

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Margaret Hopley

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the
review of a club premises certificate under section 87 of the Licensing Act 2003
for the premises described in Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Wilbraham Arms 58 Welsh Row Nantwich Cheshire	
Post town Nantwich	Post code (if known) CW5 5EJ

Name of premises licence holder or club holding club premises certificate (if known) Mr Gavin Chamberlain

Number of premises licence or club premises certificate (if known) 336

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises ☐
 - b) a body representing persons living in the vicinity of the premises ☐
 - c) a person involved in business in the vicinity of the premises ☐
 - d) a body representing persons involved in business in the vicinity of the premises ☐
- 2) a responsible authority (please complete (C) below) ☒

- 3) a member of the club to which this application relates (please complete (A) ☐ below)

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Margaret Hopley
Environmental Health Officer
Cheshire East Council
Westfields
Middlewich Road
Sandbach
Cheshire
CW11 1HZ

Telephone number (if any)

01270 686603

E-mail address (optional)

margaret.hopley@cheshireeast.gov.uk

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

Please tick one or more boxes

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

☐
☐
☒
☐

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

The Wilbraham Arms has been the subject to an investigation by the Environmental Health Division following complaints from a number of residents regarding amplified music emanating from the premises and individuals within the rear yard creating excessive noise until the early hours of the morning.

Noise monitoring by the Division has clearly indicated a statutory nuisance existed with regards to both the amplified music and customers within the rear yard; both of which are causing a noise nuisance to other peoples enjoyment of their properties. Due to the management not taking responsibility for the conduct of the premises and the customers both in and out of the premises this Division has served two abatement notices on the premises in order for the issues to be addressed and resolved.

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

A number of complaints have been received from local residents with regards to amplified music and the conduct of customers within the rear yard of the premises till the early hours of the morning. This in turn raised concern with local residents in relation to the conduct of the management at the premises. Complaint received on 22/05/2010. Letter sent to the premises informing them of the complaint on 26/05/2010.

No response was received from the DPS/premises licence holder or any other member of staff from the premises in order to discuss the content of the letter.

Noise monitoring equipment was installed in one of the complainant's properties on 01/08/2010. The evidence gathered indicated that a statutory nuisance was present from individuals within the rear yard till the early hours of the morning. (The DAT recordings can be found attached to this form - DAT1). Amplified music was also clearly identifiable. A visit was made to the premises on Thursday 15th September 2010 accompanied by Allison Jackson (Licensing Officer) to discuss the evidence and the proposed changes that could be made. Mr Chamberlain stated that he wished for 2 weeks to prove he could manage the premises in an orderly manner.

Following on from listening to the results of the noise monitoring results the evidence clearly indicates that the noise from individuals within the smoking area is certainly a statutory nuisance as conversations can be heard word for word, laughing, shouting, cheering all of which is transcribed and attached to this file.

On one of the evenings music can be heard from the premises, every song could be identified and was able to identify the words in every song. The individual singing could be heard on the mic talking to the crowd encouraging them to sing along and can even be heard saying that he is going to have a break.

Following on from this the noise monitoring equipment being reinstalled into the complainants properties. One of the complainants properties captures the noise from the rear of the premises and other at the front. The evidence gathered as stated does indicate that a Statutory Nuisance is present.

A visit was made to see Gavin Chamberlain the licence holder and DPS of the Wilbraham Arms. Allison Jackson also attended to provide licensing information and assistance. Mr Chamberlain was informed that this Division is still continuing to receive complaints from local residents with regards to noise nuisance. His immediate reaction was that it was one household and that they had got it in for him. I informed Mr Chamberlain that there was more than one complainant and that we had got evidence of a noise nuisance emanating from his premises and therefore action was required to be taken.

Mr Chamberlain explained that he has on occasions been sat upstairs and heard the noise for himself to the point that it has made him cringe. I informed Mr Chamberlain that if individuals outside shouting and talking etc is having that effect then he needs to be taking action. He seemed to be dismissive of this and felt as though the nature of some of the individuals would not be cooperative. I informed Mr Chamberlain that as the DPS and licence holder it is his responsibility to address the issue. He was questioned as to whether he has a refusals book and whether he challenges individuals for proof of ID. We were informed that he didn't and didn't need to have one.

Having looked around the premises, the front door was followed by another single

door creating a double door system in order to control noise. We were informed by Mr Chamberlain that the fire service had been to the premises and informed him that he need to make the current second door system into double doors for safe means of escape. At the rear of the premises was a single door right on the back wall which opened into the rear yard where benches were present for people to sit. The door had recently been damaged slightly around the lock following a break in. On the left of the rear door was another single door which led through a small lobby to another single door on the side of the premises. I informed Mr Chamberlain that the current single door on the rear of the premises was adequate as when the door opens there would be straight transmission of noise. He informed me that he had recently spoken to the brewery who owns the premises and they had suggested there was the potential for the little lobby to be extended in order to make a double door system.

Mr Chamberlain explained that on a Friday and Saturday night he has a live band set up across the rear of the pub which raised concerns for myself as this was right across the rear entrance. On Sunday night he operates an open mic night.

I informed Mr Chamberlain that he needed to take more action and that he needed to take some actions these being:

1. Place signs at all exits asking for the customers to leave quietly and respect the neighbours.
2. Patrol the premises both at the front and rear and disperse large groups accordingly.
3. The rear gate to be closed at 10 pm as Mr Chamberlain alleged that people come through the alley and sit in the back yard.
4. No drinks to be taken outside after 9.30 pm and certainly for no vessels to be taken out of the front and on to the highway.
5. Informed Mr Chamberlain that it may be beneficial to have door staff in order to control individuals at the front and rear.
6. A diary to be maintained with regards to the actions he has taken to address any potential noise nuisance that is occurring.

I informed Mr Chamberlain that my current thoughts were to serve an Abatement Notice on him for the rear yard restricting the use. He requested that he be given a fortnight to show that he could control the noise and ensure that he doesn't cause a nuisance to the neighbouring properties. This was agreed however the noise monitoring equipment that has been installed into the properties will indicate if this has happened or not.

Since this visit this Division continued to receive complaints. Noise monitoring equipment was installed in complainant's properties one being at the front and the other at the rear. Having reviewed the evidence it is quite evident no controls have been implemented and a statutory nuisance is present from amplified music emanating from the premises, and customers within the rear yard till the early hours (Referece - DAT 2)

Therefore due to the lack of co-operation and the continuing disregard for the neighbouring residential properties, two abatement notices have been served on the premises.

1. Amplified music – This notice has been served requiring that amplified music be abated in such a manner as to not cause a nuisance to neighbouring residential properties. This notice gives the premises 28 days to comply with the notice. The timescale for compliance in order for them to truly address the issue, structural work may/will be required and therefore due to financial implications they are allowed an appeal period to appeal against the notice.
2. Rear Yard – An additional issue has been noise nuisance from customers

within the rear yard therefore an abatement notice has also been served to address this issue. This abatement notice states that within one hour of the notice being served the licence holder is required to close the rear yard from 9 pm till 8 am, 7 days a week. Being mindful of the requirement for smoke provisions an additional condition on the notice is that no food or drink is to be taken out on to the front of the premises from 9 pm till 8 am, 7 days a week. The intention of detailing this requirement is so then customers don't group on the front of the premises whilst smoking.

The Environmental Health Division have wished to call the premises for review as stated for their disregard for local residential properties and lack of strength in the management to control both regulated entertainment from the premises and the conduct of the customers whilst present at the premises both internally and externally.

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

Please tick yes

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

.....

Date 13th October 2010

.....

Capacity Environmental Health Officer

.....

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

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Post town	Post Code
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Telephone number (if any)

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

Notes for Guidance

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