

# Licensing Act Sub-Committee

## Agenda

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**Date:** Wednesday, 11th May, 2022  
**Time:** 2.00 pm  
**Venue:** Committee Suite 1,2 & 3, Westfields, Middlewich Road, Sandbach CW11 1HZ

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**PLEASE NOTE - This meeting is open to the public and anyone attending the meeting is advised to wear a face covering when not seated (unless exempt).**

**Lateral Flow Testing:** Anyone attending the meeting is asked to undertake a lateral flow test on the day of the meeting before embarking upon the journey to the venue. If your test shows a positive result, then you must not attend the meeting and must follow the latest advice on self-isolation.

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

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

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Appointment of Chair**

To appoint a Chair 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.

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For requests for further information

**Contact:** Sarah Baxter

**Tel:** 01270 686462

**E-Mail:** [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk) with any apologies

3. **Application for a Variation to a Premises Licence at The Royal Oak, 94 Main Road, Worleston, Nantwich, CW5 6DN** (Pages 9 - 54)

To consider the above application.

**Membership:** Councillors D Edwardes, L Smetham, I Macfarlane and J Wray (Back Up Member)

**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.

|   |                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---|------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | <b>Chairman</b>                                                              | The Chairman will:<br>(i) call the matter to be considered<br>(ii) call for any declarations of interest<br>(iii) ask all parties to introduce themselves<br>(iv) summarise the procedure to be followed at the hearing<br>(v) will consider any request made by a party for another person to appear at the hearing<br>(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 | <b>Licensing Officer</b>                                                     | Will introduce and summarise the application, highlighting areas of contention or dispute.                                                                                                                                                                                                                                                                                                                                                                                          |
| 3 | <b>Committee Members</b>                                                     | May ask questions of the Licensing Officer                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 4 | <b>Applicant</b>                                                             | Will present his/her case, calling witnesses, as appropriate.<br><br><i>(If necessary, applicant will produce any notices required by law. Legal Adviser will draw attention to this if required.)</i>                                                                                                                                                                                                                                                                              |
| 5 | <b>Responsible Authorities</b><br><br><b>(who have made representations)</b> | Each in turn may ask <u>questions</u> of the applicant, by way of clarification.                                                                                                                                                                                                                                                                                                                                                                                                    |

|    |                                                                |                                                                                                                                                                                                            |
|----|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6  | <b>Other Persons</b><br><b>(who have made representations)</b> | To be invited to ask <u>questions</u> of the applicant, by way of clarification.<br><br><i>It is normal practice for a spokesperson only to speak on behalf of a group of residents.</i>                   |
| 7  | <b>Committee Members</b>                                       | Each in turn may ask <u>questions</u> of the applicant.                                                                                                                                                    |
| 8  | <b>Applicant</b>                                               | 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  | <b>Responsible Authorities</b>                                 | Will make their representations.                                                                                                                                                                           |
| 10 | <b>Applicant</b>                                               | Or his representative or witnesses to ask <u>questions</u> of Responsible Authorities represented at the meeting, by way of clarification.                                                                 |
| 11 | <b>Other Persons</b><br><b>(who have made representations)</b> | May ask <u>questions</u> of the Responsible Authorities represented at the meeting, by way of clarification.<br><br><b>(Note: This is not the point at which they should be stating their objections.)</b> |
| 12 | <b>Committee Members</b>                                       | May ask <u>questions</u> of the Responsible Authorities represented at the meeting                                                                                                                         |
| 13 | <b>Other Persons</b><br><b>(who have made representations)</b> | The local residents who are objecting to the application will be invited <b><u>to make observations on the application</u></b> and present the bases of their objections.                                  |
| 14 | <b>Applicant</b>                                               | Or his representative or witnesses may ask <u>questions</u> of the Local Residents, by way of clarification.                                                                                               |
| 15 | <b>Committee Members</b>                                       | May ask <u>questions</u> of the Local Residents.                                                                                                                                                           |
| 16 | <b>Chairman</b>                                                | To invite both <b>Responsible Authorities</b> and <b>Local Residents</b> to make their closing addresses.                                                                                                  |
| 17 | <b>Applicant</b>                                               | Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested conditions.                                                                          |
| 18 | <b>Close of Public Meeting</b>                                 | 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                   |

|    |                  |                                                                                                                                                                                                                                                                                                                                                                                           |
|----|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |                  | Licensing Officers and Responsible Authorities) will be excluded from the platform.                                                                                                                                                                                                                                                                                                       |
| 18 | <b>Committee</b> | <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**

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**Date of Meeting:** 11<sup>th</sup> May 2022

**Report Title:** Application for a variation to a Premises Licence at:  
The Royal Oak, 94 Main Road, Worleston, Nantwich, CW5 6DN

**Senior Officer:** Paul Bayley –  
Director of Neighbourhood & Environmental Services

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### **1. Report Summary**

- 1.1. The report provides details of an application for a variation to a Premises Licence, under section 34 of the Licensing Act 2003 and outlines the evidence presented by the parties in relation to the application.

### **2. Recommendations**

- 2.1. The Licensing Act Sub-Committee is requested to determine the application for a variation to a Premises Licence by Mr Daniel Hesketh, in respect of:

The Royal Oak  
94 Main Road  
Worleston  
Nantwich  
CW5 6DN

- 2.2. The Licensing Act Sub-Committee is requested to consider the 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 and 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 application.

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.

### **4. Other Options Considered**

4.1. Not applicable.

### **5. Background**

5.1. On 14<sup>th</sup> March 2022 an application was received by the Licensing Department for the variation of a Premises Licence in respect of The Royal Oak, 94 Main Road, Worleston, Nantwich, CW5 6DN. The application was then sent for consultation. The last date for representations to be made was 11<sup>th</sup> April 2022.

5.2. The application seeks to vary the plan attached to the Premises Licence by way of adding a sixty-seat brick built standard construction dining room and a further outdoor open walled shelter for outdoor dining.

5.3. The applicant has set out the opening hours of the premises with the application form. Those times are provided within the following table:

|               | <b>Open</b> | <b>Close</b> |
|---------------|-------------|--------------|
| <b>Monday</b> | 12:00       | 23:00        |

|                  |       |       |
|------------------|-------|-------|
| <b>Tuesday</b>   | 12:00 | 23:00 |
| <b>Wednesday</b> | 12:00 | 23:00 |
| <b>Thursday</b>  | 12:00 | 23:00 |
| <b>Friday</b>    | 12:00 | 00:00 |
| <b>Saturday</b>  | 10:00 | 00:00 |
| <b>Sunday</b>    | 10:00 | 22:00 |

5.4. No changes to relevant times or the types of Licensable Activities authorised under the Premises Licence have been sought within this application. The application to vary the Premises Licence relates only to the plan.

5.5. A copy of the application form is attached to this report at **Appendix 1**.

5.6. Plans submitted with the application are attached at **Appendix 2 & Appendix 3**.

5.7. A copy of the extant Premises Licence is attached at **Appendix 4**.

5.8. A copy of the extant plan of the premises is attached at **Appendix 5**.

5.9. To assist Members with the location of the premises a further map is attached at **Appendix 6**.

5.10. A Licensing Enforcement Officer from Cheshire East Council inspected valid statutory notices required to be displayed at the premises on 24<sup>th</sup> March 2022. The application was also correctly advertised in a local newspaper.

5.11 Representations:

5.10.1. The Council has received three representations against the application from members of the public. Copies of the representations are attached to this report at **Appendix 7 to Appendix 9**.

5.12 Responsible Authorities:

5.12.1 Cheshire Constabulary have agreed Conditions with the applicant. A copy of those agreed Conditions is attached at **Appendix 10**.

5.12.2 No representation has been received from Environmental Protection.

## **6. Implications of the Recommendations**

### **6.1. Legal Implications**

6.1.1 The Sub Committee must determine this application in accordance with S.35 of the Licensing Act 2003. To do so otherwise would render its determination unlawful and invalid.

6.1.2 In accordance with the provisions of section 35(3)(b) of the Licensing Act 2003 the Licensing Authority Sub Committee must, having regard to the representations, made in this application take such steps (if any) as it considers appropriate for the promotion of the licensing objectives.

6.1.3. Section 35(4) provides that the authority may only:

- a) Modify the conditions of the licence
- b) Reject the whole or part of the application

6.1.3 Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1998 to through all of its various functions, and Licensing is one of those functions to do all that it can to prevent Crime and disorder, Anti-social Behaviour, behaviour adversely affecting the environment and re-offending.

6.1.4 Members may not extend the period for which the licence has effect.

6.1.5 Members may not vary substantially the premises to which the licence relates.

6.1.6 Members may vary the premises licence so that it has effect subject to different conditions in respect of different parts of the premises or different licensable activities.

6.1.7 Members must determine when any variation if granted, is to take effect.

6.1.8 Members must give reasons for their determination and notice of it must be communicated to the parties to this application.

### **6.2 Finance Implications**

6.2.1 There are no financial implications.

### **6.3 Policy Implications**

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

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

**6.3.3** 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.

### **6.4 Equality Implications**

6.4.1 There are no direct equality implications.

### **6.5 Human Resources Implications**

6.5.1 There are no human resources implications.

### **6.6 Risk Management Implications**

**6.6.1** 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.

### **6.7 Rural Communities Implications**

6.7.1 There are no direct implications for rural communities.

### **6.8 Implications for Children & Young People/Cared for Children**

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

### **6.9 Public Health Implications**

6.10.1 There are no direct implications for public health.

### **6.10 Climate Change Implications**

**6.10.1** There are no direct implications for Climate Change.

## **7 Ward Members Affected**

- 7.1 Cllr Sarah Pochin
- 7.2 Cllr Margaret Simon
- 7.3 Cllr Jacqueline Weatherill

## **8 Consultation & Engagement**

- 8.1 Consultation in respect of submission of an application for a variation to a Premises Licence is prescribed in the Licensing Act 2003 and has been fully complied with.

## **9 Access to Information**

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

## **10 Contact Information**

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

Name: Richard Hellon  
Job Title: Licensing Enforcement Officer  
Email: Richard.hellon@cheshireeast.gov.uk

### **Appendices:**

**Appendix 1 – Application Form**

**Appendix 2 & 3 – Plans submitted with application**

**Appendix 4 – Extant Premises Licence**

**Appendix 5 – Extant plan of premises**

**Appendix 6 – Map of area**

**Appendix 7 to 9 – Representations from members of the public**

**Appendix 10 – Agreed Conditions from Cheshire Constabulary**



**Cheshire East**  
**Application to vary a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@cheshireeast.gov.uk](mailto:licensing@cheshireeast.gov.uk)  
 Telephone: 0300 123 5015

\* required information

## Section 1 of 18

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

System reference

Not Currently In Use

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

Your reference

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

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

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

### Applicant Details

\* First name

DANIEL

\* Family name

HESKETH

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

*Continued from previous page...***Your Address**

Address official correspondence should be sent to.

|                               |                           |
|-------------------------------|---------------------------|
| * Building number or name     | <div></div>               |
| * Street                      | <div></div>               |
| District                      | <div></div>               |
| * City or town                | <div></div>               |
| County or administrative area | <div></div>               |
| * Postcode                    | <div></div>               |
| * Country                     | <div>United Kingdom</div> |

**Section 2 of 18****APPLICATION DETAILS**

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

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

\* Premises Licence Number 

PREM1270

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

☒ Address ☐ OS map reference ☐ Description

**Postal Address Of Premises**

|                               |                           |
|-------------------------------|---------------------------|
| Building number or name       | <div>THE ROYAL OAK</div>  |
| Street                        | <div>94 MAIN ROAD</div>   |
| District                      | <div>WORLESTON</div>      |
| City or town                  | <div>NANTWICH</div>       |
| County or administrative area | <div></div>               |
| Postcode                      | <div>CW56DN</div>         |
| Country                       | <div>United Kingdom</div> |

**Premises Contact Details**

|                                             |             |
|---------------------------------------------|-------------|
| Telephone number                            | <div></div> |
| Non-domestic rateable value of premises (£) | <div></div> |

**Section 3 of 18****VARIATION**

*Continued from previous page...*

Do you want the proposed variation to have effect as soon as possible?

☒ Yes ☐ No

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

☐ Yes ☒ No

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

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

### Describe Briefly The Nature Of The Proposed Variation

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

ADDITION OF A 60 SEATER BRICK BUILT STANDARD CONSTRUCTION DINING ROOM AND A FURTHER OUTDOOR OPEN WALLED SHELTER USED FOR OUTDOOR DINING

## Section 4 of 18

### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

## Section 5 of 18

### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

## Section 6 of 18

### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

*Continued from previous page...*

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

☐ Yes ☒ No

## Section 7 of 18

### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

## Section 8 of 18

### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

## Section 9 of 18

### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

## Section 10 of 18

### PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

## Section 11 of 18

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

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

## Section 12 of 18

### PROVISION OF LATE NIGHT REFRESHMENT

**Continued from previous page...**

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

☐ Yes ☒ No

**Section 13 of 18****SUPPLY OF ALCOHOL**

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

☐ Yes ☒ No

**Section 14 of 18****ADULT ENTERTAINMENT**

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

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

NONE

**Section 15 of 18****HOURS PREMISES ARE OPEN TO THE PUBLIC****Standard Days And Timings****MONDAY**

Start

End

Start

End

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

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

**Continued from previous page...**

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

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

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

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

☐ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

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

LOCATION OF CURRENT LICENSE IS UNKNOWN

## Section 16 of 18

### LICENSING OBJECTIVES

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

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

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

*Continued from previous page...*

b) The prevention of crime and disorder

PROVISION AND MONITORING OF CCTV  
TRAINING OF STAFF  
EFFECTIVE AND RESPONSABLE MANAGEMENT OF PREMISES

c) Public safety

SUITABLE RISK ASSESSMENTS  
PROVISION OF CCTV  
REGULAR TESTING OF EQUIPMENT

d) The prevention of public nuisance

CCTV  
SOUND PROOFING IN CERTAIN AREA

e) The protection of children from harm

ENCLOSED CHILDRENS PLAY AREA AWAY FROM MAIN ROAD  
IMPOSITION OF REQUIREMENTS FOR CHILDREN TO BE ACCOMPANIED BY AN ADULT

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**

**Continued from previous page...**

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

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

**Continued from previous page...**

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

**Section 18 of 18****PAYMENT DETAILS**

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

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

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

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

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

190.00

**DECLARATION**

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

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

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

*Continued from previous page...*

|             |                                                                                                                                |
|-------------|--------------------------------------------------------------------------------------------------------------------------------|
| * Full name | <input type="text" value="DANIEL HESKETH"/>                                                                                    |
| * Capacity  | <input type="text" value="OPERATIONAL MANAGER"/>                                                                               |
| * Date      | <input type="text" value="14"/> / <input type="text" value="03"/> / <input type="text" value="2022"/><br><div>dd mm yyyy</div> |

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

1. Save this form to your computer by clicking file/save as...
  2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/cheshire-east/change-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

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

#### OFFICE USE ONLY

|                            |                          |
|----------------------------|--------------------------|
| Applicant reference number | <input type="text"/>     |
| Fee paid                   | <input type="text"/>     |
| Payment provider reference | <input type="text"/>     |
| ELMS Payment Reference     | <input type="text"/>     |
| Payment status             | <input type="text"/>     |
| Payment authorisation code | <input type="text"/>     |
| Payment authorisation date | <input type="text"/>     |
| Date and time submitted    | <input type="text"/>     |
| Approval deadline          | <input type="text"/>     |
| Error message              | <input type="text"/>     |
| Is Digitally signed        | <input type="checkbox"/> |

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[illegible][illegible]

SWEETBRAR HALL, NANTWICH, CHESHIRE CW5 5RW  
TELEPHONE: 01270 624129 FAX: 01270 627684  
E-MAIL: ADMIN@BOWER-EDLESTON.COM  
WEBSITE: WWW.BOWER-EDLESTON.COM

THE  
LICENCING PLAN SHEET 1 OF 2

SCALE 1:50@A1  
DATE FEB 2022  
DRAWING NO 69-60 50

DRAWN BY  
STAGE  
REVISION

CAT

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## Premises Licence

**Premises Licence Number:**

**PREM1270**

### Part 1 - Premises Details

|                                                                                       |                    |
|---------------------------------------------------------------------------------------|--------------------|
| Postal address of Premises or, if none, ordnance survey map reference or description: |                    |
| Royal Oak<br>94 Main Road<br>Worleston<br>Nantwich                                    |                    |
| Post Town: Worleston                                                                  | Post Code: CW5 6DN |
| Telephone Number:                                                                     |                    |

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

|                                                                                      |
|--------------------------------------------------------------------------------------|
| Licensable activities authorised by the Licence:                                     |
| Performance of Live Music<br>Playing of Recorded Music<br>Sale and Supply of Alcohol |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The times the Licence authorises the carrying out of licensable activities:<br><br><b>Performance of Live Music (indoors)</b><br>Tuesday 18:00 - 22:30 hours<br>Friday & Saturday 18:00 - 23:00 hours<br><br><b>Playing of Recorded Music (indoors)</b><br>Sunday to Thursday 11:00 hours to midnight<br>Friday & Saturday 11:00 to 01:00 hours<br><br><b>Sale and Supply of Alcohol (for consumption on and off the premises)</b><br>Sunday to Thursday 11:00 hours to midnight<br>Friday & Saturday 11:00 to 01:00 hours<br><br>Alcohol seasonal variations:<br>Christmas Eve 11:00 to 00:30 hours<br>New Years Eve 11:00 to 01:30 hours |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

The opening hours of the Premises:

Monday to Thursday 10:00 hours to midnight  
Friday to Sunday 10:00 to 01:00 hours

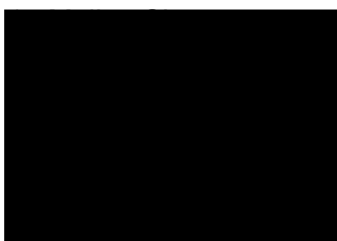
Where the Licence authorises supplies of alcohol, whether these are on and/or off supplies:

For consumption both on and off the premises

## Part 2

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

Mr Daniel Hesketh

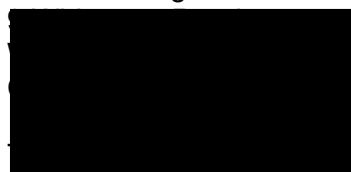


Registered number of holder, for example company number, charity number (where applicable):

Not applicable

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

Mr David Hughes



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: 

Issuing Authority: Cheshire West & Chester Council

**Licence granted on 17<sup>th</sup> March 2022**

*Amanda Andrews*

.....

Signed by Amanda Andrews

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. Digital CCTV will be installed and will be maintained. Data will be retained for a period of 14 days and will be made available to the Police for evidential purposes.

### **Public Safety**

2. A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises license that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.
3. All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

### **Prevention of Public Nuisance**

4. Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
5. Customers will be asked not to stand around loudly talking in the street outside the premises.

### **Protection of Children from Harm**

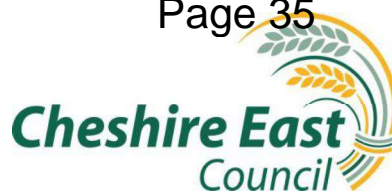
6. An Age Challenge Scheme with an Age Challenge of not less than 25 years is in force for persons who appear to be less than 25. "Challenge 25" signs shall be clearly displayed on the premises. Staff will be trained to ensure that in case of any doubt whether a purchaser is over the age of 18 to refuse sale of alcohol unless valid identification is produced (valid identification is either a card bearing the PASS hologram, a photographic driving license or a passport). A refusals log book will be kept upon the premises at all times.

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

Not applicable.

## **Annex 4 - Plans**

See attached plan.



## Premises Licence Summary

**Premises Licence Number:**

**PREM1270**

### Premises Details

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

Royal Oak  
94 Main Road  
Worleston  
Nantwich

Post Town: Worleston

Post Code: CW5 6DN

Telephone Number:

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Performance of Live Music  
Playing of Recorded Music  
Sale and Supply of Alcohol

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

**Performance of Live Music (indoors)**

Tuesday 18:00 - 22:30 hours

Friday & Saturday 18:00 - 23:00 hours

**Playing of Recorded Music (indoors)**

Sunday to Thursday 11:00 hours to midnight

Friday & Saturday 11:00 to 01:00 hours

**Sale and Supply of Alcohol (for consumption on and off the premises)**

Sunday to Thursday 11:00 hours to midnight

Friday & Saturday 11:00 to 01:00 hours

Alcohol seasonal variations:

Christmas Eve 11:00 to 00:30 hours

New Years Eve 11:00 to 01:30 hours

The opening hours of the Premises:

Monday to Thursday 10:00 hours to midnight  
Friday to Sunday 10:00 to 01:00 hours

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

For consumption both on and off the premises

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

Mr Daniel Hesketh



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 David Hughes

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

No children allowed in the bar area.

**Licence granted on 17<sup>th</sup> March 2022**

*Amanda Andrews*

.....  
Signed by Amanda Andrews  
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-*

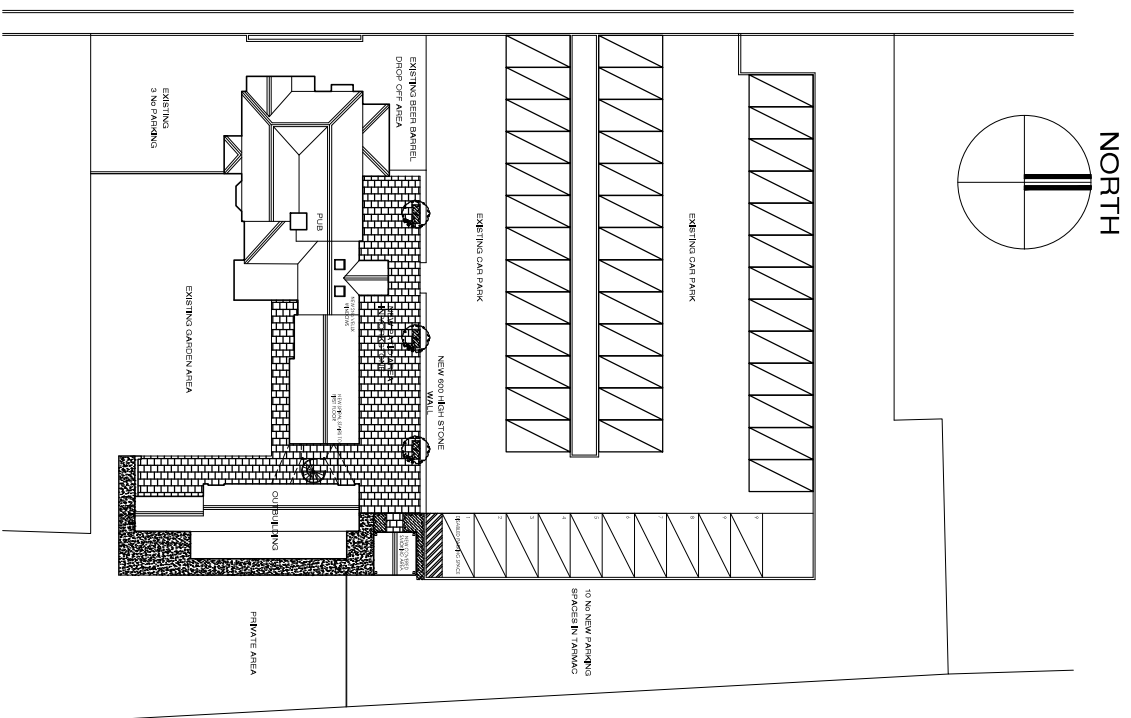
*(b) a person who works at the premises and whom the holder of the licence has nominated in writing for the purposes of this subsection*

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

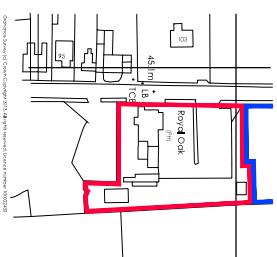
*(b) a notice specifying the position held at the premises by any person nominated for the purposes of subsection (2), are prominently displayed at the premises.*

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

0 2m 4m 6m 8m 10m 12m 14m 16m 18m 20m



A horizontal scale bar with alternating black and white segments. Below the bar, the distances 0, 20m, 40m, 60m, 80m, and 100m are marked.

PROJECT  
ROYAL OAK, WORLESTON

DRG.No 6960-05

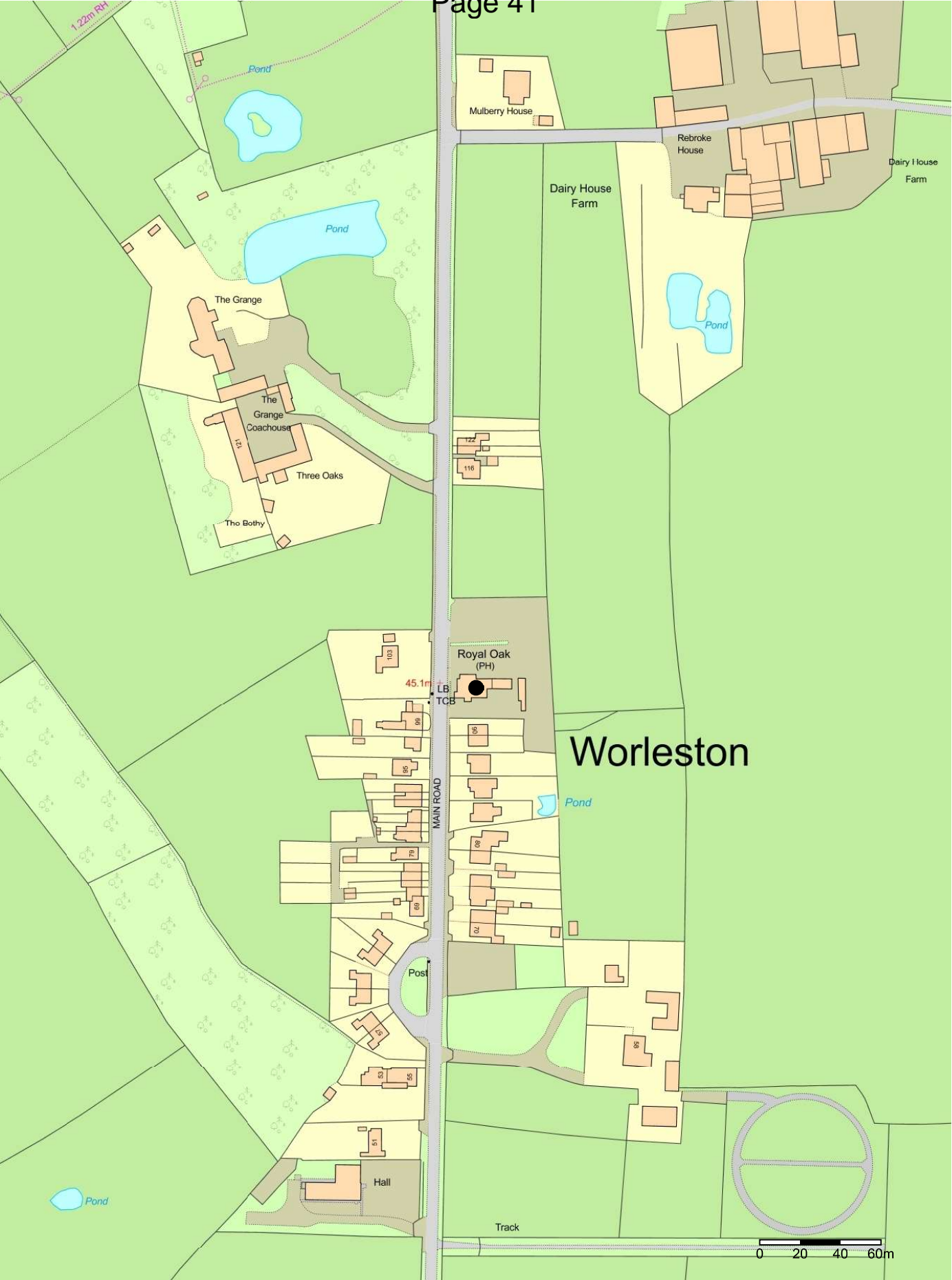
**(C)**

THE DRAWING AND THE BUILDING WORKS DESCRIBED ARE COPYRIGHT OF THE ARCHITECTS  
AND MAY NOT BE REPRODUCED OR EXCEPT BY WRITTEN PERMISSION ALL DIMENSIONS MUST BE  
CHECKED ON-SITE AND NOT SCALED FROM THIS DRAWING.

**REVIEWS**

| LETTER | REVISION | DATE | BY |
|--------|----------|------|----|
|--------|----------|------|----|

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12/4/2022



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**HELLON, Richard**

---

**From:** [REDACTED]  
**Sent:** 10-Apr-2022 13:47  
**To:** LICENSING (Cheshire East)  
**Subject:** Objection to The Royal Oak application for variation on the licence

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To whom it may concern,

Further to the application relating to The Royal Oak in Worleston, 94 Main Road, CW5 6DN, for the application for a variation on the licence, I would like to lodge an objection.

According to the licensing objectives the proposed application should satisfy a number of guiding criteria, one being the ensuring of the prevention of public nuisance. In relation to the proposed application of variation for the Royal Oak in Worleston, I feel the proposed amendment specifically in relation to the external non-walled shelter for dining and the external dining areas, would countermand these criteria.

Specifically, the external non-walled shelter is currently in application for retrospective planning permission and from previous planning applications the area on which this is situated was designated a private space and therefore not open to the public. The bringing forward of the application, to amend the licence to include this structure as a seated dining area, countermands previous plans.

The nature of the building as described on the application is a non-walled structure; there is no provision to minimise noise output from the structure or surrounding areas that would impinge on the enjoyment and comfort of the use of the residential properties' gardens. The outdoor area in question, lies approximately less than 3 meters from our garden and less for other neighbouring properties. The close proximity to residential properties allows the possibility of disruption by public nuisance.

The provision of a sheltered structure naturally encourages congregation of people in the space both during seasonal and inclement weather and resultantly the gathering people may result in public nuisance.

The space is elevated in relation to the land level in the neighbouring properties and as such the enjoyment and comfort of these properties is minimised due to the ability of people using this space having the opportunity to overlook gardens and into properties.

Last weekend on the 3<sup>rd</sup> April 2022, a small gathering took place on the site. The noise from the people in attendance could be heard within our property with the double-glazed doors and windows all closed. Should a larger group, or those emboldened by the consumption of alcohol be gathered, then naturally the noise level would be exponentially increased. Furthermore, the current licenced hours of opening including Fridays from 12pm to 12am, Saturdays from 10am to 1am and Sundays 10am to 10pm are excessive in this situation in that there is no allowance through the day on any day of the week where the privacy, enjoyment and comfort of the gardens and properties of the neighbours would not be impinged upon.

By definition, public nuisances are those which interfere with the lives, comfort, property or common rights of the general public. Should the application be approved, all elements of this definition would be contradicted. From the impact of noise, gathered peoples in a previously quiet rural setting, the provision of facilities that encourage gathering and alcohol consumption, the overlooking of neighbouring properties in a previously open aspect and the proximity of this site to neighbouring properties when other space is available for usage all allow for the possibility that the granting of this licence amendment would countermand licencing objectives.

Please confirm receipt of this email and the registration of the objection.

Yours faithfully

A solid black rectangular box used to redact a signature.

**HELLON, Richard**

**From:** [REDACTED]  
**Sent:** 11-Apr-2022 09:42  
**To:** LICENSING (Cheshire East)  
**Subject:** Objection to licence application for The Royal Oak Worleston

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam,

We hereby give representation to the office of licensing in regard to the licence variation to include indoor and outdoor dining at The Royal Oak Worleston, 94 main road, Worleston, Nantwich, CW5 6DN to object to this variation of the licence.

Firstly, the details of the licence application are not available through any search option on Cheshire East's website or the external boundary of the address in question so we don't actually know what the original licensing rules are nor the extent of the variation of this licence.

Secondly, with The Royal Oak having already been open for a week and, on 2 occasions (Saturday 2nd April and Friday 8th April 2022) there was an overwhelming smell of kitchen food and pizza and specifically on Saturday there was the unbearable noise a constantly screaming children. This was due to all parents being inside sampling the range of alcoholic beverages and children being unsupervised left to run completely feral. The smell was overwhelmingly noticeable when our family was outside trying to enjoy the pleasant weather in our garden, and also inside the house with the doors and windows closed. It seems the adjustments made to the extraction system from the kitchen do little to exhaust the fumes away from the neighboring properties. This smell will only be compounded with the licence permitting the service of food outside under the outdoor pavilion (which was erected without planning permission and has already been used by members of the public, again, without planning permission) This seating area under the pavilion is adjacent to our garden; the issue of strong-smelling foods would also be accompanied by inebriated punters which typically converse much louder and with strong use of language. This has already been witnessed with the few punters smoking outside the front roadside entrance.

Thirdly, as per your own licensing policy 2019 - 2024 Section 9 on Public Nuisance

**9.2** *In considering the potential impact of licensed premises on the surrounding locality the Licensing Authority, when in receipt of any Relevant Representations will take into account the type of entertainment activity proposed hours of operation, the capacity of the premises, the character of the areas and the proximity to local residents. Consideration will be given to the potential steps which could be taken to reduce the risk of nuisance 16 | Page occurring. This will particularly apply in areas where there is residential accommodation in the proximity of the premises.* Why does a village pub situated "in the quiet village of Worleston" need a 1AM licence on weekends? The Badger Inn in Churh Minshull, The Sacred Orchard in Nantwich and the Rising Sun Inn in Crewe don't have these operating hours. Given the rurality of the Royal Oak I can't see the need for a 1AM licence unless Cheshire East is inviting drink driving for punter to return home from a long and late drinking session.

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

*recommendations from such a report to propose amendments to the Operating Schedule or suggest conditions for the consideration of any (Sub) Committee.* as mentioned above there have already been counts of unprecedented noise levels from unsupervised children and the punters shouting at the front road side door while smoking. There is no signage to ask punters to be quiet or not to smoke in these areas. Even the designated smoking shelter isn't signed "smoking shelter" so how are the punters supposed to know where to go smoke. The assumption will be anywhere outside, like next to my garden where I wish to enjoy the space with my 1 year old child without the pollution of food and cigarettes or the vulgar language punters tend to use when indulging on alcoholic drinks.

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

- ♣ *Restrict the generation of any noise within the premises and from activities associated with the premises in the vicinity, or from an open air site* - No signage or effort to reduce noise
- ♣ *Limit the escape of any noise from the premises or open air site* - the licence variation application doesn't support this in any way
- ♣ *Restrict any noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping* - The extension does help this but then the excessive outdoor area completely negates this effort. My family and I have already had our data to day business and relaxing time affected by the noise. Furthermore, my baby was awoken by the noise of screaming children from the playpark. Which should be moved to the north side of the premises to better mitigate the noise generated by screaming children. Could also be partly due to lack of signage to require children to be supervised at all times.
- ♣ *Minimise and control any noise from customers arriving and departing from the premises* - again, no signage and the suggested operating hours would go against this anyway.

**9.8** *The Licensing Authority will take the following into consideration:*

- ♣ *Whether people standing or sitting outside are likely to cause obstruction or other nuisance* - the high seating means punters can look into my garden
- ♣ *Whether premises are under or near residential accommodation* - adjacent fence, so right next to residential accommodation. North side of the premises offers more space and is further away from residential properties.
- ♣ *The hours of sale of alcohol in open containers or food for consumption outside the premises* - again, why business need requires alcohol to be served until 1AM?
- ♣ *Measures to make sure that customers move away from outside premises when such sales cease* - no signage or policy in place that has been discussed with neighbouring properties
- ♣ *The extent and location of areas proposed to be set aside for the consumption of food and alcoholic drink for smoking* - all the space next to the residential properties. This should be proposed for the northside of the premises only.
- ♣ *Whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink (whether supplied by the premises or not), between certain hours or at all times.* - at least signage and enforcement to stop punter congregating at the road side front entrance and signage to clearly state no smoking areas. Should punters be smoking near a children play area anyway?

**9.9** *Consideration will be given to whether Operating Schedules contain adequate measures to prevent:*

- ♣ *Litter, smells, fumes, dust, tobacco or other smoke, or other emissions* - would be nice if we could see these... As of yet, no or little evidence of operating schedules is in place.
- ♣ *Street fouling*- hopefully won't be an issue
- ♣ *Light pollution* - little affect on us at the moment
- ♣ *Congestion of the pavement or roadway, impeding reasonable access arising from the proposed licensable activity that may cause nuisance to people in the vicinity.* - No issue.

## 15 Hours of Operation

**15.1** *The Licensing Authority will determine licensing hours based on the individual merits of each application.* - Not sure what the merits are for these extended operating hours, the other similar pubs mentioned earlier in this representation don't have an alcohol licence to 1AM and have operated just fine.

**15.2** *The Licensing Authority will consider whether longer licensing hours will achieve a gradual dispersal of people leaving licensed premises and therefore promote the Licensing Objectives.* - from my own 15 years experience in a range of different catering and service industry establishments, that's not how this works. Intention and reality differ greatly on this matter.

I hope that the points explained above are taken strongly into consideration. We wish for the A1 licence variation not to be approved for outside on the south side of the premises. There is plenty of outdoor space and seating on the north side of the premises which would also keep the smells and noise away from the adjacent residential properties on the south side. I feel this is a fair compromise that will still allow the Royal Oak to serve hot food outside. Additionally, filtration or redirection of the extraction systems of the kitchen should be directed higher or away from the residential properties to the south of the premises. Better extraction for the pizza oven exhaust needs to be implemented.

**The Royal Oak Worleston, 94 Main Road, Worleston, Nantwich**

**APPLICATION FOR A VARIATION OF LICENCE: LICENSING ACT 2003**

**Notice is hereby given that I, Daniel Lewis Hesketh, have applied on 14 March 2022 to Cheshire East Council in respect of the premises known as The Royal Oak Worleston, 94 Main Road, Worleston, Nantwich for a variation to provide the following licensable activities:**

**Update the plan associated with the licence to include the addition of an indoor dining room and area for outdoor dining.**

Kind regards,

A solid black rectangular box used to redact the signature of Daniel Lewis Hesketh.

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**HELLON, Richard**

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**From:** [REDACTED]  
**Sent:** 11-Apr-2022 12:23  
**To:** LICENSING (Cheshire East)  
**Subject:** The Royal Oak 94 Main Road Worleston Nantwich application for a variation of licence

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear sir or madam

I am writing to you about the application for a variation of licence update the plan associated with the licence to include the addition of indoor dining room area for outdoor dining for the royal oak 94 main road worleston nantwich cheshire.

I would like to put forward to the council of cheshire east that I refuse this. Since I live [REDACTED] I object to the area opening to the public, from the entrance of the pizza place to the outside seating area (Black pavilion) and play area south to the boundry of the property 90 main road worleston. No members of the public are to be in these areas until this matter has been sorted. The play area the outdoor dinning tables in and around the black metal pavillon is not to be used as he does not have planning permission for this see planning app number 22/0777n as this was put up without permission. (Currently I have seen people using these areas.)

The reasons I wish this to be refused is the following taken from the cheshire east council statement of licensing policy, policy dated 2019-2024:

7.10 - CCTV

9 - prevaention of public nuisane

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9.9

9.10

10.0 - protection of children from harm

10.1

10.2

10.3

11 - cumulative impact

11.7

11.8

11.10

11.12

13 - temporary events

13.1

13.5

15 - hours of operation

15.1  
15.2  
15.3

Thanks,



**Representation Form.**

**Responsible Authority.**

**POLICE**

|                          |                                                       |
|--------------------------|-------------------------------------------------------|
| Your Name                | Kelly Warburton                                       |
| Job Title                | Police Licensing Officer                              |
| Postal and email address | Crewe Police Station,<br>Civic Centre, Crewe, CW1 2DW |
| Contact telephone number |                                                       |

|                                                                |                                                   |
|----------------------------------------------------------------|---------------------------------------------------|
| Name of the premises you are making a representation about.    | <b>The Royal Oak</b>                              |
| Address of the premises you are making a representation about. | <b>94 Main Road, Worleston, Nantwich, CW5 6DN</b> |

| Which of the four licensing Objectives does your representation relate to? Please state yes or no. | Yes<br>Or<br>No | Please detail the evidence supporting your representation.<br>Or the reason for your representation.<br>Please use separate sheets if necessary |
|----------------------------------------------------------------------------------------------------|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| The Prevention of harm to children                                                                 | Yes             | See Comments                                                                                                                                    |
| To prevent Public Nuisance                                                                         |                 |                                                                                                                                                 |
| To prevent crime and disorder                                                                      | Yes             | See Comments                                                                                                                                    |
| Public Safety                                                                                      |                 |                                                                                                                                                 |

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

AMENDMENTS:

COMMENTS:

A CCTV system shall be used and shall be designed and installed in accordance with the Cheshire Constabulary's CCTV guidance document called 'CCTV in Licensed Premises – An Operational Requirement'. This system shall be in operation at all times when licensable activities are taking place.

Recorded CCTV images will be maintained and stored for a period of twenty-eight days.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to provide a Police officer or an authorised officer of the licensing authority data or footage upon request. All requests for footage are to be provided within a reasonable time scale.

Designated supervisors will need to demonstrate that their CCTV system complies with their Operational requirements. They will need to be able to demonstrate the following:-

- Recordings are fit for their intended purpose,
- Good quality images are presented to the officer in a format that can be replayed on a standard computer
- The supervisor has an understanding of the equipment/training,
- Management records are kept,
- Maintenance agreements and records are maintained,
- Data Protection principles and signage are in place.

A "Challenge 25" policy shall be operated at the premises at all times.

The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, HM Services Warrant Card or other reliable photo ID (that has been approved for acceptance by the Police or an Officer of the Local Authority)

Publicity materials notifying customers of the operation of the "Challenge 25" scheme shall be displayed at the premises.

The Designated Premises Supervisor or Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal which shall be made available for inspection by Local Authority Officers and the Police.

The DPS or other responsible person shall check and sign the register once a week.

Alternatively an electronic point of sale refusals log shall be kept.

A documented training programme shall be introduced for all staff in a position to sell, serve or deliver alcohol. A written record for each member of staff shall be kept of the content of such training and shall be made available for inspection at the request of Local Authority Officers and Police.

The DPS or Premises Licence Holder shall conduct regular training reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice. A written record for each member of staff shall be kept of the content of such

reviews and shall be made available for inspection at the request of Local Authority Officers and Police.

An incident log/book shall be kept at the premises for at least 12 months, and made available on request to an authorised officer of the licensing authority or the Cheshire Police Licensing Unit.

All other steps offered are welcome and acceptable to the Police and will assist in promoting all four objectives of the Act.

Signed: K. Warburton

Date: 29/03/2022

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