

Restricted (when completed)

Cheshire Constabulary

**WITNESS STATEMENT**

Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: Niki Bugg

Age if under 18 (if over 18 insert 'over 18'): 0/18 Occupation: School Teacher

This statement (consisting of 6 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:

Date: 14<sup>th</sup> April 2015

Check box if witness evidence is visually recorded ☐

Witness personal details should be entered in appropriate section **ONLY**.

My full name is Niki Bugg. I live at the address shown with my wife [REDACTED] and three young children.

We moved into the address in the June of 2013. The house, although requiring a lot of work, was the house of our dreams and we were all looking forward to building a home for our family and looking forward to sharing happy times at the house.

The street is a mixture of residential and business and licenced properties. Opposite our address is a building which is number 48 Crewe Road, Alsager. This building is owned, I believe by a male called Chris Powell. The building has been ran as a Hairdressing business, which I have found requires A1 planning permission for this purpose. Shortly after moving in I became aware that the business had closed and I was led to believe that it may be opening up as a Tapas type bar.

In December 2013 the premises was opened as a Pub/Bar called Bar 48. I would describe the building as a single glass fronted shop type building with a single glass panelled door. Upon entering the bar I think there is a small bar to the left hand side. There is a Juke box to the right hand side and an Electronic Gaming Machine at the rear of the building. There are a few high bar tables and chairs towards the front of the bar near the windows and some more cosy type chairs towards the rear of the bar. There is a T.V high up on the front wall which points into the bar. People stand at the bar watching the Sky live football.

During the first few weeks over the Christmas and New year period the bar seemed to run ok with no real issues of note. However we started to experience problems towards the end of

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January, early February 2015. This was in the form of excessive noise coming from the bar on a Friday and Saturday night. On a Friday the bar had a DJ playing there on on a Saturday night had a live band or singer. The noise was to the extent that we struggled to hear the T.V in our own home and the noise from the DJ and live music constantly woke up our youngest child, who was 7 months old at the time. It was almost impossible for him to settle down again because of the noise.If we were in bed we would also be unable to sleep.Eventually we had to move him out of his bedroom at the front of the house and into a room towards the rear of house.

The first step we took was to contact Environmental Health and seek their advise. The advice we received was to first try and approach the owner and hopefully discuss our issues and agree an amicable solution. As a result of further noise on the following Friday night my wife decided act on the advice and approach the management at the bar with a view to try and amicably sort out the issue of the noise. The result was that the owner agreed to tone the noise level down. We felt a little relief that the owner had agreed to tone the noise down and hoped that this would be an end to the matter. Saturday night came and to our disbelief the noise was now worse than it had ever been ,causing my family and I upset and again waking my youngest child up. I decided to go back into the bar and spoke with a member of staff who I believe is the owners, Chris Powell's eldest daughter. The response I received from her was just outright rude and was along the lines of " Whats your problem, we can do what we want untill 11o'clock. I was shocked and angry by her response and left the bar. Over the next few days I made further contact with Margeret Hopeley at Environmental Health . She advised me to make a note of incidents which I did in the form of an email which I sent to Margeret on each occasion of noise.

A couple of weeks later, on a Friday night, my wife and I invited two of our friends around for a meal. During the course of the meal they commented on the noise levels within our home which were coming from the Bar. They couldn't believe that the noise was so bad. It was unbearable and as a result one of my friends and I went over to the bar ,hoping that if we asked they would turn it down to an acceptable level. I went to the bar and asked to speak with the manager. The young girl pointed over to a lady called Michaela Howells who was the Bar manager and licencee. I was told it was Michaela's day off although she was in the bar and it would be best not to disturb her. I told the girl I would like a word with Michaela. Michaela came over to us and

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was polite and amicable with me and showed empathy towards our situation with the noise level. She stated she understood as she had young children herself and agreed to work with us and try and sort out the situation. I left things at that and went back home. To our dismay the music carried on at the same level for the rest of that night. The same pattern of events continued over the next couple weekends with excessive noise from the DJ on a Friday night and the live music on the Saturday night. It got to a point after a particularly bad Friday night that I decided to go back into the bar on the next day, Saturday with the hope of speaking with the owner himself, Chris Powell. I went in around lunch time and after asking a member of staff to speak with him, Chris came and introduced himself to me. I expressed my concerns over the noise levels and the disruption and upset it was causing to my family. He informed me that he had been informed by other residents further on up the road that the noise levels were ok and not causing any issues with those residents. He went on to tell me that he had stopped using the DJ on a Friday night and was also looking at repositioning the live music further back towards the rear of the bar. He also went on to explain that he was looking at getting double glazing installed at the bar and extra sound proofing. At the end of our conversation we shook hands and as we did Chris Powell said to me "oh and by the way I am applying for a late licence until 2am". I couldn't believe what I had just been told and was extremely worried about the consequences we would suffer if this was to be granted. I felt that he was rubbing my nose in it by telling me this and I felt totally shocked and deflated.

It came as no surprise to me when the problems with the noise continued each weekend and bank holidays. It was either a live band or a singer or both. I continued to report to Margaret Hopeley. In June 2014 I also made some enquires with the Council Planning Department. As a result of these enquires I was told the Bar did not have the necessary planning permission to operate as a licenced premises which I am led to believe is A4 planning approval. The building was still operating under a A1 planning approval which is business/retail premises only. In June 2014 I was informed by the planning department that the Bar had been told to retrospectively apply for the planning permission and had 28 days to submit the application. I am aware it was some 3 months later before the planning department actually received the application. Which was well outside the 28 days. I am also aware from the online planning application ref 14/3757C

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that there was several objections to the application for a licenced premises. I was informed in the Oct/Nov 2014 that the planning application had been rejected. However through all this time the premises was allowed to operate as a licenced premises. We continued to be objected not only to noise, but arguments in the street from drunken customers from the bar. Fighting in the street. On one occasion a male was in our garden after being involved in a fight. All through I have continued to report matters which also include having to contact the Police. When incidents did occur from the bar they would immediately roll down the bar shutter and close and would not answer to anyone. The latest twist is that the bar have notified the Planning Department that they wanted to turn the premises into a restaurant which requires A3 planning authority. To this day the bar has not changed to a restaurant and its main business is still a bar serving alcohol. I believe they have a small menu on the bar selling burgers and chips and a small kitchen area with a microwave oven. It is obviously a drinking place as people regularly attend the bar drinking from cans etc in the street before entering the bar for further drinking. At no point is anyone sitting down to eat a meal. This bar is not acting as a restaurant and I believe the owner is just flouting the planning rules to get round this.

On Friday 13<sup>th</sup> February 2015 we again had noise issues with the Bar which was also witnessed by a Police officer who happened to be in the area at the time. This occurred again on Saturday which was Valentines day. I was in the kitchen cooking a nice meal for my wife, [REDACTED] The noise was unbearable again and my wife was getting very upset over it and wanted to go and speak with the owner again. I didn't think this was a good idea and certainly didn't want my wife going in. The only way to stop her going over was to say that I would go over, which I did. When I walked into the bar the place went deadly quiet. There was a new bar manager there who came over to me and said to me "What do you want?" I was aware that customers were talking about me and I began to feel quite threatened. I heard someone say "Leave it, its not worth it" I'm sure this comment was about me. Another customer who was becoming Irrate was holding the door and telling me to leave. The owners daughter suggested I tried to sort this out with Chris at another time. At this point I left. The music continued after I had left, but what was most upsetting to my wife and I was the continous loud and abusive customers that were making noise entering and leaving Bar 48. It was very upsetting and totally unacceptable.

Signature: [REDACTED]

Signature Witnessed By: [REDACTED]

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This situation has been going on now since December 2013 and I am now at my wits end. It is frustrating that the relevant authorities have been unable to stop this man. Chris Powell continues to flout the rules and regulations and have total disregard for people in the community. On a personal level this home was meant to be our dream home, somewhere we could happily bring up our family in a decent community. The situation is now becoming unbearable, I am becoming more and more angry and feel I am at breaking point. I am worried about my wife who hates the weekends now. It is not only the excessive noise levels from the music that have caused us and the community considerable disruption, but also the anti-social behaviour by the people entering and leaving the bar. We would frequently witness large groups gathering outside the bar. We could hear these people, who were customers of Bar 48 screaming, shouting, using foul and abusive language and singing in the street. There has also been repeated incidents of violence from people who are customers of the bar.

She becomes very anxious and tearful when the issues start again at the weekends. If we are in bed and something happens she sits on the end of the bed crying. She no longer likes me going out at the weekend to visit friends for fear of being on her own with the children if something was to happen. In the past I've had phone calls whilst I've been out asking me to come home. We both have important stressful jobs and see our home as a place that we should be able to relax and unwind and enjoy with our children. We have spoken about giving this statement and are worried about any repercussions from it. However this has gone on far too long now and felt we have tried every avenue to us to try and sort the situation out amicably but to no avail.

I am willing to make this complaint to the Police and agree to abide by any decision that is made. I am willing to give evidence in person to the licensing panel and to attend court if necessary.

Signature:

Signature Witnessed By:

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Statement of: Manuela Gruse

Age if under 18 (if over 18 insert 'over 18'): 0/18 Occupation: Supported Living Manager

This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature:

Date: 23/04/2015

Check box if witness evidence is visually recorded ☐

Witness personal details should be entered in appropriate section ONLY.

My name is Manuela Gruse and I have lived in Alsager with my husband, [REDACTED], since August 2012. Our house is situated in [REDACTED] Alsager and is part of a apartment block. The rear of our house backs onto the main Crewe Road which runs through the middle of the town. The front of the house looks out into the park. The access to the house is through the parks main drive which is opened 24hrs a day to ourselves and the public.

My family and I moved from Crewe in 2012, where we spent 14 years of our lives. Once our children had grown up we decided to make the move to Alsager. Part of the reason for this was we enjoyed going out for a nice meal and a relaxing drink and didn't feel that Crewe could offer this for us. We found ourselves having to drive somewhere everytime we wanted to go out. On top of this we had various bits of damage to our house over the years, as a result of drunken behaviour. As a town we didn't really like Crewe so made the decision to move to Alsager for a better life for us.

My husband works at a school in Winsford and through his job had made friends with Niki and [REDACTED] Bugg who also live in Alsager. [REDACTED] works at the same school as my husband and over time we all became friends. I have known Niki and [REDACTED] for about 18 months now.

From first moving to Alsager my husband and I would regularly walk out to the local restaurants and Pubs on our weekends off. We would enjoy going to The Mere Public House and Bank Corner Public House. On no occasion did we witness any anti-social behaviour whilst out in Alsager. Later in 2013 we heard that a Tapas style bar was going to be opening on 48, Crewe Road, Alsager which if I seem to recall used to be a hairdressing business. My husband and I

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were quite excited by this and welcomed another nice eating place to go. When the premises opened it was called Bar 48 and within a short space of time I noticed an increase in the footfall going into Bar 48. The type of customer that the bar was attracting appeared to be very young and I suspect some may have been under age. As time went on I witnessed people who had come out of Bar 48, urinating against a nearby church wall and slumped, drunk in the bus stop. Groups of young people would gather at the bus stop and many were drunk. It was obvious that they weren't waiting for any bus and were only using it as a place to congregate. I can categorically say that this sort of behaviour I was witnessing was not about before Bar 48 was open. On many occasions when my husband and I walked past Bar 48 at night, the music was so loud we could physically see the windows vibrating as a result of the level of music being played inside Bar 48.

Also from the comfort of our home we noticed an increase in screaming and shouting and lots of swearing from people during Friday and Saturday nights on both the main road and through the park. This type of anti-social behaviour had not caused us any issues before Bar 48 had opened.

On one occasion [REDACTED] and his wife [REDACTED] had invited us to their house for a meal. It would have been a Friday or Saturday night. I can recall the music coming from Bar 48 was so loud we could make out every word of every song inside [REDACTED] house which is over the road from Bar 48. I was astonished at the level of the noise as we were at the rear of the house and there were two rooms between us and the front of the house which looks out onto the main Crewe Road. [REDACTED] had quite obviously had enough and wanted to go over to Bar 48 to ask them to turn the music down. I offered to go over with [REDACTED] for a bit of support for him. The bar was packed when we entered. It was difficult to hear anything in the bar due to the level of the music and [REDACTED] had to lean over the bar to speak with a female member of staff in order to be heard. The female was reasonable and seemed sympathetic with [REDACTED] request for the music to be turned down and promised it would be sorted. [REDACTED] mentioned to the female that he had been promised this before. We both then left the bar and to the females credit the music was turned down somewhat. That is the only occasion that I have been into Bar 48. I am aware from speaking with [REDACTED] and [REDACTED] that this was not the first time that they had approached Bar 48 with these

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Signature Witnessed By: [REDACTED]

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issues.

I am willing to make this complaint to the Police and will abide by any decision that they make. I am also willing to give this evidence in person to the licencing board and am willing to attend court if neccassary.

Signature: 

Signature Witnessed By:

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Statement of: Janet Ware

Age if under 18 (if over 18 insert 'over 18'): 0/18 Occupation: Retired

This statement (consisting of 5 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:

Date: 21/04/2015

Check box if witness evidence is visually recorded ☐

Witness personal details should be entered in appropriate section **ONLY**.

My name is Janet Ware and I live at the address shown with my husband

The street which we live on is a mixture of residential, retail and business properties. Most of the businesses operate within daytime hours with only a few operating in the evening, such as fast food outlets. These businesses have never caused an issue to us other than the odd groups of students going in for food after a night out and being a bit loud and boisterous as they made their way home or passing through. We do live in the real world and expect this as part and parcel of living on the main road.

When we moved into our home in 2003 it required a lot of refurbishment but we had long term plans of carrying out the necessary work to make it our retirement home and spend the rest of our lives in. With all the best intentions this was meant to be our last house move. We love the area as it is central to the town and we have all the amenities that we need on our doorstep.

In 2011 my husband and I made the decision to retire from our jobs in the teaching profession and looked forward to spending time together in both, this home and our holiday home which we have in France. Up until December 2013 we were enjoying just this.

It was around this time that we heard through word of mouth that a local hairdressers at 48 Crewe Road, Alsager, which had recently closed, was to reopen as a wine bar. When the premises did open it was named Bar48. The thought of a nice wine bar appealed to my husband and I. We wanted to support the wine bar and one day decided to visit it for a drink and took our daughter and niece with us who were visiting. We went up to the bar and asked the female bar staff what wine did they sell. She looked quite taken aback by this request and

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eventually gave us the reply of Red or White. I wasn't expecting this reply as I thought it was meant to be a wine bar with staff who would know about varieties of wine. I recall looking around the bar and seeing a group of people sitting around a table, drinking beer, with some children who were colouring in colouring books. There was a large T.V on the wall showing Sky T.V channels. After one drink we left as the bar wasn't what we imagined it would be. It certainly wasn't a wine bar but more like a bar room in a pub.

For the first month or so of the bar being open there were no real issues that I can recall. However shortly after we slowly but surely began to experience problems , which were a direct result of Bar 48. Mostly these problems happened on a Friday and Saturday night. On these nights there would be loud music coming from Bar 48. We also witnessed groups outside on the street with glasses of beer and other possibly alcoholic drinks. These people would come out of Bar 48 and gather either at the dental practice or solicitors which have large car parking spaces at the front of the properties. It appeared to me that the majority of these people were drunk. They would be outside in groups of between 6 and 12, yelling, yawping and swearing aggressively towards each other and on some occasions fighting between each other. I have also witnessed on numerous occasions people from Bar 48 urinating in shop doorways. This anti-social behaviour has been happening regularly ever since.

On one particular weekend we were at home in our front room and the music was that loud I thought there was a car parked directly outside the house with a very loud amplifier in it. It was of course the music coming out of Bar 48. As a result of this and eventually getting fed up of the constant noise at weekends I decided to report this to Environmental Health . It was through my correspondence with Environmental Health that I discovered that the Council Planning department hadn't received a planning application from Bar 48 and the bar was actually operating without the required licence. Because of this Bar 48 were allowed to retrospectively apply for a change of use to become a drinking establishment and given the madatory 28 days to apply. This I am told was extended and it took nearly 3 months for the Planning department to receive the application. In October 2014 the planning application was refused and I assumed that the bar would have to close.

Since this refusal Bar 48 has continued to trade as a licensed premises without any planning

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permission and the bar continues to serve people outside of the licencing hours. An enforcement notice to close was served and again I presumed the bar would have to close but Bar 48 notified the Planning department that it will now operate as a restaurant and not a drinking establishment. To this day there is no way this bar is operating as a restaurant and it continues to play loud music and have laser lights flashing. It is more of a night club than a bar and often continues until after 1am. We continue to witness more of the behaviour of what I have described. We continue to report these issues to the various agencies. To our dismay no action has ever been taken against Bar 48 . It would appear to us that the owner is above the law and seems to be doing as he feels without any consequences at all. Since this bar has been operating I have made numerous calls to the Police, Enviromental Health and Planning department.

This has now gone on for so long without any action taking place we feel that the only way out of this problem is to sell our property. We have instructed an Estate Agent to come and take photographs and have virtually made up our minds to sell our dream home. My husband and I have invested a substantial sum of money and our time into making our home exactly how we wanted it for our retirement . Our dreams of a happy retirement here have been shattered due to the problems with Bar 48 and the lack of action by the relevant authorities. My husband and I are at a point now were we don't think this situation is ever going to be resolved.

This would not only resolve this situation for my husband and I but also greatly assist with my general health which has deteriated since Bar48 has opened. This experience has put a tremendous strain on my health and caused a great deal of stress to me and my husband. So much so that in January 2015 I collapsed when out in Alsager, suffering chest pains and palpatations. As a result I attended A&E and underwent various tests. I did experience similar symptoms to this during my teaching career. Then this was attributed to stress and anxiety. I am sure my latest health problems can be attributed to the last 15 months or so of Bar48 being open . I have been under the Dr since and I am now being presribed anti-depressants which have helped alleviate the anxiety and palpatations. I continue to take the anti-depressants to control these symptons.

My husband and I have also had our sleep disrupted and I have often had to sleep in the back

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room alone in order to try and get some rest on a Friday and Saturday night. We have both suffered sleep deprivation due to Bar48 which has made us both irritable with each other.

There isn't a moment goes by when I do not think of the problems that will come at the weekends due to Bar 48. We spend a lot of time away at our home in France and visiting family and friends in different parts of the UK. However the majority of weekends that we spend in our home in Alasager we have experienced issues with Bar48 which have caused considerably disruption to our lives.

Even going over the details of everthing in this statement is causing me upset and making me feel anxious again. I feel at this point I have no other option but to make an official complaint to the Police with hope that this longstanding problem will be sorted out once and for all.

I am willing to abide by any decision that the Police make. I am willing to attend any licencing board and give my evidence in person. I am willing to attend court if neccassary.

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<b>Statement of</b>	HOWARD, DAVID STEPHEN		
<b>Age if under 18 (if over 18 insert 'over 18')</b>	O/18	<b>Occupation</b>	Police Constable 3824
This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.			
<b>Signature:</b>	David Stephen Howard	<b>Date:</b>	6 <sup>th</sup> May 2015
<b>Check box if witness evidence is visually recorded</b>	<input type="checkbox"/>	Witness personal details should be entered in appropriate section <b>ONLY</b>	


I am Police Constable 3824 David Howard of the Cheshire Constabulary currently working as a coordinator on the Persistent and other prolific offender team covering Crewe and Nantwich this is a position I have held since September 2011.

My role consists of working with persistent offenders identified through the scheme to tackle persons who have Class A drug addictions and commit acquisitive crime to fund their lifestyle. The PPO team works closely with other agencies Probation, Community Drugs Teams and Housing to identify client's needs and support them in tackling the issues that may cause them to commit crime.

From 1800 hours until 2200 hours, On Friday 6<sup>th</sup> February 2015, I was engaged on uniformed duties for 'Operation Fern' a Cheshire East trading standards led operation, to execute a joint test purchase; to identify offending licensed premises and follow up with relevant enforcement action to prevent further offences. Police incident 643 – 06/02/15 relates.

During the course of the Operation I attended at 'Bar 48' on Crewe Road, Alsager.

At this location a sale of alcohol was made from the licensed premises to a child under the age of 18 years, this was witnessed by Special Constable Barber and a trading standards officer

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who were observing inside the premises.

At 2100 hours on the same day I entered 'Bar 48' and Special Constable Barber indicated the male behind the bar responsible for the sale, the sale was 2 bottles of Budweiser Lager, which SC Barber had seized and was in his possession. The male behind the bar identified himself as

[REDACTED] I dob: [REDACTED] of [REDACTED]

He was cautioned and explained that he would be issued with a Penalty notice for Disorder, which covered the offence of sale of alcohol anywhere to a person under 18 years old, contrary to S.146(1) of the Licensing act 2003. He did not make any response to caution and gave further details for the issue of the ticket, he appeared shocked that he would have a £90 fine to pay. [REDACTED] was issued with PND – 10339868.

I would describe Bar 48 as a relatively small premises, entrance is via a glass paned front door with very large windows either side of the doorway. There is a slim, long bar area to the left, the rest of the premises was occupied by drinkers varying in ages. There is a doorway on left hand side with toilets at the rear of the property. The doorway leads to a very small rear yard, where people were smoking.

Bar 48, in my opinion would suitably accommodate 50 people. On the night I would say that there were 70-80 people inside the property, far too many people inside for 2 police officers, one in uniform and one plain clothes, to speak with and identify.

The atmosphere inside the Bar was anti police, so much so I requested that uniformed patrols were tasked with making regular visits during the evening before the Bar closed.

The Licensee was spoken too, who was clearly drunk. He stated that he was not running the bar this evening as it was his daughter's Birthday. He pointed in the direction of a female who stated

Signature: [REDACTED]

Signature Witnessed By:

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she was the manager and introduced herself to the Trading standards team. Clear instructions were given to both about the fixed penalty notices that had been served and that further contact would be made with regards to licence conditions and generally running of the establishment.

Further to the above, I now know that the person described as the licensee is the owner of Bar 48 and is Chris Powell. The person I describe as the manager is in fact the designated premises supervisor and is Mikala Powell. 

Signature:

Signature Witnessed By:

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**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, s.s.5A (3)(a) and 5B; MC Rules 1981, r.70)



URN

Statement of: Roger Frederick Need

Age if under 18: Over (if over 18 insert "over 18") Occupation: Police Officer

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature:

Date: 11.22 20<sup>th</sup> April 2015

I am PC 5240 NEED employed by Cheshire Constabulary, based at SANDBACH Police Station.

At 23.15 on Friday 13<sup>th</sup> February 2015, I was on patrol with PC 5745 HALL when we had reason to attend at [REDACTED] on Crewe Road Alsager on enquires. As we arrived I noticed a group of people outside Bar 48, who was next door to [REDACTED] I went into [REDACTED] and started to talking to staff, after a few minutes there was a lot of shouting from males and females outside. I then proceeded outside to find group of 10-20 males and females outside the front door of Bar 48. The vast majority of the males and females were intoxicated and were shouting and being rowdy, they were on the pavement and some were standing on the road. A few males were play fighting with each other. PC Hall and I told the group to quiet down, due to the effects the noise would have on local residents and move away from the area. After a few minutes the group dispersed. When we were moving on the group of males and females I did not see any door staff outside or inside by the door of Bar 48. However I did not enter BAR 48 due to the door being locked just after we arrived. As the group dispersed I was made aware by the Police control room about a fight outside Bar 48 which had been called in by residents. I was then approached by local residents complaining about the issues with BAR 48, with regards to the noise and anti-social behaviour.

Signature:

Signature witnessed by: PTO