

Licensing Act Sub-Committee

Agenda

Date: Friday, 6th November, 2020

Time: 10.00 am

Venue: Virtual

How to Watch the Meeting

For anybody wishing to view the meeting live please click in the link below:

[Click here to View the Meeting](#)

or dial in via telephone on 141 020 3321 5200 and enter Conference ID 580 677 499# when prompted.

Please turn off your camera and microphone when entering the meeting and ensure they remain turned off throughout.

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 in the report.

It should be noted that Part 1 items of Cheshire East Council decision-making meetings are audio recorded and the recordings are 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.

For requests for further information

Contact: Helen Davies

Tel: 01270 685705

E-Mail: helen.davies@cheshireeast.gov.uk

3. **The Prince Albert Public House, 140 Newton Street, Macclesfield, SK11 6RW**
(Pages 9 - 124)

To consider the above application.

THERE ARE NO PART TWO ITEMS

Membership: Councillors L Gilbert, M Goldsmith and J Wray

CHESHIRE EAST COUNCIL**Procedure for Hearings – Licensing Act 2003
COVID-19**

This procedure has been drawn up to take account of the restrictions placed on the Country by the Government in its response to the COVID-19 pandemic and the Council's move towards the holding of virtual meetings.

As a Licensing Authority we are conscious that all Hearings of this nature must be run in accordance with the rules of natural justice and that any modifications to the format of the hearing should not undermine the requirements to hold a fair hearing.

It is the Council's intention to run the Hearing as close a possible to our procedure for Hearings set out in our Statement of Licensing Policy. However, it will be necessary to make a number of specific alterations.

The Council does not intend to hold any Hearings just on the pre Hearing papers (eg applications and written representations). The Council considers that a Licensing determination based solely on written material and without the opportunity for amplification, clarification, and questions does not best serve the decision-making process.

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.

Platform

The Council will use Microsoft Teams for all Hearings. This platform can be accessed on a landline, mobile, laptop or tablet. The Democratic Services Officers will ensure that the meeting is set up within the Microsoft Teams platform. All parties to the Hearing will received the Notice of Hearing required by the regulations and an email invitation with specific joining instructions for Microsoft Teams.

Web Casting

All Council meetings are web cast through the Council's website. This will continue to be the case during any lockdown period and will allow members of the public to listen to proceedings from their own home.

Connectivity Test

The Council will require Members, officers, and all parties to the Hearing to be available for a connectivity test 30 minutes before the start of the Hearing. This is to ensure that any issues can be identified and overcome before the start of the meeting. Notes on how this test will be conducted will be sent directly to parties.

Technical Issues

If during the course of the meeting, the Chairman determines any technical issues (for example, parties dropping out of the meeting or parties being unable to hear or follow proceedings etc) are compromising the integrity of the Hearing, the Chairman will have discretion to adjourn the matter to later date. The test the Chairman will use when considering any adjournment is what is best in the public interest (including the right of all parties to have a fair hearing). Any adjournment will either be to a date when technical issues can be overcome or to a date when a full hearing with all parties physically present can be held.

Etiquette

In order to maximise effectiveness of the Hearing all parties should:

- Identify themselves at the start of the Hearing when asked to do so by the Chairman
- Put their webcam and microphone on mute all times other than when addressing the Committee
- Indicate that you want to speak by using the chat function
- Only address the Committee when called to do so by the Chairman

Committee Reports

The Committee report and all relevant information will be posted on the Council's website at least 7 days prior to the Hearing. A link to the documents will be provided with the Notice of Hearing. The Committee report pack will be paginated and all parties should refer to this pack rather than their own bundles.

Late Evidence

Parties should submit any evidence for consideration of the Committee prior to the drawing up of the Committee agenda packs. This will mean that all information in containing in one paginated bundle that can be referred to by the parties (referencing pages numbers).

Evidence submitted on the day of the hearing can only be included when all parties to the hearing agree. It will ultimately be for the members of the Committee to decide if late evidence is accepted.

Decisions

In accordance with Hearings Regulations the Committee will make a determination at the end of the Hearing and the decision will be given within 5 working days. Some decisions are required to be given at the end of the Hearing, in this case the public meeting will resume once Members have deliberated and formed their decision.

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 and will draw up the decision notice.
- **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.

| | | |
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| 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. |

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| 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) | 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. |
| 14 | Applicant | Or his representative or witnesses may ask <u>questions</u> of the Local Residents, by way of clarification. |
| 15 | Committee Members | May ask <u>questions</u> of the Local Residents. |
| 16 | Chairman | To invite both Responsible Authorities and Local Residents to make their closing addresses. |
| 17 | Applicant | Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested conditions. |
| 18 | Close of Public Meeting | When the Chairman determines that all relevant information has been heard and no further matters are to be discussed, the public meeting will end. All parties to the hearing (including |

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| | | Licensing Officers and Responsible Authorities) will be excluded from the platform. |
| 18 | Committee | <p><u>Will retire</u> to consider the application. They will be accompanied by their Legal Advisor and the Democratic Services Officer. This means that the Members of the Committee can determine the matter in private session. And can take the opportunity to seek legal advice.</p> <p>Members will give their decision with 5 working days by the issuing of a decision notice.</p> |

Notes

1. The Committee can exclude members of the press and public from participation in a Hearing; 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 be excluded from 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 Chairman 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 will provide its decision in writing



Working for a brighter future together

Licensing Act Sub Committee

Date of Meeting:

Report Title: Review a Premises Licence following a Closure Order – Prince Albert, 140 Newton Street, Macclesfield SK11 6RW

Senior Officer: Frank Jordan - Executive Director Places

1. Report Summary

1.1. The report provides details of a review pursuant to Section 167 of the Licensing Act 2003 in relation to the Prince Albert, 140 Newton Street, Macclesfield, SK11 6RW and outlines the evidence presented by the parties in relation to the review. The order was issued following agreement between the Police and the Premises Licence Holder at Crewe Magistrates' Court on 27th October 2020.

2. Recommendations

2.1. The Licensing Act Sub-Committee considers the premises licence review instigated by S167 of the Licensing Act 2003 for the licence granted to Mr. Simon Johnson for the premises known as the Prince Albert, 140 Newton Street, Macclesfield, SK11 6RW.

2.2. The Licensing Act Sub-Committee is requested to consider the review application and any relevant representations and determine what steps, if any, it considers are appropriate to promote the Licensing Objectives.

2.3. Acting in the capacity of the Licensing Authority, Members must seek to promote the Licensing Objectives. Where Members consider that 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

2.4. 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 the application and the evidence presented by the parties in relation to the review.

2.5. Finally, Members are also reminded that in determining the application, consideration also needs to be given to:

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

3. 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, and provide the key reasons why the recommendation/s has been made. Link your reasons into appropriate council policies and corporate objectives.

4. Other Options Considered

4.1. Not applicable.

5. Background

5.1. Under S167 of the Licensing Act 2003 a premises licence review is triggered where a Magistrates' Court has made a Closure Order under Section 80 of the Anti-Social Behaviour, Crime and Policing Act 2014.

5.2. On 19th October 2020, Cheshire Constabulary issued a Closure Notice on the premises following an increase in the number of serious incidents taking place in and around the Prince Albert involving large scale fights involving multiple people, damage to cars, loud noise, illegal lock ins and reports of drink drivers leaving the property. Cheshire East Council's Licensing Service also received multiple reports of anti-social behaviour going on into the early hours of the morning mainly related to drunken people leaving the pub many hours after it should have closed and often urinating in the street. A copy of the Closure Notice is contained within **Appendix 1**.

5.3. An application for a Closure Order was made to Chester Magistrates's Court on Wednesday 21st October 2020, however at the request of the premises

licence holder's solicitor, the matter was adjourned to Tuesday 27th October 2020.

5.4. On Tuesday 27th October 2020 Crewe Magistrates' Court heard the application for the Closure Order and as a result made a Closure Order which closed the premises for a period of 2 months (8 weeks) commencing on 27th October 2020. Submissions from the police including the statement in relation to the Closure Order and previous history of the premises are attached at **Appendix 1**.

5.5. During the course of the Closure Order hearing, the police and the premises licence holder's legal representative agreed an 8 week closure (commencing on 27th October 2020 and ending on 22nd December 2020), an application to vary the premises to specify a new DPS will be submitted, the premises will remain Covid-19 compliant, CCTV will be installed to the satisfaction of the Cheshire Police and Licensing Authority, new DPS to hold a meeting with the local residents to address their concerns.

5.6. The Magistrates' Court has a duty to notify the Licensing Authority of the Closure Order and this was received on 27th October 2020. A copy of the Closure Order is attached at **Appendix 2**.

5.7. The Licensing Authority is required to notify responsible authorities and interested parties of the review and invite representations.

6. The Premises

6.1. The Prince Albert Public House is a small pub situated in a heavily populated residential area. The property is an end terrace and is located very close to the town centre of Macclesfield. It has a small outside area to the rear of the premises, which is used as a beer garden/smoking area. Newton Street has a mixture of residential and business premises, but mainly residential terrace properties.. A copy of the current premises licence is attached as **Appendix 3**.

6.2. Licensing records suggest that the premises has been licensed under the Licensing Act 2003 since 2005 and was transferred to a Mr. Paul Shrubsall in April 2011. Mr. Shrubsall was named on the premises licence as the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) until a further application to transfer the premises licence was made on 24th December 2019 to specify Mr. Simon Johnson as the PLH. Mr. Paul Shrubsall remained as the DPS named on the licence.

- 6.3. On 5th August 2020 Cheshire East Council received an application to vary the DPS to specify Mr Neil Naylor as the DPS, however on 18th August 2020 Cheshire Police submitted an objection to Mr. Neil Naylor becoming the DPS on the grounds of suitability. As a result of this objection, the application to vary the DPS was withdrawn by the PLH and this meant that Mr. Paul Shrubsall remained as the named DPS on the premises licence.
- 6.4. On 29th September 2020 Cheshire East Council received a Section 41 Notice (Request to be removed as the DPS) from Mr. Paul Shrubsall. This request had been submitted with immediate effect. A copy of the notice is attached as **Appendix 4**.
- 6.5. The effect of the submission of a S41 Notice meant that alcohol could no longer be sold from the premises until an application to specify a new DPS had been submitted to Cheshire East Council as the Licensing Authority.
- 6.6. On 29th September 2020 an email was sent to the PLH to advise him of the receipt of the S41 notice. This email was followed up by a letter. A copy of the email and letter are attached at **Appendix 5**.
- 6.7. On 01st October 2020 Cheshire East Council received an application to vary the premises licence to specify a new DPS. This application was submitted with immediate effect which means that the application takes effect during the application period.

7. Premises History

- 7.1. The premises came to the attention of Cheshire Constabulary and Cheshire East Council's Licensing Service as a result of an increase in the number of incidents taking place in and around the area of the premises, specifically following 4th July 2020 when premises could re-open following a period of "lockdown" as a result of the Covid-19 pandemic. On 06th August 2020, Cheshire Police called a meeting with the PLH to discuss their concerns.
- 7.2. Present at the meeting was Mr. Simon Johnson, PLH, Mr. Neil Naylor, Acting DPS, Ms. Jayne Bailey, Partner to DPS, PC Matt Bassirat, Beat Manager for Macclesfield, Lesley Halliday, Licensing Officer for Cheshire Police and Amanda Andrews, Licensing Enforcement Officer for Cheshire East Council. During the meeting it became apparent that the Prince Albert was being run by Mr. Neil Naylor who had no previous experience of running a licensed premises and the Police implemented a Licensed Premises Action Plan. A copy of the Action Plan is contained within **Appendix 1**.

7.3. During the months of August and September the Police were called to a number of further serious incidents at the premises and as a result PC Matt Bassirat visited the premises in order to conduct a licensing visit to check on the progress of the action plan. PC Matt Bassirat very quickly became aware that there were a number of failures in relation to the action plan and it is following this visit that the Police decided to take formal action by issuing a Closure Notice.

8. Representations

8.1. The Licensing Authority is required to notify the Responsible Authorities and interested parties of the review.

8.2. Notices are required to be placed at the premises and on the Council's website. These have been complied with as per the regulations. The consultation period expired on 04th November 2020. A copy of the notice of review is attached at **Appendix 6**.

8.3. This hearing is required by the Licensing Act 2003 because a review has been triggered by the issue of the Closure Order.

8.4. At the time of publishing this report, the consultation period had not finished.

9. Implications of the Recommendations

9.1. Legal Implications

9.2. Under section 76 of the Anti-Social Behaviour, Crime and Policing Act 2014, a police officer of at least the rank of inspector, or the local authority, may issue a closure notice if satisfied on reasonable grounds:

- a) (a) that the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public, or
- b) (b) that there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises, and the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

9.3. A closure notice is a notice prohibiting access to the premises for a period specified in the notice. The maximum period is 48 hours:

- (a) If, in the case of a notice issued by a police officer, the officer is of at least the rank of superintendent; or
- (b) If in the case of a notice issued by a local authority the notice is signed by the Chief Executive Officer of the authority or a person designated by him

or her for the purposes of this section.

9.4. Whenever a closure notice is issued an application must be made under Section 80 of the 2014 Act to a magistrates' court for a closure order.

9.5. An application for a closure order must be made:

- a) By a constable, if the closure notice was issued by a police officer or;
- b) By the authority that issued the closure notice, if the notice was issued by a local authority.

9.6. The application must be heard by the magistrates' court not later than 48 hours after service of the closure notice. In this case, the matter was heard at Chester Magistrates' Court on 21st October 2020 and as a result adjourned until 27th October 2020.

9.7. The court may make a closure order if it is satisfied:

- a) That a person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the premises, or
- b) That the use of the premises has resulted, or (if the order is not made) is likely to result in, serious nuisance to members of the public, or
- c) That there has been, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises, and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.

9.8. A closure order is an order prohibiting access to the premises for a period specified in the order. That period may not exceed 3 months. A closure order may prohibit access:

- a) By all persons, or by all persons except those specified, or by all persons except those of a specified description;
- b) At all times, or at all times except those specified;
- c) In all circumstances, or in all circumstances except those specified.

A closure order:

- a) may be made in respect of the whole or any part of the premises;
- b) may include provision about access to a part of the building or structure of which the premises form part.

9.9. Once the licensing authority has received notification from the court that a closure order has been made, it must reach a determination on a review of the premises licence no later than 28 days after the day on which it receives the notice.

9.10. The review hearing itself has to be commenced within 10 working days of receipt of notification and within 5 working days notice being given to the licence holder and the police (and any other participants) of the hearing.

9.11. The Sub-Committee must consider the order and any relevant representations received.

9.12. The below course of actions are open to the Sub-Committee at the review hearing; they can:

- a) Modify the conditions of the Licence (permanently or for a temporary period of up to 3 months);
- b) Exclude a licensable activity from the scope of the licence (permanently or for a temporary period of up to 3 months);
- c) Remove the Designated Premises Supervisor;
- d) Suspend the Licence for a period not exceeding 3 months;
- e) Revoke the Licence;
- f) Any or none of the above.

9.13. Members are reminded that should any conditions be added or modified, they should be practical, enforceable and appropriate to promote the Licensing Objectives.

9.14. By virtue of section 52(11) of the Licensing Act 2003, any decision of the Sub-Committee to take one or more of the steps set out above does not have effect:

- a) Until the end of the period given for appealing against the decision; or
- b) If the decision is appealed against, until the appeal is disposed of.

9.15. Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1988 to exercise its various functions doing all that it can to prevent Crime and Disorder, and Anti-Social Behaviour, behaviour adversely affecting the environment as well as the misuse of drugs, alcohol and re-offending in the Local Environment.

10. Finance Implications

10.1 There are no financial implications.

11. Policy Implications

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

11.2 The Licensing Authority must also have due regard to the guidance issued under section 182 of the Licensing Act 2003.

11.3 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.

12. Equality Implications

12.1 There are no direct equality implications.

13. Human Resources Implications

13.1 There are no human resources implications.

14. Risk Management Implications

14.1 The Licensing Sub-Committee will hear representations made on behalf of both the applicant and the 'relevant person' who has submitted their representation and will make a decision on the basis of the evidence presented to it. The Licensing Act 2003 makes provision for appeal to the Magistrates' Court of any decision made by the Licensing Authority.

15. Rural Communities Implications

15.1 There are no direct implications for rural communities.

16. Implications for Children & Young People/Cared for Children

16.1 There are no direct implications for children and young people.

17. Public Health Implications

17.1 There are no direct implications for public health.

18. Climate Change Implications

18.1 There are no direct implications for Climate Change.

19. Ward Members Affected

19.1 Macclesfield Central – Councillor Liz Braithwaite.

19.2 Macclesfield Central – Councillor Ashley Farrell.

20. Consultation & Engagement

20.1 Consultation in respect of submitting an application to review a Premises Licence Application is prescribed in the Licensing Act 2003 and has been fully complied with.

21. Access to Information

21.1 The background papers relating to this report can be made available by contacting the report writer.

22. Contact Information

22.1 Any questions relating to this report should be directed to the following officer:

Name: Amanda Andrews

Job Title: Licensing Enforcement Officer

Email: Amanda.andrews@cheshireeast.gov.uk

Appendix 1 – Submissions from the police including the statement in relation to the Closure Order and previous history of the premises

Appendix 2 – Copy of Closure Order from the Magistrates' Court

Appendix 3 – Copy of current Premises Licence

Appendix 4 – Copy of S41 Notice

Appendix 5 – Copy of email and letter sent to PLH following receipt of S41 Notice

Appendix 6 – Copy of application to vary the premises licence to specify a new DPS

Appendix 7 – Copy of public notice of review under S167 of the Licensing Act 2003

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IN THE MAGISTRATES' COURT AT CHESTER

IN THE MATTER OF ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

(SECTION s76 - 84)

B E T W E E N

CHIEF CONSTABLE OF CHESHIRE CONSTABULARY

Applicant

And

THE PRINCE ALBERT PUBLIC HOUSE, NEWTON STREET, MACCLESFIELD

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Status: ☒ Law In Force

Anti-social Behaviour, Crime and Policing Act 2014 c. 12

Part 4 Community protection

Chapter 3 Closure of premises associated with nuisance or disorder etc

Closure notices

This version in force from: **October 20, 2014 to present**

(version 1 of 1)

76 Power to issue closure notices

(1) A police officer of at least the rank of inspector, or the local authority, may issue a closure notice if satisfied on reasonable grounds—

(a) that the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public, or

(b) that there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises,

and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

(2) A closure notice is a notice prohibiting access to the premises for a period specified in the notice.

For the maximum period, see section 77.

(3) A closure notice may prohibit access—

(a) by all persons except those specified, or by all persons except those of a specified description;

(b) at all times, or at all times except those specified;

(c) in all circumstances, or in all circumstances except those specified.

(4) A closure notice may not prohibit access by—

(a) people who habitually live on the premises, or

(b) the owner of the premises,

and accordingly they must be specified under subsection (3)(a).

(5) A closure notice must—

(a) identify the premises;

(b) explain the effect of the notice;

(c) state that failure to comply with the notice is an offence;

(d) state that an application will be made under section 80 for a closure order;

(e) specify when and where the application will be heard;

(f) explain the effect of a closure order;

(g) give information about the names of, and means of contacting, persons and organisations in the area that provide advice about housing and legal matters.

(6) A closure notice may be issued only if reasonable efforts have been made to inform—

(a) people who live on the premises (whether habitually or not), and

(b) any person who has control of or responsibility for the premises or who has an interest in them,

that the notice is going to be issued.

(7) Before issuing a closure notice the police officer or local authority must ensure that any body or individual the officer or authority thinks appropriate has been consulted.

(8) The Secretary of State may by regulations specify premises or descriptions of premises in relation to which a closure notice may not be issued.

Subject: Local government **Other related subjects:** Police

Keywords: Anti-social behaviour; Closure notices; Local authorities' powers and duties; Police powers and duties; Premises

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Status:  Law In Force

Anti-social Behaviour, Crime and Policing Act 2014 c. 12

Part 4 Community protection

Chapter 3 Closure of premises associated with nuisance or disorder etc

Closure notices

This version in force from: **October 20, 2014 to present**

(version 1 of 1)

77 Duration of closure notices

(1) The maximum period that may be specified in a closure notice is 24 hours unless subsection (2) applies.

(2) The maximum period is 48 hours—

(a) if, in the case of a notice issued by a police officer, the officer is of at least the rank of superintendent, or

(b) if, in the case of a notice issued by a local authority, the notice is signed by the chief executive officer of the authority or a person designated by him or her for the purposes of this subsection.

(3) In calculating when the period of 48 hours ends, Christmas Day is to be disregarded.

(4) The period specified in a closure notice to which subsection (2) does not apply may be extended by up to 24 hours—

(a) if, in the case of a notice issued by a police officer, an extension notice is issued by an officer of at least the rank of superintendent, or

(b) if, in the case of a notice issued by a local authority, the authority issues an extension notice signed by the chief executive officer of the authority or a person designated by the chief executive officer for the purposes of this

subsection.

(5) An extension notice is a notice which—

(a) identifies the closure notice to which it relates, and

(b) specifies the period of the extension.

(6) In this section "*chief executive officer*", in relation to a local authority, means the head of the paid service of the authority designated under section 4 of the Local Government and Housing Act 1989.

Subject: Local government **Other related subjects:** Police

Keywords: Anti-social behaviour; Closure notices; Duration; Extensions of time; Premises

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Status: ☒ Law In Force

Anti-social Behaviour, Crime and Policing Act 2014 c. 12

Part 4 Community protection

Chapter 3 Closure of premises associated with nuisance or disorder etc

Closure notices

This version in force from: **October 20, 2014** to **present**

(version 1 of 1)

78 Cancellation or variation of closure notices

(1) This section applies where a closure notice is in force and the relevant officer or authority is no longer satisfied as mentioned in section 76(1), either—

(a) as regards the premises as a whole, or

(b) as regards a particular part of the premises.

(2) In a case within subsection (1)(a) the relevant officer or authority must issue a cancellation notice.

A cancellation notice is a notice cancelling the closure notice.

(3) In a case within subsection (1)(b) the relevant officer or authority must issue a variation notice.

A variation notice is a notice varying the closure notice so that it does not apply to the part of the premises referred to in subsection (1)(b).

(4) A cancellation notice or a variation notice that relates to a closure notice which was—

(a) issued by a local authority, and

(b) signed as mentioned in section 77(2)(b),

must be signed by the person who signed the closure notice (or, if that person is not available, by another person who could have signed as mentioned in section 77(2)(b)).

(5) A cancellation notice or a variation notice that relates to a closure notice which was—

(a) issued by a local authority, and

(b) extended under section 77(4)(b),

must be signed by the person who signed the extension notice (or, if that person is not available, by another person who could have signed the extension notice).

(6) In this section "*the relevant officer or authority*" means—

(a) in the case of a closure notice issued by a police officer and not extended under section 77(4)(a), that officer (or, if that officer is not available, another officer of the same or higher rank);

(b) in the case of a closure notice issued by a police officer and extended under section 77(4)(a), the officer who issued the extension notice (or, if that officer is not available, another officer of the same or higher rank);

(c) in the case of a closure notice issued by a local authority, that authority.

Subject: Local government **Other related subjects:** Police

Keywords: Anti-social behaviour; Cancellation; Closure notices; Local authorities' powers and duties; Police powers and duties; Premises; Variation

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Status: ☒ Law In Force

Anti-social Behaviour, Crime and Policing Act 2014 c. 12

Part 4 Community protection

Chapter 3 Closure of premises associated with nuisance or disorder etc

Closure notices

This version in force from: **October 20, 2014 to present**

(version 1 of 1)

79 Service of notices

(1) A closure notice, an extension notice, a cancellation notice or a variation notice must be served by—

- (a) a constable, in the case of a notice issued by a police officer;
- (b) a representative of the authority that issued the notice, in the case of a notice issued by a local authority.

(2) The constable or local authority representative must if possible—

- (a) fix a copy of the notice to at least one prominent place on the premises,
- (b) fix a copy of the notice to each normal means of access to the premises,
- (c) fix a copy of the notice to any outbuildings that appear to the constable or representative to be used with or as part of the premises,
- (d) give a copy of the notice to at least one person who appears to the constable or representative to have control of or responsibility for the premises, and
- (e) give a copy of the notice to the people who live on the premises and to any person who does not live there but was informed (under section 76(6)) that the

notice was going to be issued.

(3) If the constable or local authority representative reasonably believes, at the time of serving the notice, that there are persons occupying another part of the building or other structure in which the premises are situated whose access to that part will be impeded if a closure order is made under section 80, the constable or representative must also if possible serve the notice on those persons.

(4) The constable or local authority representative may enter any premises, using reasonable force if necessary, for the purposes of complying with subsection (2)(a).

(5) In this section "*representative*", in relation to a local authority, means—

(a) an employee of the authority, or

(b) a person, or employee or a person, acting on behalf of the authority.

Subject: Local government **Other related subjects:** Police

Keywords: Anti-social behaviour; Closure notices; Local authorities' powers and duties; Police powers and duties; Premises; Service

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Status:  Law In Force

Anti-social Behaviour, Crime and Policing Act 2014 c. 12

Part 4 Community protection

Chapter 3 Closure of premises associated with nuisance or disorder etc

Closure orders

This version in force from: **October 20, 2014** to **present**

(version 1 of 1)

80 Power of court to make closure orders

(1) Whenever a closure notice is issued an application must be made to a magistrates' court for a closure order (unless the notice has been cancelled under section 78).

(2) An application for a closure order must be made—

(a) by a constable, if the closure notice was issued by a police officer;

(b) by the authority that issued the closure notice, if the notice was issued by a local authority.

(3) The application must be heard by the magistrates' court not later than 48 hours after service of the closure notice.

(4) In calculating when the period of 48 hours ends, Christmas Day is to be disregarded.

(5) The court may make a closure order if it is satisfied—

(a) that a person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the premises, or

(b) that the use of the premises has resulted, or (if the order is not made) is

likely to result, in serious nuisance to members of the public, or

(c) that there has been, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises,

and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.

(6) A closure order is an order prohibiting access to the premises for a period specified in the order.

The period may not exceed 3 months.

(7) A closure order may prohibit access—

(a) by all persons, or by all persons except those specified, or by all persons except those of a specified description;

(b) at all times, or at all times except those specified;

(c) in all circumstances, or in all circumstances except those specified.

(8) A closure order—

(a) may be made in respect of the whole or any part of the premises;

(b) may include provision about access to a part of the building or structure of which the premises form part.

(9) The court must notify the relevant licensing authority if it makes a closure order in relation to premises in respect of which a premises licence is in force.

Subject: Civil procedure

Keywords: Anti-social behaviour; Closure orders; Premises

Status:  Law In Force

Anti-social Behaviour, Crime and Policing Act 2014 c. 12

Part 4 Community protection

Chapter 3 Closure of premises associated with nuisance or disorder etc

Closure orders

This version in force from: **October 20, 2014** to **present**

(version 1 of 1)

81 Temporary orders

(1) This section applies where an application has been made to a magistrates' court under section 80 for a closure order.

(2) If the court does not make a closure order it may nevertheless order that the closure notice continues in force for a specified further period of not more than 48 hours, if satisfied—

(a) that the use of particular premises has resulted, or (if the notice is not continued) is likely soon to result, in nuisance to members of the public, or

(b) that there has been, or (if the notice is not continued) is likely soon to be, disorder near those premises associated with the use of those premises,

and that the continuation of the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

(3) The court may adjourn the hearing of the application for a period of not more than 14 days to enable—

(a) the occupier of the premises,

(b) the person with control of or responsibility for the premises, or

(c) any other person with an interest in the premises,

to show why a closure order should not be made.

(4) If the court adjourns the hearing under subsection (3) it may order that the closure notice continues in force until the end of the period of the adjournment.

Subject: Civil procedure

Keywords: Anti-social behaviour; Closure notices; Closure orders; Extensions of time; Premises

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Status: ☒ Law In Force

Anti-social Behaviour, Crime and Policing Act 2014 c. 12

Part 4 Community protection

Chapter 3 Closure of premises associated with nuisance or disorder etc

Closure orders

This version in force from: **October 20, 2014 to present**

(version 1 of 1)

82 Extension of closure orders

(1) At any time before the expiry of a closure order, an application may be made to a justice of the peace, by complaint, for an extension (or further extension) of the period for which the order is in force.

(2) Those entitled to make an application under this section are—

(a) where the closure order was made on the application of a constable, a police officer of at least the rank of inspector;

(b) where the closure order was made on the application of a local authority, that authority.

(3) A police officer or local authority may make an application under this section only if satisfied on reasonable grounds that it is necessary for the period of the order to be extended to prevent the occurrence, recurrence or continuance of—

(a) disorderly, offensive or criminal behaviour on the premises,

(b) serious nuisance to members of the public resulting from the use of the premises, or

(c) disorder near the premises associated with the use of the premises,

and also satisfied that the appropriate consultee has been consulted about the intention to make the application.

(4) In subsection (3) "*the appropriate consultee*" means—

(a) the local authority, in the case of an application by a police officer;

(b) the chief officer of police for the area in which the premises are situated, in the case of an application by a local authority.

(5) Where an application is made under this section, the justice of the peace may issue a summons directed to—

(a) any person on whom the closure notice was served under section 79, or

(b) any other person who appears to the justice to have an interest in the premises but on whom the closure notice was not served,

requiring the person to appear before the magistrates' court to respond to the application.

(6) If a summons is issued under subsection (5), a notice stating the date, time and place of the hearing of the application must be served on the persons to whom the summons is directed.

(7) If the magistrates' court is satisfied as mentioned in subsection (3)(a), (b) or (c), it may make an order extending (or further extending) the period of the closure order by a period not exceeding 3 months.

(8) The period of a closure order may not be extended so that the order lasts for more than 6 months.

Subject: Civil procedure

Keywords: Anti-social behaviour; Closure orders; Extensions of time; Premises

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Part 4 Community protection

Chapter 3 Closure of premises associated with nuisance or disorder etc

Closure orders

This version in force from: **October 20, 2014** to **present**

(version 1 of 1)

83 Discharge of closure orders

(1) At any time before the expiry of a closure order, an application may be made to a justice of the peace, by complaint, for the order to be discharged.

(2) Those entitled to make an application under this section are—

(a) a constable, where the closure order was made on the application of a constable;

(b) the authority that applied for the closure order, where the order was made on the application of a local authority;

(c) a person on whom the closure notice was served under section 79;

(d) anyone else who has an interest in the premises but on whom the closure notice was not served.

(3) Where a person other than a constable makes an application under this section for the discharge of an order that was made on the application of a constable, the justice may issue a summons directed to a constable considered appropriate by the justice requiring him or her to appear before the magistrates' court to respond to the application.

(4) If a summons is issued under subsection (3), a notice stating the date, time and place of the hearing of the application must be served on—

(a) the constable to whom the summons is directed;

(b) the persons mentioned in subsection (2)(c) and (d) (other than the complainant).

(5) Where—

(a) the order in question was made on the application of a local authority, and

(b) a person other than that authority makes an application under this section for the discharge of the order,

the justice may issue a summons directed to that authority requiring it to appear before the magistrates' court to respond to the application.

(6) If a summons is issued under subsection (5), a notice stating the date, time and place of the hearing of the application must be served on—

(a) the authority mentioned in that subsection;

(b) the persons mentioned in subsection (2)(c) and (d) (other than the complainant).

(7) The magistrates' court may not make an order discharging the closure order unless satisfied that the closure order is no longer necessary to prevent the occurrence, recurrence or continuance of—

(a) disorderly, offensive or criminal behaviour on the premises,

(b) serious nuisance to members of the public resulting from the use of the premises, or

(c) disorder near the premises associated with the use of the premises.

Status:  Law In Force

Anti-social Behaviour, Crime and Policing Act 2014 c. 12

Part 4 Community protection

Chapter 3 Closure of premises associated with nuisance or disorder etc

Appeals

This version in force from: **October 20, 2014 to present**

(version 1 of 1)

84 Appeals

(1) An appeal against a decision to make or extend a closure order may be made by—

(a) a person on whom the closure notice was served under section 79;

(b) anyone else who has an interest in the premises but on whom the closure notice was not served.

(2) A constable may appeal against—

(a) a decision not to make a closure order applied for by a constable;

(b) a decision not to extend a closure order made on the application of a constable;

(c) a decision (under section 81) not to order the continuation in force of a closure notice issued by a constable.

(3) A local authority may appeal against—

(a) a decision not to make a closure order applied for by that authority;

(b) a decision not to extend a closure order made on the application of that authority;

(c) a decision (under section 81) not to order the continuation in force of a closure notice issued by that authority.

(4) An appeal under this section is to the Crown Court.

(5) An appeal under this section must be made within the period of 21 days beginning with the date of the decision to which it relates.

(6) On an appeal under this section the Crown Court may make whatever order it thinks appropriate.

(7) The Crown Court must notify the relevant licensing authority if it makes a closure order in relation to premises in respect of which a premises licence is in force.

Subject: Civil procedure

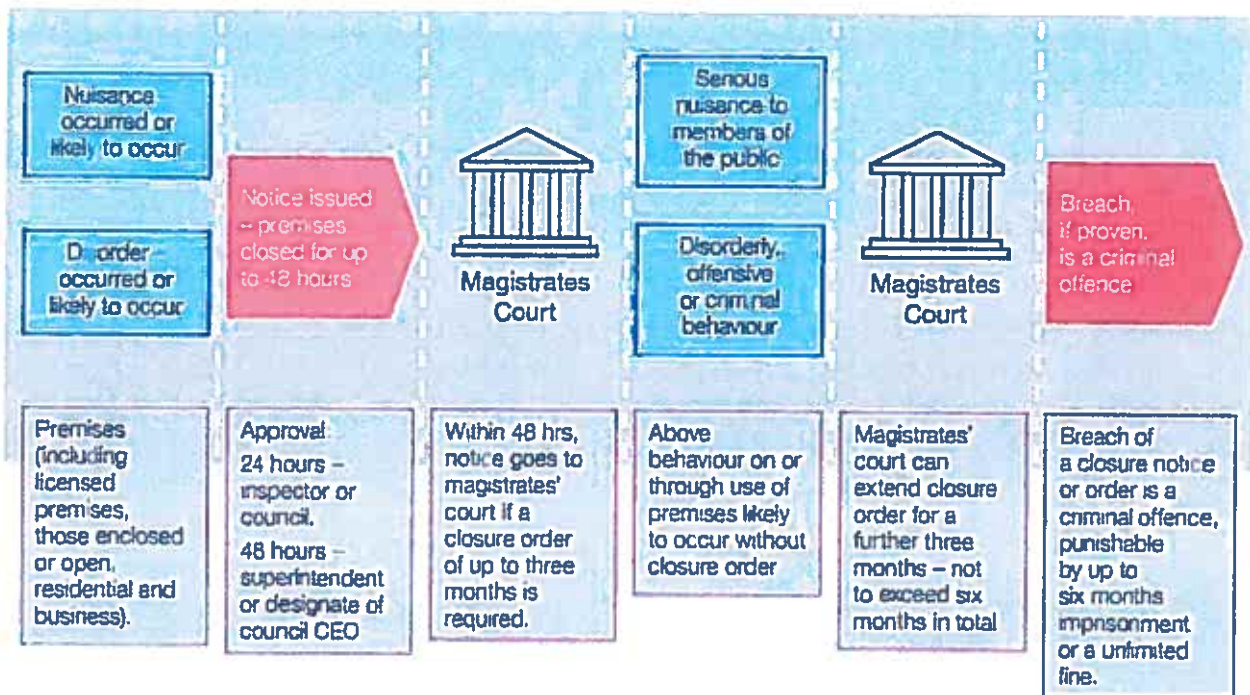
Keywords: Anti-social behaviour; Appeals; Closure orders; Premises

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2.7 Closure power

| | |
|-------------------------------|--|
| Purpose | To allow the police or council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder. |
| Applicants | <ul style="list-style-type: none"> • Local council • Police. |
| Test | <p>The following has occurred, or will occur, if the closure power is not used</p> <p>Closure notice (up to 48 hours):</p> <ul style="list-style-type: none"> • Nuisance to the public; or • Disorder near those premises. <p>Closure order (up to six months):</p> <ul style="list-style-type: none"> • Disorderly, offensive or criminal behaviour; • Serious nuisance to the public; or • Disorder near the premises. |
| Details | <ul style="list-style-type: none"> • A closure notice is issued out of court in the first instance. Flowing from this the closure order can be applied for through the courts. • Notice: can close a premises for up to 48 hrs out of court but cannot stop owner or those who habitually live there accessing the premises. • Order: can close premises for up to six months and can restrict all access • Both the notice and the order can cover any land or any other place, whether enclosed or not including residential, business, non-business and licensed premises |
| Penalty on breach | <p>Breach is a criminal offence.</p> <ul style="list-style-type: none"> • Notice: Up to three months in prison, • Order: Up to six months in prison; • Both: Up to an unlimited fine for residential and non-residential premises |
| Who can appeal | <ul style="list-style-type: none"> • Any person who the closure notice was served on; • Any person who had not been served the closure notice but has an interest in the premises; • The council (where closure order was not made and they issued the notice); • The police (where closure order was not made and they issued the notice) |
| Important changes/differences | <ul style="list-style-type: none"> • A single closure power covering a wider range of behaviour. Quick, flexible and can be used for up to 48 hours out of court. |

Closure powers



Purpose

The closure power is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder.

Applicants

The power comes in two stages: the closure notice and the closure order which are intrinsically linked. The closure notice can be used by the council or the police out of court. Following the issuing of a closure notice, an application must be made to the magistrates' court for a closure order, unless the closure notice has been cancelled.

The test

A closure notice can be issued for 24 hours if the council or police officer (of at least the rank of inspector) is satisfied on reasonable grounds:

- that the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public; or
- that there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises, and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

The closure notice can be issued in the first instance for 48 hours or extended from 24 hours up to a maximum of 48 hours by the council's chief executive officer (head of paid service) or designate thereof, or by a police superintendent.

A closure order can subsequently be issued if the court is satisfied:

- that a person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the premises; or
- that the use of the premises has resulted, or (if the order is not made) is likely to result, in serious nuisance to members of the public; or
- that there has been, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises, and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.

A closure notice cannot prohibit access in respect of anyone who habitually lives on a premises. This means that the notice cannot prohibit those who routinely or regularly live at those premises. It is therefore unlikely to disallow access to, for example, students who live away from the family home for part of the year but routinely return to the family home or those who spend the majority of the week living at the pub in which they work. However, a closure order, granted by the court, can prohibit access to those who routinely live at a premises.

In prohibiting access through a closure notice it will be important to consider who is responsible for the premises and who may need access to secure a premises. This might not always be the owner, for example an individual managing a premises on behalf of an owner who lives abroad may need to secure the premises on their behalf.

Putting victims first: In deciding the effect of the behaviour and courses of action the police and local council should speak to the victim to obtain their view on how the behaviour is affecting them and what outcome they would like to see.

Details

Approvals: The level or role of employee within the council who can issue a notice for up to 24 hours has not been specified due to the different structures locally. In considering who should be authorised as designates of the chief executive officer for the issuing of the 48 hour notice, councils will also want to consider who is delegated to issue the closure notice for 24 hours and consider whether the extension to 48 hours should be authorised by an officer of greater seniority, as is the case for the police. This may take into consideration the need for the power to be used quickly, its flexible nature, and equivalent requirement for a police inspector to issue a closure notice for 24 hours.

Notifications: With every issue of a closure notice, an application must be made to the magistrates' court for a closure order. Where the intention is to cancel the notice prior to the end of the 48 hour period because a closure order or a temporary order is not deemed necessary, this should be communicated to the court on application for a hearing for the closure order.

The police and council will want to consider when the courts will be able to hear the application for the closure order. The courts are required to hear the application within 48 hours of the service of the closure notice. This 48 hour period for the courts excludes Christmas day. To avoid undue pressure on the courts to hear applications for closure orders within 48 hours of serving the closure notice, careful thought should be given as to exactly when to serve the closure notice. Where possible, it is advisable to liaise with the court's listing office before serving the closure notice so that victims can be effectively protected at the earliest opportunity.

Putting victims first: The issuing body should undertake to inform the victim of the anti-social behaviour of the closure notice and to inform them of the details of the closure order hearing where possible and appropriate.

Temporary orders: Courts can consider giving an extension of the closure notice if required. This can be considered as an option by the magistrates' court at the hearing for the closure order. The court can order a closure notice to stay in force for a further 48 hours if satisfied this meets the test required for a closure notice.

A court may also order that a closure notice continue in force for a period of not more than 14 days in circumstances where the hearing is adjourned. A hearing can be adjourned for no more than 14 days to enable the occupier or anyone with an interest in the premises to show why a closure order should not be made.

Partnership working: Consultation is required as part of the closure notice. Before issuing a notice the police or council must ensure that they consult with anyone they think appropriate. This should include the victim, but could also include other members of the public that may be affected positively or negatively by the closure, community representatives, other organisations and bodies, the police or local council (where not the issuing organisation) or others that regularly use the premises. There may also be people who use the premises as access to another premises that is not subject to the closure notice but may be impacted on by the closure.

The method of consultation will depend on the situation and urgency. The police or council will want to consider how to keep a record of those consulted in case challenged at a later date (for instance, as part of a court case).

What to include in a closure notice? The closure notice should:

- identify the premises;
- explain the effect of the notice;
- state that failure to comply with the notice is an offence;
- state that an application will be made for a closure order;
- specify when and where the application will be heard;
- explain the effect of the closure order; and
- give information about the names of, and means of contacting, persons and organisations in the area that provide advice about housing and legal matters.

Information should be displayed clearly in simple language, avoiding the use of jargon.

Putting victims first: It is not necessary to include information about those consulted within an order so as to protect those who may have made a complaint from any retribution. However, the officer issuing the closure notice should keep a record of those consulted.

Access: There may be times where the closure of premises through a closure order has a wider impact. An item may have been left in the premises or access has become restricted to another premises. Where an item has been left on premises it is expected that the police and local council will use their discretion in either allowing access temporarily to enable the individual to retrieve their item or retrieving the item on their behalf. Where an individual accesses the premises themselves without communication to the police or council they commit an offence unless they have a

reasonable excuse. Therefore it is sensible for the police and council to have clear communication with individuals affected.

Where a closure order restricts access to another premises or part of a premises that is not subject to a closure order the individuals affected will be able to apply to the appropriate court to have the order considered. The court may make any order it thinks appropriate. This may be a variation order to vary the terms of the order or it could cancel the order if considered inappropriate for it to remain in place.

Penalty on breach

An offence is committed when a person, without reasonable excuse, remains on or enters a premises in contravention of a closure notice or a closure order.

Closure notice and temporary order: Breaching a closure notice or temporary order is a criminal offence carrying a penalty of either imprisonment for a period of up to three months or an unlimited fine or both.

Closure order: Breaching a closure order is a criminal offence carrying a penalty of either imprisonment for a period of up to six months or an unlimited fine, or both.

Obstruction: It is a criminal offence to obstruct a police officer or local council employee who is:

- serving a closure notice, cancellation notice or variation notice;
- entering the premises; or
- securing the premises.

This offence carries a penalty of either imprisonment for a period of up to three months or an unlimited fine, or both.

Who can appeal?

A closure notice cannot be appealed. A closure order can be appealed. Appeals are to the Crown Court and must be made within 21 days beginning with the date of the decision to which the appeal relates.

An appeal against the decision to issue the order may be made by:

- a person who was served the closure notice; or
- anyone who has an interest in the premises upon whom the notice was not served.

Where the court decides not to issue a closure order the following may appeal:

- the police may only appeal where they issued the closure notice;
- the local council may only appeal where they issued the closure notice.

On appeal, the Crown Court may make whatever order it thinks appropriate. If the premises is licensed the court must inform the licensing authority. It should also be considered whether it is appropriate and possible to update the victim on the progress of the case.



CLOSURE NOTICE

SECTION 76, ANTI - SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

1. Address of the affected Premises:

The Prince Albert Public House, Newton Street, Macclesfield, Cheshire.

The above premises are subject to a CLOSURE NOTICE under Section 76 of the Anti-Social Behaviour, Crime and Policing Act 2014. There are reasonable grounds for believing:-

- i) that a person has engaged, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises, or
- ii) that the use of the premises has resulted, or (if the order is not made) is likely to result, in serious nuisance to members of the public, or
- iii) that there has been, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises

2. ACCESS TO THE PREMISES BY ANY PERSON IS HEREBY PROHIBITED UNLESS YOU ARE THE OWNER OR A PERSON WHO HABITUALLY RESIDES IN THE PREMISES. IT IS AN OFFENCE UNDER SECTION 86 OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 TO:

- i) Remain on or enter premises in contravention of a CLOSURE NOTICE
- ii) Obstruct a constable or authorised person effecting a closure notice or entering or doing anything reasonably necessary to secure the premises against entry by any person.

3. An application for a CLOSURE ORDER under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, to close the premises to all persons, will be made at Chester Magistrates Court, Grosvenor Street, Chester at 11:30 hours on Wednesday 21st October 2020.

4. Should the Magistrates' Court decide to make a CLOSURE ORDER the premises WILL BE CLOSED TO ALL PERSONS FOR A PERIOD UP TO 3 MONTHS. The Magistrates' Court may adjourn the hearing of the application for not more than 14 days to give time for any party with an interest in the premises to show why a closure order should not be made. If the Magistrates' Court adjourns the hearing it may order that the closure notice continues in effect until the end of the period of adjournment. IT IS AN OFFENCE UNDER SECTION 86 OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 TO REMAIN ON OR ENTER PREMISES IN CONTRAVENTION OF A CLOSURE ORDER.

5. A person who commits an offence under section 86 of the Anti-social Behaviour, Crime and Policing Act 2014 is liable to UP TO SIX MONTHS IMPRISONMENT or AN UNLIMITED FINE or BOTH.

6. You may wish to take advice on the effect on you of this CLOSURE NOTICE. For such advice, contact your local Citizens Advice Bureau, Tel 01270 303003, Local Authority Cheshire East Council, Tel 0300 123 5500 or your Solicitor. Your Local Housing Provider ,Cheshire East Housing Options Team Tel 0300 123 5017

Police Force: Cheshire Constabulary

Person making the Notice (Supt.): Marshall-Bell

Signature: J Marshall-Bell

Date & Time of Closure notice: 12:30hrs on Monday 19th October 2020



Closure Notice: Authorising Officer's Declaration

Declaration in respect of CLOSURE NOTICE for premises referred to as: **The Prince Albert Public House, Newton Street, Macclesfield.**

I am satisfied:

- on reasonable grounds that the use of the above premises has resulted or (if the notice is not issued) is likely soon to result, in nuisance to members of the public, or that there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises, and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring
- reasonable efforts have been made to inform people who live on the premises (whether habitual or not) and any person who has control of or responsibility for the premises or who has an interest in them, that the notice is going to be issued

I confirm that REASONABLE EFFORTS have been made to consult any appropriate person or relevant body (including Owner or Leaseholder) prior to the issue of the Notice:

Simon Johnson – Premises Licence Holder

Carl Barton – Designated Premises Supervisor

Neil Naylor – Manager

Signature: J Marshall-Bell

Rank: Superintendent

Date: 19/10/2020

**APPLICATION FOR A CLOSURE ORDER
ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
(Section 80)**

CHESTER MAGISTRATES' MAGISTRATES COURT (NO:)

DATE: 19th October 2020

INTERESTED PERSONS: SIMON JOHNSON (PLH), CARL BARTON (DPS) & NEIL NAYLOR (MANAGER)

ADDRESS: THE PRINCE ALBERT PUBLIC HOUSE, NEWTON STREET, MACCLESFIELD, CHESHIRE ("the Premises")

MATTER OF COMPLAINT:

That a Closure Notice was issued at 12:30hrs on Monday 19th October 2020 (affixed to the premises on Monday 19th October 2020 in respect of The Prince Albert Public House, Macclesfield, Cheshire

The Closure Notice was served in connection with the use of the premises:-

a) a person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the premises, and/ or

b) the use of the premises has resulted, or (if the order is not made) is likely to result, in serious nuisance to members of the public, and/ or

and there has been, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises,

The Applicant applies to the Court on the basis that an order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring for a period of 3 months from the date of the Order

On the Application of:- PC 5118 BASSIRAT
 MACCLESFIELD POLICE STATION

Who upon Oath will state that the Occupants were responsible for the matter of the complaint of which particulars are given above.

This Application will be heard at 11:30 hours on Wednesday 21st October 2020 at Chester MAGISTRATES' COURT

Taken [and sworn] before me

Justice of the Peace
[Justices Clerk]

**CLOSURE ORDER
ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
(Section 80)**

CHESTER MAGISTRATES COURT (NO:)

DATE: WEDNESDAY 21ST OCTOBER 2020

ADDRESS: THE PRINCE ALBERT PUBLIC HOUSE, NEWTON STREET, MACCLESFIELD

On the Application of:- PC 5118 BASSIRAT
 MACCLESFIELD POLICE STATION

The Court has found that, within the relevant period, in relation to the address The Prince Albert, Public House, Newton Street, Macclesfield.

a Closure Notice was issued on Monday 19th October 2020

- a) a person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the premises, or
- b) the use of the premises has resulted, or (if the order is not made) is likely to result, in serious nuisance to members of the public, or
- c) there has been, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises,

and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring for a period of 3 months from the date of the Order.

The Court in issuing this Closure Order prohibits anyone from remaining on or entering: -

THE PRINCE ALBERT PUBLIC HOUSE, NEWTON STREET, MACCLESFIELD, CHESHIRE, (save as authorised by the Chief Constable of Cheshire Constabulary) and is in force for a period of 3 months from the date of this Order.

If anyone does anything which they are prohibited from doing by this Order, they shall be liable on summary conviction to a term of imprisonment not exceeding six months or to a fine or to both.

Justice of the Peace

[By order of the Clerk of the Court]


OFFICIAL – Sensitive
(For Criminal Justice related purposes only)

MG11(P)

CPS Use Only

WITNESS STATEMENT

(Criminal Procedure Rules 2015 R16.2, Criminal Justice Act 1967 S9, Magistrates' Courts Act 1980 S5B)

| | | | |
|--|--|------------|------------------------------|
| | | 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)) 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  | M BASSIRAT | | Date 16/10/2020 |
| Name / Rank / No | PC 5118 BASSIRAT | | |

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

Police Station. I am currently the Beat Manager for Macclesfield Town Centre. In my role as a beat manager, my priority is to focus on reducing the operational demand that is generated on my beat area by developing long term solutions to repeat criminality and anti-social behaviour, including dealing effectively with the people and premises involved.

I am providing this statement as evidence for a closure order on the below address:

- Prince Albert Public House, 140 Newton Street, Macclesfield, Cheshire, SK11 6RW

The Landlord of the address is:

- Neil NAYLOR.

The Premises Licence Holder is

- Mr Simon Johnson, Townend Barn, Vicarage Lane, Elworth, Cheshire, CW11 3BU

The Prince Albert Public House is a pub in a heavily populated residential area. The property is an end terrace located very close to the town centre of Macclesfield. Newton Street has a mixture of residential and business premises, but mainly residential terrace properties.

Closure orders have been used with positive results in Macclesfield on both domestic dwellings and businesses where they have provided instant relief and respite to the community as well as severely disrupting the criminal activities of those associated with the address.

This closure order is being sought due to the large increase in anti-social behaviour at the pub in recent months. The first part of 2020 saw what became known as 'lockdown' where amongst other businesses, Pubs remained shut. Saturday 4th July 2020 saw the majority of pubs reopen nationally. Since the reopening of the pub, Cheshire Police have received 16 calls to the property including large scale fights involving multiple people, damage to cars, loud noise, illegal lock ins and reports of drink drivers leaving the property. These are just the reports to Cheshire Police using 999 or 101. Cheshire East Licensing have also received multiple reports directly to them from 16 different residents reporting anti-social behaviour going on into the early hours of the morning mainly related to drunken people leaving the pub many hours after it should have closed and often urinating in the street.

On 4th July 2020 the problems started at the Prince Albert Pub. At 19.33 Cheshire Police received a 999 call in relation to a group of males at the pub fighting and damaging cars. Police attend and take an injured male to hospital after it is revealed that he had been kicked in the head.

Following this incident, Cheshire East licensing began receiving a large volume of complaints which were sent to me. We received a call about anti-social behaviour on 22nd July 2020 which was closed for my attention.

On 2nd August 2020 we received a call at 23.36 hours to the Pub which stated that 11 people were involved in a fight and that a female had been punched and there was a male unconscious

on the floor. Bottles had also been thrown damaging cars. The female suffered lacerations to the head and swelling as a result of having her head stamped on. Following this incident of large scale disorder, I became increasingly concerned that there could be a serious assault or even a murder at the premises as the violence was escalating and the complaints were increasing. I felt that action was required immediately and quickly called a meeting on Thursday 6th August 2020 with the following people:

Simon JOHNSON-Premises Licence Holder

Neil NAYLOR-Acting DPS

Jayne BAILEY-Neil's Partner

Amanda ANDREWS-Licensing Enforcement Officer

Lesley HALLIDAY-Licensing Officer, Cheshire Police

During this meeting, it became very clear that there were issues around Neil's views about what might be required of him as the Landlord. He had no idea about the consequences of serving people already too intoxicated, he appeared to have no idea about his responsibility to ensure people leaving his pub did so in a timely and quiet manner. I tested his knowledge of the pub opening times and the times that he could serve alcohol. He failed to answer correctly for any day, it was clear he had no idea whatsoever the times he could serve alcohol and the times that he needed to be closed. There was no working CCTV within the premises. Much discussion was also about the lack of compliance around the Covid 19 regulations and the requirement to take details from people within the pub which was not happening. I discussed at length with them that I was concerned about the risk of serious disorder and that we had to act as a failure could put lives at risk. I explained at length that I was more than happy to work with them in the first instance but that I would not hesitate to escalate Police action if they did not cooperate.

Neil and Jayne agreed to go on an action plan and it was decided that we would invite them back in in order for the action plan to be signed up.

At 17.00 on Saturday 8th August 2020 Neil and Jayne returned to Macclesfield Police Station. They read the action plan, agreed it and signed it. A copy of the action plan is attached. There was nothing that was unachievable on the action plan and the majority of the points were the things that any licensed premises would be doing, the main points it covered including having working CCTV, joining pubwatch, posters asking customers to be quiet and respectful to residents, an incident book and a refusals book.

During the month of August, most calls to Police were about drink drivers leaving the premises, but the reports to licensing continued.

On 11th September Police were called at 19.58 to the Pub to reports of a male and female fighting, a number of vehicles outside the pub were damaged, no-one was identified as responsible.

Later on 11th September 2020 Police were called back to the pub following reports that a fight was on going at the location. Police do not deploy. I have since taken possession of mobile phone footage of the fight sent to me by a local resident. It is very graphic and shows two males fighting with one male throwing multiple punches to the other male who is on the floor. It takes place in the beer garden at the rear of the pub. The landlord can be seen watching the fight in the doorway to the pub and when the fight is over he helps the victim up.

On 19th September Police receive a further call in relation to more lock-ins at the pub which is causing people to constantly spill out into the road fighting.

On Saturday 3rd October I visited the pub in order to conduct a licensing visit and check on the progress of the action plan. I took the action plan with me and went through some of the various points. When I went into the bar, Neil was working behind the bar. We discussed the incident of the fighting on 11th September. Neil knew about it and even provided me with the names of one of the people involved, I asked about where it might be in the incident book and Neil didn't have an incident book just scraps of paper with bits written down on. He began to get a little flustered and explained that he had plenty of time and to slow down and just calmly find it. Neil couldn't find it. I asked him about the CCTV for that night. He could not operate the system but then told me that the CCTV was not installed until 12.00 on 13th September. The government track and trace system was better, however it was still just scraps of paper but it was much improved. Neil had not joined a pubwatch scheme, there were some notices up about asking people to leave quietly, there appeared to be no refusals book.

In summary, the failures in relation to the action plan are as follows:

'Take steps to get the CCTV system that has been installed at the premises working so that it records continuously and retains the footage for 28 days.'

This was required by 13th August, it was installed on 13th September which missed the fight on 11th September

'CCTV Footage is to be provided to a Police Officer or an Officer from the local authority upon request.'

This was requested by me and Neil was unable to provide it

'A member of staff or Management who knows how to operate the CCTV system to be available at all times when the premises are open to the public.'

Neil was the only member of staff on duty and he could not operate the footage.

'The police and council have provided information regarding the Pubwatch Scheme which operates in Macclesfield and the benefits of being part of such a scheme. Management to look into joining and participating in the local scheme.'

A pubwatch meeting was held in Macclesfield Town Centre three days earlier which I attended, the Prince Albert was not represented.

'Management at the premises to proactively report any incidents to the police'

The fight on the 11th September was not reported to the Police

'Management to create an incident book and record any incidents that occur at the premises, the book should include date/time of the incident along with a brief description of what happened and a note of any incident log if reported to the police'

There is no incident book, just scraps of paper and the incident on 11th September was not recorded

'Management to create a refusals book, any refusal to serve a customer must be recorded in the book, including date/time of refusal, a brief description of why service was refused.'

There was no refusals book

It is quite clear, that despite our efforts to work with the landlords, they have failed to comply with the terms of the action plan. The nature and style of the operation at the premises is undermining the licencing objectives particularly:

- Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance

The landlord is aware of the issues and failing to deal with them appropriately. The landlord received a copy of the footage of the fight on 11th September and we know he was aware that it took place, instead of openly reporting the matter to the Police so we could record the crime and deal appropriately, he actually raised the height of the fence to prevent anyone from seeing into the beer garden. This really concerns me, that we now have an area where we know fights are taking place and no one can see in. Neil has told me that there is no CCTV within the beer garden. Anything could happen in here and we would never know. It looks like the landlord is trying to hide something from us. As part of this application to the courts I have submitted a picture of the increased height of the fence. Also as part of this application I have submitted a photograph of a male drinking in the street in the afternoon who had come from the pub. I can confirm that this male is the victim of the pub fight which is also submitted on video.

The local residents have had enough, they shouldn't be witnessing this kind of behaviour and absolutely have the right to live in peace without fear of having their cars damaged and fights


happening on their street on a regular basis. It is disgusting that this is now affecting the quality of life for the residents. I feel that in bringing this closure order, there is no further option available to us to bring about an immediate end to the misery that the residents are suffering. It will also help to reduce the chances of serious injury being caused to someone as a result of a fight taking place at the location.

Whilst gathering statements from the local residents, one of the residents provided me with a statement before withdrawing the statement over fears of repercussions from the landlord. It is clear that the residents are living in fear.

CPS Use Only

WITNESS STATEMENT

(Criminal Procedure Rules 2015 R16.2, Criminal Justice Act 1967 S9, Magistrates' Courts Act 1980 S5B)

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|--|--|------------|------------------------|
| | | URN | |
| Statement of | BASSIRAT, MATTHEW | | |
| Age if under 18 | Over 18 (if over 18 insert 'over 18') | Occupation | POLICE SERVICE |
| This statement (consisting of page(s)) 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  | M BASSIRAT | | Date 19/10/2020 |
| Name / Rank / No | PC 5118 BASSIRAT | | |

Further to my previous statement dated 16th October 2020.

There has been a further report to Police made on 17th October 2020 at 19.43.

This report came from a concerned mother who reported that her son was in the pub and that she knew that cocaine was being both used and supplied in the pub. She reported that the pub was breaching the Covid regulations by allowing people to mix between different households and that they are continuing to supply alcohol past 22.00. I have contacted the person making the report and they are really concerned that their son was going to the pub taking drugs and that it appeared that it was allowed within the premises.

Restricted (when completed)

Cheshire Constabulary

WITNESS STATEMENT

Criminal Procedure Rules, 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN:

Page 1 of 7

Statement of: Lesley Halliday

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

Occupation:

Police Licensing Officer

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:

Lesley Halliday

Date:

Check box if witness evidence is visually recorded ☐Witness personal details should be entered in appropriate section **ONLY**.

I am employed by Cheshire Police as a Licensing Officer, my role operates under the Chief Officers delegation of authority to deal with matters relating to licensing under the Licensing Act 2003.

My duties, amongst other things, include assisting the local police units in dealing with complaints and compliance issues relating to licensed premises, as well as applications from person's who wish run a licensed premises.

I have attained the BIIAB Level 2 Award for Personal Licence Holders in May 2018 and the Institute of Licensing's Professional Licensing Practitioners Qualification in March 2019.

On Wednesday 22nd July 2020 I received an email from Brenda LOMAS, who is an environmental health enforcement officer at Cheshire East Council providing details of 2 separate complaints that had been received by the Council regarding a premises who is licensed by under the licensing act by Cheshire East Council. The premises known as the Prince Albert, 140 Newton Street, Macclesfield, Cheshire. The complaints relate to a number of violent incidents, fighting, anti-social behaviour, increased noise from patrons and loud music coming from inside the premises. The complainants also make allegations that the premises are remaining open past the hours stated on the premises licence, which would be a direct breach of licence conditions and failing to abide by the regulations, set out within The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020.

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Restricted (when completed)

Cheshire Constabulary**WITNESS STATEMENT**

Criminal Procedure Rules, 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: Lesley Halliday

Checks on police systems showed that one of the complainants had also logged a complaint with the police on Wednesday 22nd July at 22:34 regarding the noise coming from the beer garden, the constant loud music that seems to be playing all day until late in the evenings, which is causing people to shout and goes against The Health Protection Coronavirus Restrictions that advised against loud music.

I forwarded the details of the complaint to local beat Manager PC Matthew BASSIRAT to see if the Beat Team were aware of the complaints with regards to the premises. on Thursday 23rd July PC BASSIRAT responded to say that he had heard about the complaints and he advised that he would ask the lates team to pay passing attention to the premises.

On Friday 31st July 2020 I received a further email from Brenda LOMAS, detailing a further complaints from a different local resident than the previous 2 complaints, but the details of the complaint was very similar in nature to the previous complaints. I forwarded the latest complaint on to PC BASSIRAT and I asked if he would be able to do a joint visit with Cheshire East Council, which PC BASSIRAT responded on the 1st August to confirmed he would be happy to do.

On Monday 3rd August 2020 I received an email from PC BASSIRAT asking me to have a look at incident reference IML770360 which had occurred at the premises on Sunday 2nd August 2020 at 23:30. the incident was logged as Violence/Harrassment reporting a female had been punched and a male was unconscious on the floor and there were 11 other people involved in the incident. PC BASSIRAT was seeking a copy of the premises licence as there was no CCTV available of the incident and given the number of complaints it was agreed that the best approach would be to invite the DPS/PLH in for a meeting at the police station to discuss the concerns that have been raised. PC BASSIRAT contacted the premises to arrange a meeting for Thursday 6th August at 6pm. Following this contact PC BASSIRAT advised me that the person named on the premises licence as the DPS a Mr Paul SHRUBSHALL was no longer at the premise and a new DPS was there called Neil NAYLOR.

On Tuesday 4th August 2020, as part of the consultation with the responsible authorities, I received

Restricted (when completed)

Restricted (when completed)

Cheshire Constabulary**WITNESS STATEMENT**

Criminal Procedure Rules, 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: Lesley Halliday

a copy of an application to Vary the DPS at the Prince Albert public house in respect of Mr Neil NAYLOR.

On Thursday 6th August 2020 I attended a meeting at Macclesfield Police station in the company of PC Matthew BASSIRAT and Mrs Amanda ANDREWS (Cheshire East Licensing Enforcement Officer) also in attendance representing the premises were Mr Simon JOHNSON (PLH), Mr Neil NAYLOR (Acting DPS) and Ms Jayne BAILEY (Mr NAYLOR's partner). During the meeting we discussed the nature of the complaints that had been received by the Council and the Police and our concerns were raised with regards the violence and disorder being reported at the premises and the attitude of the Mr NAYLOR towards the police when dealing with such incidents. It was suggested that the premises review the clientele the premises is allowing in to the premises who are causing issues. As Mr NAYLOR was new to the licence trade, we made some suggestions on steps he may wish to consider and we agreed an action plan which provided Mr NAYLOR with specific actions to take in order to try and resolve the issues and complaints regarding the premises.

On Wednesday 12th August 2020 I received an email from Mrs Amanda ANDREWS reporting that she had received a further complaint regarding the premises, the complainant was reporting unacceptable noise levels at the premises, customers urinating on residents cars and lack of social distancing/COVID-19 regulation compliance.

On Saturday 15th August 2020 at 00:15 Ms Jayne BAILEY reported an incident to the police saying there was a female shouting outside the premises, the female had also become aggressive inside the premises and had threatened to smack Jayne in the face if she went near her.

On Monday 17th August I received a further email from Ms Brenda LOMAS with details of a further complaint regarding the Prince Albert Public House. I visited the premises later that day with Cheshire East Licensing Enforcement Officer Mrs Amanda ANDREWS to follow up on this latest complaint that alleged that customers were urinating over vehicles parked nearby the premises, reporting wing mirrors being knocked off cars by customers from the premises and customers

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Cheshire Constabulary

WITNESS STATEMENT

Criminal Procedure Rules, 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: Lesley Halliday

seen to be having sex in the toilets at the premises.

On entering the premises both Mr NAYLOR and Ms BAILEY were seated in the pub talking with customers, I asked Mr NAYLOR if there was somewhere quiet that we could go and talk and we were escorted to an outside smoking area, where we were joined by Ms BAILEY. We discussed the latest complaint including the allegation of customers having sex in the toilets, Ms BAILEY took us into the female toilets to show us that it would be impossible for customers to have sex in the toilets and that there was privacy glass in the windows making it impossible for people outside to see what was happening in the toilets. Ms BAILEY was adamant that they would know if someone had been having sex in the toilets.

On Monday 17th August 2020 at 22:50 Ms Jayne BAILEY reported an incident on behalf of Mr NAYLOR saying that a female had been in the premises and had been aggressive towards staff and other patrons in the premises, because of this they refused to serve her and she was shouting and screaming outside the premises.

As complaints regarding the Prince Albert Public House continued to be reported, despite the action plan that had been put in place, the police objected to Mr NAYLOR becoming the DPS at the premises, on the grounds of his suitability to manage the premises in accordance with the licensing objectives and the premises licence, this objection was submitted to Cheshire East Council on the 18th August 2020 and a Committee Hearing was scheduled to take place on the 15th September 2020.

On Wednesday 9th September I received an email from Miss Kim EVANS Licensing Team Leader at Cheshire East Council to say that the applicant Mr Simon JOHNSON (PLH) had withdrawn his application to Vary DPS and as such there was no need to have the hearing and she was seeking the police's agreement to cancel the committee hearing.

I had a telephone conversation with Miss EVANS and she advised that she had spoken to Mr JOHNSON and he had said that they would continue to trade with the existing DPS a Mr Paul

Restricted (when completed)

Restricted (when completed)

Cheshire Constabulary

WITNESS STATEMENT

Criminal Procedure Rules, 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: Lesley Halliday

SHRUBSHALL.

20000550419 - Incident recorded on Friday 11th September 2020 at 22:28 a call was received from a local resident reporting a fight at the premises where 2 males were fighting and the landlord had needed to step in and break the fight up, the incident also reports that there was a male customer chopping up a line of coke in the toilets, the callers window looks directly into the toilet.

20000567894 - incident recorded on Saturday 19th September 2020 at 11:03 by a local resident reporting issues at the Prince Albert Public House, the report includes constantly having lock-ins, serving people until they are incredibly intoxicated and openly allowing drugs in the premises, all of which is causing distress to the resident, because all of these combined are resulting in constant fights which are spilling out on to the street most nights.

On Saturday 19th September 2020 I received an email from another local resident advising of a disturbance at 12:30am that morning, where they were woken up by shouting in the street which persisted for approx 10-15 minutes, when they looked out of the window they could see various people outside the premises and 2 males were fighting. The email included some video footag, but due to the darkness its not very clear.

On 21st September I phoned Mr SHRUBSHALL to ensure that he was aware of the action plan that was in place for the premises, during the phone call Mr SHRUBSHALL advised me that he wasn't aware that there had been an objection to the application to Vary the DPS to Neil NAYLOR, so he was unaware that he was still the DPS on the licence. I asked Mr SHRUBSHALL if he was aware of the action plan and the issues at the premises and he said that he wasn't, he said he was concerned as his record was unblemished and asked how he could protect himself, so I advised him the best way to do this was to submit a Section 41 notice and remove himself as the DPS. I agreed to post the relevant forms to Mr SHRUBSHALL for him to complete and send to Cheshire East Council. At the end of the conversation Mr SHRUBSHALL expressed his concern that 'they' (referring to Mr NAYLOR, Mr JOHNSON and Ms BAILEY) would mither him to stay as the DPS.

Restricted (when completed)

Restricted (when completed)

Cheshire Constabulary

WITNESS STATEMENT

Criminal Procedure Rules, 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: Lesley Halliday

On Monday 21st September I emailed Mrs ANDREWS to see if the Council had received any further complaints and advised that the police had received 2 over the weekend. I spoke to one of the complainants who was distressed by the situation, to try and provide re-assurance that the Council and the Police were working in partnership and trying to work with the premises to resolve the issues.

On Tuesday 22nd September I received an email from the resident I had spoken to the previous day containing a video of the fight that had occurred on Friday 11th September, which I forwarded on to PC BASSIRAT because of the level of violence.

On Wednesday 30th September I received an email from Mrs Amanda ANDREWS to confirm that Cheshire East Council had received the Section 41 notice from Mr SHRUBSHALL. Mrs ANDREWS advised that she would contact Mr JOHNSON to make him aware of this, which she did by email and follow up telephone call.

On Thursday 1st October Mrs ANDREWS emailed me to advise that the Council had received an application the previous evening to Vary the DPS at the premises, the police received the application for consultation later that morning.

The proposed new DPS is a Mr Carl BARTON. I spoke to PC BASSIRAT and advised him of the new application and he said he would contact Mr BARTON to find out what his involvement would be in the premises.

The police have carried out their checks and have not identified any concerns regarding Mr Carl BARTON becoming the DPS. The police are concerned that Mr BARTON won't be in day to day control of the premises as he has a full time job elsewhere, so Mr NAYLOR and Ms BAILEY will continue to manage the premises.

On Sunday 4th October I received an email from PC BASSIRAT to advise that he had carried out

Restricted (when completed)

Restricted (when completed)

Cheshire Constabulary**WITNESS STATEMENT**

Criminal Procedure Rules, 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: Lesley Halliday

a licensing check at the premises to see if they were adhering to the action plan and there were a number of issues identified.

Signature:

Signature witnessed by:

Statement taken by (print name):

Station:

Restricted (when completed)

Witness Statement



(Criminal Procedure Rules 2015,
Part 16; Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5A and 5B)

Statement of

Amanda Andrews

Age of Witness
(if over 18 insert over 18)

Over 18

Occupation

Licensing Enforcement Officer

The following 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

Amanda Andrews

Date

09th October 2020

I am employed by Cheshire East Council as a Licensing Enforcement Officer. I am based at the Municipal Buildings, Earle Street, Crewe. I am a duly authorised officer under the provisions of the Licensing Act 2003.

My duties, amongst other things, include dealing with complaints and compliance issues relating to licensed premises, as well as applicants who wish to be licensed by Cheshire East Council for the provision of regulated activities.

I have attained the Certificate of Higher Education in Licensing Law (CertHeLL) in 2009 and the Institute of Licensing's Professional Licensing Practitioners Qualification in 2017.

On Tuesday 4th August 2020, I received an email, from my manager Miss. Kim Evans, in relation to a number of complaints that had been received regarding a premises, licensed under the Licensing Act 2003, by the name of The Prince Albert, 140 Newton Street, Macclesfield, Cheshire. The complaints relate to a number of violent incidents, fighting, anti-social behaviour, increase noise from patrons and loud music. The complaints also make allegations that the premises is remaining open past the hours stated within premises licence, which would be a direct breach of licence conditions and failing to abide by the social distancing regulations, set out within The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020.

Licensing records show that Mr. Simon Johnson is the Premises Licence Holder (PLH) named on the Premises Licence Number PR/0092 granted by Cheshire East Council under the Licensing Act 2003 to the Premises known as the Prince Albert, 140 Newton Street, Macclesfield, Cheshire SK11 6RW. A copy of the Premises Licence is attached as **Exhibit AA1**. The Premises Licence was transferred to Mr. Johnson on 24 December 2019 from Mr. Paul Shrubsall.

Signature

Amanda Andrews

Date

09th October 2020

Witness Statement - Continuation



(Criminal Procedure Rules 2015, Part 16; Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5A and 5B)

Sheet Number

1

Statement of
(Continued)

Amanda Andrews

Licensing records show that Mr. Paul Shrubsall is named as the Designated Premises Supervisor (DPS) on the Premises Licence for the Prince Albert, 140 Newton Street, Macclesfield, Cheshire SK11 6RW.

On Tuesday 4th August 2020 I liaised, via email, with Mrs. Lesley Halliday, Cheshire Police's Licensing Officer, in order to make arrangements to visit the premises to discuss the complaints received and establish who has the day to day responsibility for the premises. Mrs. Halliday advised that PC Matt Bassirat was planning to call a meeting with the PLH and DPS to discuss the nature of the complaints.

Licensing records show that Cheshire East Council received an application from Mr. Simon Johnson PLH to vary the Premises Licence to specify Mr. Neil Naylor as the DPS at the premises. This application was made with immediate effect.

On Thursday 6th August 2020 I attended a meeting at Macclesfield Police Station in company with Mrs. Lesley Halliday and PC Matt Bassirat. In attendance from the Prince Albert was Mr. Simon Johnson, PLH, Mr. Neil Naylor (Acting DPS) and Ms. Jayne Bailey (Neil Naylor's partner). The purpose of the meeting was to discuss the recent complaints. During the meeting, it was established that Mr. Neil Naylor was acting as the DPS at the premises and that it was the intention of the PLH to apply to vary the premises licence to specify Mr. Neil Naylor as the DPS. This follows concerns raised by the PLH that the existing DPS (Mr. Paul Shrubsall) had issues with alcohol and was considered to be an alcoholic.

At the end of the meeting, Mrs. Lesley Halliday and PC Matt Bassirat advised the PLH that an Action Plan will be put in place for the premises. The Action Plan would list a number of measures that would need to be complied with and this would be in place for a period of three months. The police also committed to monitoring the premises on a regular basis. A copy of the Action Plan is attached as **Exhibit 2**.

On 13th August 2020 I attended the Prince Albers, 140 Newton Street, Macclesfield in company with Ms. Catherine Cooke, Cheshire East Council's Environmental Health Officer. The purpose of the visit was to undertake a food hygiene inspection and a Covid-19 compliance inspection. Upon entering the premises Mr. Neil Naylor was present. There were a number of customers within the premises and Mr. Naylor asked s to sign in at the premises.

Signature

Amanda Andrews

Date

09th October 2020

Witness Statement - Continuation

(Criminal Procedure Rules 2015, Part 16; Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5A and 5B)

Sheet Number

2

Statement of
(Continued)

Amanda Andrews

During the inspection, Catherine and I went into the outside area (smoking area). The area is quite small and bends around to the back of the premises and there was a couple of customers in the area smoking. In the area to the back of the premises there was a gazebo (approx. 3m x 3m) which housed some tables and chairs. The gazebo had three sides and Mr. Naylor advised that these had been put up following the recent bad weather and as an attempt to eliminate noise escape. On one of the side panels I observed a sign that said 'Fire Exit'. When asked about this, one of the customers said that you have to lift the side to access the gate. Catherine raised this with Mr. Naylor who advised that the side panels had been put there to protect residents from noise. Catherine also raised the issue that the smoking shelter was more than 50% covered, therefore does not comply with the smoking legislation.

Following the visit, I advised Catherine that as she was the lead officer at the visit, she would need to take up the issues in relation to the smoking shelter and fire exit.

On 17th August 2020, I undertook a joint visit, in company with the Police Licensing Officer, to the Prince Albert, 140 Newton Street, Macclesfield following an allegation made, by a local resident, of customers urinating over vehicles parked outside the premises, vehicles having wing mirrors knocked off by customers from the premises and customers seen to be having sex in the toilets at the premises. On entering the premises Mr. Neil Naylor and Ms. Jayne Bailey were seated within the pub talking with customers. Mrs. Halliday asked Mr. Naylor if there was somewhere quiet that we could go to talk and Mr. Naylor escorted us to the outside smoking area. We were joined by Ms. Bailey. Mrs. Halliday explained that the police had received a further complaint in relation to issues at the premises including an allegation of customers having sex in the toilets. Ms. Bailey refuted these claims and took us into the female toilets to show us that it would be impossible for customers to have sex in the toilets and also there was privacy frosting on the toilet windows, which would make it impossible for people outside to see what was taking place in the toilets.

On 21st August 2020, I became aware that the police had objected to the application to vary the DPS.

On Monday 14th September 2020 I received an email, from my manager, Miss. Kim Evans, in relation to a further complaint that had been received regarding an incident that took place at approximately 20.00hrs on Friday 11th September 2020 outside the Prince Albert, 140 Newton Street, Macclesfield SK11 6RW. The incident involved a female swearing, shouting and fighting and the police had been called. The complaint also stated that customers were seen leaving the premises between 12.30 and 01.00hrs, also shouting. As a result of this complaint, I contacted the Police Licensing Officer to advise her of the further complaint and whether or not the incident had been reported to the police. Mrs. Halliday advised me that there were a number of complaints recorded for 11th September 2020.

Signature

Amanda Andrews

Date

09th October 2020

Witness Statement - Continuation



(Criminal Procedure Rules 2015, Part 16; Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5A and 5B)

Sheet Number

3

Statement of
(Continued)

Amanda Andrews

On 21st September 2020 I received an email from Mrs. Lesley Halliday in relation to some video footage she had received documenting a fight outside the Prince Albert at the weekend. She asked if Licensing or Environmental Health had received any further complaints about the premises.

I liaised, via email, with Mrs. Brenda Lomas, Cheshire East Council's Environmental Health Officer and it became apparent that no further complaints had been received by Cheshire East Council's Environmental Health Team or Licensing Team.

Further correspondence received on 21st September 2020 from Mrs. Halliday, she stated that, in addition to the video footage that had been sent to the police, a further complaint had also been received following the incident at the weekend. She went on to say that she had spoken to Paul Shrubsall, existing DPS, in relation to issues at the premises and he was unaware that the police had objected to the variation to the DPS and agreed to sign a Section 41 Notice to remove himself as the DPS at the premises as he had nothing to do with the premises and he wasn't aware of the action plan that had been put in place by the police.

According to Licensing records, on 30th September 2020 Cheshire East Council received a signed Section 41 Notice from Mr. Paul Shrubsall. A copy of the notice is attached as **Exhibit AA3**.

At 14.18hrs on 30th September 2020 I emailed Mr. Simon Johnson (PLH) to advise him that a Section 41 Notice had been received from Mr. Pauls Shrubsall and therefore the premises can no longer sell alcohol unless an application to vary the DPS was made. A copy of the email is attached as **Exhibit AA4**.

Shortly after sending the email, I contacted Mr. Johnson via telephone just to make sure that he had received my email and that he understood the implications of the Section 41 Notice. Mr. Johnson confirmed that he had received my email and that he was in the process of completing an application to vary the DPS for the premises. I advised Mr. Johnson that I would be writing to him to confirm that a Section 41 Notice had been received and that I would email a copy of the letter to him later that day. At 15.45hrs on 30th September 2020, I emailed Mr. Johnson a copy of my letter and then posted a hard copy in the post. A copy of the letter is attached as **Exhibit AA5**.

On Monday 5th October 2020 my manager, Miss. Kim Evans, made me aware of a conversation she had had with Mrs. Halliday in relation to the Prince Albert, 140 Newton Street, Macclesfield. Miss. Evans had been made aware that the police were looking to submit an application to review the premises due to failure to comply with the action plan.

Signature

Amanda Andrews

Date

09th October 2020

Witness Statement - Continuation

(Criminal Procedure Rules 2015, Part 16; Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5A and 5B)

Sheet Number

4

Statement of
(Continued)

Amanda Andrews

On Monday 5th October 2020, Mrs. Halliday emailed me to confirm that PC Matt Bassirat had undertaken a follow up on the action plan and the premises had been seen to be failing on most of the actions. In addition, the police had been made aware of a further application to vary the premises licence to specify a new DPS and that they had concerns in relation to this application.

Signature

Amanda Andrews

Date

09th October 2020

AA(1)

Premises Licence

Premises Licence Number:

PR/0092**Part 1 - Premises Details**

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

The Prince Albert
140 Newton Street
Macclesfield
Cheshire

Post Town: Macclesfield

Post Code: SK11 6RW

Telephone Number: 01625 439352

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

Monday to Wednesday 10.00 to 23.00
Thursday to Saturday 10.00 to 24.00
Sunday 12.00 to 22.30

Non-standard timings: 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 Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve. An 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.

Recorded Music

| | |
|----------------------|----------------|
| Monday to Wednesday | 10.00 to 23.00 |
| Thursday to Saturday | 10.00 to 24.00 |
| Sunday | 12.00 to 22.30 |

Non-standard timings: 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 Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve. An 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.

Sale and supply of alcohol

| | |
|----------------------|----------------|
| Monday to Wednesday | 10.00 to 23.00 |
| Thursday to Saturday | 10.00 to 24.00 |
| Sunday | 12.00 to 22.30 |

Non-standard timings: 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 Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve. An 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

| | |
|--------------------|----------------|
| Monday to Saturday | 23.00 to 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 to 23.30 |
| Thursday to Saturday | 10.00 to 00.30 |
| Sunday | 12.00 to 23.00 |

Non-standard timings: 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 Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve. An 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.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of Premises Licence:

Mr Simon Johnson
Townend Barn
Vicarage Lane
Elworth
Cheshire East
CW11 3BU

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

Not applicable.

Name, address and telephone number of designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

Mr Paul Richard Shrubsall
The Prince Albert
140 Newton Street
Macclesfield
Cheshire
SK11 6RW

Personal Licence number and issuing authority of Personal Licence held by designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

Personal Licence Number: PE1333

Issuing Authority: Cheshire East Council

Licence Issued: 24th December 2019

Signed By: Mr Tony Haskell
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 no 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

Prevention of Crime and Disorder

1. There shall be good external lighting in all areas to front and rear.
2. The premises shall operated the "Barred from on barred from all" scheme in connection with neighbouring public houses.
3. There shall be drug awareness training for staff of the premises.

Public Safety

4. There shall be a qualified first aider available on site.
5. There shall be fire fighting equipment on site.
6. There shall be a smoking policy in place.

Prevention of Public Nuisance

7. Customer departure from the premises shall be managed
8. There shall be an air extract system in situ.
9. All music levels shall be under management control.
10. Windows and doors shall remain closed during noiser trading sessions.

Protection of Children from Harm

11. There shall be no unaccompanied children on the premises.
12. There shall be no children on the premises after 20.00.

General – All Licensing Objectives

13. There shall be 30 minutes "drinking up time" will allow appropriate dispersal, use of lavatories etc.
14. 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
15. 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 15 above
16. 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



Premises Licence Summary

Premises Licence Number:

PR/0092

Premises Details

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

The Prince Albert
140 Newton Street
Macclesfield
Cheshire

Post Town: Macclesfield

Post Code: SK11 6RW

Telephone Number: 01625 439352

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

| | |
|----------------------|----------------|
| Monday to Wednesday | 10.00 to 23.00 |
| Thursday to Saturday | 10.00 to 24.00 |
| Sunday | 12.00 to 22.30 |

Non-standard timings: 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 Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve. An 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.

Recorded Music

| | |
|----------------------|----------------|
| Monday to Wednesday | 10.00 to 23.00 |
| Thursday to Saturday | 10.00 to 24.00 |
| Sunday | 12.00 to 22.30 |

Non-standard timings: 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 Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve. An 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.

Sale and supply of alcohol

| | |
|----------------------|----------------|
| Monday to Wednesday | 10.00 to 23.00 |
| Thursday to Saturday | 10.00 to 24.00 |
| Sunday | 12.00 to 22.30 |

Non-standard timings: 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 Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve. An 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

| | |
|--------------------|----------------|
| Monday to Saturday | 23.00 to 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 to 23.30 |
| Thursday to Saturday | 10.00 to 00.30 |
| Sunday | 12.00 to 23.00 |

Non-standard timings: 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 Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve. An 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:

Mr Simon Johnson
Townend Barn
Vicarage Lane
Elworth
Cheshire East
CW11 3BU

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 Paul Richard Shrubsall

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

There shall be no unaccompanied children on the premises.

There shall be no children on the premises after 20.00

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.

Licence Issued: 24th December 2019

Signed By: Mr Tony Haskell
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).

**Custody of Premises Licence
Licensing Act 2003 – S.57 (3)(b)**

In accordance with Section 57 (2)(b) of the Licensing Act 2003

I/We being the
holder(s) of/Director of the company holding

Premises Licence number.....

relating to the premises known as

.....

.....

hereby nominate

as custodian of the said Premises Licence.

To conform with Section 57 (3)(b) of the Licensing Act 2003 this authorisation is hereby displayed.

.....
Signed

.....
Position

S.57 Duty to keep and produce licence

(2) The holder of the premises licence must secure that the licence or a certified copy of it is kept at the premises in the custody or under the control of-

(b) a person who works at the premises and whom the holder of the licence has nominated in writing for the purposes of this subsection

(3) The holder of the premises licence must secure that-

(b) a notice specifying the position held at the premises by any person nominated for the purposes of subsection (2), are prominently displayed at the premises.

(4) The holder of a premises licence commits an offence if he fails, without reasonable excuse, to comply with subsection (2) or (3).

LICENSED PREMISES ACTION PLAN

Premises name: Prince Albert

Premises address 140 Newton Street, Macclesfield

Location of meeting: Macclesfield Police Station

Day/Date: 06/08/20

Time: 18:00

Brief description of the issue to be addressed and the SMART* action to be taken.

Action 1 – We discussed at length the incidents that have occurred and how having an operational CCTV system can help to protect both the management of the premises and their customers.

Take steps to get the CCTV system that has been installed at the premises working so that it records continuously and retains the footage for 28 days.

CCTV Footage is to be provided to a Police Officer or an Officer from the local authority upon request.

A member of staff or Management who knows how to operate the CCTV system to be available at all times when the premises are open to the public.

Action 2 – We discussed the premises licence and risk assessments for Covid-19 and the importance of knowing the licence and what conditions they must adhered to and having a risk assessment in place in order to keep both staff and customers safe during the pandemic.

Familiarise yourself with the premises licence ensuring that you know the hours for all licensable activities included on the licence.

All staff and management to read, understand and implement all conditions consistent with the premises

* SMART = Specific, Measurable, Achievable, Relevant, Time constrained

| Brief description of the issue to be addressed and the SMART* action to be taken. | | Action Manager | Due date |
|--|--|----------------|----------|
| Action 1 – We discussed at length the incidents that have occurred and how having an operational CCTV system can help to protect both the management of the premises and their customers. | | Neil Naylor | 13/08/20 |
| Take steps to get the CCTV system that has been installed at the premises working so that it records continuously and retains the footage for 28 days. | | | |
| CCTV Footage is to be provided to a Police Officer or an Officer from the local authority upon request. | | | |
| A member of staff or Management who knows how to operate the CCTV system to be available at all times when the premises are open to the public. | | | |
| Action 2 – We discussed the premises licence and risk assessments for Covid-19 and the importance of knowing the licence and what conditions they must adhered to and having a risk assessment in place in order to keep both staff and customers safe during the pandemic. | | Neil Naylor | Immed |
| Familiarise yourself with the premises licence ensuring that you know the hours for all licensable activities included on the licence. | | | |
| All staff and management to read, understand and implement all conditions consistent with the premises | | | |

licence this includes the mandatory conditions in Annex 1 and the conditions consistent with the operating schedule in Annex 2.

A risk assessment is to be completed for the premises in line with the recommendations for Public safety relating to COVID-19, this needs to include the appropriate capacity for the premises taking into account social distancing measures. If such assessment has already exists this needs to be reviewed to ensure that the measures in place are appropriate and include any additional measures as appropriate. The risk assessment document needs to be made available to the police or local authority upon request.

All staff and management to ensure that they are working in accordance with the risk assessment and following the public health guidance to keep customers and staff safe.

We discussed the issues of people refusing to leave their details, which is part of the government requirements for track and trace at a licensed premises. Consider putting a notice up to say that "failure to provide such details will result in entry to the premises being refused".

If such notice is displayed then all staff and management are to abide by this rule.

Management to ensure that any new staff who do not hold a personal licence are trained in the requirements of the premises licence; they must also receive age related sales training such as challenge 25. All training must be documented and made available to the police or local authority up on request.

Action 3 – We discussed the complaints from local residents regarding noise and the anti-social behaviour of customers when leaving the premises along with several incidents that have occurred since the premises opened on 4th July 2020.

The police and council have provided information regarding the Pubwatch Scheme which operates in Macclesfield and the benefits of being part of such a scheme. Management to look into joining and participating in the local scheme.

Management to put some posters up at exits asking customers to have consideration for the neighbours and leave the premises and the area quietly and respectfully.

Management to manage customer departure from the premises to ensure that there is no disruption to the neighbours.

Neil
Naylor

Immed

Management at the premises to proactively report any incidents to the police

Management to create an incident book and record any incidents that occur at the premises, the book should include date/time of the incident along with a brief description of what happened and a note of any incident log if reported to the police.

Management to create a refusals book, any refusal to serve a customer must be recorded in the book, including date/time of refusal, a brief description of why service was refused.

Management are to actively monitor and manage the noise levels within the premises paying particular attention to the outside marquee area.

If incidents of crime and disorder continue to occur at the premises, management to consider employing SIA registered door supervisors to assist with the management and reduction of such incidents.

Review Date

1st November 2020

| | |
|--|--|
| | |
|--|--|

PERSON PRESENT

- **Representing the premises**

Print name: Neil Naylor Signature Designation: Acting DPS

Print name: Jayne Bailey Signature Designation: Partner of Acting DPS

Print name: Simon Johnson Signature Designation: Premises Licence Holder

- **Representing the police**

Print name: PC Matt Bassirat (5118) Signature Designation: Police Beat Manager

Print name: Lesley Halliday (22397) Signature Designation: Police Licensing Officer

Print name Signature Designation

- **Other interested party**

Print name: Amanda Andrews Signature Designation: Cheshire East Licensing Enforcement Officer

Print name Signature Designation

Print name Signature Designation

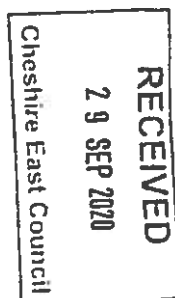
* SMART = Specific, Measurable, Achievable, Relevant, Time constrained

Police Exhibit

AA 13.

LICENSING
DEPT

URGENT



RECEIVED

29 SEP 2020

Request to be removed as designated premises supervisor

Cheshire East Council

NOTICE WHERE DESIGNATED PREMISES SUPERVISOR IS NOT THE HOLDER OF THE RELEVANT PREMISES LICENCE

To:

1. The Licensing Manager, Cheshire East Council, Regulatory Services and Health, Municipal Buildings, Crewe, CW1 2BJ ("the licensing authority") AND TO
2. (insert name and address of the holder of the relevant premises licence)
("The premises licence holder")

Simon David Johnson

Not Known

.....

.....

Name and address of personal
licence holder (insert details):

Paul Shrubsall
c/o 32 Brown Street
Macclesfield
SK11 6SA

Personal licence number (insert details):

PE1333

Name and address of premises with

PR/0092

the relevant premises licence
("The premises licence") (insert details):

Prince Albert
140 Newton Street
Macclesfield
SK11 6RW

I HEREBY GIVE NOTICE under section 41 Licensing Act 2003

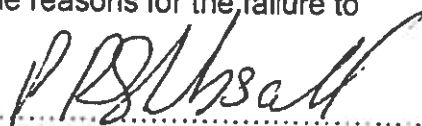
1. That I (being the holder of the above-mentioned personal licence) wish to cease being the designated premises supervisor in respect of the premises licence as soon as the licensing authority receives this notice. **OR *****

That I (being the holder of the above-mentioned personal licence) wish to cease being the designated premises supervisor in respect of the premises licence on (insert date) 23/9/2020

2. That the holder of the premises licence shall send to the licensing authority within 14 days of receiving this notice

- (i) the premises licence (or the appropriate part of the licence), or
- (ii) if that is not practicable, a statement of the reasons for the failure to provide the licence (or part).

Signed by the above named personal licence holder:


Date of notice: 23/9/2020

NOTE: a copy of section 41 Licensing Act 2003 is enclosed with this notice

Request to be removed as designated premises supervisor

Licensing Act 2003

41 Request to be removed as designated premises supervisor

- (1) Where an individual wishes to cease being the designated premises supervisor in respect of a premises licence, he may give the relevant licensing authority a notice to that effect.
- (2) Subsection (1) is subject to regulations under section 54 (form etc. of notices etc.).
- (3) Where the individual is the holder of the premises licence, the notice under subsection (1) must also be accompanied by the premises licence (or the appropriate part of the licence) or, if that is not practicable, by a statement of the reasons for the failure to provide the licence (or part).
- (4) In any other case, the individual must no later than 48 hours after giving the notice under subsection (1) give the holder of the premises licence-
- (a) a copy of that notice, and
 - (b) a notice directing the holder to send to the relevant licensing authority within 14 days of receiving the notice-
 - (i) the premises licence (or the appropriate part of the licence), or
 - (ii) if that is not practicable, a statement of the reasons for the failure to provide the licence (or part).
- (5) A person commits an offence if he fails, without reasonable excuse, to comply with a direction given to him under subsection (4)(b).
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) Where an individual-
- (a) gives the relevant licensing authority a notice in accordance with this section, and
 - (b) satisfies the requirements of subsection (3) or (4).
- he is to be treated for the purposes of this Act as if, from the relevant time, he were not the designated premises supervisor.
- (8) For this purpose "the relevant time" means-
- (a) the time the notice under subsection (1) is received by the relevant licensing authority, or
 - (b) if later, the time specified in the notice.



Working for a brighter future together

Regulatory Services and Health

Licensing Team

Municipal Buildings

Earle Street

Crewe

CW1 2BJ

Tel: 0300 123 5015

www.cheshireeast.gov.uk

licensing@cheshireeast.gov.uk

Mr. Simon Johnson
Townend Barn
Vicarage Lane
Elworth
CW11 3BU

Date: 30th September 2020

Our Ref: 014224

Please Contact Licensing

Dear Sir/Madam,

LICENSING ACT 2003 – DESIGNATED PREMISES SUPERVISOR RESIGNATION

I refer to the Premises Licence in relation to:

Premises: The Prince Albert

Address: 140 Newton Street, Macclesfield SK11 6RW

Written notification has, on the 29th September 2020, been received from Paul Shrubshall. The Designated Premises Supervisor at the above mentioned premises, that with effect from 23rd September 2020, has relinquished their position as Designated Premises Supervisor.

I must draw your attention to the conditions attached to the Premises Licence:

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.

In view of the mandatory conditions I trust that you will take immediate steps to ensure that no sale and supply of alcohol takes place at the premises until such time as an application is made to this Authority to nominate a new Designated Premises Supervisor.

The application form can be found on our website at the following web address
https://www.cheshireeast.gov.uk/business/licensing/alcohol_and_entertainment/premises_licence.aspx

If you have any queries in relation to this application please do not hesitate to contact us.

Yours sincerely,
Licensing


OFFICIAL – Sensitive
(For Criminal Justice related purposes only)

MG11(W)

CPS Use Only

WITNESS STATEMENT

(Criminal Procedure Rules 2015 R16.2, Criminal Justice Act 1967 S9, Magistrates' Courts Act 1980 S5B)

| | | | |
|--|---|---|----------------------|
| | | URN | |
| Statement of | Sophie Hannah WILLIAMS | | |
| Age if under 18 | Over 18 (if over 18 insert 'over 18') | Occupation | Senior Nursery Nurse |
| This statement (consisting of page(s)) 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 | x  | Date | 9/10/20 |
| Signature of parent / guardian / appropriate adult | x _____ | Relationship of parent / guardian / appropriate adult | |

Tick if witness evidence is visually recorded ☐ (supply witness details on MG11 Back)

I currently reside close to the Prince Albert Public House which is situated on Newton Street in Macclesfield. I moved into my address in February 2019 with my husband and young child. When we moved in, the pub was under the control of a friendly man who would often say hello and the pub was very quiet and would usually be closed by around 21.00 hours. We fully expected living near a pub that there would be an amount of noise generated and were very surprised that the pub was so quiet.

We guessed that Paul had left the property in the early part of 2020 when there was a skip outside which was filled with his belongings. During the national lockdown, the pub appeared to be under some sort of renovation. The pub reopened around the time that pubs were allowed to re open again.

When the pub reopened the problems started immediately. The pub is open from around Midday. Throughout the entire opening hours including the afternoon time, we could hear constant shouting and swearing from the beer garden, there have been constant fights at the pub which spill out onto

WITNESS STATEMENT

(Criminal Procedure Rules 2015 R16.2, Criminal Justice Act 1967 S9, Magistrates' Courts Act 1980 S5B)

URN

Statement of

Sophie Hannah WILLIAMS

the streets, people come out of the beer garden and urinate in the street, there is frequently sick all over the pavement outside the pub. I am aware that vehicles have been damaged around the pub. During all the shouting we often hear the words 'FUCK, SHIT and CUNT' are used frequently and I live in constant fear that my child will hear this language.

I am not an unreasonable person and expect an amount of noise from the pub but not the level that we have witnessed. During the hot summer months and in particular during the heatwaves we have not been able to open the windows either in our bedroom or the living room due to the constant shouting and swearing. We had to purchase a number of fans at considerable expense to compensate for not being able to have our windows open.

My husband has been in touch with the council providing them with updates about what has been happening at the pub.

We have also witnessed people having sex in the pub toilets when the windows were open and also see drug taking through the toilet windows. In particular I have witnessed people using a credit card type of plastic to move white powder into a line and then this powder is snorted into their nose.

In August, we received a note through the door from the landlord inviting us to an open house event. We would have gone, however we were on holiday. They asked for residents to contact them if there were any problems. We did contact them and initially had no reply so we emailed

WITNESS STATEMENT

(Criminal Procedure Rules 2015 R16.2, Criminal Justice Act 1967 S9, Magistrates' Courts Act 1980 S5B)

URN

Statement of

Sophie Hannah WILLIAMS

sadly we will be moving out. We were hoping to carry on saving but the problems we are witnessing has forced us to leave. No-one should have to listen to this level of noise and swearing on a daily basis and having to put up with people urinating in the street in broad daylight. I fear what might happen if this is not dealt with. I support Cheshire Police taking action.

I have sent the following items to PC BASSIRAT

'Video of fight on 11th September' (Police Exhibit SHW/1)

'Video of increased height of the fence' (Police Exhibit SHW/2)

'Picture of male urinating in the street' (Police Exhibit SHW/3)

Statement taken by (print name)

PC 5118 BASSIRAT

Station

Macclesfield

Date, time statement taken

09/10/20 19.30 Macclesfield Police Station



OFFICIAL – Sensitive
(For Criminal Justice related purposes only)

MG11(W)

WITNESS STATEMENT

(Criminal Procedure Rules 2015 R16.2, Criminal Justice Act 1967 S9, Magistrates' Courts Act 1980 S5B)

URN

Statement of **Sophie Hannah WILLIAMS**

them and this generated a response and at the time we believed this to be genuine.

Unfortunately the problems continued throughout the summer as described above, the constant swearing and anti-social behaviour with the shouting and urinating in the street which I have provided a photograph to PC BASSIRAT.

At approximately 22.20 hours on Friday 11th September 2020 I was going to bed when I heard sounds of a disturbance from the pub, I looked and could see a fight taking place in the beer garden of the pub. I videoed this fight between two males and the Landlord was in the doorway watching before coming out afterwards and saying 'COME ON LADS, LETS CALM DOWN AND GET ANOTHER DRINK'. We sent the footage to the landlord and very quickly afterwards the fence was made much higher to prevent anyone from being able to see in.

On another night after this incident, my husband went to the car and heard the landlord shout 'CAREFUL LADS, PEOPLE LIKE HIM HAVE BEEN COMPLAINING'. The landlord was pointing at my husband. He felt intimidated by this.

What really upsets me is that there are often children in the beer garden and I have seen prams. It concerns me that children are being subjected to the foul language and inhaling the cigarette smoke.

The problems we have experienced at the pub have forced us to look for another property and

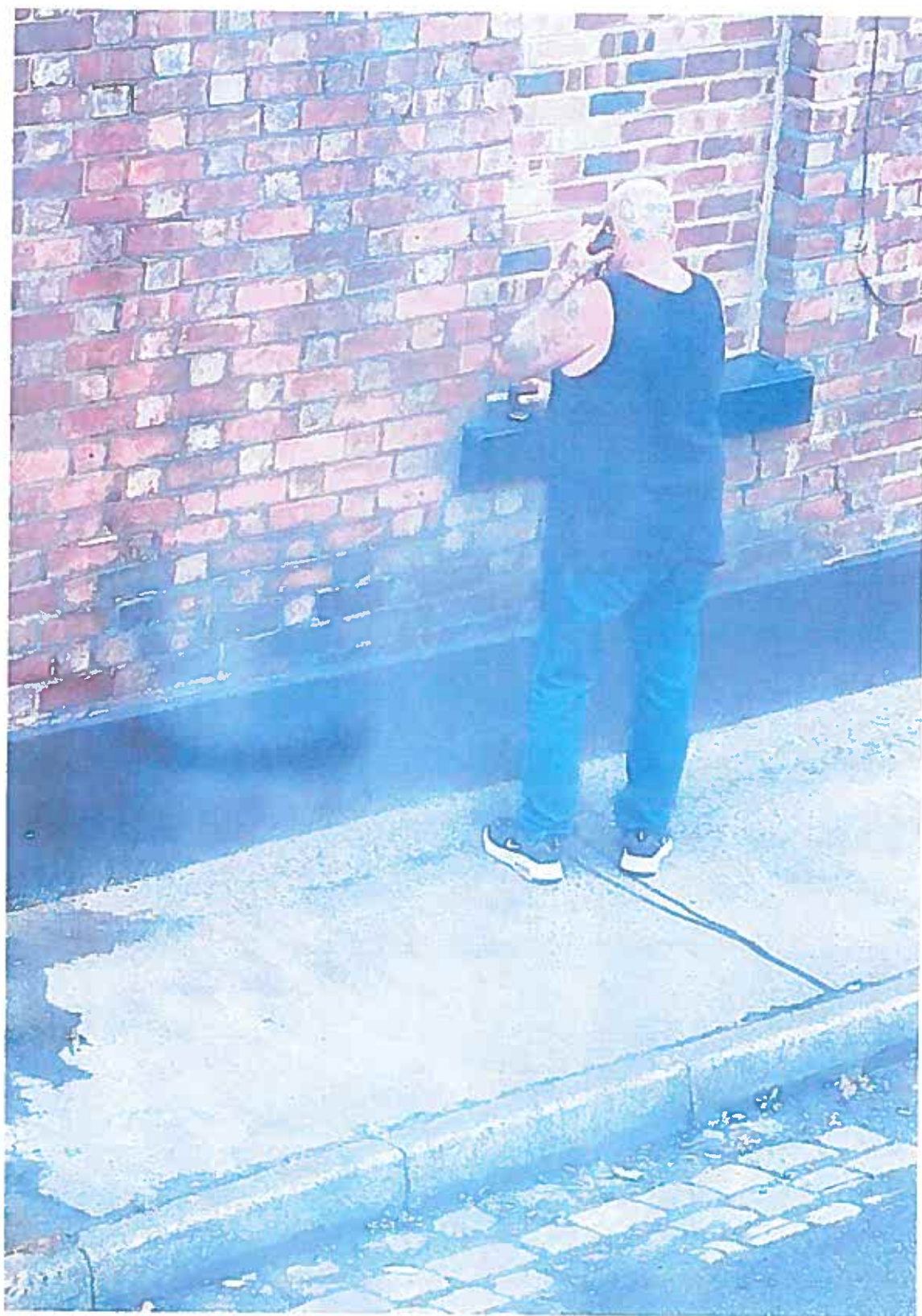


Image provided to Cheshire Constabulary of Male outside of premises



OFFICIAL – Sensitive
(For Criminal Justice related purposes only)

MG11(W)

CPS Use Only

WITNESS STATEMENT

(Criminal Procedure Rules 2015 R16.2, Criminal Justice Act 1967 S9, Magistrates' Courts Act 1980 S5B)

| | | | |
|--|---|---|----------|
| | | URN | |
| Statement of |  | | |
| Age if under 18 | Over 18 (if over 18 insert 'over 18') | Occupation | Engineer |
| This statement (consisting of page(s)) 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 | x  | Date | 13/10/20 |
| Signature of parent / guardian / appropriate adult | x _____ | Relationship of parent / guardian / appropriate adult | |

Tick if witness evidence is visually recorded ☐ (supply witness details on MG11 Back)

I currently live on Newton Street in Macclesfield. I have lived there for approximately 3 years.

There is a pub at the end of our road called the Prince Albert. I have never heard any issues related to the pub during this time and it was a pleasantly quiet pub and the neighbours on the street are lovely. It used to be a peaceful place to live. I have never been in the Pub during my time living on the street.

During the national lockdown of 2020 which started in March I noticed that the pub was appeared to be going under some sort of renovation. In particular I noticed that the outside was being painted.

On Saturday 4th July 2020 the pubs reopened following the lockdown. On this day I was outside in the afternoon when I heard raised voices and saw a group shouting and screaming at each other. They went back into the pub before coming back outside for another cigarette again screaming and shouting, all of a sudden, one of the males took his top off and started fighting and swinging fists.

WITNESS STATEMENT

(Criminal Procedure Rules 2015 R16.2, Criminal Justice Act 1967 S9, Magistrates' Courts Act 1980 S5B)

URN

Statement of

The females in the group continued to scream and after a short while the Police attended.

Everyone involved in this incident came from the Prince Albert.

This very much set the new theme for our street. Since this day we have had to put up with constant anti-social behaviour. You can almost hear constant swearing at weekends with females often just screaming. During the summer months in particular all the windows and doors were open. I could hear constant shouting similar to 'I'M GONNA FUCKING SMASH HIS HEAD IN' and 'WHO THE FUCK DOES HE THINK HE IS TALKING TO ME LIKE THAT?'

This was all in the street and the males and females had come from the pub.

There was one incident at around Midnight on a Sunday when my 16 year old daughter who has a bedroom at the front of the house came into our bedroom panicking saying that someone was hurt outside, I went to her room and looked out of the window. I could see that a female was lying in the road and another female was kicking and punching her. My daughter said that she had seen the group come and go from the Pub. All of a sudden, whilst we were at the window, two males started fighting with each other. I heard a male shout to one of the females to 'COME ON, THE POLICE WILL BE HERE IN A MINUTE, I'VE JUST STAMPED ON HIS HEAD'. I was concerned that someone could be seriously injured, I heard sirens and then the Police arrived very quickly. I am disgusted that my 16 year old daughter has seen this kind of behaviour. I was disgusted that it happened again where she witnessed another brawl in the street and by the time I got to the window the people fighting made their way round the corner.

WITNESS STATEMENT

(Criminal Procedure Rules 2015 R16.2, Criminal Justice Act 1967 S9, Magistrates' Courts Act 1980 S5B)

URN

Statement of

I have also seen a male come out of the pub on one occasion and hand a very small package secretly to another male who then made off from the pub. I believe that I had witnessed a drug deal in the very street where I live.

Since July 2020, living on Newton Street has been a living nightmare. I believed this to be a licensing matter and as such I contacted and made my complaints to Cheshire East's Licensing team.

I support action taken by Cheshire Police and hope they can help us return to a more peaceful way of living. I consider my family being at risk due to the activities of the pub and I fear that they are witnessing all this violent behaviour and hearing all the foul language.

Statement taken by (print name) PC 5118 BASSIRAT

Station Macclesfield

Date, time statement taken 13/10/20 09.15 Macclesfield Police Station



Page 100
CHESTER MAGISTRATES COURT
ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
(Section 80)

DATE: 19th October 2020

INTERESTED PERSONS: SIMON JOHNSON (PLH)
NEIL NAYLOR (DPS)


ADDRESS: THE PRINCE ALBERT PUBLIC HOUSE, NEWTON STREET, MACCLESFIELD,
CHESHIRE

On the Application of:- Officer – PC 5118 BASSIRAT
MACCLESFIELD Police Station

HEARSAY NOTICE
(The Magistrates Court (Hearsay Evidence in Civil Proceedings) Rules 1999)

1. This hearsay notice is given in respect of the above proceedings for Closure Order.
2. The Applicant proposes to adduce hearsay evidence at the hearing on Wednesday 21st October 2020.
3. Apart from the evidence of the Applicant PC BASSIRAT, the Applicant proposes to place the witness statements of the following witnesses included in this bundle of documents, before the Court as hearsay evidence:-
 - AMANDA ANDREWS AND EXHIBITS AA/1, AA/2 & AA/3 – CHESHIRE EAST COUNCIL, LICENSING ENFORCEMENT OFFICER
 - LESLEY HALLIDAY – CHESHIRE CONSTABULARY, LICENSING OFFICER
 - SOPHIE WILLIAMS AND EXHIBITS
 - ANONYMOUS WITNESS
4. The Applicant intends to rely on the said hearsay evidence since it would not be justified or appropriate to call all the witnesses who have given statements included in this bundle in person.
5. The Applicant requests that the Court abridge time for service in relation to hearsay evidence, in the interests of justice, on the basis that the hearing takes place within 48 hours of the issue of the Closure Notice.

Dated: 19th October 2020

Signed  -
Joanne Clarke

On behalf:-
Mr D. Bryan (Head of Legal Services)
Cheshire Constabulary Headquarters
Clemonds Hey, Oakmere Road, Winsford, CW7 2UA

CLOSURE ORDER
ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
(Section 80)

SOUTH & EAST CHESHIRE MAGISTRATES COURT - CREWE (CASE NO: 2000216973)

DATE: WEDNESDAY 27th OCTOBER 2020

ADDRESS: THE PRINCE ALBERT PUBLIC HOUSE, NEWTON STREET, MACCLESFIELD

On the Application of:- PC 5118 BASSIRAT
MACCLESFIELD POLICE STATION

The Court has found that, within the relevant period, in relation to the address The Prince Albert, Public House, Newton Street, Macclesfield.

a Closure Notice was issued on Monday 19th October 2020

- a) a person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the premises, or
- b) the use of the premises has resulted, or (if the order is not made) is likely to result, in serious nuisance to members of the public, or
- c) there has been, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises,

and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring for a period of 2 months from the date of the Order.

The Court in issuing this Closure Order prohibits anyone from remaining on or entering: -

THE PRINCE ALBERT PUBLIC HOUSE, NEWTON STREET, MACCLESFIELD, CHESHIRE, (save as authorised by the Chief Constable of Cheshire Constabulary) and is in force for a period of 2 months from the date of this Order.

If anyone does anything which they are prohibited from doing by this Order, they shall be liable on summary conviction to a term of imprisonment not exceeding six months or to a fine or to both.

C. Anderton

Justice of the Peace

Date and Time of Order: 27.10.20 at 13:00 Hours

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Premises Licence

Premises Licence Number:

PR/0092

Part 1 - Premises Details

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

The Prince Albert
140 Newton Street
Macclesfield
Cheshire

Post Town: Macclesfield

Post Code: SK11 6RW

Telephone Number: 01625 439352

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

| | |
|----------------------|----------------|
| Monday to Wednesday | 10.00 to 23.00 |
| Thursday to Saturday | 10.00 to 24.00 |
| Sunday | 12.00 to 22.30 |

Non-standard timings: 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 Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve. An 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.

Recorded Music

Monday to Wednesday 10.00 to 23.00
 Thursday to Saturday 10.00 to 24.00
 Sunday 12.00 to 22.30

Non-standard timings: 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 Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve. An 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.

Sale and supply of alcohol

Monday to Wednesday 10.00 to 23.00
 Thursday to Saturday 10.00 to 24.00
 Sunday 12.00 to 22.30

Non-standard timings: 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 Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve. An 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

Monday to Saturday 23.00 to 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 to 23.30
 Thursday to Saturday 10.00 to 00.30
 Sunday 12.00 to 23.00

Non-standard timings: 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 Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve. An 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.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of Premises Licence:

Mr Simon Johnson
Townend Barn
Vicarage Lane
Elworth
Cheshire East
CW11 3BU

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

Not applicable.

Name, address and telephone number of designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

Mr Paul Richard Shrubsall
The Prince Albert
140 Newton Street
Macclesfield
Cheshire
SK11 6RW

Personal Licence number and issuing authority of Personal Licence held by designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

Personal Licence Number: PE1333

Issuing Authority: Cheshire East Council

Licence Issued: 24th December 2019

Signed By: Mr Tony Haskell
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 no 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

Prevention of Crime and Disorder

1. There shall be good external lighting in all areas to front and rear.
2. The premises shall operated the "Barred from on barred from all" scheme in connection with neighbouring public houses.
3. There shall be drug awareness training for staff of the premises.

Public Safety

4. There shall be a qualified first aider available on site.
5. There shall be fire fighting equipment on site.
6. There shall be a smoking policy in place.

Prevention of Public Nuisance

7. Customer departure from the premises shall be managed
8. There shall be an air extract system in situ.
9. All music levels shall be under management control.
10. Windows and doors shall remain closed during noiser trading sessions.

Protection of Children from Harm

11. There shall be no unaccompanied children on the premises.
12. There shall be no children on the premises after 20.00.

General – All Licensing Objectives

13. There shall be 30 minutes "drinking up time" will allow appropriate dispersal, use of lavatories etc.
14. 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
15. 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 15 above
16. 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



Premises Licence Summary

Premises Licence Number:

PR/0092

Premises Details

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

The Prince Albert
140 Newton Street
Macclesfield
Cheshire

Post Town: Macclesfield

Post Code: SK11 6RW

Telephone Number: 01625 439352

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

| | |
|----------------------|----------------|
| Monday to Wednesday | 10.00 to 23.00 |
| Thursday to Saturday | 10.00 to 24.00 |
| Sunday | 12.00 to 22.30 |

Non-standard timings: 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 Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve. An 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.

Recorded Music

Monday to Wednesday 10.00 to 23.00
 Thursday to Saturday 10.00 to 24.00
 Sunday 12.00 to 22.30

Non-standard timings: 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 Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve. An 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.

Sale and supply of alcohol

Monday to Wednesday 10.00 to 23.00
 Thursday to Saturday 10.00 to 24.00
 Sunday 12.00 to 22.30

Non-standard timings: 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 Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve. An 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

Monday to Saturday 23.00 to 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 to 23.30
 Thursday to Saturday 10.00 to 00.30
 Sunday 12.00 to 23.00

Non-standard timings: 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 Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve. An 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:

Mr Simon Johnson
Townend Barn
Vicarage Lane
Elworth
Cheshire East
CW11 3BU

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 Paul Richard Shrubsall

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

There shall be no unaccompanied children on the premises.

There shall be no children on the premises after 20.00

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.

Licence Issued: 24th December 2019

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

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

**Custody of Premises Licence
Licensing Act 2003 – S.57 (3)(b)**

In accordance with Section 57 (2)(b) of the Licensing Act 2003

I/We being the
holder(s) of/Director of the company holding

Premises Licence number

relating to the premises known as

.....

.....

hereby nominate

as custodian of the said Premises Licence.

To conform with Section 57 (3)(b) of the Licensing Act 2003 this authorisation is hereby
displayed.

.....
Signed

.....
Position

S.57 Duty to keep and produce licence

(2) The holder of the premises licence must secure that the licence or a certified copy of it is kept at the premises in the custody or under the control of-

(b) a person who works at the premises and whom the holder of the licence has nominated in writing for the purposes of this subsection

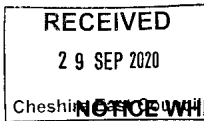
(3) The holder of the premises licence must secure that-

(b) a notice specifying the position held at the premises by any person nominated for the purposes of subsection (2), are prominently displayed at the premises.

(4) The holder of a premises licence commits an offence if he fails, without reasonable excuse, to comply with subsection (2) or (3).

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Request to be removed as designated premises supervisor

NOTICE WHERE DESIGNATED PREMISES SUPERVISOR IS NOT THE HOLDER OF THE RELEVANT PREMISES LICENCE

To:

1. The Licensing Manager, Cheshire East Council, Regulatory Services and Health, Municipal Buildings, Crewe, CW1 2BJ ("the licensing authority") AND TO
2. *(insert name and address of the holder of the relevant premises licence)*
("The premises licence holder")

Simon David Johnson

Not known
.....
.....

Name and address of personal
licence holder *(insert details)*:

Paul Shrubsall
c/o 32 Brown Street
Macclesfield
SK11 6SA

Personal licence number *(insert details)*:

PE1333

Name and address of premises with

PR/0092

the relevant premises licence
("The premises licence") *(Insert details)*:

Prince Albert
140 Newton Street
Macclesfield
SK11 6RW

I HEREBY GIVE NOTICE under section 41 Licensing Act 2003

1. That I (being the holder of the above-mentioned personal licence) wish to cease being the designated premises supervisor in respect of the premises licence as soon as the licensing authority receives this notice. **OR *****

That I (being the holder of the above-mentioned personal licence) wish to cease being the designated premises supervisor in respect of the premises licence on *(insert date)* 23/9/2020

2. That the holder of the premises licence shall send to the licensing authority within 14 days of receiving this notice
 - (i) the premises licence (or the appropriate part of the licence), or
 - (ii) if that is not practicable, a statement of the reasons for the failure to provide the licence (or part).

Signed by the above named personal licence holder: P. ShrubsallDate of notice: 23/9/2020

NOTE: a copy of section 41 Licensing Act 2003 is enclosed with this notice

Request to be removed as designated premises supervisor

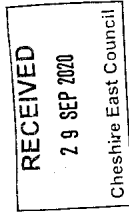
Licensing Act 2003

41 Request to be removed as designated premises supervisor

- (1) Where an individual wishes to cease being the designated premises supervisor in respect of a premises licence, he may give the relevant licensing authority a notice to that effect.
- (2) Subsection (1) is subject to regulations under section 54 (form etc. of notices etc.).
- (3) Where the individual is the holder of the premises licence, the notice under subsection (1) must also be accompanied by the premises licence (or the appropriate part of the licence) or, if that is not practicable, by a statement of the reasons for the failure to provide the licence (or part).
- (4) In any other case, the individual must no later than 48 hours after giving the notice under subsection (1) give the holder of the premises licence-
 - (a) a copy of that notice, and
 - (b) a notice directing the holder to send to the relevant licensing authority within 14 days of receiving the notice-
 - (i) the premises licence (or the appropriate part of the licence), or
 - (ii) if that is not practicable, a statement of the reasons for the failure to provide the licence (or part).
- (5) A person commits an offence if he fails, without reasonable excuse, to comply with a direction given to him under subsection (4)(b).
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) Where an individual-
 - (a) gives the relevant licensing authority a notice in accordance with this section, and
 - (b) satisfies the requirements of subsection (3) or (4),he is to be treated for the purposes of this Act as if, from the relevant time, he were not the designated premises supervisor.
- (8) For this purpose "the relevant time" means-
 - (a) the time the notice under subsection (1) is received by the relevant licensing authority, or
 - (b) if later, the time specified in the notice.

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LICENSING
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Working for a brighter future together

Regulatory Services and Health

Licensing Team

Municipal Buildings

Earle Street

Crewe

CW1 2BJ

Tel: 0300 123 5015

www.cheshireeast.gov.uk

licensing@cheshireeast.gov.uk

Mr. Simon Johnson
Townend Barn
Vicarage Lane
Elworth
CW11 3BU

Date: 30th September 2020

Our Ref: 014224

Please Contact: Licensing

Dear Sir/Madam,

LICENSING ACT 2003 – DESIGNATED PREMISES SUPERVISOR RESIGNATION

I refer to the Premises Licence in relation to:

Premises: The Prince Albert

Address: 140 Newton Street, Macclesfield SK11 6RW

Written notification has, on the 29th September 2020, been received from Paul Shrubshall. The Designated Premises Supervisor at the above mentioned premises, that with effect from 23rd September 2020, has relinquished their position as Designated Premises Supervisor.

I must draw your attention to the conditions attached to the Premises Licence:

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.

In view of the mandatory conditions I trust that you will take immediate steps to ensure that no sale and supply of alcohol takes place at the premises until such time as an application is made to this Authority to nominate a new Designated Premises Supervisor.

The application form can be found on our website at the following web address https://www.cheshireeast.gov.uk/business/licensing/alcohol_and_entertainment/premises_licence.aspx

If you have any queries in relation to this application please do not hesitate to contact us.

Yours sincerely,
Licensing

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**NOTICE OF A PREMISES LICENCE REVIEW
LICENSING ACT 2003**

A Premises Licence Review following a Closure Order under Section 167 of the Licensing Act 2003 is being considered by Cheshire East Borough Council for the following premises:

**The Prince Albert Public House
140 Newton Street, Macclesfield, SK11 6RW**

The review will be considered on the following grounds:

Prevention of crime and disorder

Public safety

Prevention of public nuisance

Any person wishing to make representation in respect of the review may do so in writing by **04/11/2020** to:

The Licensing Section, Municipal Buildings, Earle Street, Crewe, CW1 2BJ or by email licensing@cheshireeast.gov.uk

A copy of the licensing register, in which the grounds for review are contained, is kept by the Licensing Section of Cheshire East Borough Council and may be viewed by prior appointment during office hours.

It is an offence on summary conviction, to knowingly or recklessly make a false statement in connection with this application, the maximum fine for which is, unlimited.

Advertisement of review by licensing authority

38.—(1) Subject to the provisions of this regulation and regulation 39, the relevant licensing authority shall advertise an application for the review of a premises licence under section 51(3), of a club premises certificate under section 87(3) or of a premises licence following a closure order under section 167—

(a) by displaying prominently a notice—

(i) which is—

(aa) of a size equal or larger than A4;

(bb) of a pale blue colour; and

(cc) printed legibly in black ink or typed in black in a font of a size equal to or larger than 16;

(ii) at, on or near the site of the premises to which the application relates where it can conveniently be read from the exterior of the premises by the public and in the case of a premises covering an area of more than 50 metres square, one further notice in the same form and subject to the same requirements shall be displayed every 50 metres along the external perimeter of the premises abutting any highway; and

(iii) at the offices, or the main offices, of the licensing authority in a central and conspicuous place; and

(b) in a case where the relevant licensing authority maintains a website for the purpose of advertisement of applications given to it, by publication of a notice on that website;

(2) the requirements set out in paragraph (1) shall be fulfilled—

(i) in the case of a review of a premises licence following a closure order under section 167, for a period of no less than seven consecutive days starting on the day after the day on which the relevant licensing authority received the notice under section 165(4); and

(ii) in all other cases, for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority.