

From

Sent: 30 May 2013 20:55

To:

Subject: RE: Wilbraham Arms, Welsh Row, Nantwich - Variation to Premises Licence

Rep 1
APPENDIX 01

Thank you for your return email. I am concerned about the application for a variation of license for the Wilbraham Arms. As you must know, there is some difficult history for this neighbourhood pub, located in the heart of a residential street. The current license is the result of problems arising from late opening hours. People who have been drinking all night in other establishments make their way home, and stop off to consume yet more alcohol at

The Wilbraham Arms. By the time they are ready to go home, many are loud, belligerent and engage in alcohol related antisocial conduct, often for some time after closing time. This is not a welcoming environment in which to raise children, of which there are many in the surrounding homes.

Perhaps this antisocial behaviour is not the landlord's responsibility, yet all the same it IS a problem for the police, the community and the neighbourhood. The police have been repeatedly called to the Wilbraham Arms for antisocial behaviour in the past. I have two school age daughters, and both my husband and I have stressful jobs for which we need to wake early. It is extremely disruptive to hear people leaving the pub late at night.

The Wilbraham Arms is on the same street as other pubs and late night drinking establishments, but the difference is: it is some way out of town and is surrounded by homes and residential properties with a variety of young children, the elderly and working professionals.

I am requesting the licensing committee to keep the license terms as they are currently, and see how the landlord manages the property as the terms currently stand. If the present landlord shows that they are able to maintain order and decorum in the neighbourhood, then perhaps neighbours might be more willing to support a change of terms.

Regards,

Rep2

APPENDIX 02

From:
Sent: 01 June 2013 17:39
To: LICENSING (Cheshire East)
Subject: Licencing Application: Wilbraham Arms, 58 Welsh Row, Nantwich, CW5 5EJ

Dear Sirs

We are writing with regards to Enterprise Inns PLC application for a variation of the Premises Licence in respect of Wilbraham Arms, 58 Welsh Row Nantwich CW55EJ

We understand the proposed variation is as follows, our concerns covered in the COMMENT section against each point:

1. To extend the hours for alcohol sales to 10.00 to 23.30 on Sundays to Wednesdays inclusive and from 10.00 to 01.00 Thursdays to Saturdays inclusive. **COMMENT:** LATE NIGHT DRINKING, NOISE AND DISTURBANCE IN WELSH ROW IS ALREADY DIFFICULT. BY HAVING THIS ESTABLISHMENT OPEN LONGER, IT IS LIKELY THAT THIS WILL BECOME ANOTHER GATHERING POINT FOR THE REVELLERS. YOU WILL HAVE IT ON RECORD, THE SERIOUS ISSUES RELATED TO THIS VENUE WHICH CAUSED SERIOUS ISSUES, IT IS PART OF A RESIDENTIAL AREA AND CONNECTED TO PROPERTIES. THE REAR OF OUR PROPERTY BECOMES UNLIVABLE WHEN NOISE TAKES PLACE. FURTHERMORE, THE INTIMIDATION AND FEAR THAT HAS PREVIOUSLY COME FROM THIS PROPERTY HAS BEEN EXTREMELY WORRYING
2. To permit late night refreshment until midnight on Sundays to Wednesdays inclusive and from 23.00 to 01.30 on Thursdays to Saturdays inclusive. **COMMENT:** SEE POINT # 1 ABOVE, WE MUST STRESS THAT HISTORY REQUIRES CONSIDERATION.
3. To extend the opening hours of the premises to 10.00 to midnight on Sundays to Wednesdays inclusive and from 10.00 to 01.30 on Thursdays to Saturdays inclusive. **COMMENT:** SEE POINTS 1 & 2 ABOVE
4. To delete a condition precluding under 16's being on the premises after 20.00. **COMMENT:** SEE POINTS 1 & 2 ABOVE. THIS AGE RANGE CAN BE EVEN MORE DIFFICULT TO MANAGE
5. To remove all regulated entertainment from the premises licence. **COMMENT:** SEE POINTS 1 & 2 ABOVE.

We do not agree with the proposed variation as we believe it will have a direct impact on our living space and conditions. Furthermore, property values are likely to be directly impacted.

Yours sincerely

Sent for scanning 7/6

Rep3

APPENDIX 03

RECEIVED

7 JUN 2013

THE LICENCING SECTION,
CHESHIRE EAST COUNCIL,
WESTFIELDS
MIDDLEWICH ROAD
SANDBACH,
CHESHIRE
SK10 1DS

DATE: 6 JUNE 2013

RE: WILBRAHAM ARMS PUB, WELSH ROW, NANTWICH - LICENCE EXTENSION PROPOSAL

As a resident in the proximity of the Wilbraham Arms pub on Welsh Row Nantwich, I wish to petition against the application to extend the licencing of the pub.

I would firstly like to respectfully remind the council that in the 2010 Licence Review of the pub, it was deemed that the tenants and owners of the Wilbraham Arms, Enterprise Inns Ltd had failed in their responsibilities under the Licence Act 2003 and that accordingly the hours should be restricted to their current level. The environmental health department of the council also served two abatement notices on the pub prior to this meeting. It was also recognised by the committee that the pub's hours and its activities were not conducive with or necessary for a pub situated in a residential area (where I live).

The process of that review was to ensure that the public were protected and the principles of the Act upheld viz- the prevention of crime, public safety, the prevention of public nuisance and the protection of children from harm. The Licensing Committee in reaching its decision on November 26th 2010, took into account the protests of the residents of the community, the Environmental Health department and even the Police in reaching its decision and I would like the council to uphold the decision it so clearly reached at that review.

My reasons for protesting against the change to the licence is therefore aligned to these same principles and accordingly I concur with these statements:

Regarding Prevention of Crime and Public Safety

I consider that there is a direct correlation between late drinking hours and crime as evidenced when the pub was last open to these early hours – numerous calls to the police citing anti-social behaviour, lewdness, fighting and even cars being damaged along Welsh Row are a matter of record. The police are already stretched dealing with similar and other incidents and adding to their workload by extending late drinking beyond the town centre border is therefore both unnecessary and unwelcome. Furthermore, as this type of criminal behaviour often happened *after* the pub closed in the early hours, such events cannot be controlled or supervised by the pub itself nor can any assurances to prevent such be guaranteed by its owners. Realistically and understandably, the police are often not in a position to respond *immediately* and as such this puts the public at risk as it did the last time the pub had these late opening and drinking hours.

Regarding the Protection of Children from harm

The pub wish to remove the restriction preventing under 16 year olds from being in the pub after 8pm. This restriction was imposed by the last review as a result of numerous reports of young people attending the pub and to therefore protect children from harm. I believe this is the only way to guarantee their welfare and removing this restriction is both unnecessary but may also lead to a slide back towards under age drinking (unknown or otherwise by the pub). Whilst I expect the pub to do everything in its power to ensure this does not happen, I do not believe this is possible to guarantee, especially out of the town centre. Moreover, I do not believe that allowing children into a (very) late night drinking establishment is conducive to their welfare, their family's or the community as a whole. Perhaps for this very reason, this is not a practice I am aware of in any of the other late night drinking establishments in the area.

Regarding additional associations with the Act

I would also like to list these other reasons for my protest which I concur with:

- ☒ Extended hours are unnecessary for a pub outside of the town centre and situated in a residential community.
- ☒ The police have enough to deal with already and adding this burden (even in just patrolling the area) is unfair.
- ☒ Allowing children in a pub that can sell alcohol until 1:00am and open until 1:30am is not conducive to a child's welfare
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- ☒ The potential impact, as previously displayed and documented in the last tenure of the publicans viz: anti-social behaviour associated with late night drinking, disturbance of the peace, bottles and other detritus left by patrons across the neighbourhood. The area, one of significant cultural interest, was marred by litter, urination and bottles making the neighbourhood look unpleasant, and be less pleasant and safe to live in.
- ☐ All of the above

Could I also respectfully ask the council to recognise that as this is neither a new licence application nor a new pub, that my comments regarding the detrimental effect extending the licencing and opening hours will have on the community are based on fact not speculation and have been unequivocally proven as indeed the Police and its own environmental health department can concur.

I would also like to add the following comments:

I have sent a separate letter detailing my concerns. (Letter sent to Macclesfield)

Yours faithfully.

sent for scanning 7/6
Rep 4

APPENDIX 04

RECEIVED

7 JUN 2013

THE LICENCING SECTION,
CHESHIRE EAST COUNCIL,
WESTFIELDS
MIDDLEWICH ROAD
SANDBACH,
CHESHIRE
SK10 1DS

DATE: 6/6/13.

RE: WILBRAHAM ARMS PUB, WELSH ROW, NANTWICH - LICENCE EXTENSION PROPOSAL

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- ☐ All of the above

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I would also like to add the following comments:

I have 3 small children, at school, who will be massively affected by sleepless nights.

Yours faithfully,

June 5th 13

(5)

APPENDIX 05

The Cheshire East Council,
Re the Wilbraham Arms.

Dear Sirs

I would like draw your attention to the fact that I have had Right of Access to my house via the back yard of the Wilbraham into Red Lion Lane for 62 years.

The proposed plan for a Beer Garden would make deliveries, removal of rubbish and repairs to my property impossible.

Secondly the lack of privacy and noise in my garden.

Yours sincerely

6

APPENDIX 06

RECEIVED

10 JUN 2013

The Licensing Section
Cheshire East Council
Westfields
Middlewich Road
Sandbach
Cheshire
SK10 1DS

8 June 2013

Re: Licence Application: Wilbraham Arms Pub – Welsh Row Nantwich

It is with some concern that we learn that the owners / tenants of the Wilbraham Arms in Welsh Row Nantwich have applied to a variation in their licence.

The Wilbraham Arms is less than 25 metres from our house and when previously operated there was disruptive behaviour in terms of shouting, fighting, urinating and being sick. We are deeply concerned that extending the hours to the times requested will on regular occasions result in anti social behaviour which in turn will effect the quality of our sleep.

We would also point out that further down Welsh Row there are already a number of outlets that serve alcohol into the early hours of the morning. So we are struggling to see why further establishments relatively close by need to do the same. The other premises operating late hours are amongst other related establishments such as restaurants and takeaway facilities. The Wilbraham Arms is surrounded by residential property including an old people's home.

In conclusion we are deeply concerned of the impact of the anti-social behaviour that will needlessly result from extended hours have on us and our neighbours and therefore ask that you refuse this application to extend hours.

APPENDIX 07

RECEIVED

6th June, 2013.

10 JUN 2013

Licensing Dept,
Cheshire East Council
Westfields,
Sandbach.

Dear Sirs,

Ref Licence extension application, Wilbraham Arms, Nantwich

I read with distress the above application and wish to record my objection to this proposal. Given the problems in the past with this establishment, and the total disregard the impact of their patron's behaviour had on the local residents, this surely must be a strong argument against such an application being granted.

My reasons for objection are:

- The Wilbraham Arms is situated well within a residential area and outside the town centre border, and therefore the extended hours are completely unnecessary.
- The removal of the age restriction to after 8pm will encourage under age drinking which is already causing problems to the overstretched police.
- Allowing children to be in this establishment until 1.00am is surely not in the child's best interest.
- The previous efforts of the owners and tenants in controlling anti-social behaviour and local disturbance proved completely ineffective, and caused considerable problems for those neighbours needing to rise early for work.
- There are already establishments nearer the town centre opening until the early hours

I would ask the council to consider the detrimental effect the granting of this proposal will have on the local community.

Yours faithfully,

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APPENDIX 08

THE LICENCING SECTION,
CHESHIRE EAST COUNCIL,
WESTFIELDS
MIDDLEWICH ROAD
SANDBACH,
CHESHIRE
SK10 1DS

RECEIVED
10 JUN 2013

DATE: 3/6/13

RE: WILBRAHAM ARMS PUB, WELSH ROW, NANTWICH - LICENCE EXTENSION PROPOSAL

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Regarding additional associations with the Act

I would also like to list these other reasons for my protest which I concur with:

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I would also like to add the following comments:

Yours faithfull

Signed

RECEIVED

10 JUN 2013

APPENDIX 09

THE LICENCING SECTION,
CHESHIRE EAST COUNCIL,
WESTFIELDS
MIDDLEWICH ROAD
SANDBACH,
CHESHIRE
SK10 1DS

DATE: June 5th 13

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I would also like to add the following comments:

I am not a teetotal but feel extended opening hours will cause all kinds of problems

Yours faithfully,

Signed

10

RECEIVED

APPENDIX 10

THE LICENCING SECTION,
CHESHIRE EAST COUNCIL,
WESTFIELDS
MIDDLEWICH ROAD
SANDBACH,
CHESHIRE
SK10 1DS

10 JUN 2013

DATE: 8th June 2013

RE: WILBRAHAM ARMS PUB, WELSH ROW, NANTWICH - LICENCE EXTENSION PROPOSAL

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Yours faithfully,

11

RECEIVED

10 JUN 2013

APPENDIX 11

THE LICENCING SECTION,
CHESHIRE EAST COUNCIL,
WESTFIELDS
MIDDLEWICH ROAD
SANDBACH,
CHESHIRE
SK10 1DS

DATE: 07-06-2013

RE: WILBRAHAM ARMS PUB, WELSH ROW, NANTWICH - LICENCE EXTENSION PROPOSAL

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I consider that there is a direct correlation between late drinking hours and crime as *evidenced* when the pub was last open to these early hours — numerous calls to the police citing anti-social behaviour, lewdness, fighting and even cars being damaged along Welsh Row are a matter of record. The police are already stretched dealing with similar and other incidents and adding to their workload by extending late drinking beyond the town centre border is therefore both unnecessary and unwelcome. Furthermore, as this type of criminal behaviour often happened *after* the pub closed in the early hours, such events cannot be controlled or supervised by the pub itself nor can any assurances to prevent such be guaranteed by its owners. Realistically and understandably, the police are often not in a position to respond *immediately* and as such this puts the public at risk as it did the last time the pub had these late opening and drinking hours.

Regarding the Protection of Children from harm

The pub wish to remove the restriction preventing under 16 year olds from being in the pub after 8pm. This restriction was imposed by the last review as a result of numerous reports of young people attending the pub and to therefore protect children from harm. I believe this is the only way to guarantee their welfare and removing this restriction is both unnecessary but may also lead to a slide back towards under age drinking (unknown or otherwise by the pub). Whilst I expect the pub to do everything in its power to ensure this does not happen, I do not believe this is possible to guarantee, especially out of the town centre. Moreover, I do not believe that allowing children into a (very) late night drinking establishment is conducive to their welfare, their family's or the community as a whole. Perhaps for this very reason, this is not a practice I am aware of in any of the other late night drinking establishments in the area.

Regarding additional associations with the Act

I would also like to list these other reasons for my protest which I concur with:

- ☒ Extended hours are unnecessary for a pub outside of the town centre and situated in a residential community.
- ☒ The police have enough to deal with already and adding this burden (even in just patrolling the area) is unfair.
- ☒ Allowing children in a pub that can sell alcohol until 1:00am and open until 1:30am is not conducive to a child's welfare
- ☒ Conduct previously displayed by the tenants and owners of the Wilbraham Arms and its efforts to manage and control said tenants was wanting and unsuccessful (evidence : the Licencing Restrictions and Abatement Notices served after a considerable number of chances given)
- ☒ The potential impact, as previously displayed and documented in the last tenure of the publicans viz: anti-social behaviour associated with late night drinking, disturbance of the peace, bottles and other detritus left by patrons across the neighbourhood. The area, one of significant cultural interest, was marred by litter, urination and bottles making the neighbourhood look unpleasant, and be less pleasant and safe to live in.
- ☒ All of the above

Could I also respectfully ask the council to recognise that as this is neither a new licence application nor a new pub, that my comments regarding the detrimental effect extending the licencing and opening hours will have on the community are based on fact not speculation and have been unequivocally proven as indeed the Police and its own environmental health department can concur.

I would also like to add the following comments:

Loud noise music at night.
a residential area.
not a night club

urinating

in the archway late at night.

Yours faithfully,

RECEIVED

10 JUN 2013

APPENDIX 12

THE LICENCING SECTION,
CHESHIRE EAST COUNCIL,
WESTFIELDS
MIDDLEWICH ROAD
SANDBACH,
CHESHIRE
SK10 1DS

DATE :

RE: WILBRAHAM ARMS PUB, WELSH ROW, NANTWICH - LICENCE EXTENSION PROPOSAL

As a resident in the proximity of the Wilbraham Arms pub on Welsh Row Nantwich, I wish to petition against the application to extend the licencing of the pub.

I would firstly like to respectfully remind the council that in the 2010 Licence Review of the pub, it was deemed that the tenants and owners of the Wilbraham Arms, Enterprise Inns Ltd had failed in their responsibilities under the Licence Act 2003 and that accordingly the hours should be restricted to their current level. The environmental health department of the council also served two abatement notices on the pub prior to this meeting. It was also recognised by the committee that the pub's hours and its activities were not conducive with or necessary for a pub situated in a residential area (where I live).

The process of that review was to ensure that the public were protected and the principles of the Act upheld viz- the prevention of crime, public safety, the prevention of public nuisance and the protection of children from harm. The Licencing Committee in reaching its decision on November 26th 2010, took into account the protests of the residents of the community, the Environmental Health department and even the Police in reaching its decision and I would like the council to uphold the decision it so clearly reached at that review.

My reasons for protesting against the change to the licence is therefore aligned to these same principles and accordingly I concur with these statements:

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I consider that there is a direct correlation between late drinking hours and crime as evidenced when the pub was last open to these early hours – numerous calls to the police citing anti-social behaviour, lewdness, fighting and even cars being damaged along Welsh Row are a matter of record. The police are already stretched dealing with similar and other incidents and adding to their workload by extending late drinking beyond the town centre border is therefore both unnecessary and unwelcome. Furthermore, as this type of criminal behaviour often happened *after* the pub closed in the early hours, such events cannot be controlled or supervised by the pub itself nor can any assurances to prevent such be guaranteed by its owners. Realistically and understandably, the police are often not in a position to respond *immediately* and as such this puts the public at risk as it did the last time the pub had these late opening and drinking hours.

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- ☐ All of the above

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I would also like to add the following comments:

Yours faithfully,
Signed

THE LICENCING SECTION,
CHESHIRE EAST COUNCIL,
WESTFIELDS
MIDDLEWICH ROAD
SANDBACH,
CHESHIRE
SK10 1DS

DATE: 8 June 2013

RE: WILBRAHAM ARMS PUB, WELSH ROW, NANTWICH - LICENCE EXTENSION PROPOSAL

As a resident in the proximity of the Wilbraham Arms pub on Welsh Row Nantwich, I wish to petition against the application to extend the licencing of the pub.

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The process of that review was to ensure that the public were protected and the principles of the Act upheld viz- the prevention of crime, public safety, the prevention of public nuisance and the protection of children from harm. The Licencing Committee in reaching its decision on November 26th 2010, took into account the protests of the residents of the community, the Environmental Health department and even the Police in reaching its decision and I would like the council to uphold the decision it so clearly reached at that review.

My reasons for protesting against the change to the licence is therefore aligned to these same principles and accordingly I concur with these statements:

Regarding Prevention of Crime and Public Safety

I consider that there is a direct correlation between late drinking hours and crime as *evidenced* when the pub was last open to these early hours – numerous calls to the police citing anti-social behaviour, lewdness, fighting and even cars being damaged along Welsh Row are a matter of record. The police are already stretched dealing with similar and other incidents and adding to their workload by extending late drinking beyond the town centre border is therefore both unnecessary and unwelcome. Furthermore, as this type of criminal behaviour often happened *after* the pub closed in the early hours, such events cannot be controlled or supervised by the pub itself nor can any assurances to prevent such be guaranteed by its owners. Realistically and understandably, the police are often not in a position to respond *immediately* and as such this puts the public at risk as it did the last time the pub had these late opening and drinking hours.

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- ☒ All of the above

Could I also respectfully ask the council to recognise that as this is neither a new licence application nor a new pub, that my comments regarding the detrimental effect extending the licencing and opening hours will have on the community are based on fact not speculation and have been unequivocally proven as indeed the Police and its own environmental health department can concur.

I would also like to add the following comments:

I am a close neighbour. Under the previous tenancy my car was scratched twice and obscene graffiti written on our doorstep. Visiting children were intimidated as they parked their cars in the street near the pub.

Yours faithfully,

8th June 2013

Licensing Section
Cheshire East Council
Macclesfield
Cheshire
SK10 1DS

Dear Sir or Madam,

Re: Application for license variation at Wilbraham Arms, 58 Welsh Row, Nantwich CW5 5EJ

I note that an application for license variation has been made for the Wilbraham Arms, involving the extension of licensing hours for opening, refreshment and alcohol provision to midnight on Sundays to Wednesdays and to 1.30 am on Thursdays to Saturdays, the deregulation of entertainment, and the allowance of people under 16 to be on the premises in the evenings.

I am a close neighbour.

I would like to express our strong objection in the light of the following statutory licensing objectives. I am in a strong position to know what would happen if the requested license variation was permitted, because very similar licensing conditions were in force two years ago under the same owners, and this caused much local distress and disruption. I do not see why anything should have changed in the meantime. Enterprise Inns failed to respond over a period of three years to numerous complaints from residents, and eventually the police themselves unusually attended their license review meeting, when the Council ruled unanimously that the company had failed in their legal obligations under the Licensing Act.

Prevention of Crime and Disorder

Under the previous managers there was much local nuisance created, including acts of petty vandalism and intimidating behaviour by customers standing outside the pub. Vandalism included car-scratching and obscene graffiti. I am very worried that this scenario could be repeated.

Public Safety

Passers-by were previously subjected to insults and vituperation by drinkers standing outside the pub. My daughters who visit us regularly found the experience of passing the

pub to be intimidating. Girls returning home from Malbank School at the end of Welsh Row were regular targets of lewd comments. I can see no reason why this should not happen again.

Prevention of Public Nuisance

At weekends there is usually much festive action at the bridge end of Welsh Row, but normally this does not extend down to lower parts of the street. The effect of rowdy behaviour at the Wilbraham Arms when it previously had its license was to act as a magnet drawing revellers down the street, and greatly increasing local noise late at night. This part of the street is a quiet residential area quite unsuitable for late night entertainment. Most disturbing was late night noise, which disrupted the sleep of children and elderly people living nearby. An elderly persons' home lies round the corner, and they suffered from disruptive behaviour in the vicinity, in particular because the passageway leading from the pub to the home became a regular venue for urination, fighting and rowdy celebration. There were many complaints made by neighbours under noise abatement regulations, which eventually led to two noise abatement notices, and the landlord losing his license.

Protection of Harm to Children

There are young children living nearby, who were previously kept awake late at night. This will probably happen again. Previously there was evidence of underage drinking, and if the new license allows access to the pub by children this is likely to happen again. It is surely harmful to children to allow them to be present in a pub where alcohol is served until 1 a.m.

Yours sincerely ✓

cc. Edward Timpson MP, 13 Churchyardside, Town Centre, Nantwich CW5 5AG

RECEIVED

11 JUN 2013

15

THE LICENCING SECTION,
CHESHIRE EAST COUNCIL,
WESTFIELDS
MIDDLEWICH ROAD
SANDBACH,
CHESHIRE
SK10 1DS

DATE :

7/6/13

RE: WILBRAHAM ARMS PUB, WELSH ROW, NANTWICH - LICENCE EXTENSION PROPOSAL

As a resident in the proximity of the Wilbraham Arms pub on Welsh Row Nantwich, I wish to petition against the application to extend the licencing of the pub.

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The process of that review was to ensure that the public were protected and the principles of the Act upheld viz- the prevention of crime, public safety, the prevention of public nuisance and the protection of children from harm. The Licencing Committee in reaching its decision on November 26th 2010, took into account the protests of the residents of the community, the Environmental Health department and even the Police in reaching its decision and I would like the council to uphold the decision it so clearly reached at that review.

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Regarding additional associations with the Act

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- ☒ All of the above

Could I also respectfully ask the council to recognise that as this is neither a new licence application nor a new pub, that my comments regarding the detrimental effect extending the licencing and opening hours will have on the community are based on fact not speculation and have been unequivocally proven as indeed the Police and its own environmental health department can concur.

I would also like to add the following comments:

Yours faithfully,

S

RECEIVED

APPENDIX 16

11 JUN 2013

THE LICENCING SECTION,
CHESHIRE EAST COUNCIL,
WESTFIELDS
MIDDLEWICH ROAD
SANDBACH,
CHESHIRE
SK10 1DS

DATE :

16

RE: WILBRAHAM ARMS PUB, WELSH ROW, NANTWICH - LICENCE EXTENSION PROPOSAL

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I would also like to add the following comments:

THIS SUPPORTS OUR SEPARATE OBJECTION TO THE
NEW LICENCE APPLICATION SENT BY E-MAIL.

Yours faithfully,
Signed

RECEIVED

11 JUN 2013

APPENDIX 17

THE LICENCING SECTION,
CHESHIRE EAST COUNCIL,
WESTFIELDS
MIDDLEWICH ROAD
SANDBACH,
CHESHIRE
SK10 1DS

DATE: 8/6/13

17

RE: WILBRAHAM ARMS PUB, WELSH ROW, NANTWICH - LICENCE EXTENSION PROPOSAL

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I would also like to add the following comments:

Although a new 'double door' has been installed at the back this is an old (listed) building whose fabric won't contain sound adequately AND smokers + drinkers out front + back are outside disturbing the peace night + day.

Yours faithfully,

RECEIVED

12 JUN 2013

APPENDIX 18

THE LICENCING SECTION,
CHESHIRE EAST COUNCIL,
WESTFIELDS
MIDDLEWICH ROAD
SANDBACH,
CHESHIRE
SK10 1DS

DATE: 07/06/13

RE: WILBRAHAM ARMS PUB, WELSH ROW, NANTWICH - LICENCE EXTENSION PROPOSAL

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I consider that there is a direct correlation between late drinking hours and crime as *evidenced* when the pub was last open to these early hours – numerous calls to the police citing anti-social behaviour, lewdness, fighting and even cars being damaged along Welsh Row are a matter of record. The police are already stretched dealing with similar and other incidents and adding to their workload by extending late drinking beyond the town centre border is therefore both unnecessary and unwelcome. Furthermore, as this type of criminal behaviour often happened *after* the pub closed in the early hours, such events cannot be controlled or supervised by the pub itself nor can any assurances to prevent such be guaranteed by its owners. Realistically and understandably, the police are often not in a position to respond *immediately* and as such this puts the public at risk as it did the last time the pub had these late opening and drinking hours.

Regarding the Protection of Children from harm

The pub wish to remove the restriction preventing under 16 year olds from being in the pub after 8pm. This restriction was imposed by the last review as a result of numerous reports of young people attending the pub and to therefore protect children from harm. I believe this is the only way to guarantee their welfare and removing this restriction is both unnecessary but may also lead to a slide back towards under age drinking (unknown or otherwise by the pub). Whilst I expect the pub to do everything in its power to ensure this does not happen, I do not believe this is possible to guarantee, especially out of the town centre. Moreover, I do not believe that allowing children into a (very) late night drinking establishment is conducive to their welfare, their family's or the community as a whole. Perhaps for this very reason, this is not a practice I am aware of in any of the other late night drinking establishments in the area.

Regarding additional associations with the Act

I would also like to list these other reasons for my protest which I concur with:

- ☐ Extended hours are unnecessary for a pub outside of the town centre and situated in a residential community.
- ☐ The police have enough to deal with already and adding this burden (even in just patrolling the area) is unfair.
- ☐ Allowing children in a pub that can sell alcohol until 1:00am and open until 1:30am is not conducive to a child's welfare
- ☐ Conduct previously displayed by the tenants and owners of the Wilbraham Arms and its efforts to manage and control said tenants was wanting and unsuccessful (evidence: the Licencing Restrictions and Abatement Notices served after a *considerable* number of chances given)
- ☐ The potential impact, as previously displayed and documented in the last tenure of the publicans viz: anti-social behaviour associated with late night drinking, disturbance of the peace, bottles and other detritus left by patrons across the neighbourhood. The area, one of significant cultural interest, was marred by litter, urination and bottles making the neighbourhood look unpleasant, and be less pleasant and safe to live in.
- ☐ All of the above

Could I also respectfully ask the council to recognise that as this is neither a new licence application nor a new pub, that my comments regarding the detrimental effect extending the licencing and opening hours will have on the community are based on fact not speculation and have been unequivocally proven as indeed the Police and its own environmental health department can concur.

I would also like to add the following comments:

My property is 100-150m from these premises. I would suffer a clear disturbance. The residences neighbouring and opposite the premises will have a nightmare.

Yours faithfully,

19
RECEIVED

12 JUN 2013

APPENDIX 19

THE LICENCING SECTION,
CHESHIRE EAST COUNCIL,
WESTFIELDS
MIDDLEWICH ROAD
SANDBACH,
CHESHIRE
SK10 1DS

DATE:

7/JUNE 2013.

RE: WILBRAHAM ARMS PUB, WELSH ROW, NANTWICH - LICENCE EXTENSION PROPOSAL

As a resident in the proximity of the Wilbraham Arms pub on Welsh Row Nantwich, I wish to petition against the application to extend the licencing of the pub.

I would firstly like to respectfully remind the council that in the 2010 Licence Review of the pub, it was deemed that the tenants and owners of the Wilbraham Arms, Enterprise Inns Ltd had failed in their responsibilities under the Licence Act 2003 and that accordingly the hours should be restricted to their current level. The environmental health department of the council also served two abatement notices on the pub prior to this meeting. It was also recognised by the committee that the pub's hours and its activities were not conducive with or necessary for a pub situated in a residential area (where I live).

The process of that review was to ensure that the public were protected and the principles of the Act upheld viz- the prevention of crime, public safety, the prevention of public nuisance and the protection of children from harm. The Licencing Committee in reaching its decision on November 26th 2010, took into account the protests of the residents of the community, the Environmental Health department and even the Police in reaching its decision and I would like the council to uphold the decision it so clearly reached at that review.

My reasons for protesting against the change to the licence is therefore aligned to these same principles and accordingly I concur with these statements:

Regarding Prevention of Crime and Public Safety

I consider that there is a direct correlation between late drinking hours and crime as evidenced when the pub was last open to these early hours – numerous calls to the police citing anti-social behaviour; lewdness, fighting and even cars being damaged along Welsh Row are a matter of record. The police are already stretched dealing with similar and other incidents and adding to their workload by extending late drinking beyond the town centre border is therefore both unnecessary and unwelcome. Furthermore, as this type of criminal behaviour often happened *after* the pub closed in the early hours, such events cannot be controlled or supervised by the pub itself nor can any assurances to prevent such be guaranteed by its owners. Realistically and understandably, the police are often not in a position to respond *immediately* and as such this puts the public at risk as it did the last time the pub had these late opening and drinking hours.

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I would also like to add the following comments:

THE LICENCING SECTION,
CHESHIRE EAST COUNCIL,
WESTFIELDS
MIDDLEWICH ROAD
SANDBACH,
CHESHIRE
SK10 1DS

RECEIVED

12 JUN 2013

DATE: 07/06/2013

RE: WILBRAHAM ARMS PUB, WELSH ROW, NANTWICH - LICENCE EXTENSION PROPOSAL

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The process of that review was to ensure that the public were protected and the principles of the Act upheld viz- the prevention of crime, public safety, the prevention of public nuisance and the protection of children from harm. The Licencing Committee in reaching its decision on November 26th 2010, took into account the protests of the residents of the community, the Environmental Health department and even the Police in reaching its decision and I would like the council to uphold the decision it so clearly reached at that review.

My reasons for protesting against the change to the licence is therefore aligned to these same principles and accordingly I concur with these statements:

Regarding Prevention of Crime and Public Safety

I consider that there is a direct correlation between late drinking hours and crime as evidenced when the pub was last open to these early hours – numerous calls to the police citing anti-social behaviour, lewdness, fighting and even cars being damaged along Welsh Row are a matter of record. The police are already stretched dealing with similar and other incidents and adding to their workload by extending late drinking beyond the town centre border is therefore both unnecessary and unwelcome. Furthermore, as this type of criminal behaviour often happened *after* the pub closed in the early hours, such events cannot be controlled or supervised by the pub itself nor can any assurances to prevent such be guaranteed by its owners. Realistically and understandably, the police are often not in a position to respond *immediately* and as such this puts the public at risk as it did the last time the pub had these late opening and drinking hours.

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- ☒ All of the above

Could I also respectfully ask the council to recognise that as this is neither a new licence application nor a new pub, that my comments regarding the detrimental effect extending the licencing and opening hours will have on the community are based on fact not speculation and have been unequivocally proven as indeed the Police and its own environmental health department can concur.

I would also like to add the following comments:

As we live almost the pub, it will have significant impact on my children and myself regarding noise - I never expected this ^{issue} ~~issue~~ would arise in a residential area.

Yours faithfully,
Signed

SELFE, V

From: [redacted]
Sent: 12 June 2013 21:10
To: SELFE, Vanessa

Dear Ms. Selfe,

As you know, I was contacted by Enterprise Inns, who received my details via their solicitors. It is interesting that despite a history of problems with this pub, this is the first time in the fifteen years that I have lived on Welsh Row that Enterprise have attempted to engage with their local community. However, I was pleased to meet Kirstie Fitzpatrick from Enterprise Inns and the proposed new landlords, Richard Shaw and Karl Levitt. It is clear that Mr Shaw and Mr. Levitt are experienced landlords who have a track record of running successful pubs.

Despite my conversation with Ms Fitzpatrick and Mr Shaw and Mr Levitt, I remain very concerned about both the proposed late hours and the proposed music that they intend to have playing at the pub. Mr Shaw's most recent venture is the Glass House in Sandbach, an operation that both Ms. Fitzpatrick and Mr Shaw said they are modelling the Wilbraham Arms on. The website for the Glass House uses terminology such as 'Gig Guide- Live' and the 'Saturday Soundtrack – Mixing it up every Saturday night 9 pm til the early hours' which is not congruent with their explanation that they intend this to be a quiet restaurant type setting. It appears that they are attempting to draw a young audience who might have some food and stay on to dance or drink with friends. Indeed the website suggests:

- 'Maybe you're on your way somewhere and want to start the evening with a drink at the bar and "something tasty," or perhaps you'd prefer to round off your evening with cocktails and a dessertWe can do both!'

I have driven by the Glass House late at night, and it is very lively indeed. Even acoustic guitar, which is the proposed music for the Wilbraham Arms, can be extremely loud, especially when bounced around the houses and narrow streets. I accept that "modelled" on the Glasshouse may be intended only as a loose association and that Mr. Shaw may plan to run the Wilbraham Arms on a slightly different and quieter basis. However, in light of Enterprise Inns failure to monitor their premises in the past and their historical failure to respond to community complaints, it would be reassuring if the licence committee continued to place restrictions on their activity until such time as they have a demonstrated history of running an orderly pub that takes account of its residential location. It does not seem sensible to vary the licence solely on the basis of Enterprise Inn's verbal promises.

The willingness of Enterprise Inns to meet with local residents and to explain their plans is to be welcomed. Cynically, one notes that this willingness occurs at a time when it is in their interests to gain community support. The license committee has previously accepted that there are good reasons to restrict the permitted activity and opening hours of a pub surrounded by houses. I see no compelling arguments for a variance at this time and consequently I ask the committee to maintain the current restrictions.

Kind regards,

(22)

RECEIVED

13 JUN 2013

APPENDIX 22

THE LICENCING SECTION,
CHESHIRE EAST COUNCIL,
WESTFIELDS
MIDDLEWICH ROAD
SANDBACH,
CHESHIRE
SK10 1DS

DATE: 7.6.13

RE: WILBRAHAM ARMS PUB, WELSH ROW, NANTWICH - LICENCE EXTENSION PROPOSAL

As a resident in the proximity of the Wilbraham Arms pub on Welsh Row Nantwich, I wish to petition against the application to extend the licencing of the pub.

I would firstly like to respectfully remind the council that in the 2010 Licence Review of the pub, it was deemed that the tenants and owners of the Wilbraham Arms, Enterprise Inns Ltd had failed in their responsibilities under the Licence Act 2003 and that accordingly the hours should be restricted to their current level. The environmental health department of the council also served two abatement notices on the pub prior to this meeting. It was also recognised by the committee that the pub's hours and its activities were not conducive with or necessary for a pub situated in a residential area (where I live).

The process of that review was to ensure that the public were protected and the principles of the Act upheld viz- the prevention of crime, public safety, the prevention of public nuisance and the protection of children from harm. The Licencing Committee in reaching its decision on November 26th 2010, took into account the protests of the residents of the community, the Environmental Health department and even the Police in reaching its decision and I would like the council to uphold the decision it so clearly reached at that review.

My reasons for protesting against the change to the licence is therefore aligned to these same principles and accordingly I concur with these statements:

Regarding Prevention of Crime and Public Safety

I consider that there is a direct correlation between late drinking hours and crime as *evidenced* when the pub was last open to these early hours – numerous calls to the police citing anti-social behaviour, lewdness, fighting and even cars being damaged along Welsh Row are a matter of record. The police are already stretched dealing with similar and other incidents and adding to their workload by extending late drinking beyond the town centre border is therefore both unnecessary and unwelcome. Furthermore, as this type of criminal behaviour often happened *after* the pub closed in the early hours, such events cannot be controlled or supervised by the pub itself nor can any assurances to prevent such be guaranteed by its owners. Realistically and understandably, the police are often not in a position to respond *immediately* and as such this puts the public at risk as it did the last time the pub had these late opening and drinking hours.

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The pub wish to remove the restriction preventing under 16 year olds from being in the pub after 8pm. This restriction was imposed by the last review as a result of numerous reports of young people attending the pub and to therefore protect children from harm. I believe this is the only way to guarantee their welfare and removing this restriction is both unnecessary but may also lead to a slide back towards under age drinking (unknown or otherwise by the pub). Whilst I expect the pub to do everything in its power to ensure this does not happen, I do not believe this is possible to guarantee, especially out of the town centre. Moreover, I do not believe that allowing children into a (very) late night drinking establishment is conducive to their welfare, their family's or the community as a whole. Perhaps for this very reason, this is not a practice I am aware of in any of the other late night drinking establishments in the area.

Regarding additional associations with the Act

I would also like to list these other reasons for my protest which I concur with:

- ☒ Extended hours are unnecessary for a pub outside of the town centre and situated in a residential community.
- ☒ The police have enough to deal with already and adding this burden (even in just patrolling the area) is unfair.
- ☒ Allowing children in a pub that can sell alcohol until 1:00am and open until 1:30am is not conducive to a child's welfare
- ☒ Conduct previously displayed by the tenants and owners of the Wilbraham Arms and its efforts to manage and control said tenants was wanting and unsuccessful (evidence : the Licencing Restrictions and Abatement Notices served after a *considerable* number of chances given)
- ☒ The potential impact, as previously displayed and documented in the last tenure of the publicans viz: anti-social behaviour associated with late night drinking, disturbance of the peace, bottles and other detritus left by patrons across the neighbourhood. The area, one of significant cultural interest, was marred by litter, urination and bottles making the neighbourhood look unpleasant, and be less pleasant and safe to live in.
- ☒ All of the above

Could I also respectfully ask the council to recognise that as this is neither a new licence application nor a new pub, that my comments regarding the detrimental effect extending the licencing and opening hours will have on the community are based on fact not speculation and have been unequivocally proven as indeed the Police and its own environmental health department can concur.

I would also like to add the following comments:

SINCE THE PUB CLOSED THE AMOUNT OF NOISE DURING THE NIGHT PLUS DAMAGE TO FLOWER POTS & CONTAINERS HAS SIGNIFICANTLY DECREASED TO ALMOST NOTHING. THIS IS A RESIDENTIAL AREA NOT A BACK STREET IN A BUSY TOWN CENTRE

Yours faithfully,

Signed

RECEIVED

APPENDIX 23

13 JUN 2013

11 June 2013

The Licensing Section

Cheshire East Council

West fields

Middlewich Road

Sandbach

Cheshire ~~SK10 1PS~~ CW11 1HZ

Dear Sirs

Re: Wilbraham Arms Pub, Welsh Row, Nantwich – Licence Extension Proposal

I am writing as a resident close to the Wilbraham Arms pub on Welsh Row, Nantwich (the front of my house overlooks the rear of the pub) and wish to object to the application to extend the licencing of the pub.

At the 2010 Licence Review of the pub, the Council itself deemed that the tenants and owners of the Wilbraham Arms, Enterprise Inns Ltd had failed in their responsibilities under the Licence Act 2003 and that, accordingly, the hours should be restricted to their current level. The Environmental Health Department of the Council also served 2 noise abatement notices on the pub prior to this meeting. It was also recognised by the Committee that the pub's hours and its activities were not conducive to or necessary for a pub situated in a residential area, many of whose nearby residents are elderly. Indeed the newish retirement apartments behind Red Lion Lane will also be affected if the licence extension is approved.

The process of the 2010 review was to ensure that the public was protected and the principles of the Act upheld viz the prevention of crime, public safety, the prevention of public nuisance and the protection of children from harm. The Licencing Committee, in reaching its decision on 26 November 2010, took into account the objections of the residents of the community, the Environmental Health Department and even the Police. I can find no compelling reason to overturn the Committee's decision at that time.

I believe that there is a direct correlation between late drinking hours and crime as evidenced when the pub was last open into the early hours. There were many calls to the police citing anti-social behaviour, lewdness, fighting, urinating in the side streets (including the entrance to Townwell

Court) and even cars being damaged along Welsh Row. It is interesting to note that the Chip Shop further along Welsh Row reduced its opening hours because the female staff felt unsafe walking back along Welsh Row after 11.00pm. Myself and other female neighbours nearby felt uncomfortable and unsafe walking past the pub late at night when drunk customers spread out onto the Welsh Row to smoke. I also note that there appears to be no provision for a covered smoking area so I presume that smoking customers will have no choice to be move out onto Welsh Row again.

The Nantwich police do an excellent job trying to keep law and order on the streets of Nantwich late at night and into the early hours. Why add to their burden and our taxes by allowing yet another pub in Nantwich to stay open late into the night?

The pub also wishes to remove the restriction preventing under 16 year olds from being in the pub after 8.00pm. This restriction was imposed by the last review as a result of numerous reports of young people visiting the pub and to therefore protect children from harm. If you decide to remove this restriction, you run the risk of encouraging under age drinking. Whilst I am sure that the pub tenants will say that they will do everything possible to stop this happening, they cannot guarantee it, especially out of the town centre. It is also, surely, not the right message to send to vulnerable young people especially when we all know of research that shows a direct correlation between drink and anti-social behaviour.

In summary, I would like you to take account of the following:

1. Extended hours are unnecessary for a pub outside of the town centre and situated in a residential area with many older residents
2. The ability of the police to cope with extra patrols in the area
3. Allowing children in a pub which will sell alcohol until 1.00am and open until 1.30am is not conducive to a child's welfare
4. The conduct previously displayed by the tenants and owners of the Wilbraham Arms and its efforts to manage and control those tenants which was woefully wanting and unsuccessful
5. The potential impact on the disturbance of the peace of the neighbours in the surrounding houses together with other anti-social behaviour

I hope that you will take seriously my comments and, no doubt, the comments of other law abiding residents who are raising objections. This is certainly not a 'Not in my back yard' response – I accept that living in a town can never be entirely peaceful but it should not be a misery!

Thank you for considering my comments.

Yours faithfully

SELFE, Vanessa

From: LICENSING (Cheshire East)
Sent: 13 June 2013 12:24
To: SELFE, Vanessa
Subject: FW: Wilbraham Arms 58 welsh row nantwich cw5 5ej

APPENDIX 24

From:]
Sent: 13 June 2013 12:00
To: LICENSING (Cheshire East)
Subject: Wilbraham Arms 58 welsh row nantwich cw5 5ej

Dear sir/madam,

I am writing to strongly OBJECT to the recent application by Enterprise Inns to INCREASE the licensing activities at this Pub,

I own 64 welsh row a grade 2 listed georgian town house which is immediately next door to the Wilbraham Arms,

I accept the "existing" licensing hours which were imposed by the licensing council some time ago (after a string of complaints) as they are more befitting to this pub which is right in the middle of a predominantly RESIDENTIAL area,

Increasing the licensed activities, will lead to drunken behaviour, noisy late night music, loss of sleep (i cannot fit double glazing because of the listing) people being ill on the street, drinking on the street and as i have witnessed undesirable behaviour going on in Red Lion Lane which is very poorly lit,

I am also lead to believe they want to close the car park and turn it into a noisy beer garden leading to more disturbance,

Please give this letter of objection serious consideration

Yours sincerely,

Insert name and address
of relevant licensing
authority and its
reference number
(optional)

LICENSING DEPT
CHESHIRE EAST BOROUGH COUNCIL

Application to vary a premises licence 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/We ENTERPRISE INNS PLC
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number
336

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description WILBRAHAM ARMS 58 WELSH ROW	
Post town NANTWICH	Post code CW5 5EJ
Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 22,000.00

Part 2 - Applicant Details

Daytime contact telephone number		
E-mail address (optional)		
Current postal address if different from premises address	3 MONKSPATH HALL ROAD SHIRLEY	
Post town	SOLIHULL	Post code B90 4SJ

Part 3 - Variation

Please tick as appropriate

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

☒

Yes

☐

No

If not, from what date do you want the variation to take effect?

DD

MM

YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)

☐

Yes

☒

No

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

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

1. To extend the hours for alcohol sales to 10.00 to 23.30 on Sundays to Wednesdays inclusive and from 10.00 to 01.00 Thursdays to Saturdays inclusive.
2. To permit late night refreshment until midnight on Sundays to Wednesdays inclusive and from 23.00 to 01.30 on Thursdays to Saturdays inclusive.
3. To extend the opening hours of the premises to 10.00 to midnight on Sundays to Wednesdays inclusive and from 10.00 to 01.30 on Thursdays to Saturdays inclusive.
4. To delete a condition precluding under 16's being on the premises after 20.00
5. To remove all regulated entertainment from the premises licence.

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

☐☒☒☐☐☐☒☐

Provision of late night refreshment (if ticking yes, fill in box I)

☒

Supply of alcohol (if ticking yes, fill in box J)

☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick</u> (please read guidance note 3)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)	
Tue				
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both - please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			Please give further details here (please read guidance note 4)			
Tue						
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing			
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both - please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)			
Tue						
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sat						
Sun						

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	23.00	24.00			
Tue	23.00	24.00			
Wed	23.00	24.00			
Thur	23.00	01.30	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Fri	23.00	01.30			
Sat	23.00	01.30	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6) As existing - New Years Eve 23.00 - 05.00 on New Years Day		
Sun	23.00	24.00			

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption - please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	10.00	23.30			
Tue	10.00	23.30			
Wed	10.00	23.30			
Thur	10.00	01.00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) As existing		
Fri	10.00	01.00			
Sat	10.00	01.00			
Sun	10.00	23.30			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	10.00	24.00	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p> <p>As existing</p>
Tue	10.00	24.00	
Wed	10.00	24.00	
Thur	10.00	01.30	
Fri	10.00	01.30	
Sat	10.00	01.30	
Sun	10.00	24.00	

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

The premises are to be refurbished to create a food led wine bistro. The conditions in Annex (Condition 4) which prohibits under 16's from the premises after 20.00 is to be deleted

Please tick as appropriate

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 10)

As existing save for the deleted condition

b) The prevention of crime and disorder

As existing save for the deleted condition

c) Public safety

As existing save for the deleted condition

d) The prevention of public nuisance

As existing save for the deleted condition

e) The protection of children from harm

As existing save for the deleted condition

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 5 - Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	Gosschalks
Date	15 MAY 2013
Capacity	Solicitors for and on behalf of the applicants

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature			
Date			
Capacity			
Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14) Gosschalks Solicitors Queens Gardens Hull East Yorkshire			
Post town		Post code HU1 3DZ	
Telephone number (if any)	01482 324252		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

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.

1. 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.
2. 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give 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.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give 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 or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

LICENSING ACT 2003 NOTICE OF APPLICATION TO VARY A PREMISES LICENCE UNDER SECTION 34

Notice is hereby given that on the 16th May 2013 Enterprise Inns Plc applied to Cheshire East Council for a variation of the Premises Licence in respect of premises Wilbraham Arms, 58 Welsh Row Nantwich CW5 5EJ.

The proposed variation is ;-

1. To extend the hours for alcohol sales to 10.00 to 23.30 on Sundays to Wednesdays inclusive and from 10.00 to 01.00 Thursdays to Saturdays inclusive.
2. To permit late night refreshment until midnight on Sundays to Wednesdays inclusive and from 23.00 to 01.30 on Thursdays to Saturdays inclusive.
3. To extend the opening hours of the premises to 10.00 to midnight on Sundays to Wednesdays inclusive and from 10.00 to 01.30 on Thursdays to Saturdays inclusive.
4. To delete a condition precluding under 16's being on the premises after 20.00
5. To remove all regulated entertainment from the premises licence.

Any representations by an interested party or responsible authority regarding the above-mentioned application must be received in writing by:- The Licensing Section, Cheshire East Council, Macclesfield Town, Macclesfield Cheshire SK10 1DS no later than 13th June 2013 stating the grounds for representations.

The register of Cheshire East Council is kept by the Licensing Section of Cheshire East Council, Westfields, Middlewich Road, Sandbach, Cheshire CW11 1HZ and may be viewed at any time during office hours.

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for the offence is £5,000.

Part B

PREMISES LICENCE SUMMARY**Cheshire East Borough Council**

Premises licence number	336
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Premises details

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

Wilbraham Arms
58 Welsh Row

Post town **Nantwich**Post code **CW5 5EJ**Telephone number **01270 626419**

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Sale by retail of alcohol
Provision of regulated entertainment
Provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

Monday)	
Tuesday)	
Wednesday)	
Thursday)	Please see tables on page 3.
Friday)	
Saturday)	
Sunday)	

The opening hours of the premises

Monday	10:00	to	23:30
Tuesday	10:00	to	23:30
Wednesday	10:00	to	23:30
Thursday	10:00	to	23:30
Friday	10:00	to	24:00
Saturday	10:00	to	24:00
Sunday	10:00	to	23:30

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

Name, (registered) address of holder of the premises licence

**Enterprise Inns Plc
3 Monkspath Hall Road
Shirley
Solihull
B90 4SJ**

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

2562808

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

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

No unaccompanied children under 16 are allowed in premises licensed to sell alcohol for consumption on the premises.

Accompanied children will be allowed access to licensed premises where alcohol is sold for consumption on the premises - subject to the Personal licence holder's discretion.

Children under the age of 16 are not permitted on the premises after 20:00.

Issued on: 07 April 2012

Signed by Peter Simester

On behalf of Cheshire East Borough Council
Licensing Section, Westfields, Middlewich Road, Sandbach, CW11 1HZ

The times the licence authorises the carrying out of licensable activities

1. Films - indoors			
2. Indoor sporting events			
3. Performances of dance - indoors			
4. Provision of facilities for making music - indoors			
5. Provision of facilities for dancing - indoors			
Monday	10:00	to	23:00
Tuesday	10:00	to	23:00
Wednesday	10:00	to	23:00
Thursday	10:00	to	23:00
Friday	10:00	to	23:30
Saturday	10:00	to	23:30
Sunday	10:00	to	23:00

6. Late night refreshment - indoors			
Monday	23:00	to	23:00
Tuesday	23:00	to	23:00
Wednesday	23:00	to	23:00
Thursday	23:00	to	23:00
Friday	23:00	to	23:30
Saturday	23:00	to	23:30
Sunday	23:00	to	23:00

7. Sale of alcohol			
Monday	10:00	to	23:00
Tuesday	10:00	to	23:00
Wednesday	10:00	to	23:00
Thursday	10:00	to	23:00
Friday	10:00	to	23:30
Saturday	10:00	to	23:30
Sunday	10:00	to	23:00

Non standard timings:			
New Year's Eve: 10:00 to normal start time on New Year's Day.			

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the Premises licence:
 - At a time when there is no Designated Premises Supervisor in respect of the Premises licence, or
 - At a time when the Designated Premises Supervisor does not hold a Personal licence, or his/her Personal 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.
3. The admission of children (i.e. persons under 18 years old) to the exhibition of a film is restricted in accordance with the recommendations given to the film by the British Board of Film Censors.

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

The following conditions became effective on 06 April 2010:

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

An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
- b) provision of unlimited or unspecified quantities of alcohol free or for a fixed price or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Licensing Act);
- c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(Continued on page 4)

- d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where the provision is dependent on-
 - i. the outcome of a race, competition or other event or process, or
 - ii. the likelihood of anything occurring or not occurring;
 - e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a disability).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

The following conditions became effective on 01 October 2010:

7. a) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- b) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
8. The responsible person shall 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: half pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml; and
 - b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with Operating Schedule

1. No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
2. Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises.
3. There shall be placed at all exits from the premises, in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.
4. Children under the age of 16 are not permitted on the premises after 20:00.
5. The rear door will be fitted with a self closing mechanism and will not be propped open at any time.

6. **Hotel residents:**

The supply of alcohol and provision of hot food & drinks are available to residents of the hotel and their guests for 24 hours a day.

IMPORTANT

See additional conditions on page 13.

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

1. Sound attenuation works shall be carried out to the premises in order to create a double door system at the rear of the premises, the design of which shall be formulated in consultation with the Environmental Health Service. (See condition 5 on page 5.)
2. The rear external drinking area is to be closed to the public from 21:00 every night and is to remain closed until the premises re-open to the public the following day.
3. All tables, chairs, umbrellas and other paraphernalia are to be removed from the front of the premises from 21:00 every night and this restriction is to remain in place until the premises re-open to the public the following day.
4. No open vessel is to be taken outside the premises building after 21:00 and this restriction is to remain in place until the premises re-open to the public the following day.
5. No drinks may be sold or supplied to customers in a sealed vessel after 21:00 and this restriction is to remain in place until the premises re-open to the public the following day.

IMPORTANT

See additional conditions on page 5.

Wilbraham Arms, 58 Welsh Row, Nantwich

The decision of the Sub-Committee taking into account:

- The Secretary of State's Guidance under section 182 Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)

upon hearing the evidence in this case was as follows:

DECISION

The Sub-Committee has been asked to consider the application to review the Premises Licence at The Wilbraham Arms, 58 Welsh Row, Nantwich under section 51 of the Licensing Act 2003.

The Committee have taken careful consideration of all the evidence presented in this matter, in particular we have considered the evidence from the Environmental Health Service as the review applicant and from the Premises Licence Holder. In addition, the Sub-Committee has heard evidence in person from representatives of the Police and in person from two interested parties.

The Sub-Committee notes that the ground for review outlined in the application is the prevention of public nuisance. The Sub-Committee has heard evidence from the Environmental Health Officer of a noise investigation carried out by her Service following complaints about amplified music emanating from the premises and from customers within the rear yard of the premises. The Environmental Health Officer advised that as a result of complaints received from residents, noise monitoring equipment was installed in August 2010. The Officer advised that the equipment detected both a statutory nuisance from patrons in the rear yard of the premises until the early hours of the morning and clearly identifiable amplified music. The Environmental Health Officer advised that noise monitoring equipment was subsequently reinstalled and that the evidence gathered also indicated a statutory nuisance from noise from both the front and rear of the premises.

The Environmental Health Officer explained what steps had been taken to draw the problems to the attention of Mr Chamberlain, the premises licence holder and designated premises supervisor. The Officer stated in evidence that Mr Chamberlain appeared dismissive of the complaints and concerns raised.

The Environmental Health Officer stated that she informed Mr Chamberlain of certain required actions to deal with the noise problems, including:

1. Placing signs at all exits asking customer to leave quietly and respect the neighbours.
2. Patrol the premises both at the front and the rear and disperse large groups accordingly.
3. The rear gate to be closed at 22.00
4. No drinks to be taken outside after 21.30 and for no vessels to be taken out of the front and onto the highway.

5. Advice that it may be beneficial to have door staff in order to control individuals at the front and rear

6. To maintain a diary with regards to the actions taken to address any potential noise nuisance.

The Environmental Health Officer advised that despite the visit and this advice, complaints have continued. The Officer stated that noise monitoring equipment installed indicated that no controls had been implemented as there was evidence of a statutory nuisance from both amplified music emanating from the premises and from customers within the rear yard.

The Sub-Committee has heard that as a result of the continuing statutory nuisance, the Environmental Health Service issued two noise abatement notices in relation to the premises. One notice required the abatement of the nuisance caused by amplified music, whilst the other required limitations to be placed on entrance to the rear yard and to the service of food and drink to the front of the premises.

The Sub-Committee notes that the Police have made a representation in relation to the review application as a result of thirteen incidents recorded by them between June and September 2010. The Police have suggested that the number of complaints received by them, evidences the fact that the premises is causing late night nuisance to neighbours. The Police also advised of two further complaints which were received on 14th and 21st November. The Police have submitted that the evidence presented both by themselves and by the Environmental Health Service demonstrates that the premises are being managed in an ineffective way and that despite the visits of relevant officers the opportunity to address the problems has not been taken.

The Police submitted, for the consideration of the Sub-Committee, a number of suggested conditions as set out below. For the purposes of this decision, these conditions are referred to as 'the Police conditions.'

- (i) the rear external drinking area is to be closed to the public from 9 pm every night and to remain closed until the premises reopen to the public the following day.
- (ii) All tables, chairs, umbrellas and other paraphernalia are to be removed from the front of the premises from 9 pm every night and this restriction is to remain in place until the premises reopen to the public the following day.
- (iii) No open vessel is to be taken outside the premises building after 9 pm and this restriction is to remain in place until the premises reopen to the public the following day.
- (iv) No drinks may be sold or supplied to customers in a sealed vessel after 9 pm and this restriction is to remain in place until the premises reopen to the public the following day.

The Licence Holder has submitted that he does not run the premises as a nightclub and that he only provides entertainment on a Saturday and Sunday night, employing bands from the local area together with an 'open mic' night. The Licence Holder has submitted that he does patrol the premises in order to check the volume and suggests that in so doing has not come across any issue with the volume of music. The Licence Holder has stated that he has had discussions with the owner of the premises about works to the rear doors. The representative from Enterprise Inns has confirmed that works to the back door are due to take place.

The Sub-Committee is mindful of the Guidance from the Secretary of State issued under section 182 of the Act and notes paragraph 11.19 which states "In deciding which .. powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate reaction."

The Sub-Committee have taken all the evidence into account and, in accordance with section 52 of the Licensing Act 2003, has determined that the following steps are both necessary and proportionate in the light of the evidence provided.

To modify the conditions of the licence to include the following:

1. Sound attenuation works shall be carried out to the premises in order to create a double door system at the rear of the premises, the design of which shall be formulated in consultation with the Environmental Health Service.

The Sub-Committee notes that the conditions on the Premises Licence as it currently exists include a condition requiring that "No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises." The Sub-Committee is concerned to note that despite this condition being endorsed on the licence there is evidence of statutory nuisance emanating from the premises.

The Sub-Committee is mindful of the residential nature of the area and the evidence of the impact that the provision of regulated entertainment is having on neighbouring residents. The Sub-Committee has heard that the Environmental Health Service have obtained recordings clearly demonstrating a nuisance being caused from both music noise and from patrons to both the front and rear of the premises.

As a result of the evidence of noise escape from the rear door, the Sub-Committee has resolved to impose the condition above to further the objective of the prevention of public nuisance.

2. To amend the terminal hours in relation to licensable activities as follows:

(a) the terminal hour in relation to sale of alcohol, late night refreshment and regulated entertainment (with the exception of recorded music) shall be 23.00 Sunday to Thursday and 23.30 on Fridays and Saturday (with the exception of New Years Eve which shall be from 10.00 to the normal opening hours on New Years Day).

(b) the terminal hour in relation to recorded music shall be 23.30 Sunday to Thursday and 24.00 on Fridays and Saturdays (with the exception of New Years Eve which shall be from 10.00 to the normal opening hours on New Years Day), subject to the requirement that recorded music during the 30 minutes before the premises is closed to the public shall be background music only;

3. To amend the opening hours of the premises as follows:

Sunday to Thursday: 10.00 to 23.30 Fridays and Saturdays: 10.00 to 24.00

These amendments to the terminal hours of licensable activities and opening hours have been imposed as a result of the evidence of public nuisance being caused as a result of the operation of licensable activities at the premises. The Sub-Committee is mindful of the impact of these amendments to the operation of the premises, however, in the light of the evidence of sustained public nuisance, has determined that this is both a necessary and proportionate response. The Licence Holder submitted that the premises had a reputation for being a late night venue and that this is important to his business. The Sub-Committee notes this, however has heard that under previous management the premises was operated in such a manner so as not to cause a nuisance to residents in the early hours of the morning. The Sub-Committee has not heard evidence to satisfy it that the premises can be run by the Licence Holder to the terminal hours on the existing licence without causing a public nuisance.

4. To impose the Police conditions as set out above

These conditions have been imposed in the light of the evidence of nuisance currently occurring in order to prevent public nuisance from persons congregating in both the rear yard area and to the front of the premises. The Sub-Committee has given careful consideration to the imposition of these conditions, and has resolved that in the light of the evidence presented, that these conditions are a proportionate response to address the clearly identified instances of public nuisance.

The parties to this hearing are reminded of their right to appeal this decision to the Magistrates Court within 21 days.

Wilbraham Arms, 58 Welsh Row, Nantwich, CW5 5EJ

Location of premises

