licence Application <NOT
PROTECTIVELY MARKED>

Hi Tony,

Many thanks for this, we have no objections whatsoever with the three conditions to be included.

Please regard this email as full confirmation to the items listed 1-3 below.

Kind Regards

Paul and Linda

The operating schedule meets the four licensing objectives but so as to clarify some points police would ask for the following conditions to be included should the licence be granted

1. No home sales to general public, home delivery sales service operation only.
2. All sales shall be conducted by telephone and or by on line sales only for consumption off the premises.
3. Proof of age/ Challenge 25 shall be conducted on delivery.

this has been agreed with the applicant

There are no other Police representations..

From: Paul Plant
Sent: 11 November 2011 16:00
To: CADMAN, Nikki
Subject: RE: Application for a Premises Licence - Barley Hops, 5
Derwent Close, Macclesfield

Thanks Nikki, we have no problem with the recommended conditions being added.

Kind regards

Linda and Paul

From: CADMAN, Nikki
Sent: 11 November 2011 14:41
To: Paul Plant
Subject: FW: Application for a Premises Licence - Barley Hops, 5
Derwent Close, Macclesfield

Dear Paul,

Further to recent correspondence, please see below the representation from our Environmental Health Officer with recommended conditions. Please could you let me know (by email is fine) if you are happy to agree to these conditions being added to your Premises Licence when it is issued.

I look forward to hearing from you.
Yours sincerely

Nikki Cadman

Mrs N Cadman
Licensing Officer
Cheshire East Council

From: LOMAS, Brenda
Sent: 10 November 2011 09:56
To: CADMAN, Nikki
Subject: Application for a Premises Licence - Barley Hops, 5 Derwent
Close, Macc

Hi Nikki

I have considered the above application which relates to the storage / deliveries of real ale bottles from a domestic garage of a dwelling

within a residential area.

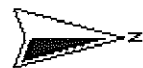
In order to protect the residential amenity of the neighbouring residents in terms of noise and disturbance from deliveries to and from the site - and under the Licensing objective of the prevention of public nuisance, I would recommend that the following points form conditions of a Premises Licence in the event of an approval of the application.

1. All deliveries to and from the application site shall be restricted to / made between 9am and 6pm from Monday to Sunday inclusive and including Bank Holidays.
2. There shall be no direct sales made to the general public or other type of customer (e.g other company's) from the garage site.

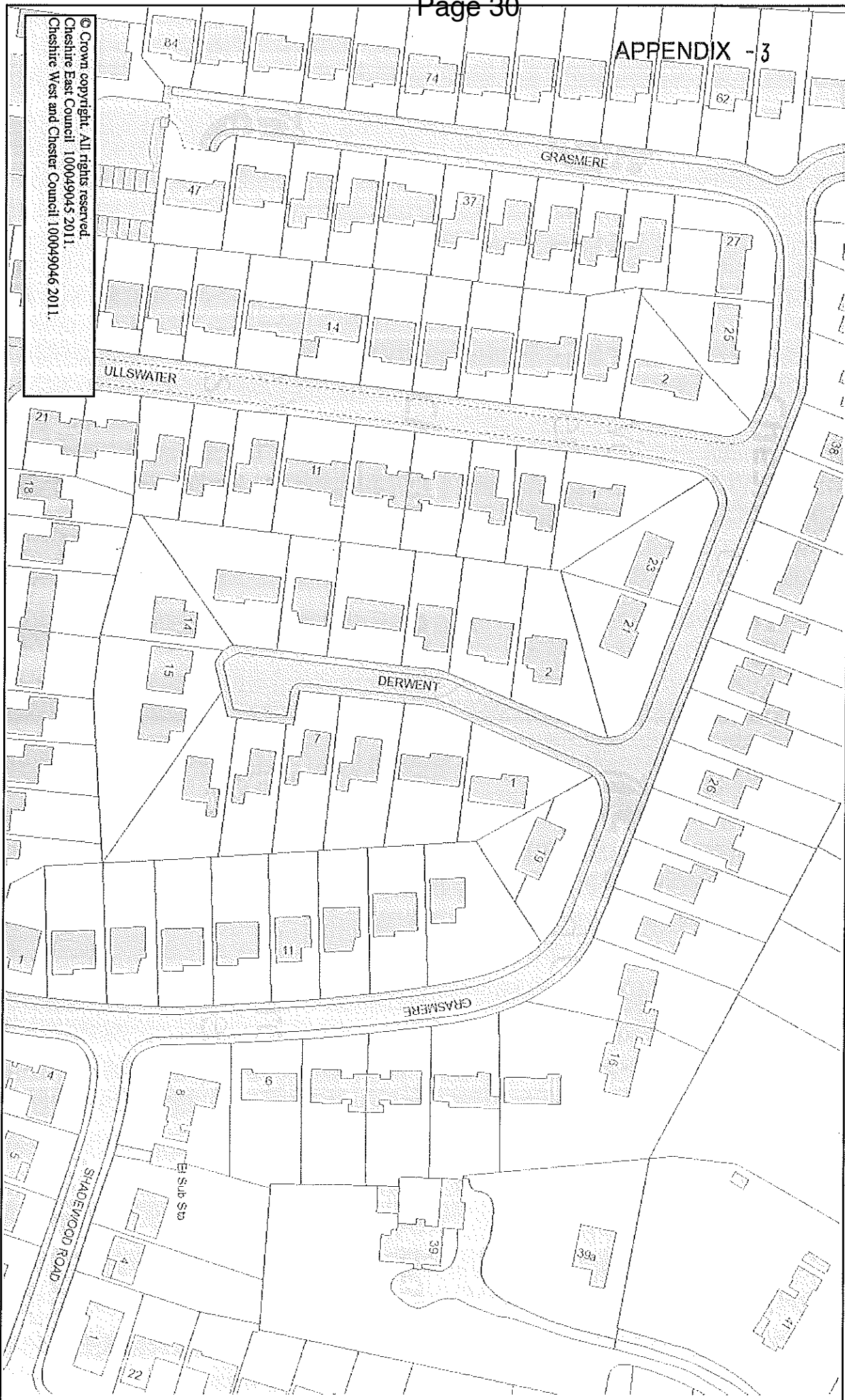
regards

Brenda

Brenda Lomas
Enforcement Officer



APPENDIX - 3



APPENDIX 4

From: Paul Plant
Sent: 07 December 2011 18:55
To: CADMAN, Nikki
Subject: RE: BARLEY HOPS - APPENDICES

Hi Nikki, thanks for the attachments, we would like confirm that we wish to attend the hearing.

I have also attached the letters that we delivered to the neighbours on the 2nd November explaining what it was that we were applying for and one from today where we have tried to alleviate any concerns based on their objections.

I hope that this is OK.

Many thanks

Paul and Linda

5 Derwent Close
Macclesfield
2nd November 2011

You may have seen a blue notice in our front garden which we would like to explain.

We are currently applying for a premise licence to store alcohol in our garage and we are hoping to start a new business that will be selling local bottled beer on the internet.

The intention is to open a shop but in this current climate we are having to be a little more pragmatic, so to get us going we are looking at storing the beer in our garage until it becomes cost-effective to look at opening a shop.

So to hopefully answer some of your questions:

- We won't be selling to the public from the house
- We won't have any additional delivery vehicles on the close
- The garage will be secure from both inside and outside
- We won't be advertising our location on the internet as it's purely a storage facility.
- There will be a limited number of bottles at anyone time.

Please don't hesitate to ask if you have questions.

Many thanks

Linda & Paul

Linda and Paul Plant

5 Derwent Close
Macclesfield
7th December

Dear Neighbour

Just a note to let you know that we have received some opposition to our proposed new business, of which, some of you will be aware. We would like to provide you with more details with regards to some of the points that you have stated.

The main concern was of delivery vehicles that are expected to be arriving on the road, as we previously stated in our first letter, there will be **no** delivery vehicles coming onto the close with regards to BarleyHops, we are making all the collections from the suppliers ourselves which we expect to do no more than twice a month. Each collection will consist of no more than 20 boxes and to put that in real terms approximately 15 carrier bags. If our business gets any bigger we intend to open a shop. Due to the quantity that we are purchasing we don't expect any more noise than a person unloading their own shopping.

Security and hazardous substances was also an objection, we would like to stress that we have been in contact the local police with regards to this and they are happy at what we have proposed. Bottled beer isn't classed as a flammable liquid in as much as alcohol such as brandy and vodka and we know that the fire section has raised no objections, which I'm sure they would if it was necessary.

The total number of bottles being held is minimal and I'm sure that you wouldn't even know they were there; in fact the total expected would probably be slightly more than what you would purchase for a Christmas or New Years Eve party.

Where the address details that have been advertised in the paper and on the front lawn, I can promise you wasn't something we wanted to do, this was something that we had to legally do.

We wrote to the council to request whether we needed planning permission before we applied for the premise licence and it was confirmed that we didn't as we are not changing the use. The garage is used as a storage facility for everyone regardless of what you are storing in it.

The opening hours was another concern to you all, let us confirm that the opening hours was something you have to put on the form to satisfy the premise licence request. We have no intention of using what they class as opening hours, because we are not going to be selling to the public from the house. The house is our personal domain and we would like it to remain so. As far as we're concerned there will be no extra activity on the close from this business.

As with the comments about our distribution company, 90% of our leaflets are collected from the clients with the odd one or two delivering to us throughout the month, this is because we can't collect from Southport and Chelmsford which is where these printers are based. We appreciate that one time earlier this year that a pallet was left on the path, this was because our client swapped their suppliers and they hadn't informed us.

We have for the last 3 years arranged with the suppliers that if they are delivering to us a vehicle no larger than a transit size van should be used and they also load directly into the storage area. This was arranged to alleviate any issues that could arise with public safety.

With a note to the final few points regarding property de-valuation, we can't see this making any difference as there will be no obvious impact to what is happening now, if

we thought that this was the case we wouldn't have started the venture in the first place, as this would also affect us.

Employees' leaving their cars on the close was also an issue, but let us confirm that it isn't our employee's as they can't drive so I can only assume that they are visitor's cars.

We hope that helps to alleviate any of your concerns, but as stated in the previous letter, please let us know if you have any comments or questions.

Thanks

Paul and Linda