

Licensing Act Sub-Committee

Agenda

Date: Wednesday, 20th September, 2017
Time: 9.30 am
Venue: Committee Suite 1, 2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website.

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 disclosable pecuniary and non-pecuniary interests in any item on the agenda and for Members to declare if they have pre-determined any item on the agenda.

3. **Application to Vary a Premises Licence - The Wheatsheaf, 1 Hightown, Sandbach, Cheshire CW11 1AG** (Pages 7 - 38)

To consider an application to vary a Premises Licence submitted by Wheatsheaf (Sandbach) Ltd in respect of The Wheatsheaf, 1 Hightown, Sandbach, Cheshire CW11 1AG.

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	Other Persons (who have made representations)	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	Other Persons (who have made representations)	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 they should be stating their objections.)
12	Committee Members	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	Other Persons (who have made representations)	Those who have objected 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 other persons, by way of clarification.
16	Committee Members	May ask <u>questions</u> of the other persons.
17	Chairman	To invite both Responsible Authorities and Other Persons 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	<p>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.</p> <p>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.</p>

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. Other Persons will be invited to present the bases of their objections, following which they can be questioned by all parties by way of clarification.
10. The applicant will be invited to sum up his/her case
11. Committee/Sub-Committee withdraws to make its decision
12. Committee/Sub-Committee returns to announce its decision to all present.

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Wednesday 20th September 2017 09.30am
Report of:	Jennifer Knight, Licensing Officer
Subject/Title:	Application for Variation to the Premises Licence at The Wheatsheaf, 1 Hightown, Sandbach, Cheshire CW11 1AG

1.0 Report Summary

- 1.1 The report provides details of an application for a Variation to a Premises Licence, and the proposed operating schedule together with details of relevant representations received in relation to the application.

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to determine the application for a Variation to a premises licence by Wheatsheaf (Sandbach) Ltd, in respect of:

**The Wheatsheaf
1 Hightown, Sandbach, Cheshire CW11 1AG**

- 2.2 Acting in the capacity of Licensing Authority, Members must seek to promote the Licensing Objectives, and where Members consider matters have engaged one or more of the objectives, they may exercise their discretion. The licensing objectives are:

- (a) The prevention of crime and disorder
- (b) Public safety
- (c) The prevention of public nuisance
- (d) The protection of children from harm

- 2.3 Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it considers it desirable to do so. Careful consideration should be given to application and relevant representations in light of the proposed operating schedules.

- 2.4 The Sub-Committee in respect of this application must have regard to the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.

- 2.5 Finally, Members are also reminded that in determining the application in accordance with the Licensing Act 2003, Members must also have regard to:

- The rules of natural justice
- The provisions of the Human Rights Act 1998

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 and the Council's Constitution.

4.0 Wards Affected

- 4.1 Sandbach Town

5.0 Local Ward Members

Councillor Barry Moran

6.0 Policy Implications

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

- 6.2 Whilst having regard to the general principles within the Statement, Members may wish to consider the following:

The Statement of Licensing Policy has a specific section relating to noise nuisance. This section is reproduced for the benefit of the sub-committee at appendix 3

- 6.3 Members should provide reason(s) for any decision taken and should set out the reasoning where they determine to depart in any way from the Policy or Guidance.

7.0 Financial Implications

- 7.1 Not applicable.

8.0 Legal Implications

- 8.1 In accordance with the provisions of section 18 of the Licensing Act 2003 the Licensing Authority must, having regard to the representations, take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. Section 18(4) provides that the authority may:

- (a) Grant the licence subject to the relevant mandatory conditions and conditions consistent with the operating schedule
- (b) Modify the application to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives
- (c) Exclude from the scope of the licence any of the Licensable Activities to which the application relates
- (d) Refuse to specify a person in the licence as the Premises Supervisor
- (e) Reject the application.

- 8.2 Members are reminded that should any conditions be added, they should be practical, enforceable and appropriate to promote the Licensing Objectives.
- 8.3 Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1998 to through all of its various functions, and Licensing is one of those functions to do all that it can to prevent Crime and disorder, Anti-social Behaviour, behaviour adversely affecting the environment and re-offending.

9.0 Risk Management

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

10.0 Background and Options

- 10.1 The application was initially received on the 27th August 2017. The application is for a Variation to a Premises Licence under section 34 of the Licensing Act 2003.
- 10.2 The operating schedule indicates that the relevant licensable activities applied for are:
- Extend the licensable area into the coaching arch and extend the bar area.
- 10.3 The existing licensable hours are as follows:
- There are no proposals to changes any licensable hours and that they will remain the same as those on the existing Premises Licence attached as Appendix 4.
- 10.4 A copy of the application form is attached as Appendix 1.
- 10.5 Relevant Representations are attached as Appendix 2.

Responsible Authorities:

- 10.8 Cheshire Police have no objections
10.7 Environmental Protection has no objections

Other Persons:

- 10.6 The Council has received one objection to the application

11.0 Access to Information

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

Name: Miss Jennifer Knight
Designation: Senior Licensing Officer
Tel No: 01270 686337
Email: Jennifer.knight@cheshireeast.gov.uk

APPENDICES

Appendix 1 – Premises Licence application form and the proposed plan
Appendix 2 – Objections
Appendix 3 – Relevant sections of the Licensing Policy
Appendix 4 – Premises Licence Summary and existing plan
Appendix 5 – Site plan of premises



Cheshire East
Application to vary a premises licence
Licensing Act 2003

For help contact
licensing@cheshireeast.gov.uk
 Telephone: 0300 123 5015

* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Andrew

* Family name

Pear

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?

☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

10359891

Business name

The Wheatsheaf

If your business is registered, use its registered name.

VAT number

- 25106926

Put "none" if you are not registered for VAT.

Legal status

Private Limited Company

*Continued from previous page...*Your position in the business Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18**APPLICATION DETAILS**

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description
Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

*Continued from previous page...*Non-domestic rateable
value of premises (£)

23,500

Section 3 of 18**VARIATION**Do you want the proposed
variation to have effect as
soon as possible?☒

Yes

☐

No

Do you want the proposed variation to have effect in relation to the
introduction of the late night levy?☐

Yes

☒

No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.

If your proposed variation
would mean that 5,000 or
more people are expected to
attend the premises at any
one time, state the number
expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

We have recently obtained planning permission to extend our current bar area into our coaching arch. The coaching arch will become an indoor space. We need to be able to sell alcohol within the new bar area (coaching arch). There is no additional bar, just an extension through an exterior wall into the coaching arch.

Section 4 of 18**PROVISION OF PLAYS**

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to
vary is successful?

☐

Yes

☒

No

Section 5 of 18**PROVISION OF FILMS**

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to
vary is successful?

☐

Yes

☒

No

Section 6 of 18**PROVISION OF INDOOR SPORTING EVENTS**

Continued from previous page...[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes ☒ No

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☐ Yes ☒ No

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

None

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

None

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

None

☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Continued from previous page...

Promote training across all staff members to fully understand the four objectives and the correct code of conduct when dealing with minors or people under the influence of excessive alcohol and/or drug use.

b) The prevention of crime and disorder

Employ door staff on busy evenings and days where there is increased trade (bank holidays)
Use CCTV around the building to enhance the capability of management and door staff with preventing crime and disorder
Train all staff to understand when and when not to serve alcohol to someone
Have a zero tolerance policy in place for crime and disorder on the premises.

c) Public safety

Prevent any violent disorder with the use of door staff at busy periods
Prevent any drug use on the premises with CCTV in places that are not otherwise monitored
Create and update relevant health and safety assessments to ensure the building is appropriately maintained

d) The prevention of public nuisance

To adhere to the regulations set in our premises license and to not play any music at levels that can become a nuisance for nearby residents
A policy in place that limits the music levels and general noise of the building after 23:00 on any day to ensure no public nuisance or nuisance to our hotel guests

e) The protection of children from harm

Have a challenge 25 policy in place to tackle underage drinking and to ensure we do not serve alcohol to children
Ensure children are in appropriate places of the establishment in the evenings and are accompanied by a responsible adult

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

DECLARATION

* I/we understand 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.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Continued from previous page...

* Full name

* Capacity

* Date

14	/	07	/	2017
dd		mm		yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/cheshire-east/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

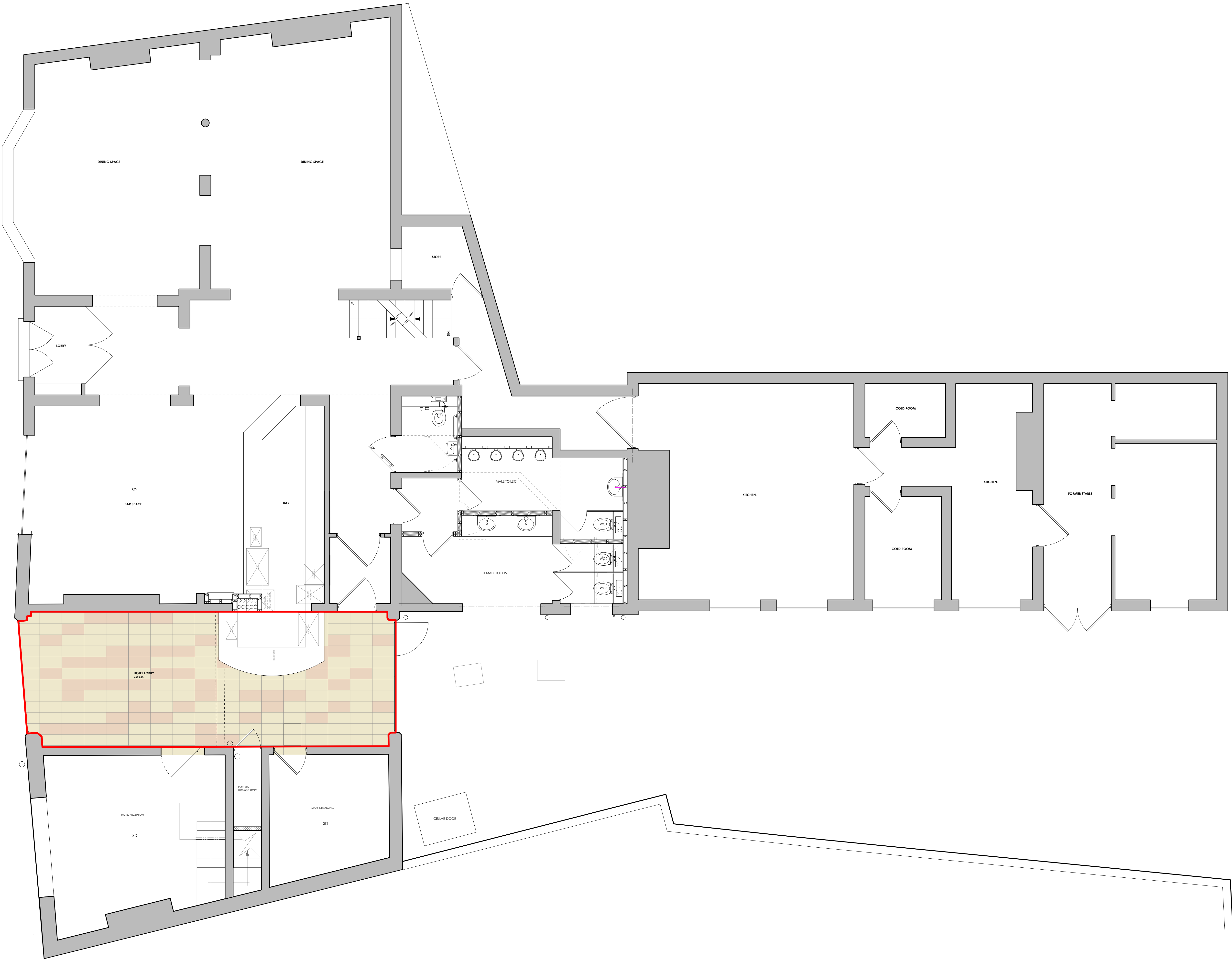
Approval deadline

Error message

Is Digitally signed

☐

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NOTES:

1. Do not scale off dimensions.
2. All dimensions, levels, sewer inverts to be checked on site by contractor before works commence.
3. All work to comply with the current Building Regulations & latest British Standard code of practice.
4. All work may be subject to revision on site.
5. This drawing may not be copied without prior permission.
6. This drawing is not intended to show details of ground conditions/contaminants. A detailed site investigation by suitable experts is to be carried out before any works commence.

CHRIS RALPHS | ARCHITECTS

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Project Title
Mr Andrew Pear
Alterations to former 'Wheatshaf Pub'
1 Hightown, Sandbach, CW11 1AG

Drawing Title
Proposed ground floor plan

Status
Building Control (Not Yet Approved)

Scale 1:50@ A1	Scale 1:100@ A3
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Job No. 0305	Date August 2017
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Drawing Number 0326_GA-P-005	Revision
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The Wheatsheaf, 1 Hightown, Sandbach, CW11 1AG

APPLICATION FOR A VARIATION LICENCE: LICENSING ACT 2003

Notice is hereby given that we, Wheatsheaf (Sandbach) Ltd have applied on 27 July 2017 to Cheshire East Council in respect of the premises known as The Wheatsheaf, 1 Hightown, Sandbach, CW11 1AG. The full variation seeks to change:

- To extend the licensable area**

Any person wishing to make representation in relation to this application may do so in writing by 24 August 2017 to:

**The Licensing Section
Cheshire East Council
Municipal Buildings
Earle Street
Crewe
CW1 2BJ**

Dear Sirs,

It is my understanding that The Wheatsheaf plans to use the outside area for approximately 50 diners, included in this application to extend the licensable area. Having been a local resident for 15 years, we have experienced much personal disruption and noise as a result of outside entertainment at The Wheatsheaf and in other local pubs / restaurants. We therefore request that the following points are considered in respect of local residents such as ourselves within the Conservation Area of Sandbach.

Our concerns are particularly focused on the noise from outside dining / entertainment at the Wheatsheaf. The CHESHIRE EAST COUNCIL, STATEMENT OF LICENSING POLICY (LICENSING ACT 2003) - POLICY DATED JANUARY 2014 TO JANUARY 2019 highlights the following;

In relation to Environmental Protection Act 1990 (which relate to noise nuisance)

“Section 9.4

Consideration will be given to whether the operating schedule contains adequate measures to prevent noise and vibration, generated from within the premises, outside it, or from an open site, that may cause disturbance. Stricter conditions will be considered on premises in areas that have denser residential accommodation or have residential accommodation close to them. Noise includes music and human voices.”

With respect to measure to manage noisesection 9.5 includes the following,

“Applicants will be expected to have included measures in their Operating Schedules that make adequate provision to:

- Restrict the generation of any noise within the premises and from activities associated with the premises in the vicinity, or from an open air site
- Limit the escape of any noise from the premises or open air site
- Restrict any noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping
- Minimise and control any noise from customers arriving and departing from the premises”

My home is approximately 100 yards from the Wheatsheaf, and I anticipate a significant increase in noise pollution as a result of outside dining. The expected increased noise levels is based on experience: we have previously experienced high noise from customers of the Wheatsheaf and attended a Licensing Committee meeting in 2005 which resulted in conditions being attached to the Wheatsheaf License agreement. Previously, we often experienced high noise from customers drinking and eating outside, as well as from music in the outside area, which stopped us from sleeping and affected our wellbeing.

The conditions previously added to the license worked well in reducing noise to acceptable levels and avoiding noise during unsociable hours. The conditions were;

1. No noise to leave the Wheatsheaf premises after 10pm each evening (This entailed all outside music being switched off and windows and doors being closed to limit noise disturbance)
2. Music and outside dining / entertainment to stop by 10pm (noise after 10pm was considered unsociable)

Whilst it seems that the outside dining area is well enclosed, noise does travel across The Gardens and Hope Street. Both ourselves and other residents have spoken to landlords and commented on licensing applications previously with The Wheatsheaf, The Lion, The George and the Mill. We take this matter very seriously as we know the detrimental impact high noise levels can have on sleep and way of life for local residents, should it not be controlled in a satisfactory way.

We are not suggesting that outside dining should be declined. However, we do anticipate high noise during unsociable hours if it is allowed to continue into the late hours of the evening (past 10pm).

Whilst it seems less likely for this to be an issue for a restaurant establishment, any outside conversations, whether from pub drinkers or diners, is often loud and leads to unpleasant noise pollution. I'm sure we have all experienced being in restaurant where it is hard to hear conversations because of the noise levels. The only

difference with outside dining is that this noise escapes and impacts the local community, often becoming a public nuisance.

Also, the ownership of premises can change and we feel it is important to have some control over noise pollution equally in case the premises is used very differently in future.

In summary, we request that conditions outlined above (including *other noise screening /management approaches) are included in the license agreement, such that the Wheatsheaf business can continue to grow and develop, whilst managing noise pollution that would be detrimental to ourselves and other local residents. If this is not the case, it is based on experience that local residents will be negatively impacted by the noise pollution during unsociable hours.

*Other noise screening/management approaches could be;

- No emptying of bottle banks after 10pm, currently happens at 11/1130pm each night and is very loud.
- Closing of the outdoor dining canopy and windows by 10pm latest or as dusk onsets.

We welcome the opportunity to discuss this with the License officer / committee and owner if that would help.

I look forward to your reply.

Best regards,

Catherine Cowey & Paul Holt

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Relevant Sections of Cheshire East Licensing Policy

9. Prevention of Public Nuisance

9.1 If Relevant Representations are received the Licensing Authority, when making an objective judgment about what constitutes a nuisance in respect of an application or review of a premises licence or certificate, will take a broad common law meaning when considering matters such as:

- Noise from premises
- Waste
- Litter
- Car parking
- Light pollution
- Noxious odours

9.2 In considering the potential impact of licensed premises on the surrounding locality the Licensing Authority, when in receipt of any Relevant Representations will take into account the type of entertainment activity proposed hours of operation, the capacity of the premises, the character of the areas and the proximity to local residents. Consideration will be given to the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas where there is residential accommodation in the proximity of the premises.

Noise and Vibration

9.3 In order to enforce the provisions of the Environmental Protection Act 1990 (which relate to noise nuisance) the Police, Environmental Health Officers and Licensing Officers will liaise to ensure that adequate control measures are properly used to protect the local environment. Any action taken will be conducted in accordance with relevant enforcement policies

9.4 Consideration will be given to whether the operating schedule contains adequate measures to prevent noise and vibration, generated from within the premises, outside it, or from an open site, that may cause disturbance. Stricter conditions will be considered on premises in areas that have denser residential accommodation or have residential accommodation close to them. Noise includes music and human voices. Measures in the Operating Schedule may include installation of soundproofing, air conditioning, acoustic lobbies, sound limitation devices or locking doors at specified hours. If the proposed operating schedule fails to address noise nuisance issues, the Environmental Health Department may request that an independent acoustic report is conducted. Environmental Health may use any recommendations from such a report to propose amendments to the Operating Schedule or suggest conditions for the consideration of any (Sub) Committee.

9.5 Applicants will be expected to have included measures in their Operating Schedules that make adequate provision to:

- Restrict the generation of any noise within the premises and from activities associated with the premises in the vicinity, or from an open air site
- Limit the escape of any noise from the premises or open air site
- Restrict any noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping
- Minimise and control any noise from customers arriving and departing from the premises

9.6 The Licensing Authority will not impose conditions on licensed premises that cannot be directly controlled, or on matters not related to the vicinity of the premises.

9.7 If it is considered that any noise emanating from within the curtilage of a licensed premises is causing a public nuisance, under the provisions of the Anti-Social Behaviour Act 2003, an Authorised Officer can require its immediate closure for a period of up to 24 hours. It should be noted that the 'test' is a lesser one than that required to determine a Statutory Noise Nuisance and the statutory defence of 'best practicable means' is not available.



Premises Licence Summary

Premises Licence Number:

LAPRE/0842/05

Premises Details

Postal address of Premises or, if none, ordnance survey map reference or description:	
Wheatsheaf Hotel Hightown	
Post Town: Sandbach	Post Code: CW11 1AG
Telephone Number: 01270 762013	

Where the Licence is time limited, the dates:
Not applicable

Licensable activities authorised by the Licence:
Supply of Alcohol Late Night Refreshment Exhibition of a Film Indoor Sporting Events Performance of Live Music Performance of Recorded Music Performance of Dance Making Music Provision of facilities for Dancing

The time the Licence authorises the carrying out of licensable activities:	
Supply of Alcohol, Regulated Entertainment	
Monday to Thursday	10:00 – 00:00
Friday and Saturday	10:00 - 01:00
Sunday	11:00 - 23:30
Friday, Saturday, Sunday, Monday of all Bank Holidays, Thursday of Easter Weekend, Christmas Eve and Boxing Day – one additional hour on the finish time.	
Late Night Refreshment	
Every Day	23:00 - 05:00

The opening hours of the Premises:

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

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

Alcohol is supplied for consumption both on and off the Premises

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

Wheatsheaf (Sandbach) Ltd
The Radnor Building
Radnor Park Trading Estate
Congleton
CW12 4XP

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

Company No: 10359891

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

Andrew Mark Pear

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

Restricted

Licence Issued: 13th October 2016



Signed by Amanda Fallows
on Behalf of Cheshire East Borough Council

Annex 1 - Mandatory Conditions (as applicable)

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.

Where a Village Hall is exempt from needing DPS under s.19 Licensing Act 2003

Every supply of alcohol under the premises licence must be made or authorised by the Management Committee.

Mandatory condition where the licence authorises the exhibition of films

The admission of children to the exhibition of any film must be restricted in accordance with section 20 of the Licensing Act 2003. Admission of children must be restricted in accordance with any recommendation made by the British Board of Film Classification or the Licensing Authority.

Prohibited conditions: plays

1. In relation to a premises licence which authorises the performance of plays, no condition may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under the licence.
2. But subsection (1) does not prevent a licensing authority imposing, in accordance with section 18(2)(a) or (3)(b), 35(3)(b) or 52(3), any condition which it considers necessary on the grounds of public safety.

Mandatory condition: Door supervision

Each individual engaged in security activities at the premises must either:

- a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- b) be entitled to carry out that activity by virtue of Section 4 of the Private Security Industry Act 2001.

LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS)(AMENDMENT) ORDER 2014

MANDATORY CONDITIONS

Condition 1

1. The responsible person must 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:
 - 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 in a manner which carries a significant risk of undermining a licensing objective;
- 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 in a manner which carries a significant risk of undermining a licensing objective;
- d) 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;
- e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Condition 2

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Condition 3

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. 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 either -
 - a) A holographic mark, or
 - b) An ultraviolet feature

Condition 4

The responsible person must ensure that –

- a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - i. Beer or cider: ½ pint;
 - ii. Gin, rum, vodka or whisky: 25ml or 35ml; and
 - iii. Still wine in a glass: 125ml;
- b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—

- a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b) 'permitted price' is the price found by applying the formula—

$$P = D + (D \times V)$$

Where —

- i. P is the permitted price,
- ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence—

- i. the holder of the premises licence,
- ii. the designated premises supervisor (if any) in respect of such a licence, or
- iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) 'valued added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the Operating Schedule

- 1 No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.
- 2 Capacity must not exceed 100 persons, including staff and entertainers.
- 3 A sign will be located at the exit(s) requesting that customers leaving the premises do so quietly and with consideration to neighbours.
- 4 Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
- 5 No one under the age of 16 will be allowed to enter or remain on the premises after 22.00 save on Christmas Eve and New Years Eve.

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

- 1 When live regulated entertainment is taking place after 22.00 windows and doors, save for entrance and exit purposes, will be kept shut.
- 2 A trained member of staff should be employed on Friday and Saturday nights from 21.00 to attempt to prevent glass and bottles being taken out.

Annex 4 - Plans

The Plan 0842/05 can be viewed at the Licensing Authority.

maintained.

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WHEATSHEAF
I HIGH STREET
HIGH TOWN
SANDBACH
CW11 0AG

EXISTING GROUND FLOOR

1. CONSTRUCTION TO DATE: A WHOLE LOT BUILDING AND 3.5% OVERBUDGET. IT WAS AN EARTH SHAKER EVENT. A WHOLE LOT BUILDING, 3.5% OVERBUDGET. IT WAS AN EARTH SHAKER EVENT. A WHOLE LOT BUILDING, 3.5% OVERBUDGET. IT WAS AN EARTH SHAKER EVENT.
2. THE CONSTRUCTION IS IN COMPLIANCE WITH ALL REGULATIONS. THE CONSTRUCTION IS IN COMPLIANCE WITH ALL REGULATIONS. THE CONSTRUCTION IS IN COMPLIANCE WITH ALL REGULATIONS.
3. THIS BUILDING WAS NOT AS GOOD AS THE OTHER BUILDINGS. THIS BUILDING WAS NOT AS GOOD AS THE OTHER BUILDINGS. THIS BUILDING WAS NOT AS GOOD AS THE OTHER BUILDINGS.
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PAINTING: PAUL
SURVEYING: DEPARTMENT
ALBANY HOUSE
ALBANY ROAD
WILVERHAMPTON

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