

Licensing Act Sub-Committee

Agenda

Date: Friday 3rd February 2012
Time: 10.00 am
Venue: Meeting Room B, Macclesfield Library, Jordangate,
Macclesfield, Cheshire SK10 1EE

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. **Review of Premises Licence: The Baths Hotel, 40 Green Street, Macclesfield, Cheshire** (Pages 5 - 30)

To consider an application for the review of a Premises Licence for The Baths Hotel, 40 Green Street, Macclesfield

4. **Review of Premises Licence: Bargain Booze, 47 London Road South, Poynton, Cheshire** (Pages 31 - 58)

To consider an application for the review of a Premises Licence for Bargain Booze, 47 London Road South, Poynton

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: Friday 3rd February 2012 at 10.00am
Report of: Mrs N Cadman – Licensing Officer
Subject/Title: Review of Premises Licence:
The Baths Hotel, 40 Green Street, Macclesfield, Cheshire

1.0 Report Summary

- 1.1 The report provides details of an application for the review of a Premises Licence under section 51 of the Licensing Act 2003 and outlines the evidence presented by the parties in relation to the review.

2.0 Decision Requested

- 2.1 The Licensing Act Sub-Committee is requested to:
- 2.1.1 consider the review application and any relevant representations; 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 Licensing Act 2003.

4.0 Wards Affected

- 4.1 Macclesfield East

5.0 Local Ward Members

- 5.1 Councillor David Neilson

6.0 Policy Implications including - Carbon reduction - Health

- 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 (Authorised by the Director of Finance and Business Services)

7.1 Not applicable.

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 Sub-section 52(2) of the Licensing Act 2003 prescribes that before determining an application for review received in accordance with section 51, the Licensing Authority must hold a hearing to consider the review application and any relevant representations.

8.2 Sub-section 52(3) states that 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. The steps set out within sub-section (4) are:

- a) to modify the conditions of the licence;
- b) to exclude a licensable activity from the scope of the licence;
- c) to remove the designated premises supervisor;
- d) to suspend the licence for a period not exceeding three months;
- e) to revoke the licence;

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 On 9th December 2011 an application for a review of the Premises Licence relating to the Baths Hotel, 40 Green Street, Macclesfield, SK10 1JH was submitted by Mr Jonathan Maddock & Mrs Sally Maddock. The grounds for review set out within the review application were; the prevention of public nuisance. A copy of the review application is appended to this report as Appendix 1.

10.2 The Premises Licence Holders in relation to the Baths Hotel are The Blue Pub Company Ltd. The Designated Premises Supervisor named on the Premises Licence is Mr Kip Evans. A copy of the Premises Licence is appended to this report as Appendix 2.

10.3 Within the prescribed consultation period in relation to the review, the Licensing Authority has received representation from the Environmental Health Officer. A copy of this representation is appended as Appendix 3. No other representations were received from the Responsible Authorities. The Licensing Authority has also received a letter of support to the applicants signed by two residents of different properties in the vicinity of the premises. A copy of the letter of representation from local residents is appended to the report as Appendix 5.

10.4 In reviewing the Premises Licence and making its decision, the Licensing Act Sub-Committee must have regard the application and relevant representations. The Sub-Committee is required to take such of the steps referred to within sub-section 52(4) of the Licensing Act 2003 (if any) as it considers necessary for the promotion of the licensing objectives.

11.0 Access to Information

Appendix 1 – Review application
Appendix 2 – Premises Licence Summary & Conditions
Appendix 3 – Representation from Environmental Health
Appendix 4 – Noise Diary from applicants
Appendix 5 – Correspondence from supporters
Appendix 6 – Site plan

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

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**Application for the review of a premises licence or club
premises certificate under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I JONATHAN MADDOCK

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description BATHS HOTEL 40 GREEN STREET	
Post town MACCLESFIELD	Post code (if known) SK10 1JH

Name of premises licence holder or club holding club premises certificate (if known) MR KIP EVANS
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Number of premises licence or club premises certificate (if known)
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Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

MADDOCK

First names

JONATHAN

I am 18 years old or over

Please tick yes



Current postal address if different from premises address

38 GREEN STREET

Post town

MACCLESFIELD

Post Code

SK10 1JH

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
SALLY MADDOCK

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)
Venue unsuitable to hold Live music events

Please provide as much information as possible to support the application
(please read guidance note 2)

For the last two years we've had an on-going issue with the noise generated by the Baths Hotel both from live music events and general people noise. As such we've liaised on several occasions with the environmental health department at Cheshire East Council.

Following our first complaint Mr Evans said that he'd soundproof the two rooms of his premises that adjoin ours. This reduced the level of people noise in the back room, however the soundproofing has not had much impact on the level of disruption within the front room.

When live amplified music acts perform at the premises, the soundproofing is insufficient to handle the level of noise generated. Amplified bass guitar and drums literally thump through the walls.

Mr Evans has made claims that these amplified acts were not part of his plans going forward and that he'd rather concentrate on acoustic-type acts playing instead. He also said he'd inform us when such a live act was to play and that any amplification would be monitored and capped. None of this has materialised

Mr Evans has said that we should let him know when the music is too loud, which is not only his acknowledgment that the music does become too loud, but something which we've done 2 or 3 occasions when the sound level has become past the point of tolerance, but it's something that we feel we shouldn't have to do. It should be monitored as such that Mr Evans keeps the noise to a reasonable level, so such a complaint needn't arise.

We feel we've been reasonable with Mr Evans and don't complain about everything. If so we'd be picking up the phone every time someone is being loud outside our bedroom window or complain about the state of the street from customers smoking outside, or complain when there are people in the premises being rowdy and loud and that we can hear word for word what they're saying.

Some of these things are consequences of living next door to a back-street pub, something we considered when we purchased the property, however we didn't realise that we'd be living next-door to a regular live music venue.

The previous landlord had live music on very occasionally and would always let us know in advance if this was the case, giving us the option to plan ahead and choose not to stay in our property on that particular night if we felt the music was going to be too loud. Having no notice from Mr Evans of when the live music is to be performed leaves us in a difficult position. We put our 2 year old son down to bed, only for him to be woken up 30 mins later by the music, this leaves us with a very stressful situation which could be avoided by simple communication of dates of when music is to be played.

We've tried to reach a satisfactory conclusion and feel we've been reasonable with Mr Evans, but the lack of communication and a disregard for how disruptive the music is, has left us with this option of going down a more formal route.

We appreciate the steps Mr Evans took in soundproofing the two rooms and also reducing the frequency of the live acts, we do not have any desire to harm his business, but feel that the establishment is unsuitable as a live music venue.

APPENDIX - 1

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

6 Complaints regarding noise disturbance made to East Cheshire Environmental Health Dept since beginning of 2010 to present day.

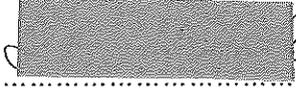
Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature 

Date 07.12.2011

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



Premises Licence Summary

Premises Licence Number:

PR/0394

Premises Details

Postal address of Premises or, if none, ordnance survey map reference or description:

The Baths Hotel
40 Green Street
Macclesfield
Cheshire

Post Town: Macclesfield

Post Code: SK10 1JH

Telephone Number: 01625 423234

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Live Music
Recorded Music
Sale and supply of alcohol
Late night refreshment

The times the Licence authorises the carrying out of licensable activities:

Live Music (to take place indoors)

Monday to Sunday 10:00 till 23:00

Recorded Music (to take place indoors)

Monday to Wednesday 10:00 till 23:00

Thursday to Saturday 10:00 till 24:00

Sunday 12:00 till 23:00

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May bank holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for Easter bank holiday weekend.

A further additional hour every Christmas Eve.

From the end of permitted hours on New Years Eve to the commencement of permitted hours on New Years Day.

Sale and supply of alcohol

Monday to Wednesday 10:00 till 23:00

Thursday to Saturday 10:00 till 24:00

Sunday 12:00 till 23:00

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May bank holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for Easter bank holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

From the end of permitted hours on New Years Eve to the commencement of permitted hours on New Years Day.

Late night refreshment (to take place indoors)

Monday to Saturday 23.00 till 23.30

From the end of permitted hours on New Years Eve to 05.00 on New Years Day.

The opening hours of the Premises:

Monday to Wednesday 10:00 till 23:30

Thursday to Saturday 10:00 till 00:30

Sunday 12:00 till 23:30

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May bank holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for Easter bank holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

From the end of permitted hours on New Years Eve to the commencement of permitted hours on New Years Day

Where the Licence authorises supplies of alcohol, whether these are on and/or off supplies:

For consumption either on or off the premises

Name, (registered) address of holder of Premises Licence:

Blue Pub Company Limited

40 Green Street

Macclesfield

Cheshire

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 Kip William Lewis Evans

State whether access to the Premises by children is restricted or prohibited:

There shall be no unaccompanied children at the premises.

There shall be no children at the premises after 20.00 hours

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the premises licence.
- (2) He resides in the premises, but is not employed there.
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals



Signed by Mr A Potts
On behalf of Cheshire East Borough Council



Licensing Act 2003 – Premises Licence

Duration of a Premises Licence

A premises licence has effect until such a time that it is suspended, revoked or surrendered.

Duty to notify change of name or address

The holder of a premises licence must, as soon as is reasonably practicable, notify the relevant licensing authority of any change of name or address.

Where the designated premises supervisor (DPS) under a premises licence is not the holder of the licence, he should notify the licensing authority of a change in name or address as soon as possible. The DPS must also notify the holder of the premises licence.

Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)

Duty to keep and display licence

The holder of a premises licence must ensure that the licence or a certified copy of it is kept at the premises in the custody of or under the control of the holder of the licence or a person who works at the premises whom the premises licence holder has nominated in writing. A notice should be prominently displayed at the premises specifying the position of any such nominee.

The premises licence holder has a duty to ensure that a summary of the licence or a certified copy of that summary is prominently displayed at the premises.

Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)

Duty to produce licence

A constable or an authorised person may require production of the premises licence for examination. An authorised person must, if requested, produce evidence of his authority to exercise the power.

Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)

Theft or loss of premises licence

Where a premises licence or summary is lost, stolen, damaged or destroyed, the holder of the licence may apply to the relevant licensing authority for a copy of the licence or summary. A fee of £10.50 is payable in relation to such an application.

Where an application is made for a replacement licence or summary the licensing authority must issue the holder of the licence with a licence or summary if it is satisfied that –

- (a) the licence or summary has been lost, stolen, damaged or destroyed; and
- (a) where it has been lost or stolen, the holder has reported that loss or theft to the police.

Surrender of premises licence

Where the holder of a premises licence wishes to surrender his/her licence he/she may give the licensing authority a notice to that effect. The notice must be accompanied by the premises licence, or where that is not practicable, by a statement of the reasons for the failure to provide the licence. Where a notice of surrender is given, the premises licence lapses on receipt of the notice by the licensing authority.

Death, Incapacity, Insolvency of licence holder

A premises licence lapses if the holder of the licence –

- (a) dies,
- (a) becomes mentally incapable (within the meaning of section 13(1) of the Enduring Powers of Attorney Act 1985)
- (b) becomes insolvent,
- (c) is dissolved, or
- (d) if it is a club, ceases to be a recognised club

(subject to provision for re-instatement in certain circumstances)

Annex 1 - Mandatory Conditions

1. No supply of alcohol may be made under this Premises Licence –
 - (a) at a time when there is no designated premises supervisor in respect of the Premises Licence, or
 - (b) at a time when the designated premises supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under this Premises Licence must be made or authorised by a person who holds a Personal Licence.

Annex 2 - Conditions consistent with the Operating Schedule

Prevention of Crime and Disorder

1. There shall be good external lighting on all aspects of the premises.
2. There shall be a CCTV system in use at the premises.
3. There shall be regular checks of the toilets at the premises.
4. There shall be drug awareness signage in place at the premises.
5. There shall be a proof of age scheme in operation at the premises.
6. There shall be drink drive posters in place at the premises.
7. There shall be plastic glassware available at the premises.
8. There shall be no happy hour promotions in operation at the premises.
9. The management shall control behaviour and noise levels at the premises.

Public Safety

10. There shall be electrical and gas certificates in place for the premises.
11. There shall be a health and safety policy in place at the premises.
12. There shall be a health and hygiene certificate for the premises.
13. There shall be a smoking policy in operation at the premises.
14. There shall be fire fighting equipment at the premises
15. There shall be emergency lighting and illuminated exit signage at the premises.
16. There shall be management controlled door entry and exit during busy periods at the premises.
17. There shall be a qualified first aider at the premises.
18. There shall be an accident book in place at the premises.

Prevention of Public Nuisance

19. There shall be a clean air extractor at the premises.
20. There shall be managed customer departure from the premises.
21. All music levels at the premises shall be under management control.
22. All windows shall be closed and all entrances have lobbies with doors to reduce noise emissions from the premises.
23. There shall be signage to respect local residents and leave quietly on display at the premises.
24. There shall be toughened glassware and plastic glasses in use at the premises.
25. There shall be sufficient staff numbers at the premises at all times.

Protection of Children from Harm

26. There shall be no unaccompanied children at the premises.
27. There shall be no children at the premises after 20.00 hours.
28. There shall be a seating area away from gaming machines or cigarette machines.
29. There shall be a smoking policy in operation at the premises.

General – All Licensing Objectives

30. There shall be a 30 minute "Drinking Up" time will allow appropriate dispersal use of lavatories etc.
31. Where there is provided in the Premises an entertainment for children, or an entertainment at which the majority of the persons attending are children, then, if the number of children attending the entertainment exceeds one hundred, it shall be the duty of the person providing the entertainment to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate, and to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and to take all other reasonable precautions for the safety of the children
32. Where the occupier of the Premises permits, for hire or reward, the Premises to be used for the purpose of an entertainment, he shall take all reasonable steps to secure the observance of the provisions of condition (31) above
33. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
 - (1) He is the child of the holder of the premises licence.
 - (2) He resides in the premises, but is not employed there.
 - (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals

Annex 3 - Conditions attached after a hearing by the Licensing Authority

None

Annex 4 – Plans

Please see attached

CADMAN, Nikki

From: LOMAS, Brenda
Sent: 05 January 2012 15:52
To: CADMAN, Nikki
Subject: Baths Hotel, 40 Green Street, Macclesfield - Application for a review of the premises licence

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Dear Nikki

Please see my comments below on behalf of the Public Protection & Health Service (formerly known as the Environmental Health Service)

This Service has had involvement with the Baths Hotel since mid 2009 which coincided with Mr Evans taking over the public house. Prior to that time, no complaints had been lodged to this Service regarding the Baths Hotel.

The Baths Hotel is positioned at the end of a row of terraced residential properties and is surrounded on both sides and to the rear by residential properties. The front of the pub faces onto an open area of land. The location is within a quiet part of Macclesfield and therefore the general background level of noise in the area is low - which will have an impact on the degree of externally generated noise heard by local residents.

Initial complaint from residents of Canal Street related to noise from the use of the rear yard area / beer garden by patrons including late in the evening and also to smoke and smell of smoke nuisance being caused from the operation of an outdoor wood burning pizza oven. The smoke / smell nuisance was confirmed as causing a problem to neighbouring residents and was subsequently resolved by Mr Evans who voluntarily ducted the pizza oven through the internal kitchen / chimney of the pub.

Complaints regarding noise from 'people noise' being caused from patrons whilst outdoors within the beer garden were discussed with Mr Evans on a number of occasions by officers from this Service and confirmatory correspondence was sent including letters dated 14th July and 20th August 2009. In line with advice provided to other public houses with outdoor beer gardens near to residential properties in the Macclesfield area, this Service recommended to Mr Evans that the use of the outdoor beer garden for drinking purposes should preferably cease at 9pm in the evenings to allow some respite to neighbours and to minimise noise and disturbance during later hours when residents may wish to enjoy some relaxation time within their homes / retire to bed / sleep. Mr Evans advised that he wished for the use of the beer garden to continue until 10.30pm.

From experience with similar situations, this Service recognises that an accumulation of people noise - or even one noisy individual can result in disturbance and noise nuisance being caused to nearby residents if supervision and management controls are not adequately employed. Due to the location of the Baths Hotel beer garden in terms of proximity to neighbouring residential properties, the potential for such noise and disturbance to occur and to cause disturbance to nearby residents is high.

This Service obtained evidence to confirm that the complaints of noise nuisance from 'people noise' in the beer garden were justified by means of sound recording equipment being placed in a complainant's house. Mr Evans and his business partner were invited to listen to the recordings on 26th August 2009 and were informed that due to the degree of noise, that the situation should be effectively managed. If complaints continued to be received regarding the noise from the beer garden, then this Service would have no alternative but to obtain further evidence and to enforce a 9pm termination time by means of a condition of a Noise Abatement Notice if a Statutory Noise Nuisance was confirmed. Correspondence dated 21st September 2009 was subsequently received from Mr Evans which confirmed that he wished to use the beer garden until 10.30pm and also confirmed that his plans for the Baths Hotel included the hiring of local bands to perform indoors.

In December 2009, Mrs Maddock of 38 Green Street, Macclesfield lodged an initial complaint that since the summer, she had suffered a number of incidents of internally generated noise from the Baths Hotel. The Baths Hotel shares a party wall with Mr & Mrs Maddock's property. The pub has a small 'front room' and a larger open plan rear room. Both rooms structurally adjoin 38 Green Street and have some level difference in terms of the first floor rooms of each of the properties.

The complaint related to noise from 'people noise' within the pub i.e. general conversations, laughter, raised voices and 'raucous' noise at times etc, both recorded and live music and a television within the pub on which football matches etc were screened for the enjoyment of patrons. Mrs Maddock advised that she had tried to resolve the problems directly with Mr Evans - in particular a request to be pre-notified of events - but she had found the direct approach to be unfortunately unsuccessful. The problem of music related to both live and recorded music - the latter of which could continue until 2am. The live music could be clearly heard within her home - to the degree of hearing the words to the songs. Correspondence dated 16th December 2009 was sent to The Baths Hotel by this Service with recommendations for management controls, volume control of all music and to inform neighbours of events.

Additional complaint was lodged by the Mrs Maddock in February 2010. The noise from the Baths Hotel seemed particularly intrusive from the rear room of the pub. The complaint related to the fact that the noise affected the downstairs rooms but also appeared to travel up the party wall and affect the bedrooms of the property. The level of intrusion was described as materially affecting the use and enjoyment of their property in terms of being unable to watch their own television, enjoy quiet activities such as reading / conversation in comfort or sleep within their own bedroom and that there was no escape from the noise within their home. Other issues related to noise from patrons whilst smoking on the pavement under the bedroom windows, noise from the rolling / changing of beer barrels in the cellar at sensitive hours and noise from patrons as they departed the premises in terms of loud behavioural noise.

Over the period of the complaints, a number of Temporary Event Notices have resulted in entertainment until 2am at The Baths Hotel for such events as Chinese New Year, birthday parties etc.

In order to assess the degree of noise of which Mr & Mrs Maddock complained, this Service's noise monitoring system (tape recorder and sound level meter) were installed within a bedroom of Mr & Mrs Maddock's property from 12th February until 15th February 2010. The tape clearly recorded noise from 'people noise' including the identification of words used by certain patrons. The recordings also included live entertainment of amplified singers, amplified guitar and a piano. The level of the noise was very intrusive within 38 Green Street including the songs and even the words to the songs being clearly distinguishable. It was my opinion that the level and the character of the noise would cause a statutory nuisance to the complainants and would prevent sleep until all had ceased. Mr Evans subsequently advised that the last patrons had left the pub at 1.30am.

I had a pre-arranged meeting with Mr Kip Evans on 17th February 2010 to discuss the complaints relating to the beer garden noise and took the opportunity to take the sound monitoring equipment to the meeting and to play the recorded noise. The meeting was also attended by Mr Evan's business partner. Following my playing the tape recording, both Mr Evans and his partner accepted that the level of noise was unacceptable. As part of the discussions towards noise control at the Baths Hotel, Mr Evans advised that he would discuss / control noise levels of entertainers, consider no amplification for future live music i.e. acoustic instruments only, control the volume of the in house recorded music system, investigate sound insulation measures to the party structure and control noise from patrons whilst inside and outside the premises. I recommended that professional advice was sought if consideration was to be given to sound insulation work to the party structure due to the difficulties of controlling sound transmission. I also advised that musical entertainment should be terminated at a reasonable hour. Mr Evans and his partner advised that they hoped to attract an early trade of 6pm to 8pm, during which an elderly man was to be employed to play the piano as entertainment and could then finish at 11pm which appeared to be a favourable proposal to restrict noise to early hours and not to employ excessively loud amplified instruments. During my visit, I witnessed the television as being attached to the party wall and advised that particular consideration should be employed in terms of the volume controls and the issues of noise from patrons whilst watching football matches and also noise from patrons whilst in the beer garden, smoking at the front and when leaving the premises. Correspondence dated 22nd February 2010 was subsequently sent to Mr Evans to confirm the issues and the details of the discussion.

Further similar noise problems was alleged to have been caused to Mr & Mrs Maddock over the weekend of 20th / 21st March resulted in my writing a further letter dated 30th March to Mr Evans to advise of the continuance of complaint and to enquire when the sound insulation work would be completed. The correspondence also confirmed that whilst Mr Evans' intention to sound proof the rear room, the noise was transmitting via the whole of the party wall and therefore it was highly likely that the front room of the pub would also require sound insulation treatment. Mr Evans was advised that due to the sharing of the party wall, it was still likely that volume controls would need to be employed when playing amplified music in addition to any sound insulation work.

Mr Evans telephoned myself on 9th April 2010 to advise that due to the cost, their intention was to initially sound proof the rear room only and then ascertain the success of the work prior to the possibility of addressing the front room of the pub.

Mr Evans subsequently voluntarily undertook noise insulation work to the rear room of the Baths Hotel / party structure which involved employing the services of a professional consultant. I understood from subsequent

conversation on 19th May with Mr Evans, that problems were encountered in terms of incompatible levels of the first floor - the bedroom of 38 Green Street being half way down the pub's rear room wall. The work involved the cutting off of the end of joists in the cellar in conjunction with the erection of a new cellar wall, rubber flooring and other noise control work. Following completion of the work, tests were undertaken by Mr Evans and his consultant and Mr Evans advised myself in a phone call that the tests appeared to have shown an overall improvement.

(Complaint relating to incidents of alleged excessive noise from both inside the pub and outside in the beer garden and noise from smokers on the street during unsocial hours causing sleep disturbance continued to be lodged in May, June & July.)

Unfortunately further complaint was lodged by Mr & Mrs Maddock on 28th June 2010 alleging that internally generated noise from music and patron noise continued to cause problems. The complainant advised that there had been some improvement at the rear of the house but considered that the benefits of the sound insulation work to the rear room were being overridden by the lack of sound insulation to the front room of the pub. It was further alleged that live music was continuing to be played up to approximately midnight (- which was beyond the 11pm termination time which is a condition of the Premises Licence.) I wrote to Mr Evans in letters dated 26th May and 15th July 2010 to request further consideration and consistent employment of management controls to minimise excessive noise.

This services' noise monitoring equipment was re-installed at 38 Green Street on 16th July to ascertain the level of noise following the sound insulation work. The recording identified problems from amplified bass guitar, the bass beat of the music, accumulation of patrons 'people' noise and drum noise. The recording terminated at 12.18am and it was my opinion that the noise continued to be a problem and would prevent sleep. I had no response to my letters to Mr Evans and contacted Mrs Maddock to enquire if Mr Evans had advised her when the promised sound insulation to the front room was being undertaken. In August, Mr Evans had advised Mrs Maddock that work to complete the sound proofing of the front room would be completed in the next couple of weeks.

Mrs Maddock then contacted me in October 2010 to advise that the sound insulation work had not been done. She had not had any contact from Mr Evans and had continued to be subjected to people noise both inside and outside the premises, live music had continued every other Saturday night, and loud noise from patrons leaving during early morning hours continued. In general the noise was continuing to materially interfere with the use and enjoyment of her property including the disturbance and prevention of sleep.

On 10th November, I wrote again to Mr Evans to advise that complaint continued and to contact myself to inform me of his intention in terms of noise control from the pub. Mr Evans' business partner subsequently rang to advise that sound proofing had been installed to the front room by themselves and workmen rather than the employment of an acoustic consultant due to the costs involved.

Mrs Maddock contacted me on 21st November to advise that they had been trying to address the problem by ringing the pub when problems of noise were being caused and to request an improvement but that such neighbourly communication had failed to achieve a positive result. I wrote again on 23rd November to confirm that even with sound proofing to the party structure, the volume levels of any music would still require to be tightly controlled - due to the adjoining nature of the premises to the complainant's property and that volume levels of live music were more problematical to control than volume levels of recorded music. I advised that due to the continuance of complaint, this Service was obliged to undertake a further investigation since the installation of the sound insulation to the party wall. I received no response to my letter.

The noise monitoring equipment was installed at 38 Green Street on Friday 25th November and recorded incidents of live music on Sat 26th including drums, bass beat, guitar(s) and amplified voice. Patrons were heard to cheer, applaud. The final recording of the live music / band ceased at 11.41pm. The volume of the music was loud and intrusive within the complainant's home but was noticeably reduced in volume at 11pm to a more reasonable level. Although the band was still audible, such action proved that the volume could be significantly controlled. In my opinion the noise constituted a statutory noise nuisance.

On 21st December, I again wrote to Mr Evans to advise of the outcome of the monitoring and to inform him that the noise from the live band was very loud and intrusive within the complainant's home and that the noise from patrons continues to also be audible. I requested written confirmation of his intentions within 14 days from the date of the letter. I have not received a response to date.

Conclusive Comments

In all complaints of noise nuisance, this Service strives to resolve an amicable resolve by working with both the complainant and the person being complained about to achieve a compromise which would best suit the overall situation. All situations have individual differences and regard is taken to the specific circumstances. The above details would display that this Service has provided advice, afforded time for noise insulation work and a number of

opportunities to Mr Evans to effectively and consistently control noise from the Baths Hotel. Unfortunately, monitoring of the noise within 38 Green Street has realised that little improvement has been achieved since the onset of the complaint. Other specific difficulties in this case which have been encountered by this Service in successfully addressing the complaint have been due to the sporadic nature of the noise incidents, the fact that Mr Evans voluntarily offered to install sound proofing and the fact that sufficient time had to be allowed for such work to be completed and to ascertain if that action had resolved the problems, the wishes of the complainant to try to resolve problems directly with Mr Evans over periods of time and the subsequent lack of communication / response to letters and enquiries made by this Service to Mr Evans.

The recent installation of noise recording equipment has confirmed that live amplified music continues to cause problems of noise nuisance at 38 Green Street and the recordings would indicate that noise insulation work to the party structure has not effectively addressed the transference of sound - including 'people noise'. Unless management controls are effectively employed, then noise from recorded music is also likely to cause problems. It is acknowledged that it is difficult to control noise from 'people noise' (patrons) but evident from the recordings that such levels of noise tends to increase as the evenings progress - possibly due to an associated increase in the consumption of alcohol. Noise from the Baths Hotel continues into sensitive hours when residents expect to be able to sleep within their homes.

regards

Brenda

Brenda Lomas

Enforcement Officer

Cheshire East Council

Public Protection and Health

Town Hall, Market Place

Macclesfield

SK10 1EA

Tel: 01625 383817

Email: brenda.lomas@cheshireeast.gov.uk

N32/ Mrs B Lomas / 275227
Date Received by Investigating Officer:

NOISE DIARY



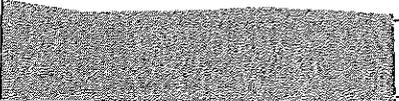
Your Details: Mr & Mrs Maddock, 38 Green Street, Macclesfield, Cheshire SK10 1JH

Alleged Offender: Baths Hotel, 40 Green Street, Macclesfield, Cheshire, SK10 1JH

Day / Date	Start Time	Finish Time	Nature of occurrence and source of noise	What effect did this have on you / your household
EXAMPLE Monday 13/3/11	8:30 p.m.	11:30 p.m.	Loud music from Flat 6	Unable to read or watch television, unable to sleep
Sat 22/10/11	8.30pm	11pm	Loud live music	Informed Mr Evans by telephone that too loud, invited him round - he came when live music had stopped & recorded music was playing he stated bass of stereo
"	11pm	11.30pm	Recorded music bass heavy	was too loud and he would turn it down. The bass of the stereo was no where near as loud as the live music.
29/10/11	8.45pm	11am	Loud live music	Mr Evan had told us when he came round last weekend that this was planned. We had invited him round to hear noise level - he didn't come
19/11/11	8am	8.45pm	Loud live music (German Oompah band)	Was able to recorded the music on a mobile phone whilst sat in my kitchen when rang Baths was informed - Mr Evan's was away - they did stop live music after phone call
26/11/11	Can't remember it is documented on the matron sheet	10.45pm	Live music	Audible over TV. Song lyrics & tune clear Recorded on matron

Day / Date	Start Time	Finish Time	Nature of occurrence and source of noise	What effect did this have on you / your household
EXAMPLE Monday 13/3/11	8:30 p.m.	11:30 p.m.	Loud music from Flat 6	Unable to read or watch television, unable to sleep
20/12/11	8.35pm	10.15pm	Loud music - live	Audible over TV. Mr Evan's wrote to us to say band on & that the only amplification would be their voices & piano he forgot to mention the guitar & drums & keyboard!
21/12/11	10.55pm	11.30pm	Fight outside pub	3 police cars were eventually called shouting & swearing outside our window
28/12/11	7.30pm	10.30pm	People noise	Voices, laughter & general people noise clearly audible over TV.
29/12/11	9pm	11.10pm	People noise	Same as above people voices clearly audible over TV
29/12/11	11.30pm	11.35pm	Banging	This happens fairly frequently sounds like some banging a nail into the wall!

I confirm that this is a correct and accurate record of the above nuisance witnessed.

SIGNED		PRINT NAME	SALLY MADDOCK
DATE	6-1-12		

Licensing Section

Cheshire East Council

Middlewich Road

Sandbach

CW11 1HZ

1st January 2012

Dear Sir's

We write in connection with the notice on the Baths Hotel Green Street, Macclesfield, Cheshire, put on by yourselves.

Since the present owners took over the Baths Hotel our lives have been effected considerably. We would like to outline our day to day problems with the point below:

1. Noise From The Rear Yard

We could when the previous owners had the property sleep with our bedroom windows open and night time was quiet. Now however it is impossible to have air into our bedrooms at night due to noise from the back yard of the pub until 10.30 pm then transferring to:-

2. Noise From The Front Of The Building On Green Street

ie: people talking loud, swearing, arguing, fighting,(please refer to incident on the 21st December incident number 1136 recorded with police crime number CC11362368) whilst allegedly smoking. I have a small dog which I have to take out at night and it can be quite threatening to have to face a large crowd of people with anti social language.

3. Urinating

We have had men urinating in front of our houses rather than go back into the pub to use the facilities there.

4. Vomit

We have had to clear vomit from our doorstep because it suddenly appeared after a person from the pub used his mobile phone in the entry to our yard (which goes under my house at 29 Canal Street) to make a phone call.

5. Noise From Taxis And Cars

Later on each night taxis and cars picking people up from the pub, car doors banging, people shouting when they get in them, make it impossible to sleep before the early hours. We both have to be up for six am each day to maintain our full time jobs.

CONT.../...

1st January 2012

6. Windows

Pub windows left open adding to noise late at night.

7. Glass

There is a lot of glass from smashed bottles around the green and up the streets which has never been before the pub got so rowdy and anti-social for neighbours.

8. Club Culture

This was a quiet family run pub before Mr Evans took over. He claims that is running it as a local family pub now. This clearly is not the case as closest neighbours are inconvenienced by its presence in the form it is. Most of his clientele arrive in cars and taxis and treat it like a local club. He is trying to run the Baths Hotel as a place which would be more in keeping with the middle of the town and very late licensing hours, and is obviously attracting large volumes of people to what should be and always used to be a quiet residential area.

To Sum Up

We are professional people who work all week. When we want to relax at weekends or in the evening we are subject to constant noise from the outside. Often when it is at it's worst it feels like people are in our living room.

People who come visiting ourselves cannot believe what we have to endure and feel very sorry for us. Our area is now becoming more and more an embarrassment to us.

We feel that keeping Mr Evans to shorter licensing hours would be more in keeping with this residential area ie: 1. Last Orders Earlier might help with the noise issue.2.Closing the back yard at 9pm rather than 10.30pm might again keep the noise down from the back yard.

In Closure

This public house The Baths Hotel is a nuisance and has been since Mr Evans took over some two years plus ago. Our well being has been compromised. The pub at its worst makes us feel stressed and it has a detrimental effect on our day to day lives through sleep deprivation and anxiety.

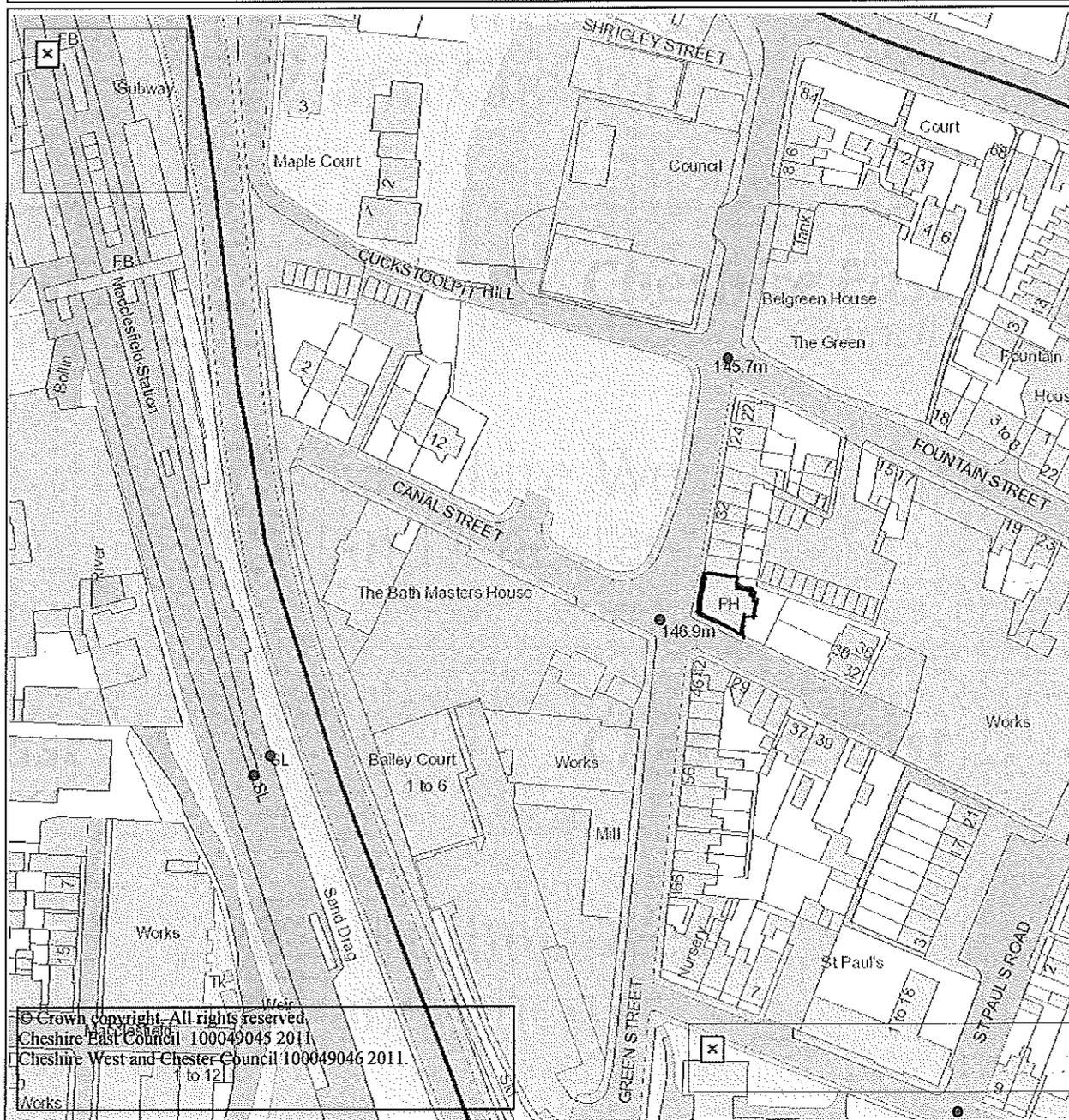
To Whoever Reads Our Concerns

We hope that you look at these objections favourably to at least regain back a little of the nice quiet tidy residential area we once had.

Yours Faithfully



Cheshire CC WebGIS



CHESHIRE EAST COUNCIL

LICENSING ACT SUB-COMMITTEE

Date of Meeting: Friday 3rd February 2012
Report of: Mrs N Cadman – Licensing Officer
Subject/Title: Review of Premises Licence:
Bargain Booze, 47 London Road South, Poynton,
Cheshire

1.0 Report Summary

- 1.1 The report provides details of an application for the review of a Premises Licence under section 51 of the Licensing Act 2003 and outlines the evidence presented by the parties in relation to the review.

2.0 Decision Requested

- 2.1 The Licensing Act Sub-Committee is requested to:
- 2.1.1 consider the review application and any relevant representations; 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 Licensing Act 2003.

4.0 Wards Affected

- 4.1 Poynton East & Pott Shrigley

5.0 Local Ward Members

- 5.1 Cllr Howard Murray
Cllr Jos Saunders

6.0 Policy Implications including - Carbon reduction - Health

- 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 (Authorised by the Director of Finance and Business Services)

7.1 Not applicable.

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 Sub-section 52(2) of the Licensing Act 2003 prescribes that before determining an application for review received in accordance with section 51, the Licensing Authority must hold a hearing to consider the review application and any relevant representations.

8.2 Sub-section 52(3) states that 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. The steps set out within sub-section (4) are:

- a) to modify the conditions of the licence;
- b) to exclude a licensable activity from the scope of the licence;
- c) to remove the designated premises supervisor;
- d) to suspend the licence for a period not exceeding three months;
- e) to revoke the licence;

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 On 14th December 2011 an application for a review of the Premises Licence relating to Bargain Booze, 47 London Road South, Poynton, Cheshire, was submitted by Hannah Wong on behalf of Cheshire East Council Consumer Protection and Investigations. The grounds for review set out within the review application were; (1) the Prevention of Crime and Disorder, (2) The Protection of Children from Harm. A copy of the review application is appended to this report as Appendix 1.

10.2 The Premises Licence Holder and Designated Premises Supervisor named on the Premises Licence is Mr Krishnadas Bhudia. A copy of the Premises Licence is appended to this report as Appendix 2.

10.3 Within the prescribed consultation period in relation to the review, the Licensing Authority has received no representations from any of the Responsible Authorities or interested parties.

10.4 In reviewing the Premises Licence and making its decision, the Licensing Act Sub-Committee must have regard the application and relevant representations. The Sub-Committee is required to take such of the steps referred to within sub-

section 52(4) of the Licensing Act 2003 (if any) as it considers necessary for the promotion of the licensing objectives.

11.0 Access to Information

Appendix 1 – Review application

Appendix 2 – Premises Licence

Appendix 3 – Site Plan

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

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**Application for the review of a premises licence or club
premises certificate under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Hannah Wong, on behalf of Cheshire East Council Consumer Protection and Investigations,

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Bargain Booze London Road South	
Post town Poynton	Post code (if known) SK12 1LA

Name of premises licence holder or club holding club premises certificate (if known) Krishnadas Bhudia
--

Number of premises licence or club premises certificate (if known) PR/0109
--

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Hannah Wong Consumer Protection and Investigations Cheshire East Council Westfields Middlewich Road Sandbach Cheshire CW11 1HZ
Telephone number (if any) 01270 686695
E-mail address (optional) Hannah.Wong@cheshireeast.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

The premises has been subject to surveillance as part of police operations; on two separate occasions, strong evidence suggests sales have been made to children under the age of 18.

Please provide as much information as possible to support the application
(please read guidance note 2)

On the evenings of the 7th and 14th of January 2011, Cheshire Constabulary undertook an operation targetting proxy sales of alcohol in the Poynton area; proxy sales are sales of alcohol to adults who specifically pass onto children for consumption.

On the 7th of January, the police apprehended a 16 year old male twice during the evening, the male admitted during an interview under caution that he had purchased alcohol from the Bargain Booze on London Road South, and although challenged for ID he was able to complete the transaction without production of identification and on the basis of verbal confirmation of a false date of birth. The police attended the premises and spoke with the seller, who denied the sale, this could have been easily proved/disproved with the in-store CCTV however the seller could not download or play the recording. A witness statement has been provided by PC Jackson on the events, and the transcript of the recorded interview with the youth has also been provided.

On the 14th of January, the police positioned a mobile patrol to observe the Bargain Booze on London Road South, during the evening, as youths exited the premises the police approached them; these youths were found to be in possession of alcohol, when questioned all admitted they had purchased the alcohol from Bargain Booze. One group confirmed nobody asked for ID, and stated that they had been advised to buy alcohol at this store because the staff do not ask for ID. A witness statement detailing these events has been provided by PC Bassirat.

The premise is a family run business, operating with only two members of staff; where the premise licence holder acts also as the DPS. Both were interviewed under caution and found to have a good understanding of the law surrounding age restricted goods including age verification policies and acceptable ID, which leads me to believe that sales were made to those underage based not on ignorance of the law, but rather on poor attitude in complying with the law.

Based on this I would recommend particular conditions to be applied to the licence; for a new DPS to be appointed, and all staff members to be trained to operate the CCTV, ensuring recordings are retained for a suitable period of time, also that the staff keep and record challenges and refusals in a suitable log.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date 14 December 2011

Capacity Enforcement Officer, CPI

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

RESTRICTED (when complete)

Cheshire Constabulary

WITNESS STATEMENT

APPENDIX - 1

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

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Statement of: David Jackson

Age if under 18: over 18 (if over 18 insert "over 18")

Occupation: Police Officer

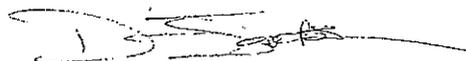
This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature:


Date: 18th January 2011
 Tick if witness evidence is visually recorded (supply witness details on rear)

I am Constable 3431 Jackson of the Cheshire Constabulary currently stationed at Poynton. At 1755hrs on Friday 7th January 2011 I was on uniformed mobile patrol in a plain car in company with PCSO Massey. At that time we were on Queensway in Poynton at the side of Morrisons Supermarket. As I drove by the side fire exit I saw a male and two females standing under a stair way, the male appeared to be holding something in his hand and I could also see he had a carrier bag containing what looked like a box on the floor by his feet. I caused the vehicle to turn around and pulled up in front of these people illuminating them with my headlights at a short distance away of about 5 meters. I could see the male was holding a can of Stella Artois lager. He looked younger than 18 years old and the females appeared even younger. I got out of the Police car and approached the male. I asked the male his age to which he replied 16 years, I then informed him that he was too young to have the alcohol and that there was a local by-law in place which did not permit the drinking of alcohol in public. I asked the male his name to which he replied [REDACTED] [REDACTED] dob [REDACTED] of [REDACTED]. I asked [REDACTED] "WHERE DID YOU GET THE ALCOHOL FROM?" [REDACTED] replied "I GAVE A MAN THE MONEY AND GOT HIM TO GET IT FOR ME FROM BARGAIN BOOZE." [REDACTED] could not say who the male was. At this I advised him who I was, I asked him for any identification which he said he did not have. I then advised [REDACTED] that I intended to search him for anything that would suggest he was older than 16 years, which he may have used in order to be served with the alcohol. [REDACTED] was happy with this, he was searched which proved negative and was provided a copy of the search record. I confiscated the alcohol and resumed patrol. At 1940 hrs that same day I responded to a colleague, PCSO 20320 Howard, who called me over the Police radio, he was located in the CCTV control room at Macclesfield and was watching live CCTV footage around Poynton. PCSO HOWARD advised me that he had just seen a male that appeared under age leave Bargain Booze On London road South in Poynton with two small bottles of Vodka and was seen to hand these bottles to a smaller, younger person outside. PCSO Howard stated the male that walked out the shop with

Signature:



Signature witnessed by: PTO

RESTRICTED (When complete)

APPENDIX - 1



URN

Four empty rectangular boxes for the URN number.

continuation of Statement/Interview of:

DAVID JACKSON

Page 2 of 43

the Vodka was wearing a dark jacket with FIREFLY written on the front. He also stated that younger male was wearing a hoodie and was seen to put the vodka bottles into the back pockets of his trousers. As a result of what he told me I drove to London road south and was directed to the side of a shop called DOGANO which is about 30-40 meters from Bargain Booze. As I turned into the drive at the side of the shop I saw male two covering his trouser back pockets with his hoodie by pulling the waist of his hoodie down. I also saw the male in the dark jacket who I immediately recognised as [REDACTED] the same male I had spoken to earlier. I stopped both males and took the two bottles of Vodka from male two, who I now know to be [REDACTED]. I placed both males in the panda car where I spoke to them. [REDACTED] stated that [REDACTED] had just given him money and asked him to buy some Vodka which he then bought from Bargain Booze. I briefly left both males with PCSO Massey. I then went into Bargain Booze where I saw a male working alone behind the till area. I can describe this male as an Asian male, about 5'6" tall of stocky build. This male gave his name as SANJAY BHUDIA dob [REDACTED] of [REDACTED] [REDACTED]. I pointed out the offence to Mr BHUDIA that a male aged 16 years with no identification has just been in and purchased two bottles of vodka. I cautioned Mr BHUDIA and said do you understand that to which he replied yes. I asked if he had any cctv in the shop to which Mr BHUDIA showed me a room at the rear of the shop which contained a digital recording device and a cctv monitor. Mr BHUDIA stated he did not know how to burn of the cctv onto a disc so I advised Mr BHUDIA to retain the recording on hard drive and that he will be required to be interviewed under caution at a later date. Again I said " DO YOU UNDERSTAND THAT " to which he replied "YEAH" I showed Mr BHUDIA the entry in my pocket notebook to which he signed. Mr BHUDIA stated he was the manager of the shop. I then took male two, [REDACTED] home to his parents. At 2030hrs that same day I returned to Poynton Police station with [REDACTED] where I contacted [REDACTED] the mother of [REDACTED]. I requested her to attend Poynton Police station to collect her son and informed her of the circumstances. I again searched [REDACTED] for any identification which proved negative. He only had with him in his possession, a small amount of money and a mobile phone. I placed the two bottles of vodka seized from [REDACTED] into a sealed property bag , number 0726651 which I produce ref (DPJ/1) exhibit number () At 2100hrs that same day his mother arrived and at 2108hrs I interviewed [REDACTED] under caution in an interview room at Poynton Police station. The interview was tape recorded tape reference 11/0198, also present was his mother [REDACTED]. At 2120hrs that same day the interview was concluded. I informed [REDACTED] the full facts would be reported. A tape exhibit label was signed by [REDACTED] and the master tape was sealed in his presence. I produce this master tape

Signature:

Signature witnessed by:

RESTRICTED (When complete)



URN

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continuation of Statement/Interview of:

Page 3 of 4

reference (DPJ/2) exhibit number (). I later produced a typed record of the interview which I can produce Ref
(DPJ/3) exhibit number ().

Signature: 

Signature witnessed by:

RESTRICTED (when complete)

Witness contact details

Home Address: c/o Poynton Police station, London road north Poynton Cheshire. Post code: Sk12 1af

Home Telephone No: Work telephone No: 0845 458 0000 ext 2752
Voicemail 0845 458 6371

Mobile / Pager No: E-mail address:

Preferred means of contact (specify details): Work phone

Best time of contact (specify details): Any

Male Female M Date and place of birth:

Former Name: 18 + 1 Ethnicity Code: W1 Religion / Belief (Specify)

DATES OF WITNESS NON-AVAILABILITY: Attached mg 10

Tick Box if available all dates

Witness Care

a) Is the witness willing and likely to attend court? Yes No If 'No', include reason(s) on form MG6.

b) What can be done to ensure attendance? Plenty of notice

c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? If 'Yes' submit MG2 with file. Yes No

d) Does the witness have any particular needs? If 'Yes' what are they? Yes No
(Disability, healthcare, children, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The Victim Personal Statement Scheme (victims only) has been explained to me: Yes No } n/a.
- b) I have been given the Victim Personal Statement leaflet Yes No } n/a.
- c) I have been given the leaflet "Giving a witness statement to the police - what happens next?" Yes No } n/a.
- d) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable, e.g. child care proceedings, CICA, RTC cases. Yes No
- g) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: PRINT NAME: D Jackson

Signature of parent / guardian / appropriate adult: PRINT NAME

Address and telephone number if different from above:

Statement taken by (print name): SFLA Station: Poynton

Time and place statement taken: 1730 hrs - Poynton Police Sta

RESTRICTED (when complete)

**Cheshire Constabulary
RECORD OF INTERVIEW**

URN

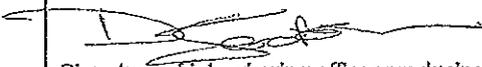
~~Contemporaneous Notes / SDN / ROTI / ROVI~~ * (delete as applicable)

Person Interviewed: [REDACTED]

Place of Interview: Poynton Police Station

Police Exhibit No: DPJ/2

Number of Pages: 4.


Signature of interviewing officer producing exhibit

Date of Interview: 07/01/2011

Time Commenced: 2108

Time Concluded: 2120

Duration of Interview: 12 minutes

Audio Tape Reference Nos (†) 11/00198

Visual Image Reference Nos (†)

Interviewing Officer(s): D.Jackson Pc3431

Other Persons Present: [REDACTED] (mother / appropriate adult)

Tape counter times (†)	Person speaking	Text
	3431	Introduction and caution. All persons present introduced on interview. Caution explained, [REDACTED] informed that he was not under arrest and free to leave at any time. Offered free and independent legal advice.
	[REDACTED]	stated he understood
	3431	[REDACTED] I stopped you today at 6 pm and spoke to you tonight on Queensway in Poynton. You had a case of lager with you, I stop searched you and gave you a stop search form and I confiscated the lager off you. There is a local by law here that you are not allowed to drink alcohol in a public place. Secondly you are not 18 years old. I searched you and asked you if you had any identification on you and I specifically said have you got any id that would make you look 18 years old which is an offence of fraud. You did not have anything on you then, Do you agree with that ?
	[REDACTED]	Yes
	3431	I am asking you again now and we will be going back to the shop and retrieve the cctv, who bought that alcohol tonight?
	[REDACTED]	Me
	3431	The beer?

Signature(s):

(Contemporaneous notes only)

(†) Not relevant for contemporaneous notes

RESTRICTED (when complete)

URN

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Person interviewed

Page No. 2 of 4

Tape counter times (†)	Person speaking	Text
	[REDACTED]	Yes
3431	[REDACTED]	so you went to the shop earlier.
	[REDACTED]	Yes
3431	[REDACTED]	How did you buy that beer?
	[REDACTED]	I just walked in and got it
3431	[REDACTED]	Who served you in the shop?
	[REDACTED]	The person you were speaking to in the shop.
3431	[REDACTED]	A male
	[REDACTED]	Yes
3431	[REDACTED]	Anybody else in the shop
	[REDACTED]	A gentleman ...customer confirms nobody else serving
3431	[REDACTED]	Describe the male that served you
	[REDACTED]	Quite fat, Asian, about 40ish years old and about 5'5" to 5'6" tall.
3431	[REDACTED]	You went in the shop, how old and how tall are you?
	[REDACTED]	16 years, and 5'8" tall
3431	[REDACTED]	Were you wearing the clothes you are wearing the clothes you are right now? And describe them
	[REDACTED]	Yes, a Superdry coat, jeans and Adidas trainers.
3431	[REDACTED]	have you any id on you
	[REDACTED]	No
3431	[REDACTED]	When you went in the shop were you asked your age
	[REDACTED]	Yes he asked for id
3431	[REDACTED]	He asked for id what did you tell him
	[REDACTED]	I said I did not have any he asked me my date of birth and I said 29/12/1991 and then he served me.
3431	[REDACTED]	I stopped you and took the beer from you what did you do then.

Signature:

(Contemporaneous notes only)

† Not relevant for contemporaneous notes

FORMS - F200540 - MG15(T) - JN 3631 - CL - 04 - 2003

RESTRICTED (when complete)

URN

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Person interviewed

Page No. 3 of 4

Tape counter times (†)	Person speaking	Text
	[REDACTED]	Met some friends, [REDACTED] and some friends. They said will I go in the shop for them?
3431	[REDACTED]	Who was that
	[REDACTED]	The lad who you had in the car with me
3431	[REDACTED]	[REDACTED] and he is 13 years old and he asked you to get him some booze, who gave you money
	[REDACTED]	he did
3431	[REDACTED]	And where did he get the money from
	[REDACTED]	Just his money
3431	[REDACTED]	What did you go back in the shop and buy
	[REDACTED]	I bought some Vodka, it was £5.99,
3431	[REDACTED]	we took two bottles tonight, they were a half bottle and a quarter bottle, was it the bigger bottle or smaller bottle.
	[REDACTED]	Bigger
3431	[REDACTED]	You came out and gave it [REDACTED] how many bottles did you get for him
	[REDACTED]	I gave him one, I gave him one earlier when I got mine. That was mine
3431	[REDACTED]	You got the bottle, walked around the corner and we turned up
	[REDACTED]	Yes
3431	[REDACTED]	I took you back to the car cautioned you and said to me that the lad with us had given you the money and you had bought the alcohol.
	[REDACTED]	agrees
3431	[REDACTED]	He is only 13 years old, I know you are only 16 but do you know it is an offence to buy alcohol for somebody under 18 years of age. That is an offence under the licensing act.
	[REDACTED]	Yes
3431	[REDACTED]	You went in the shop on the second occasion you picked it off the shelf or was it behind the counter

Signature:

(Contemporaneous notes only)

† Not relevant for contemporaneous notes

FORMS - F200540 - MG15(T) - JN 3631 - CL - 04 - 2003

RESTRICTED (when complete)



URN

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Person interviewed

Page No. 4 of 4

Tape counter times (†)	Person speaking	Text
	[REDACTED]	Behind the counter
3431	[REDACTED]	You've asked for it, he got it, which person this time served you.
	[REDACTED]	same male
3431	[REDACTED]	re caps earlier description
	[REDACTED]	agrees
3431	[REDACTED]	he served you again, did he ask you for id
	[REDACTED]	No
3431	[REDACTED]	Did he ask you his age
	[REDACTED]	No he did not ask for anything this time.
3431	[REDACTED]	nothing at all he just served you.
	[REDACTED]	Yes
3431	[REDACTED]	We took a photo of you earlier tonight, refers to mother I told you we have taken that photo to give a good idea of what age he appears, and that evidentially we wanted that photo for that reason, Are you happy with that.
	[REDACTED]	
	and [REDACTED]	Yes it is fine
3431	[REDACTED]	To mother, you sounded disgruntled tonight your son had been served alcohol
	Mother	Yes I am disgusted
3431	[REDACTED]	You realise what you have done tonight is an offence The full facts will be reported
	[REDACTED]	Yes
3431	[REDACTED]	You may have to come back to the station, brief discussion about restorative justice.
3431	[REDACTED]	interview concluded. 2120hrs

Signature:

(Contemporaneous notes only)

† Not relevant for contemporaneous notes

FORMS - F200540 - MG15(T) - JN 3631 - CL - 04 - 2003

RESTRICTED (when complete)

Cheshire Constabulary

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN [] [] [] []

Statement of: Matthew Hamid BASSIRAT

Age if under 18: Over 18 (if over 18 insert "over 18") Occupation: Police Constable 5118

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature: [Handwritten Signature]

Date: 22/01/2011

Tick if witness evidence is visually recorded (supply witness details on rear)

I am PC 5118 BASSIRAT of the Cheshire Constabulary currently stationed at Macclesfield Police Station.

On Friday 14th January 2011 I was engaged on uniformed mobile patrol duties in an unmarked police vehicle working on Operation Unlink targeting the sale of alcohol to underage adults in the Poynton area. I was working in company with PCSO 21135 LUKE.

At approximately 18.20 hours we were parked stationary on the garage forecourt of Texaco Petrol Station observing the entrance to Bargain Booze on London Road South. We could see into the shop and the serving counter where the till is. At this time a group of four young people came out of the shop and began walking up London Road South and turned left into Dickens Lane. We moved our vehicle and stopped on Dickens Lane and spoke with them at the roadside. I spoke with a female who I now know to be [REDACTED]

[REDACTED] of [REDACTED]

Signature: [Handwritten Signature]

Signature witnessed by: PTO

RESTRICTED (When complete)



URN [] [] [] []

continuation of Statement/Interview of: Matthew Hamid BASSIRAT

Page 2 of 3

[redacted] was in possession of a white carrier bag containing two bottles of white wine. [redacted] stated that she had bought the wine herself from Bargain Booze and intended to drink it herself at home. PCSO LUKE seized the wine.

At approximately 18.50 hours on the same date, we were sat on the garage forecourt observing Bargain Booze when I saw a female emerge from the shop then join another group of females on London Road South close to Bargain Booze, their names are:

[redacted], [redacted]

[redacted] and [redacted] All

three were in possession of several bottles of alcohol when stopped. The drinks were mostly alcopops. The girls admitted that they bought the alcohol from Bargain Booze and nobody asked for ID. They stated that people had told them to go to there as no-one asked for ID. The alcohol bought by the girls was seized.

[Handwritten signature]

Signature:

[Handwritten signature]

Signature witnessed by:

RESTRICTED (when complete)

Witness contact details

Home Address: Post code:

Home Telephone No: Work telephone No:

Mobile / Pager No: E-mail address:

Preferred means of contact (specify details):

Best time of contact (specify details):

Male Female Date and place of birth:

Former Name: 18 + 1 Ethnicity Code: Religion / Belief (Specify)

DATES OF WITNESS NON-AVAILABILITY:

Tick Box if available all dates

Witness Care

- a) Is the witness willing and likely to attend court? Yes No If 'No', include reason(s) on form MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? If 'Yes' submit MG2 with file. Yes No
- d) Does the witness have any particular needs? If 'Yes' what are they? Yes No
(Disability, healthcare, children, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The Victim Personal Statement Scheme (victims only) has been explained to me: Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet "Giving a witness statement to the police - what happens next?" Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable. e.g. child care proceedings, CICA, RTC cases. Yes No
- g) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: PRINT NAME:

Signature of parent / guardian / appropriate adult: PRINT NAME

Address and telephone number if different from above:

Statement taken by (print name): Self Station: Macclesfield

Time and place statement taken: 1600 Macclesfield Police Station

RESTRICTED / CONFIDENTIAL - FOR POLICE AND PROSECUTION ONLY (when complete)



Trading Standards Department
Regulatory Services
Westfields, Sandbach,
Cheshire, CW11 1HZ
Tel: 01270 686695
Mobile: 07827834935
Email: Hannah.Wong@cheshireeast.gov.uk

Mr Krishnadas Bhudia
Villa Road
Oldham
Manchester
OL8 1PW

DATE: 14.12.11

Dear Mr Bhudia,

Application to Review the Premise Licence for Bargain Booze, 47 London Road South, Poynton, Cheshire. SK12 1LA.

I am writing to advise you that an application has been made for the review of the terms on your premise licence for the above address.

The grounds for review are based on two licensing objectives: the prevention of crime and disorder, and the protection of children from harm, and has been based on the evidence brought to my attention by Cheshire Constabulary, full details are within the application form attached.

A copy of the application has been sent to all responsible authorities who may make appropriate representations, and the final decision will be made by the licensing committee at a date to be confirmed.

Should you have any questions over the procedure please contact the licensing team on **0300 123 5015** or at licensing@cheshireeast.gov.uk

Yours Sincerely,

Hannah Wong
Enforcement Officer
Cheshire East Trading Standards

Cheshire East Council is the brand name of Cheshire East Borough Council



Premises Licence Summary

Premises Licence Number:

PR/0109

Premises Details

Postal address of Premises or, if none, ordnance survey map reference or description:

Bargain Booze
47 London Road South
Poynton
Cheshire

Post Town: Poynton

Post Code: SK12 1LA

Telephone Number: 01625 850027

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Sale and supply of alcohol

The times the Licence authorises the carrying out of licensable activities:

Sale and supply of alcohol

Monday to Saturday	08.00 to 23.00
Sundays	10.00 to 22.30
Christmas Day	12.00 to 15.00 and 19.00 to 22.30
Good Friday	08.00 to 22.30

The opening hours of the Premises:

Not known.

Where the Licence authorises supplies of alcohol, whether these are on and/or off supplies:

For consumption off the premises only.

Name, (registered) address of holder of Premises Licence:

Mr Krishnadas Bhudia

○ Villa Road

Oldham

OL8 1PW

Tel.

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

Not applicable.

Name of designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

Mr Krishnadas Bhudia

State whether access to the Premises by children is restricted or prohibited:

No.

.....
Mr A Potts for Cheshire East Council

Licensing Act 2003 – Premises Licence

Duration of a Premises Licence

A premises licence has effect until such a time that it is suspended, revoked or surrendered.

Duty to notify change of name or address

The holder of a premises licence must, as soon as is reasonably practicable, notify the relevant licensing authority of any change of name or address.

Where the designated premises supervisor (DPS) under a premises licence is not the holder of the licence, he should notify the licensing authority of a change in name or address as soon as possible. The DPS must also notify the holder of the premises licence.

Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)

Duty to keep and display licence

The holder of a premises licence must ensure that the licence or a certified copy of it is kept at the premises in the custody of or under the control of the holder of the licence or a person who works at the premises whom the premises licence holder has nominated in writing. A notice should be prominently displayed at the premises specifying the position of any such nominee.

The premises licence holder has a duty to ensure that a summary of the licence or a certified copy of that summary is prominently displayed at the premises.

Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)

Duty to produce licence

A constable or an authorised person may require production of the premises licence for examination. An authorised person must, if requested, produce evidence of his authority to exercise the power.

Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)

Theft or loss of premises licence

Where a premises licence or summary is lost, stolen, damaged or destroyed, the holder of the licence may apply to the relevant licensing authority for a copy of the licence or summary. A fee of £10.50 is payable in relation to such an application.

Where an application is made for a replacement licence or summary the licensing authority must issue the holder of the licence with a licence or summary if it is satisfied that –

- (a) the licence or summary has been lost, stolen, damaged or destroyed; and
- (a) where it has been lost or stolen, the holder has reported that loss or theft to the police.

Surrender of premises licence

Where the holder of a premises licence wishes to surrender his/her licence he/she may give the licensing authority a notice to that effect. The notice must be accompanied by the premises licence, or where that is not practicable, by a statement of the reasons for the failure to provide the licence. Where a notice of surrender is given, the premises licence lapses on receipt of the notice by the licensing authority.

Death, incapacity, insolvency of licence holder

A premises licence lapses if the holder of the licence –

- (a) dies,
 - (a) becomes mentally incapable (within the meaning of section 13(1) of the Enduring Powers of Attorney Act 1985)
 - (b) becomes insolvent,
 - (c) is dissolved, or
 - (d) if it is a club, ceases to be a recognised club
- (subject to provision for re-instatement in certain circumstances).

Annex 1 - Mandatory Conditions

1. No supply of alcohol may be made under this Premises Licence -
 - (a) at a time when there is no designated premises supervisor in respect of the Premises Licence, or
 - (b) at a time when the designated premises supervisor does not hold a Personal Licence or his Personal Licence is suspended.

2. Every supply of alcohol under this Premises Licence must be made or authorised by a person who holds a Personal Licence.

LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS) ORDER 2010**MANDATORY CONDITIONS****Condition 1**

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

- (2) In this paragraph, an irresponsible promotion means any one 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 or unspecified quantities of alcohol free or for a fixed 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 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 that 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.

Condition 2

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Condition 3 – not applicable to off licences.

CONDITION 4 APPLICABLE WITH EFFECT FROM 1ST OCTOBER 2010

Condition 4

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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.

Annex 2 - Conditions consistent with the Operating Schedule

1. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

2. The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

3. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

None

Annex 4 – Plans

Please see attached.



Cheshire CC WebGIS

