

For the Attention of Nikki Cadman,  
Cheshire East Licensing Department,  
Macclesfield Town Hall

6 October 2010

Dear Mrs Cadman,

**Licence Application: Livesey's Delicatessen, 15 High Street, Bollington, SK10 5PH**

I own the property known as High Street, which is on the opposite side of the road, and not further than 20 yards away from the applicant's property.

I wish to object to the proposals on the grounds set out and numbered below.

1. The proposed licence is inappropriate for use of the premises as a delicatessen. It is proposed that the applicant may sell alcohol for consumption on the premises until 10pm. Such a licence would be appropriate for a café, wine bar, pub or restaurant. If, as the applicant claims, a licence is required to facilitate the selling of wine at a wine tasting, surely a licence for consumption off the premises is what is required. If the applicant is minded to sell alcohol for consumption on the premises from time to time during wine tastings, as is claimed, then the applicant may apply for temporary event notices, as and when required. However, if the applicant wishes to sell alcohol for consumption on the premises regularly until 10pm then the establishment ceases to become a delicatessen and becomes a restaurant, pub or wine bar or, at the very least, is remains a delicatessen but with the additional use as a café, restaurant or wine bar.

If you are minded to grant this licence, you open the door to the probable use of the premises as such and, whilst you may not be concerned with planning use, I think it should be borne in mind whilst considering this application that it is open to the applicant to apply for temporary event notices from time to time, if the applicant is being honest in what it claims it requires the licence for. I would have thought that, with that in mind, it would be prudent for the committee to refuse the application as it stands, which would not, if the applicant is being honest, prejudice the applicant in any way.

2. I am concerned that the proposal would be a danger to public safety if the licence is granted, as there appears to be no provision for emergency lighting.
3. I am concerned that the proposal would be a danger to public safety if the licence is granted, as there appears to be no provision for an approved fire alarm to be installed to the correct British Standard.
4. I am concerned that the proposal would be a danger to public safety if the licence is granted, as the WC appears to open directly onto the rear yard without any division and, as the rear yard is to be licensed for the consumption

- of food (wine being classed as food for the purposes of environmental health) this presents a risk of contamination.
5. I am concerned that the proposal would be a danger to public safety if the licence is granted, as there appears to be no proper fire escape for the rear yard area of the property, which is a potential death trap. The fire escape at the side of the property appears to be in a kitchen. One may also question why the licence application includes the rear yard area unless it is to become a "beer garden".
  6. I am concerned that the proposal would be a danger to public safety if the licence is granted, as the proposal does not appear to adhere to the provisions of the Disability Discrimination Act (latest version), as there does not appear to be a disabled WC provided for and there seems to be restricted access to sufficient parts of the property to be at odds with the provisions of the Act. Use of the premises as a café, wine bar, restaurant or pub would require a change of use and, whilst you are not concerned with the planning use of the premises, you are concerned with public safety and, should the premises be operated as one of the aforementioned establishments, I would have thought the licensing committee would be concerned that the relevant legislation should be adhered to for the sake of such public safety.
  7. I am concerned also that the premises will create a public nuisance, if a licence is granted, as the premises are too small to be a pub, wine bar, café or restaurant and, should such a licence be granted, the public will spill out on to the pavement, thereby creating increased noise for local property owners.
  8. I am concerned that the premises will create a public nuisance, if a licence is granted, as the premises are situated on the narrow corner of the street, where there is restricted parking and that customers who may visit the premises by car will choose to park illegally or randomly thereby causing a nuisance in a congested area. So far, I have seen visitors and people connected to the premises parking on my private car park across the road without my permission. This is already causing a problem for me even before the premises were open or any licence is granted and I expect it to become worse should more people wish to visit the premises.
  9. I am concerned that the premises will create a public nuisance, if a licence is granted, as in addition to the issues listed at paragraph 8 above, there appears to be nowhere for any loading or unloading to the premises to take place without any such vehicles parking illegally or causing a nuisance by blocking High Street or the side road, which leads to the commercial premises operated by Bob Rigby. As you will see, if you visit the area, there is very little on street parking available, as most of the houses in the area have no provision for off-road parking.
  10. I am concerned that the premises will create a public nuisance, if a licence is granted, as there appears to be nowhere for commercial waste bins to be stored within the premises and that, if they are stored outside the premises, they will be on land not belonging to the applicant and, therefore, creating a public

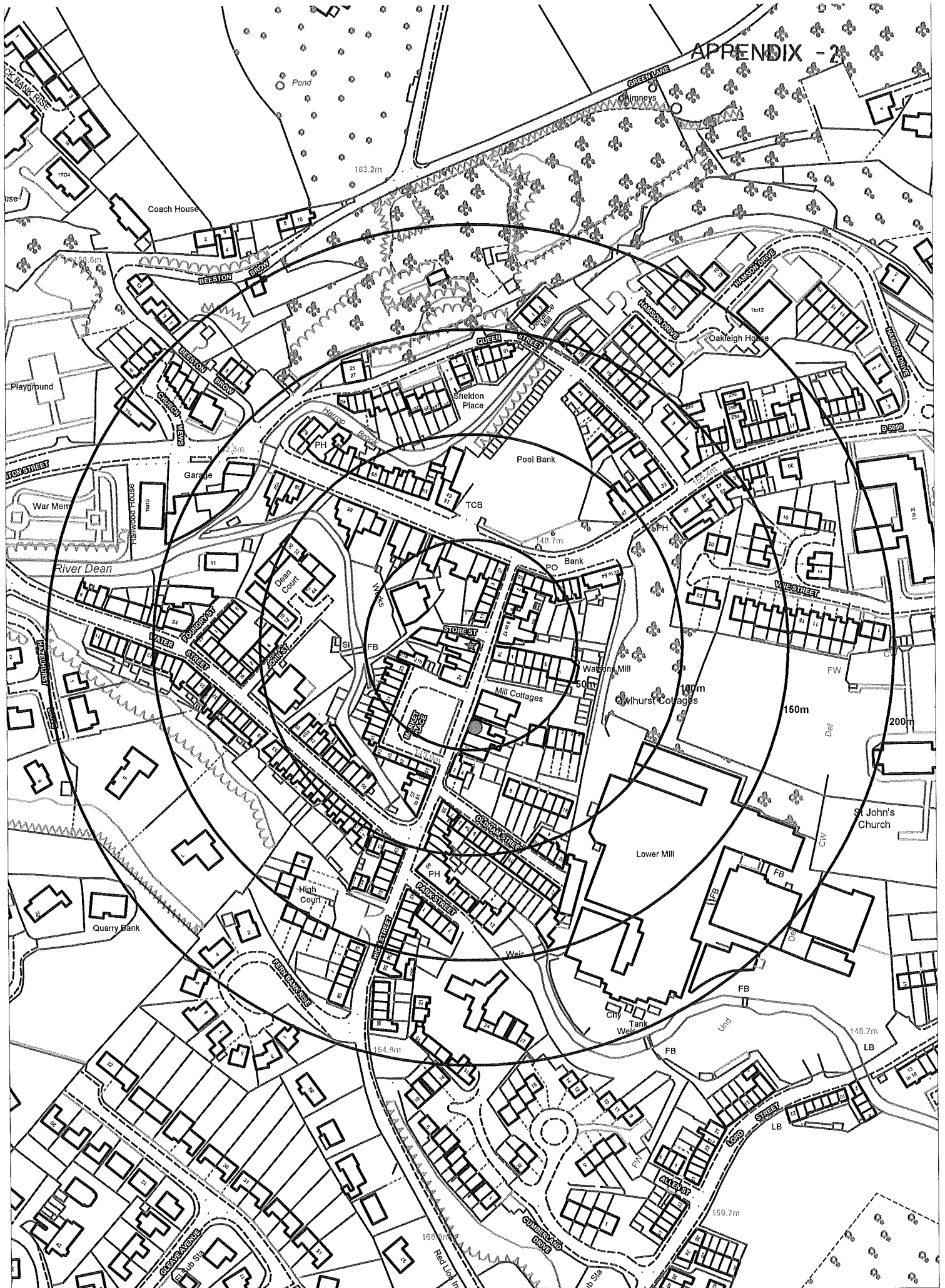
nuisance in terms of blockage, smell and appearance. This is particularly relevant if a licence is granted until 10pm for alcohol for consumption on the premises, as more waste will be created.

I would not have the same level of concern if the application was for a licence for the consumption of alcohol off the premises, as some, but not all, of the issues raised above would fall away and it would be more in keeping with the use of the premises as a delicatessen.

It is important to note that my objections are not founded in a fear of competition, as may be suggested, as part, but not all, of my premises High Street has a tenant, which operates a restaurant with a licence for the consumption of alcohol on the premises. I am merely concerned that there are issues of public safety arising from an application for a licence, which would allow a restaurant to be operated without the same safety procedures, which my tenant and others in the area have correctly had to adhere to and that, due to the nature and location of the premises, there will be significant nuisance issues, as outlined above. Added to that I am concerned that the licence application is inappropriate for the use of the premises as a delicatessen and it should be refused and the applicant encouraged to re-apply for a more appropriate licence.

Yours sincerely,

High Street, Bollington,  
Cheshire, SK10 5PH.



LIVESEY'S DELICATESSEN & COFFEE HOUSE, 15 HIGH STREET, BOLLINGTON