

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Joanne White, on behalf of Cheshire East Council Consumer Protection and Investigations,

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Black Bear Public House High Street	
Post town Sandbach	Post code (if known) CW11 1AX

Name of premises licence holder or club holding club premises certificate (if known) Punch Taverns Jubilee House Second Avenue Burton-upon-Trent Staffordshire DE14 2WF
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Number of premises licence or club premises certificate (if known) LAPRE/0905/05
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Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

- | | |
|---|--------------------------|
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |

APPENDIX - 1

- d) a body representing persons involved in business in the vicinity of the premises ☐
- 2) a responsible authority (please complete (C) below) ☒
- 3) a member of the club to which this application relates (please complete (A) below) ☐

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

Please tick

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

Surname

First names

Please tick yes

I am 18 years old or over

☐

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Joanne White Consumer Protection and Investigations Cheshire East Council Westfields Middlewich Road Sandbach Cheshire CW11 1HZ
Telephone number (if any) 01270 686593
E-mail address (optional) joanne.white@cheshireeast.gov.uk

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

Please tick one or more boxes

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

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

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

The premises has been visited as part of two Under Age Sales Test Purchase Operations over a period of 10 months. On both occasions, sales have been made to volunteers without proof of age identification being asked for.

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

On the evening of the 14th January 2011 Cheshire East Council's Consumer Protection and Investigations Team carried out an Under Age Sales operation in conjunction with Cheshire Constabulary. As part of the operation a 15 year old female volunteer entered the Black Bear public house where she was able to purchase alcohol without being challenged for proof of age identification. The Designated Premise Supervisor was not present during the sale. However, along with the seller attended an interview at Cheshire East Council. Following the interview, Trading Standards Officers and Licensing Officers provided the Designated Premise Supervisor with advice and signage in respect of the 'Challenge 25' age verification policy.

On the evening of the 4th October 2011 a second Under Age Sales Test Purchase Operation was conducted, where the Black Bear public house was included within the operation. On this occasion, two 14 year old female volunteers entered the premises and purchased alcohol without being challenged for proof of age identification. The seller on this occasion was the partner of the Designated Premise Supervisor and informed the Trading Standards Officer attending that he had worked in the Black Bear Public house for 22 years. The Designated Premise Supervisor was present during this sale, and witnessed the sale yet did not step in to stop the sale from occurring. An inspection was made of the refusals log, which showed that no refusals had been logged since February 2011.

Following the first test purchase by an under age volunteer, the Premise License Holder - Punch Taverns were contacted by Cheshire East Consumer Protection and Investigations Team. Punch Tavern responded by letter, a copy of which has been attached to this application, indicating that Punch Taverns have no responsibility in respect of the sale of alcohol. In my opinion, having been made aware that sales of alcohol were taking place to children on a premise where Punch Taverns are the licence holder, they have provided little or no intervention with the Designated Premise Supervisor to ensure compliance in respect of the sale of alcohol to persons under the age of 18. Furthermore, the Designated Premise Supervisor, Mrs Bolland, has shown no improvements in the manner in which she conducts the business. Considerable support and advice was provided by both the Consumer Protection and Investigations Team and the Licensing Team of Cheshire East Council. The DPS was made aware of all current legislation and guidelines in relation to age verification programmes, training and maintaining refusals logs etc in order to show due diligence. However, following the most recent sale, the Officer attending identified that refusals logs had not been updated since a month after the first sale, indicating that efforts to ensure the premise complies have not been maintained. I have considered whether further conditions should be applied to the licence to ensure compliance, but feel that the recurring problem with this premise is the PLH and the DPS. It is for this reason that I feel the position of the PLH should be considered and the DPS should be removed and a new one appointed.

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

Please tick yes

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

.....

Date 12 December 2011

.....

Capacity Enforcement Officer, CPI

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

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

Part B

Premises Licence Summary
Congleton Borough Council

Premises Licence Number

LAPRE/0905/05

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Black Bear Inn
 High Street
 Sandbach
 Cheshire
 CW11 1AX

Telephone number 01270 762388

Where the licence is time limited the dates

24.11.2005 -

Licensable activities authorised by the licence

Supply of Alcohol
 Performance of Live Music
 Performance of Recorded Music
 Similar Provision of Entertainment Facilities

Times the licence authorises the carrying out of licensable activities

Supply of Alcohol
 Monday to Thursday 10:00 - 00:00
 Friday and Saturday 10.00 - 01.00
 Sunday 11.00 - 00.00

Friday, Saturday, Sunday, Monday, of all Bank Holidays, Thursday of Easter Weekend, Christmas Eve and Boxing Day - one additional hour on the finish time.

The beginning of New Years Eve until the end of New Years Day.

The opening hours of the premises

Monday	10:00 - 00:30
Tuesday	10:00 - 00:30
Wednesday	10:00 - 00:30
Thursday	10:00 - 00:30
Friday	10:00 - 01:30
Saturday	10:00 - 01:30
Sunday	11:00 - 00:30

Friday, Saturday, Sunday, Monday, of all Bank Holidays, Thursday of Easter Weekend, Christmas Eve and Boxing Day - one additional hour on the finish time

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the Premises

Name, (registered) address of holder of premises licence

Punch Taverns PLC
Jubilee House
2nd Avenue
Burton-upon-Trent
Staffordshire
DE14 2WF

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

Company No. 03752645

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Miss Christina Bolland

State whether access to the premises by children is restricted or prohibited

Restricted

**Personal licence
supervisor who**

Personal Licence

**ty of personal licence held by designated premises
rises for the supply of alcohol**

Licensing Authority:

Annex 1 – Mandatory conditions

- 1 No supply of alcohol may be made under the premises licence: At times when there is no designated supervisor in respect of the licence, or at a time when the designated premises supervisor does not hold a personal licence, or their licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 – Conditions consistent with the Operating Schedule

- 1 A staff member will regularly attend a local pubwatch scheme
- 2 A security alarm is fitted throughout the premises.
- 3 Pub will adhere to the smoking charter
- 4 Smoke extraction system in place and fully operational
- 5 There will be a double door entry system.
- 6 No one under the age of 18 will be allowed to enter or remain on the premises after 19.00.
- 7 Children under 18 years of age must be accompanied by an adult.

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans

The Plan 0905/05 can be viewed at the Licensing Authority.

Our ref: Black Bear

Your ref:

Date: 6th January 2012



Licensing Authority
Cheshire East Borough Council
Westfields
Middlewich Road
Sandbach
CW11 1HU

In reply address correspondence to:
David Smethurst - Licensing Officer

Telephone: 01606 363580

Mobile: 11

Re: Premises Licence Review at the Black Bear, High Street, Sandbach

Dear Sir,

I have received, on behalf of the Chief Officer of Police, the recent application made by Joanne White to review the premises licence at the Black Bear, Sandbach and noted its content. I am afraid that I can add no further detail which would assist the committee in deciding these specific matters other than my full support for this clearly necessary course of action and my concern at the events it portrays. I do however concur with the closing comments of Ms White that a necessary and proportionate course of action, which would promote the licensing objectives in the future, would be the removal of the Designated Premises Supervisor. Perhaps a period of suspension of the premises licence would also allow the premises licence holder the time they clearly need to ensure adequate training and other measures are put in place to prevent the licensing objectives being similarly undermined in the future. In addition the Chief Officer of Police has other crime and disorder concerns about these premises which will be outlined in a statement from Sergeant Mark Cook, to be hand delivered to your offices later today, and amplified at the review hearing.

Yours faithfully,

David Smethurst
Licensing Officer



*David Smethurst MLO, Police Licensing Officer, Sandbach Police Office,
Middlewich Road, Sandbach, Cheshire, CW11 1HU.*

Tel: (01606) 363580, Fax: (01606) 363571

RESTRICTED (when complete)

Cheshire Constabulary

WITNESS STATEMENT

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

URN

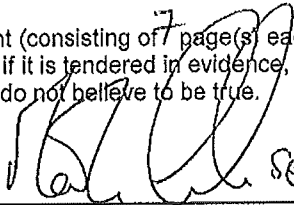
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Statement of: Mark James Cook

Age if under 18: Over 18 (If over 18 insert "over 18") Occupation: Police Sergeant 4098

This statement (consisting of 7 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature:

 Sgt 4098

Date:

6th January 2012

Tick if witness evidence is visually recorded

☐

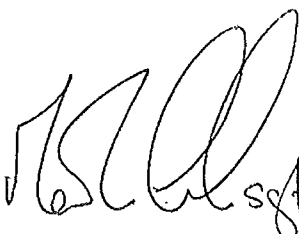
(supply witness details on rear)

I am Police Sergeant 4098 Cook of Cheshire Constabulary currently stationed at Sandbach.

I am aware that during two test purchase operations the Black Bear public house on High Street, Sandbach, sold alcoholic drinks to underage children. I am aware that Cheshire East Council is taking the Black Bear to a licence review. I would ask that as part of the review consideration be given to:

- prohibiting customers from taking glasses, bottles and drinks outside the premises on to the highway
- removing the beer garden tables, situated outside the pub on the highway, until an Al Fresco licence is obtained
- the employment of door staff on a Friday and Saturday evening

Signature:

 Sgt 4098

Signature witnessed by:

RESTRICTED (When complete)

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continuation of Statement/Interview of: Mark James Cook

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I ask for these conditions to prevent alcoholic drinks being taken into the street, anti-social behaviour, crime and to prevent alcohol being sold or supplied to children.

I have worked at Sandbach Police Station since May 2010 and I work a five week shift cycle. During the cycle I work one Friday and Saturday late shift (5 p.m to 3 a.m) and one Friday and Saturday night shift (10 p.m. to 7 a.m). Whenever possible, during these tours of duty, I patrol Sandbach town centre on foot to try and prevent alcohol related crime and disorder and to visit licensed premises to provide reassurance to the licensees and their customers.

I would describe the customers at the Black Bear on a weekend night as a 'young student crowd'; what I mean by that is the majority of customers are of college or university age. With this being the case, and with the possibility of underage drinkers attempting to get in the pub and being served alcoholic drinks, the pub does not have door staff operating the Challenge 21 or Challenge 25 schemes. The idea of the Challenge 21 and Challenge 25 schemes is to prevent the sale of alcohol to anyone under the age of eighteen. If a customer looks under twenty one or twenty five years of age staff ask for official identification, such as a driving licence or passport.

The Black Bear has several beer garden tables placed directly outside the premises on the street in order to allow customers to drink in the street. Allowing customers to drink in the street has led to anti social behaviour, crime and littering. Highways of Cheshire

Signature:

A handwritten signature in black ink, appearing to be 'Mark James Cook', followed by 'Sgt 4098'.

Signature witnessed by:

RESTRICTED (When complete)

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Continuation of Statement/Interview of: Mark James Cook

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East Council informed me that the Black Bear does not possess an Al Fresco licence to place the beer garden tables on the highway. The Black Bear has a beer garden at the rear of the property and I have asked Mrs Bolland why she doesn't get her customers to use it rather than allowing them to drink in the street. She has informed me that her customers use the beer garden tables to smoke and it has increased her sales floor.

I have witnessed drinkers around the beer garden tables swearing, screaming and shouting on numerous occasions and I have had to warn them about their behaviour. I have also had to split up people who are about to start fighting. The number of people drinking outside the pub varies but on one occasion I estimate that there were approximately fifty to eighty mainly drunken people sat and stood around the beer garden tables outside the pub. Obviously the numbers are always greater in spring and summer when the weather is better and people can go outside. I have even seen a drunken man stood on top of one of the tables shouting a football song with his friends and associates stood around encouraging him. I recorded the incident in my pocket notebook: On Sunday 16th October 2011 at 0005 hours I was stood outside the Lion public house talking to the door staff. All of a sudden I heard shouting coming from the direction of the Black Bear. I looked over and there was a group of approximately twenty to thirty young people stood around the beer garden tables and a young white male was stood on top of one of the table singing football songs at the top of his voice. He was shouting, "WE ARE STOKE, WE ARE STOKE, WE ARE STOKE." One of the doormen said to me, "THIS PLACE IS UNBELIVABLE. I WORK IN HANLEY AND IT ISN'T LIKE THIS

Signature:

Signature witnessed by:

RESTRICTED (When complete)



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continuation of Statement/Interview of: Mark James Cook

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PLACE. I BET DURING THE DAY IT IS REALLY QUIANT BUT AT NIGHT..." As I started to walk over to the Black Bear to remove the young man from the top of the table his friends pulled him down.

The drinkers outside the Black Bear also cause litter problems: I regularly see broken glasses and bottles and other rubbish scattered around the front of the pub and on the floor amongst the tables.

Cheshire East Council has made the town centre an Alcohol Designated Area to prevent people drinking in the street and walking around the town centre with drinks, glasses and bottles. I believe that the council has done this to reduce the occurrence of alcohol related crime and disorder. It is unpleasant to see drunken people walking around with glasses and bottles and there is the potential that they could be used as weapons. Because the Black Bear allows customers to leave the premises with alcoholic drinks, bottles and glasses it has made the Alcohol Designated Area impossible to police and enforce. On several occasions I have removed pints of beer from young men who were walking around town and when I have questioned where they have been served and have come from they have told me that they have got the drinks from the Black Bear. Other Police Officers have reported to me that they have confiscated and disposed of alcohol from people who have obtained drinks from the Black Bear. For example, on Friday 21st October 2011 at 11:55 p.m. I spoke to a young man outside the Town Hall on High Street. He was very drunk and was drinking from a pint glass. When I questioned him he stated that had purchased the pint from the Black Bear and was walking to the

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Signature witnessed by:

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continuation of Statement/Interview of: Mark James Cook

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Swan and Chequers. Three minutes later, at 11:58 p.m., I spoke to another young man in the entrance to Warburton Way next to Price City. He was drunk and was drinking from a pint glass. Like the other young man he stated that had purchased the pint from the Black Bear. I emptied the contents of their beer glasses and as I was returning them to the Black Bear a young man who was drinking from a glass bottle outside the pub turned and began to walk towards me. Upon seeing me he threw the bottle into a half wooden barrel that was being used as a flower pot outside the pub.

The Black Bear tends to close at midnight on a Friday and Saturday night but after the pub shuts the beer garden tables are not removed from the street. People regularly sit at the tables to eat the fast food they have purchased from the Hotspot kebab shop. The Hotspot is about twenty yards away from the pub, on the other side of High Street, and it closes at 2:30 a.m. I have seen people sat at the Black Bear's tables eating fast food until 3:30 a.m.

On several occasions I have witnessed and had to speak to people who were shouting and swearing whilst eating their food. On one occasion, on Saturday 17th September 2011 at 2:50 a.m., I saw two women sat at one of the beer garden tables eating. The woman who was sat facing High Street repeatedly shouted into her mobile phone, "WHERE THE FUCK ARE YOU?" I went over to her and advised her about her behaviour and language. There is also a problem with littering with people leaving half

Signature:

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Signature witnessed by:

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continuation of Statement/Interview of: Mark James Cook

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eaten food, pizza boxes and polystyrene burger and kebab boxes on the tables and floor outside the pub.


I have previously asked Mrs Bolland, in May 2011, to professionalize the drinking arrangements outside her pub for the reasons I have explained in this statement. I requested that she removes the beer garden tables or obtains an Al Fresco licence and replaces the beer garden tables with proper chairs and tables and places a barrier around them. Mrs Bolland declined to do this.

I do not have the resources to provide a permanent police presence in Sandbach town centre on a Friday and Saturday night to deal with drink related disorder. The maximum number of constables covering the Congleton Neighbourhood Policing Team area at that time is twelve, and they have to provide police services to a population of approximately one hundred thousand people in the towns of Middlewich, Holmes Chapel, Sandbach, Alsager and Congleton, and the surrounding villages. In reality there are rarely twelve staff on duty due to leave, court appearances, training courses et cetera.

I believe that the measures I have asked for are proportionate and reasonable:

- prohibiting customers from taking glasses, bottles and drinks outside the premises on to the highway would reduce the number of people acting antisocially in the street – shouting, swearing and drinking - and it would help prevent people walking around the town with bottles and pint glasses.

Signature:


Sgt 4098

Signature witnessed by:

RESTRICTED (When complete)URN

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continuation of Statement/Interview of: Mark James Cook

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- removing the beer garden tables situated on the highway would prevent large numbers of drunken people congregating together and causing the associated problems.
- the employment of door staff would professionalize the Challenge 21 and 25 schemes, prevent children from coming into the pub and prevent people taking glasses, bottles and drinks outside in to the street.

Signature:

A handwritten signature in black ink, appearing to be "Sgt 4098", written over a horizontal line.

Signature witnessed by:

27th December 2011

Dear Sir,

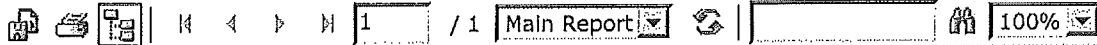
I am writing to express my dismay at the recent downgrading of the Bear's Head Pub status in Sandbach.

I have used the Black Bear for many years and have found the standard of service and the conduct of the customers to be first class. The couple who run the pub, Tina and Jimmy, are really nice people and are well respected by all the many regular customers who go there.

In the 10 years or so I have been going there, I have never seen one incident of trouble nor is this an easy place to get served in by underage drinkers. If you look at the other pubs on the main street, you will see the police there quite a lot of the time and a lot of underage drinkers trying their luck. This is not the case in the Black Baer due to the respect and support shown by the loyal customers to Tina and Jimmy.

I know this letter may not change anything but I wanted you to know my strong feelings on this and trust that the previous status can be restore to this fantastic pub.

Yours Sincerely



Cheshire CC WebGIS

