

Licensing Act Sub-Committee

Agenda

Date:	Friday, 28th October, 2011
Time:	9.30 am
Venue:	Delamere 2, Floor 6, Delamere House, Delamere Street, Crewe CW1 2JZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Appointment of Chairman**

To appoint a Chairman for the meeting.

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Application for the Variation of a Premises Licence - White Horse, Pillory Street, Nantwich** (Pages 5 - 38)

To consider an application for the variation of the Premises Licence for the White Horse, Pillory Street, Nantwich.

4. **Application for a Premises Licence - Aroma Cafe Bar, Unit 1, Chatterton House, 7 Hospital Street, Nantwich CW5 5RH** (Pages 39 - 50)

To consider an application for a Premises Licence for Aroma Cafe Bar, Unit 1, Chatterton House, 7 Hospital Street, Nantwich.

THERE ARE NO PART 2 ITEMS

For requests for further information

Contact: Julie Zientek
Tel: 01270 686466
E-Mail: julie.zientek@cheshireeast.gov.uk

This page is intentionally left blank

CHESHIRE EAST COUNCIL

PROCEDURE FOR HEARINGS – LICENSING ACT 2003

The Licensing Committee

The full Licensing Committee consists of fifteen elected Members of the Council. From this full Committee will be drawn sub-committees of three members to deal with licensing functions under the Licensing Act 2003. The Chairman and Vice Chairman of the Licensing Committee shall have the discretion to refer a matter up to a hearing of the full Licensing Committee.

Officers at Hearings

- **The Committee Officer** introduces all parties and records the proceedings
- **The Legal Adviser** provides independent advice to the Members on legal matters and procedure.
- **The Licensing Officer** will introduce the matter and outline the application; the officer will also answer any questions Members may have.

PROCEDURE

NOTE: If the Sub-Committee has not already elected a Chairman, that will be the first item of business.

1	Chairman	The Chairman will: (i) call the matter to be considered; (ii) call for any declarations of interest; (iii) ask all parties to introduce themselves; (iv) summarise the procedure to be followed at the hearing; (v) will consider any request made by a party for another person to appear at the hearing; (v) will advise the parties of any maximum period of time in which it has to present its case (if a maximum is imposed this shall be equal for all parties).
2	Licensing Officer	Will introduce and summarise the application, highlighting areas of contention or dispute.
3	Committee Members	May ask questions of the Licensing Officer
4	Applicant	Will present his/her case, calling witnesses, as appropriate. <i>(If necessary, applicant will produce any notices required by law. Legal Adviser will draw attention to this if required.)</i>
5	Responsible Authorities (who have made representations)	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.

6	Local residents (ie. defined as “interested parties”)	To be invited to ask <u>questions</u> of the applicant, by way of clarification. <i>It is normal practice for a spokesperson only to speak on behalf of a group of residents.</i>
7	Committee Members	Each in turn may ask <u>questions</u> of the applicant.
8	Applicant	May make a <u>statement</u> or ask his witnesses to clarify any matters which he feels are unclear, or may have been misunderstood.
9	Responsible Authorities	Will make their representations.
10	Applicant	Or his representative or witnesses to ask <u>questions</u> of Responsible Authorities represented at the meeting, by way of clarification.
11	Local residents (ie. defined as “interested parties”)	May ask <u>questions</u> of the Responsible Authorities represented at the meeting, by way of clarification. (Note: This is not the point at which local residents should be stating their objections.)
12	Committee Members	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	Local residents (ie. defined as “interested parties”)	The local residents who are objecting to the application will be invited <u>to make observations on the application</u> and present the bases of their objections.
15	Applicant	Or his representative or witnesses may ask <u>questions</u> of the Local Residents, by way of clarification.
16	Committee Members	May ask <u>questions</u> of the Local Residents.
17	Chairman	To invite both Responsible Authorities and Local Residents to make their closing addresses.
18	Applicant	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested conditions.
19	Committee	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
20	Committee	Will return to <u>give its decision</u> , with reasons, which will be announced by the Chairman and subsequently confirmed in writing to the applicant and to all the parties that made representations.

		In cases where a decision cannot be given at the end of the hearing, parties will be advised of the decision within five working days.
--	--	--

Notes

1. The hearing shall normally be held in public. There may be occasions on which the Committee find it necessary to exclude members of the press and public; any such decision will be taken on the basis that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public.
2. The Chairman may require any person behaving in a disruptive manner to leave the hearing and may (a) refuse to permit that person to return, or (b) permit him/her to return only on such conditions as the authority may specify, but any such person may submit in writing any information which they would have been entitled to provide orally if they had not been required to leave.
3. Prior to the hearing each party shall have given notification and served documentation (eg statements of witnesses or reports of experts) as required. Late representations and evidence will only be considered with the agreement of all parties.
4. Anyone entitled to be heard may be represented by any person, whether or not that person is legally qualified.
5. Hearsay will be permitted but the Sub-Committee will be reminded to give it appropriate weight.
6. Due note shall be taken of the provisions of the Hearings Regulations 2005.
7. The Chair may, in the interests of expediency or convenience of the parties, vary the procedure from time to time, provided notice is given to the parties and the rules of natural justice are observed.

SUMMARY OF PROCEDURE

- 1 Chairman appointed (if this has not been done previously).
- 2 Chairman to call for declarations of interest and request that all parties introduce themselves.
- 3 Chairman summarises the procedure for the hearing
- 4 The Licensing Officer summarises the application
- 5 Applicant to present his/her case.
- 6 Applicant to be questioned by all parties (to clarify points only) following which, he/she can clarify any other matters which he/she feels may have been misunderstood when the application was presented.
- 7 Applicant to be questioned by the Committee.
- 8 Responsible Authorities to make their representations following which they can be questioned by all parties by way of clarification.
- 9 **Local residents** (defined as interested parties) will be invited to present the bases of their objections, following which they can be questioned by all parties by way of clarification.
- 10 The applicant will be invited to sum up his/her case
- 11 Committee/Sub-Committee withdraws to make its decision
- 12 Committee/Sub-Committee returns to announce its decision to all present.

CHESHIRE EAST COUNCIL

LICENSING ACT SUB-COMMITTEE

Date of meeting: 28th October 2011
Report of: CAROLE KERR, LICENSING OFFICER
Title: APPLICATION FOR VARIATION TO PREMISES LICENCE.
WHITE HORSE, PILLORY STREET, NANTWICH.

1.0 Report Summary

- 1.1 The report provides details of an application from Spirit Pub Company Ltd to vary the Premises Licence for the White Horse, Pillory Street, Nantwich. Representations to the variation have been received from seven residents in the vicinity of the application site.

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to:
- 2.1.1. consider the application and the representations received; and
- 2.1.2. determine the application for the variation to the Premises Licence

3.0 Reasons for Recommendations

- 3.1. The Licensing Act Sub-Committee has the power to determine this application. The Sub-Committee is asked to make the decision within 2.1 above taking into consideration the promotion of the licensing objectives and must also have regard to the Council's Statement of Licensing Policy and the Guidance published under section 182 of the Licensing Act 2003.

4.0 Wards Affected

- 4.1. Nantwich South and Stapeley

5.0 Local Ward Members

- 5.1. Cllrs A.Martin and P.Groves

6.0 Policy Implications

- 6.1 The Council has adopted a Statement of Licensing Policy under the 2003 Act relating to its functions as a Licensing Authority under the Act.

7.0. Financial Implications 2011/2012 and beyond (Authorised by the Borough Treasurer)

7.1 None.

8.0. Legal Implications (Authorised by the Borough Solicitor)

8.1. Section 35 of the 2003 Act provides that, where relevant representations have been received in relation to an application to vary a premises licence, the authority must hold a hearing to consider the application and any relevant representations. In accordance with the provisions of section 35 of the 2003 Act, the authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives. Sub-section 35(4) provides that the authority may: (a) modify the conditions of the licence; or (b) reject the whole or part of the application;

9.0 Risk Management

9.1 The Licensing Act Sub-Committee will hear representations made on behalf of both the applicant and the objectors and will make a decision on the basis of the evidence presented to it. The Act provides a right of appeal to the Magistrates' Court against a decision of the Licensing Authority.

10.0 Background and Options

10.1 The White Horse, Pillory Street, Nantwich is licensed for the provision of regulated entertainment and the sale of alcohol as follows:-
Monday to Sunday 10.00 to 01.00
Sundays 10.00 to 22.30

The opening hours of the premises are as follows:-
Monday to Sunday 09.00 to 02.00

A copy of the existing premises licence is attached as **Appendix A**.

10.2 The application is to vary the licence as follows:

Sale of alcohol

Monday to Sunday 10:00 to 02:00

Recorded music and live music (indoors)

Monday to Sunday 10:00 to 02:30

Late night refreshment

Monday to Sunday 23:00 to 03:00

The opening hours of the premises
Monday to Sunday 09.00 to 03.00

To add the following conditions:-

Live and/or recorded music after 02:00 to be played at a background level only.
from 10:00am until 23:00.

Recorded music in the garden area to be played at background level only from
10.00 until 23.00.

The management will carry out regular patrols of the premises in order to
monitor the escape of noise and to ensure that it does not cause a nuisance.

10.3 The premises are situated in a row of terraced properties in Nantwich town
centre. The beer garden and car park are at the rear of the premises.
Residential properties are also situated to the rear of the premises. A location
plan is attached at **Appendix B**.

10.4 The White Horse applied in 2005 to convert their existing Public Entertainment
Licence to a Premises Licence under the Licensing Act 2003. Following
objections from interested parties, the Sub-Committee resolved that a licence
be granted subject to the following conditions:

- No nuisance shall be caused by noise coming from the premises or by
vibration transmitted through the structure of the premises.
- All external doors and windows shall be kept closed when regulated
entertainment is being provided except in the event of an emergency.
- Refuse such as bottles shall be disposed of from the premises at a time
i.e., between 8:00am and 8:00pm when it is not likely to cause a
disturbance to residents in the vicinity of the premises.
- The beer garden/outdoor drinking area shall be closed to patrons by
11:30pm.

10.5 In June 2007 application was made to amend the condition relating to the
closure of the Beer Garden, as follows:

The beer garden/outdoor drinking area shall be closed to customers consuming
alcohol and food by 23:00 hours.

Representations were received and at a meeting on 8th June 2007 the Sub-
Committee refused the application on the ground of public nuisance. The
decision of the Sub-Committee was the subject of an appeal to the Magistrates'
Courts, who determined to add the following condition to the licence:

*The Beer Garden/Outdoor drinking area shall be closed at 23.00 hours except
for the purpose of the designated smoking area. No more than twenty people
may use the area at any one time. The condition is subject to there first being
installed a double entry system. The appellant must submit the plan for
agreement to the Licensing Authority clearly showing where the designated
area is to be. This is to be the area closest to the licensed premises.*

*The Beer Garden/Outdoor Drinking area may not be used after 23:00 hours for
the purpose of smoking until the double door entry system has been installed.*

It is understood that the works to install a double entry system have not taken place and therefore the authorisation provided by the condition imposed by the Magistrates' Court has not been brought into effect.

10.6 At a meeting on 5th May 2009 (at which time Punch Taverns Plc were the holders of the licence) the Licensing Act Sub-Committee considered a review application in relation to the premises and determined to modify the Premises Licence by the addition of the conditions at Annex 4 of the Premises Licence.

10.7 Relevant Representations

Responsible Authorities

10.7.1 The Police do not object to the application subject to the addition of the following conditions:

- The premises will close to the public at 02:30 each day
- The provision of late night refreshment will cease at 02:30 each day

The applicant has agreed the conditions suggested by the Police.

10.7.2 The Environmental Health Department have made a representation in which they object to the grant of the variation application. A copy of the Environmental Health objection is attached at **Appendix C**.

Public Objections

10.7.3 Written representations have been received from seven residents who live in the vicinity of the application site. Copies of the letters of representation are attached at **Appendix D**.

10.7.4 In making its decision, the Sub-Committee must have regard to the application and representations made by interested parties and Responsible Authorities.

11.0 Access to Information.

There are no background papers associated with this report.

Name: Carole M Kerr
Designation; Licensing Administration Officer
TEL No: 01270 371375
E.mail: carole.kerr@cheshireeast.gov.uk

Part A

PREMISES LICENCE**Cheshire East Borough Council**

Premises licence number	313
-------------------------	------------

Part 1 - Premises details

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

White Horse
22 Pillory Street

Post town	Nantwich	Post code	CW5 5BD
-----------	-----------------	-----------	----------------

Telephone number	01270 624801
------------------	---------------------

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Supply 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 attached tables
Friday)	
Saturday)	
Sunday)	

The opening hours of the premises

Monday	09:00	to	02:00
Tuesday	09:00	to	02:00
Wednesday	09:00	to	02:00
Thursday	09:00	to	02:00
Friday	09:00	to	02:00
Saturday	09:00	to	02:00
Sunday	09:00	to	02:00

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

On and off

Part 2

Name, (registered) address, telephone number and email (where relevant) of the holder of the premises licence

**Spirit Pub Company (Leased)Ltd
Sunrise House
Ninth Avenue
Burton Upon Trent
Staffs
DE14 3JZ**

Tel: 01283 501600

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

5699544

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Tel:

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**Personal licence number 05-11-096
Issued by the Cheshire East Borough Council**

Issued by:
Carole Kerr
Licensing Section
Cheshire East Borough Council
Municipal Buildings
Earle Street
Crewe CW1 2BJ

.....
8th July 2011



The times the licence authorises the carrying out of licensable activities

Recorded music, live music, karaoke and facilities for dancing - all indoors			
Monday	10:00	to	01:00
Tuesday	10:00	to	01:00
Wednesday	10:00	to	01:00
Thursday	10:00	to	01:00
Friday	10:00	to	01:00
Saturday	10:00	to	01:00
Sunday	10:00	to	01:00

Late night refreshment – indoors			
Monday	23:00	to	02:00
Tuesday	23:00	to	02:00
Wednesday	23:00	to	02:00
Thursday	23:00	to	02:00
Friday	23:00	to	02:00
Saturday	23:00	to	02:00
Sunday	23:00	to	02:00

Sale of alcohol			
Monday	10:00	to	01:00
Tuesday	10:00	to	01:00
Wednesday	10:00	to	01:00
Thursday	10:00	to	01:00
Friday	10:00	to	01:00
Saturday	10:00	to	01:00
Sunday	10:00	to	01:00

Licensable activities and opening times are extended by one hour on the following days or dates:

On Bank Holiday week ends (ie, Friday, Saturday, Sunday and Monday) and on Maunday Thursday and on Christmas Eve.

On 1st March, 17th March, 23rd April and 30th November – subject to the giving of 7 days notice and the agreement of the police.

On occasions of local national or international significance or for charitable events (but not more than 10 per year) – subject to the giving of 7 days notice and the agreement of the police.

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.

Annex 2 - Conditions consistent with Operating Schedule

1. Disc jockeys, if used, will ask customers to leave quietly.
2. All instances of crime and disorder will be reported to the police and kept in an incident log book.
3. Free drinking water will be available at all times.
4. Additional patrols will take place by members of staff, internally and externally, to limit any noise pollution when entertainment is taking place.
5. Notices will be displayed asking customers to respect the neighbours when leaving the premises.
6. When children are allowed upon the premises, any entertainment offered will be suitable for young persons.
7. Children must be supervised by an accompanying adult at all times.
8. A recognised Proof of Age policy will be enforced.

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

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 (ie, between 8.00 hours and 20.00 hours) when it is not likely to cause a disturbance to residents in the vicinity of the premises.
3. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.
4. The beer garden/out door drinking area shall be closed to customers by 23.30 hours.
5. The windows and rear door of the premises shall not be kept or held in an open position after 20.00 hours each evening.
6. The number of occasions of significance and charitable events for which the extension of one hour beyond normal licensing hours is granted shall be limited to 10 (ten) per year.
7. Regulated entertainment shall not be provided in the beer garden/out door drinking area/car park except during the currency of the annual Nantwich Jazz Festival and Nantwich Folk Festival.

CONDITION ATTACHED BY MAGISTRATES FOLLOWING APPEAL

1. The Beer Garden/Outdoor Drinking area shall be closed at 23:30 hours except for the purpose of the designated smoking area as shown on the attached plan. No more than twenty people may use the area at any one time. The condition is subject to there first being installed, a double door entry system. The appellant must submit the plan for agreement to the licensing authority clearly showing where the designated area is to be. This is to be the area closest to the licensed premises.

The Beer Garden/ Outdoor Drinking area may not be used after 23:00 hours for the purpose of smoking until the double door entry system has been installed.

Annex 4 – Conditions attached after a review of the premises.

1. A challenge 21 proof of age scheme shall be in operation in relation to all sales of alcohol.
2. The Designated Premises Supervisor or their representative is required to regularly attend Pubwatch meetings to ensure that people the subject of Pub watch bans are identified and where possible to take reasonable steps to ensure that those persons are excluded from the premises.
3. A minimum of two Security Industry Authority door supervisors are on duty at the premises every Friday and Saturday, and on the Sunday preceding the Easter Bank Holiday Monday, from 20:00 until the premises closes to the public.
4. All authorised staff shall receive training at the commencement of their employment so that they have an awareness of the licensing law and wider social responsibilities attached to the sale of alcohol and the conditions attached to the licence. All current staff shall also receive this training. Such authorisations and evidence of such training should be recorded in writing.
5. CCTV should within the next four months be sited on the premises. The precise siting of each camera and number of cameras where possible to be agreed between the Premises Licence holder and the Police. Such system to be maintained in working order and recordings be retained for such period as agreed between the Premises Licence holder and the Police.

This page is intentionally left blank

White Horse

22 Pillory Street, Nantwich
Kev

Page 17

365200

352300

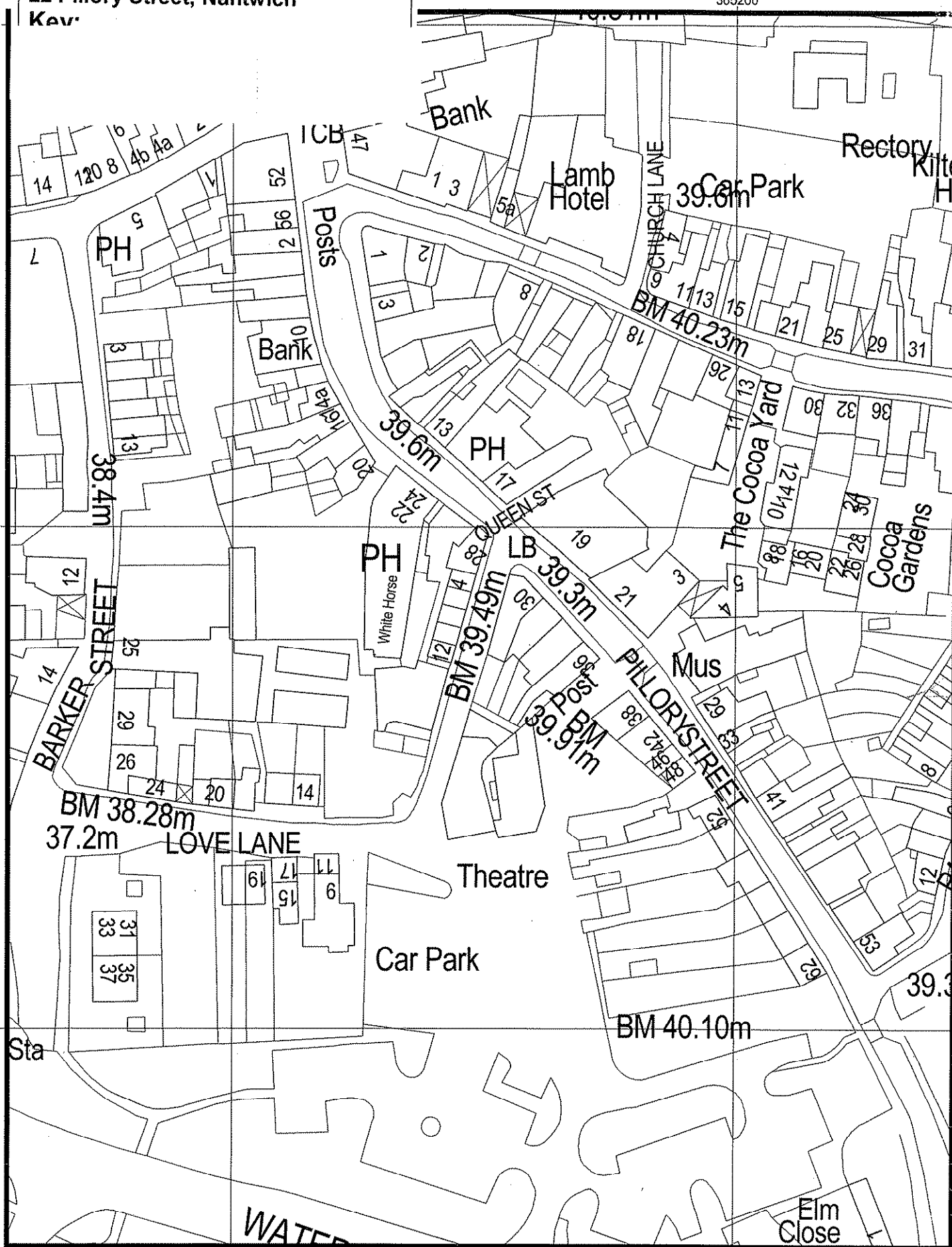
362200

352100

352300

362200

352100



365100

365200

< < 100 metres > >

scale 1:1000



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. This copy has been produced specifically for the Map Return Scheme purposes only. No further copies may be made. Crewe & Nantwich Borough Council Licence no. 100018515.2005

This page is intentionally left blank

LICENSING ACT 2003
Environmental Health Consultation Response

Date Received:

Name of Applicant:

Address to which application relates:

Conversion:

☐

Variation:

☒

New:

☐☐

Approve

☐

Approve with Conditions

☒

Object to Section(s) E, F and O

Observations

Environmental Health are currently investigating complaints of noise nuisance arising from The White Horse Public House in relation to noise from regulated entertainment, as well as noise emanating from individuals using the outdoor drinking area.

Therefore there is the potential that the extension of hours and an increase in the duration of regulated entertainment in the premises, as applied for in this variation, could cause a public nuisance to neighbouring dwellings. Consequently Environmental Health must object to the above variation under the licensing objective of the prevention of public nuisance, as we are currently investigating complaints of noise nuisance arising from the premises.

SIGNED: Sarah Edge

DATED: 21st September 2011

This page is intentionally left blank

SEMESTER 2

Sent: 25 September 2011 11:58
To: LICENSING (Cheshire East)
Subject: THE WHITE HORSE, PILLORY STREET, NANTWICH

THE WHITE HORSE, NANTWICH

Application to vary licensing terms.

We wish to record our objection to the above application on the following grounds:

According to the penultimate paragraph of Mr Lee's letter to us of 15 June 2007 the licence was granted subject to restrictions on the use of the beer garden with particular regard to noise disturbance of neighbouring properties being a **public nuisance**. Any increase in noise affecting neighbouring properties can only be an aggravation of **public nuisance**, which, in the view of the Licensing Committee was unacceptable.

In addition, 'background music' on top of the general noise of several tens of people in the beer garden can only add to the late night disturbance which already exists, as would the proposed extension of opening to 3.00 a.m. because smokers would be outside until then and, whatever restrictions there might be, several people talking together at that time of night, having been in the confines of a crowded public bar, will have raised voices.

This page is intentionally left blank

KERR, Carole

From:
Sent: 13 October 2011 18:21
To: LICENSING (Cheshire East)
Subject: RE: White Horse, Pillory St, Nantwich - (For the Attention of Carole Kerr)

Dear Carole Kerr,

I write to give you my formal objection to the White Horse's licensing application.

As you will be aware, as both a former resident and also as the present landlord of properties in the adjoining Love Lane I have had many occasions in the past to complain about the noise nuisance and disturbance caused by the operation of the White Horse Pub.

Indeed it was due to the most recent complaint from my tenants in 10 and 12 Love Lane that I went round to complain and first became aware of the notice of this application displayed on the exterior of the pub.

My tenant at number 10 Love Lane, has informed me several times recently that she has been disturbed by the volume of the music being played at the pub which is increasingly unacceptable and is disrupting her life. She says that she has often been unable to sleep and on two occasions recently she has got up from her bed, got dressed and walked round to the pub and complained to the pub staff in person. She says, "I feel that it is not unreasonable to expect that I should be able to sleep with my window slightly open on a summer's evening." Her complaints have had only a transitory effect on volume. The volume is soon back the same unacceptable level.

My tennant at 12 Love Lane has had exactly the same experience and the occupant of 6 Love Lane, not a tennant of mine, tells me that he finds the increasing noise level from both music and the inconsiderately late binning of used bottles at the rear of the pub to be quite unacceptable.

All tennants of 4,6,8,10 and 12 Love Lane have been disturbed on accasions by intoxicated people knocking on their door as they pass by in the early hours the worse for drink. On occasions I have discovered publeavers urinating in the alleyway that runs to the back of the properties and have had to fit a locked metal security gate to prevent this unacceptable behaviour.

Both the businesses opposite my properies have had to fit similar gates.

On two occasions I have apprehended people after windows were broken in 10 and 12 Love Lane, both culprits were the worse for drink and, being caught redhanded, both agreed to make resitution.

I cite the above examples as they all resulted from normally reasonable people who had simply had too much to drink.

May I draw your attention to the fact that the boundary to the rear of the properties from Number 4 to number 12 Love lane run parallel to the whole of the boudary of the White Horse. There are no buildings between

This page is intentionally left blank

the pub and the Love Lane properties to screen the noise from the pub. Indeed the rear wall of the common yard of Numbers 6 to 4 is a shared rear wall with the Pub.

Furthermore, the bedrooms of Numbers 6 and 8 Love lane are situated to the rear of the properties, only 7 metres from the White Horse with nothing in-between to screen any noise.

I maintain that people have the right to live peacefully and without disturbance even next to a pub. I suggest that I have shown that the White Horse's management have failed my tenants' reasonable expectations in the very recent past and maintain that giving permission to allow recorded music to be played outside in such close proximity, no matter how well it is 'policed' will represent a major intrusion on my tenants privacy.

Nantwich is a small town of mixed hereditment - it is not a town centre devoid of residents. All residents live cheek by jowl with the businesses in the town and their lives are greatly affected by the way these businesses are run and by implication by the terms of the operating conditions that are imposed upon them.

As ordinary citizens in a democratic society, my tenants can only trust in you, the authorised licensing authority, to fulfil your most important roll in safeguarding their future peace and security.

Yours respectfully,

This page is intentionally left blank

SIMESTER, Peter

From: [REDACTED]
Sent: 22 September 2011 09:54
To: LICENSING (Cheshire East)
Cc: MARTIN, Andrew (Councillor)
Subject: License Variation in respect of White Horse, Pillory Street, Nantwich

Dear Sirs

My husband & I wish to object to some of the proposed variations to the White Horse License.

Background

We and our tenants (6 households) all live less than 30 yards from the boundary wall of the Beer Garden at The White Horse, Pillory Street, Nantwich. The White Horse has a history of playing amplified music in the Beer Garden to the extent that its current License restricts music in the Beer Garden to the two annual Nantwich Festivals.

Objection to Application

We object to "Background Music" (we would like to know the definition of "Background Music") being played in the beer Garden from 10.00hrs to 23.00hrs, 7 days a week. As "Public Nuisance" and to protect young children from potential harm by having their sleep disturbed.

Nantwich has seen an increase in late night assaults that have been fuelled by alcohol - whilst we can't say the White Horse is specifically responsible for these - we believe that allowing alcohol to be served even later can only exacerbate this problem. So would like to object on the grounds of "Crime and Disorder" and "Public Safety".

If you wish to discuss our objections directly - please do not hesitate to contact us.

Regards

This page is intentionally left blank

KERR Carole

From:

Sent: 10 October 2011 19:17

To: LICENSING (Cheshire East)

Subject: RE: White Horse, Pillory St, Nantwich

Hello Carole

I'm submitting to you my formal objection to the White Horse's current licensing application. I'm a property owner in Love Lane, Nantwich. I own nos. 6 and 8, both of which I let. The reasons for my objection are:

- My tenants have recently complained to me of loud music late at night coming from the White Horse, and of noise made by leavers from the pub. This is causing a nuisance to them, which would be exacerbated if the application were to succeed.
- The current level of noise is already a problem to my tenants, especially late into the night. If the application were to succeed, the music that is disrupting my tenants could be played an extra 1.5 hours later per night.
- The extension of the hours of sale of alcohol at the White Horse would in turn result in leavers making a disruptive noise at an even later hour.

I look forward to hearing from you shortly.

This page is intentionally left blank

To Cheshire East Council ^{Page 31} ①
Licensing Authority,
Municipal Buildings
Earl Street, Crave CW12BJ

Dear Sirs

White Horse Inn Paphie House,
22 Pillory St, Nantwich CW5 5BP.
Application for variation of License

This Pub has been the main cause of noise nuisance in the centre of Nantwich for many years. In view of this any proposal to extend its drinking hours should be resisted. In fact they should be reduced.

When the Licensing was taken over by the Council some 4/5 years ago the playing of amplified music was restricted to 11pm, and at all times, all windows & doors, were to be kept closed. These conditions have been regularly flouted.

Further, outdoor music was forbidden apart from the two Jazz Festival weekends.

The suggestion that recorded music should be allowed in the beer garden from 10am to 11pm at "background level" is alarming.

The local residents are most unlikely to agree with the White Horse management as to what constitutes background music.

It is our view that outdoor music of any level should be prohibited, except for the two weekend in question

This page is intentionally left blank

Prior to the new Act, some 4/5 years ago, life for residents and other visitors was made miserable by the activities of several pubs, the White Horse being the principal offender, due to excessively noisy music.

Thanks to the efforts of the Council, the Environmental Health dept + by Inspector O'neilly of Nantwich police at the time, a proper curb on these activities was imposed.

For this the local residents were very grateful. Having experienced the relatively peaceful nights that ensued, as a result, they certainly have no intention of returning to the previous misery.

We would be obliged to be informed of the date of the Licensing hearing so that we may attend to put our views.

Yours faithfully

This page is intentionally left blank

KERR, Carole

From: LICENSING (Cheshire East)
Sent: 12 October 2011 08:43
To: KERR, Carole
Subject: FW: Re application for variation of licence

Jane Cornes
Licensing Administration Officer
Cheshire East Council
jane.cornes@cheshireeast.gov.uk
0300 123 5015

-----Original Message-----

From: Mark Thayer [mailto:tomthayer@o2.co.uk]
Sent: 11 October 2011 22:37
To: LICENSING (Cheshire East)
Subject: Re application for variation of licence

Dear Sirs

I write with regards to the present application to the licensing committee for a variation of the licence for the sale of alcohol by the White Horse Inn Public House, 22 Pillory Street, Nantwich.

i strongly object to further variation and extension of the permitted hours for these premises.

These premises, whilst within the town centre, are adjacent to a significant residential area, and as such have been in the past the source of substantial nuisance to the residents, primarily in the form of noise - both from customers, and from amplified music. More recent controls have improved circumstances, and reduced conflict.

The present arrangements appear satisfactory. There is no logical reason to extend hours for the serving of alcohol from 1 to 2 am, the volume of business in Nantwich town centre does not warrant this, but is likely to simply encourage drunken and antisocial behaviour, with increased episodes of interpersonal violence, increased damage to property, and consequent increased policing costs, and council costs to tax payers.

It is important to consider the nature of the town - a small town centre, not a major urban centre, with residential properties including sheltered housing and care home, where vulnerable residents may be intimidated within their own homes by this antisocial behaviour. We have seen a wide range of such behaviour over this year, from the summer riots to today's reports of appalling drunkenness in Cardiff. This should not be brought to Nantwich.

The issue of noise is a matter of great significance for the local residents. To permit recorded or live music in the garden area is liable to produce a substantial nuisance to residents, and will inevitably lead to conflict. The past experience with this public house is that there is no ability to use moderation, and the term reasonable is far too subjective. Any application should include clear guidance in Decibels (dB). Whilst not wishing to decry the abilities of the pub management, asking or expecting the staff to undertake patrols and monitor/manage noise is unrealistic, and unfair, as they will be placed in a position where there is a significant conflict of interest.

Finally - there is no apparent business case to support this application. As a resident, I am able to identify that the volume of custom at night does not warrant extended opening of the establishment. Indeed it appears that some midweek nights the pub is closed. Granting extended opening in such circumstances is a nonsense, and shows lack of insight by the applicants, who appear to be simply - chancing their luck.

This page is intentionally left blank

KERR, Carole

From: [REDACTED]
Sent: 30 September 2011 15:01
To: LICENSING (Cheshire East)
Subject: objection - noise

DEAR SIRs,
THE WHITE HORSE INN, PUBLIC HOUSE, 22, PILLORY STREET, NANTWICH CW5 5BD.

WE MUST OBJECT TO THIS PUB, IN PARTICULAR, FOR PRODUCING A VAST LEVEL OF NOISE AT TIMES WHEN ALL THE NEIGHBOURS ARE IN BED, WISHING THAT "THAT NOISE WOULD STOP".

AT "GREGORY'S" (THE OTHER 'NITE' CLUB) THERE IS VERY LITTLE NOISE BECAUSE THE COUNCIL DECIDED THAT THEY MUST QUIETEN THE MUSIC, AND GENERAL NOISE, WHEN MOST OF THEIR YOUNG GUESTS PARENTS ARE IN BED HOPING TO SLEEP. AND IT WAS DONE VERY WELL, TOO. CONGRATULATIONS !

SURELY, THE COUNCIL SHOULD HAVE THE SAME OUTLOOK OVER THIS PUB, WHEN THERE ARE MANY MORE PEOPLE, TRYING TO SLEEP, THAN THE FEW WHO LIVE CLOSE ENOUGH TO "GREGORY'S. "

HOW CAN THIS PUB MAKE SO MUCH NOISE AT 02.00 OUTSIDE AT 'BACKGROUND MUSIC ONLY'.

MUSIC IN THE GARDEN FROM 10.00 UNTIL 23.00, IN THE GARDEN (!!!!) PLAYED AT BACKGROUND ONLY. WHAT PLEASE, IS THAT? IT DEPENDS ON US, BUT NOT THOSE IN THE PUB.

WE LIVE ALMOST NEXT DOOR TO THE PUB, BUT SO DO ALL THOSE THAT RESIDE IN : MILL STREET. BARKER STREET. LOVE LANE. FLATS IN THE OLD VETS BUILDING. PILLORY STREET. PALL MALL. GROCOTTS ROW. HOSPITAL STREET.

"GREGORY'S" DO NOT HAVE SO MANY CLOSE NEIGHBOURS, YET THE COUNCIL TOOK NOTICE." PERHAPS IT WAS THE NEWISH BUILDING NEAR THE RIVER THAT AFFECTED THE OUTCOME.

WE HOPE THAT THE COUNCIL WILL ACCEPT ALL THAT HAS BEEN SAID, AND THIS APPLICATION WILL HAVE TO REDUCE, OR EVEN SILENCE, THE TOTAL NOISE OUTSIDE.

THE NOISE INSIDE DOES NOT CONCERN ANYONE. (BUT MARQUEES ARE NOT INSIDE !!)

30/09/2011

This page is intentionally left blank

CHESHIRE EAST COUNCIL

LICENSING ACT SUB-COMMITTEE

Date of meeting: 28th October 2011
Report of: CAROLE KERR, LICENSING ADMINISTRATION OFFICER
Title: APPLICATION FOR PREMISES LICENCE.
AROMA CAFE BAR, UNIT 1, CHATTERTON HOUSE,
7 HOSPITAL STREET, NANTWICH, CW5 5RH.

1.0 Report Summary

- 1.1 The report provides details of an application for a Premises licence submitted by Aroma Cafe Bar Ltd to supply alcohol and recorded music at Unit 1, Chatterton House, 7 Hospital Street, Nantwich.
Representations to the application have been received from two interested parties.

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to:
- 2.1.1. consider the representations received; and
- 2.1.2. determine the application for the grant of the Premises licence

3.0 Reasons for Recommendations

- 3.1. The Licensing Sub-Committee has the power to determine this application. The Sub-Committee is asked to make the decision within 2.1 above taking into consideration the promotion of the licensing objectives and must also have regard to the Councils Statement of Licensing policy and Guidance published under section 182 of the Licensing act 2003.

4.0 Wards affected

- 4.1. Nantwich South and Stapeley

5.0 Local Ward Members

- 5.1. Councillor Peter Grove And Councillor Andrew Martin.

6.0 Policy Implications

- 6.1 The Council has adopted a Statement of Licensing Policy under the 2003 Act relating to its functions as a Licensing Authority under the Act.

7.0. Financial Implications for transition Costs (Authorised by the Borough Treasurer)

7.1. None.

8.0. Financial Implications 2011/2012 and beyond (Authorised by the Borough Treasurer)

8.1 None.

9.0. Legal Implications (Authorised by the Borough Solicitor)

- 9.1. In accordance with the provisions of section 35 of the licensing Act 2003, in determining the application, the Licensing Authority must, having regard to the representations, take such steps(if any) as it considers necessary for the promotion of the licensing objectives. Section 18 provides that the authority may:
- (a) grant the licence subject to conditions
 - (b) exclude from the scope of the licence any of the licensable activities to which application relates.
 - (c) refuse to specify a person on the licence as the Premises Supervisor.
 - (d) reject the application.

10.0 Risk Management

- 10.1 The Licensing Sub-Committee will hear representations made on behalf of both the applicant and the objectors and will make a decision on the basis of the evidence presented to it. The act provides a right of appeal to the Magistrates Court against the decision of the Local Authority.

11:0 Background and Options

- 11.1 The premises which are the subject of the application, are on the ground floor of Chatterton House which comprises a mix of apartments and commercial businesses. The building was formerly a public house. Along with Aroma Cafe is a further Coffee shop,a delicatessan serving hot food,hot and cold drinks and alcohol. There is one further retail unit.
- 11.2 The application is for a licence for the sale of alcohol for consumption on the premises from **11:00am to 22:30 (Mon – Sun)** and to provide recorded music from **08:00 to 23:00 (Sun)**.

The opening hours of the premises are from **08:00am to 23:00 (Mon –Sat)** and **10:00am to 23:00 (Sun)**

The person specified as the Designated Premises Supervisor on the application is Lorraine Blackledge.

- 11.3 Aroma Cafe Bar has operated at the premises since June 2007.
It is located in a mixed commercial,retail and residential area.

- 11.4** To the side of Chatterton House in Church Lane is a small public car park.. Location plan attached at **Appendix A**.

**11.5 Relevant Representation
Responsible Authorities**

- 11.5.1** The Police do not object to the application but have stated that the following conditions be attached to the licence;
- The proof of age scheme Challenge 25 will be operated for all sales of alcohol.
 - Alcohol may only be served to customers seated at a table by means of waiter/waitress service.
 - A tamper proof CCTV system is to be maintained at the premises to the satisfaction of the Police Licensing Officer and it must record at all times the premises are open to the public. Unedited images must be securely retained for at least 14 days and copies made freely available upon request to a constable or an employee of the Police Authority, Local Authority or Security Industry Authority.
- 11.5.2** Environmental Health do not object to the application but have stated that the following conditions be attached to the licence;
- No nuisance shall be caused by noise coming from the premises.
 - Refuse such as bottles shall be disposed of from the premises at a time(ie between 08:00 to 20:00) when it is not likely to cause a disturbance to residents in the vicinity of the premises.
 - 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.
- 11.5.3** No observations have been received from Trading Standards, Planning or the fire Service.

11.6 Public Objections.

Written representations have been received from two interested parties.

One writer states that he feels that the location and amenities of the site do not lend themselves to further expansion of business activity . Problems already arise where parking provision for residents and waste storage facilities for the retail units are located. The same writer states that to sell alcohol at the premises outside of the current hours of operation for the cafe bar will impact on the quiet enjoyment of residents in their properties.

Letters are appended to the report at **Appendix B**.

- 11.7** In making its decision, the Sub –Committee must have regard to comments received from interested parties, Environmental Health and the Police.

12.0 Overview of year one and Term one issues.

12.1 Not applicable.

13.0 Access to Information.

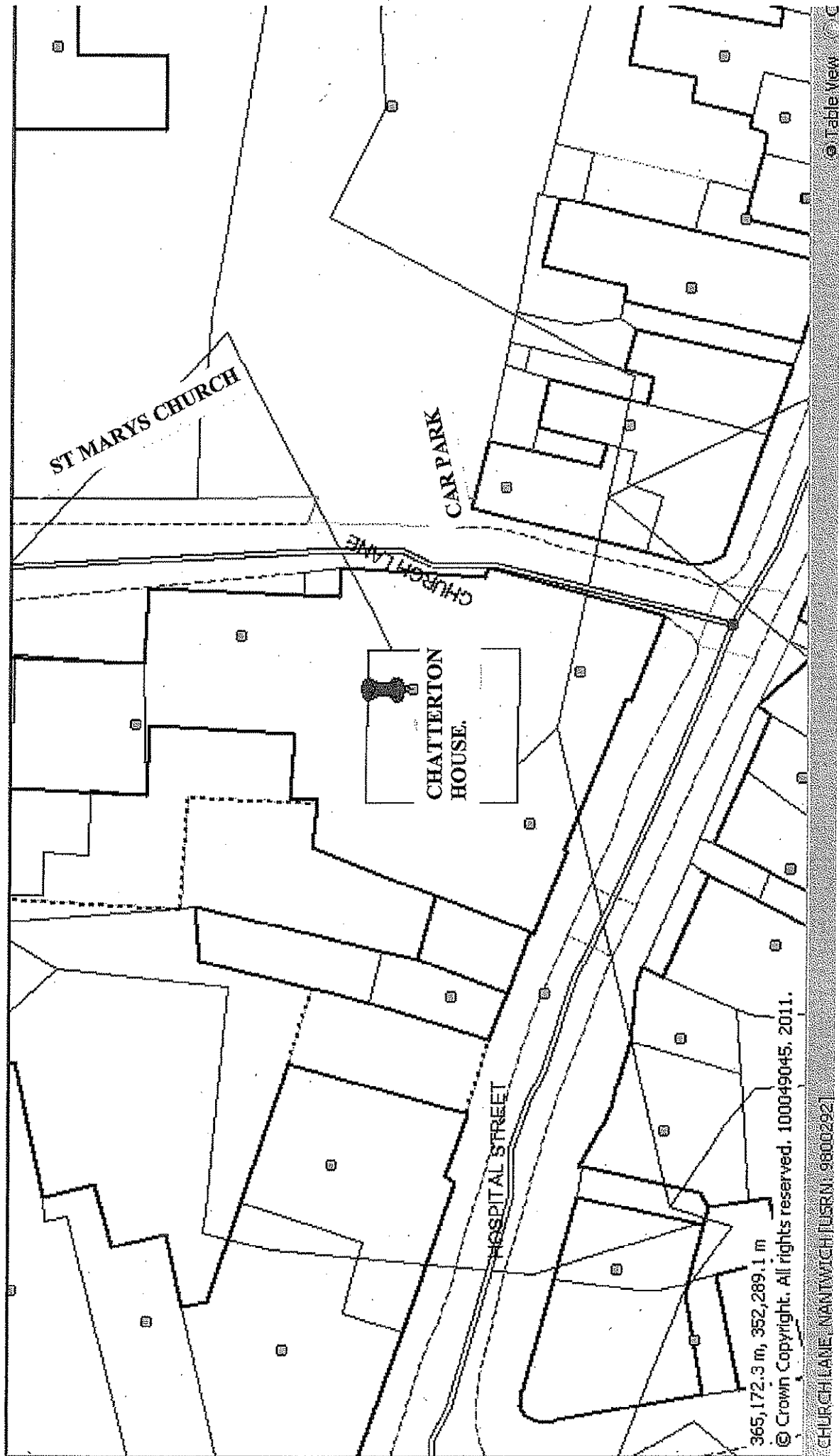
There are no background papers associated with this report.

E

Name: Carole Kerr
Designation: Licensing Administration Officer
TEL: 01270 537124
Email: carole.kerr@cheshireeast.gov.uk

Appendix A- Location Plan

Appendix B- Objections from interested parties.



This page is intentionally left blank

Dated: 3rd October 2011



Cheshire

Dear Sir or Madam,

OBJECTION TO PREMISE LICENSE APPLICATION at AROMA CAFÉ Bar Ltd 7 Hospital Street
Nantwich CW5 5RH.

I object to the above application beyond 17.30 evenings (Monday to Sunday) as this premises is already an Internet style Coffee Bar and I believe in addition to sell Wines and Beer could attract the wrong kind of Clientele into a premises one floor below my residence and in a main Street of the VERY RESIDENTIAL NANTWICH town centre.

I feel that the current operates very successfully as a Coffee Bar and should continue to do so under it's current format.

Thanking you for your attention in this matter.

Yours sincerely

(25 August 2011) Original date of objection letter.

This page is intentionally left blank

6th October 2011

Private & Confidential

The Licensing Department
Cheshire East Council
Westfields
Middlewich Road
Sandbach
Cheshire
CW11 1HZ



Dear Sir/Madam,

Re: Aroma Coffee Premises License Application to Sell Alcohol – Representation & Objection

I refer to the public notice in respect of the application for a premises license to sell alcohol at Aroma Café Bar Ltd, 7 Hospital St, Nantwich, Cheshire, CW5 5RH.

I wish to make formal representation in the form of an objection to granting of such a license. I am the owner of , which is located directly above the Aroma Café premises. We currently suffer noise pollution as a direct result of music played and the general operations of a café bar from the premises. The proposed addition to sell alcohol at the premises over extended hours 11 – 22:30 Monday to Sunday will only further impact the quiet enjoyment of our property and the Chatterton House building in general which is predominantly given over to residential accommodation.

Furthermore, the location and amenities at the site, specifically deliveries and waste collection and disposal do not lend themselves to further expansion of the business operations carried out on the site and thereby waste generated from the ground floor based retail businesses. Residents currently suffer problems within the courtyard area, where parking provision for residents and waste storage facilities for the retail units are co-located. Insufficient and poor quality commercial waste management and disposal practices have resulted in the presence of vermin and unpleasant odours within the area. Furthermore, the hours of collection by commercial waste contractors have a significant detrimental impact upon the residential properties within the development and particularly those bordering the courtyard where noise levels are amplified. Further glass waste will compound the existing problems.

With regards to the “need” for further licensed premises on Hospital St, the area is already extremely well served by licensed premises and as such a further licensed premise is not required. The existing Aroma business would appear to be trading successfully and as such an economic justification for transition to licensed premises cannot be made.

I would request that you take account of the points raised within this letter when considering the aforementioned application. Should you require any clarification surrounding the objections made

This page is intentionally left blank

or to arrange a site visit to verify the adverse impact upon residents, then please do not hesitate to contact me directly on 078999 23031 or via e-mail at

Yours faithfully,

A handwritten signature in black ink, appearing to read 'A Fletcher', with a stylized, sweeping flourish at the end.

Andrew Fletcher

This page is intentionally left blank