

Licensing Act Sub-Committee

Agenda

Date: Monday, 9th January, 2012
Time: 9.30 am
Venue: Meeting Room B, Macclesfield Library, Jordangate,
Macclesfield, Cheshire SK10 1EE

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. **Review of Premises Licence: The Boars Head, 2 Shrigley Road North, Poynton, Cheshire** (Pages 5 - 32)

To consider an application for the review of a Premises Licence for The Boars Head, 2 Shrigley Road North, Poynton.

THERE ARE NO PART TWO ITEMS

For requests for further information

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

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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.
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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

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Monday 9th January 2012
Report of:	Mrs N Cadman – Licensing Officer
Subject/Title:	Review of Premises Licence – The Boars Head, 2 Shrigley Road North, Poynton, Cheshire

1.0 Report Summary

- 1.1 The report provides details of an application for the review of a Premises Licence under section 51 of the Licensing Act 2003 and outlines the evidence presented by the parties in relation to the review.

2.0 Decision Requested

- 2.1 The Licensing Act Sub-Committee is requested to:
- 2.1.1 Consider the review application and any relevant representations; and
- 2.1.2 Determine what steps, if any, it considers are necessary for the promotion of the licensing objectives.

3.0 Reasons for Recommendations

- 3.1 The Licensing Act Sub-Committee has the power to determine this application in accordance with the provisions of the Licensing Act 2003.

4.0 Wards Affected

- 4.1 Poynton East and Pott Shrigley

5.0 Local Ward Members

- 5.1 Councillor Howard Murray and Councillor Jos Saunders

6.0 Policy Implications including - Carbon reduction - Health

- 6.1 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003 and Guidance issued under section 182 of the Act.

7.0 Financial Implications

7.1 Not applicable.

8.0 Legal Implications

8.1 Sub-section 52(2) of the Licensing Act 2003 prescribes that before determining an application for review received in accordance with section 51, the Licensing Authority must hold a hearing to consider the review application and any relevant representations.

8.2 Sub-section 52(3) states that 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. The steps set out within sub-section (4) are:

- a) to modify the conditions of the licence;
- b) to exclude a licensable activity from the scope of the licence;
- c) to remove the designated premises supervisor;
- d) to suspend the licence for a period not exceeding three months;
- e) to revoke the licence.

9.0 Risk Management

9.1 Section 181 and Schedule 5 of the Licensing Act 2003 make provision for appeal to the Magistrates' Court of any decision made by the Licensing Authority.

10.0 Background and Options

10.1 On 15th November 2011 an application for a review of the Premises Licence relating to the Boars Head, 2 Shrigley Road North, Poynton was submitted by Mrs Gillian Brennan Sydes and Mr Sean Brennan. The grounds for review set out within the review application were (i) the prevention of crime and disorder; (ii) the prevention of public nuisance; and (iii) the promotion of public safety. A copy of the review application is appended to this report as Appendix 1.

10.2 The Premises Licence Holders in relation to the Boars Head, 2 Shrigley Road North, Poynton are Punch Taverns Plc. The Designated Premises Supervisor named on the Premises Licence is Mr Gordon Yoxall. A copy of the Premises Licence is appended to this report as Appendix 2.

10.3 Within the prescribed consultation period in relation to the review, the Licensing Authority has received representations from the Environmental Health Officer and the Health and Safety Officer. Copies of these representations are appended as Appendix 3 and Appendix 4 respectively. The Police and the Fire Safety Officer reported no comments. No other representations were received from the Responsible Authorities. The Licensing Authority has also received letters of support from local residents. Details of the representations are appended to the report as Appendix 5.

- 10.4 In reviewing the Premises Licence and making its decision, the Licensing Act Sub-Committee must have regard the application and relevant representations. The Sub-Committee is required to take such of the steps referred to within sub-section 52(4) of the Licensing Act 2003 (if any) as it considers necessary for the promotion of the licensing objectives.

11.0 Access to Information

Appendix 1 – Review application
Appendix 2 – Premises Licence
Appendix 3 – Representation from Environmental Health
Appendix 4 – Representation from Health and Safety
Appendix 5 – Correspondence from supporters
Appendix 6 – Site plan

The background papers relating to this report can be inspected by contacting the report writer:

Name: Mrs N Cadman
Designation: Licensing Officer
Tel No: (01270) 685957
Email: nikki.cadman@cheshireeast.gov.uk

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**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.

1 Gillian BRENNAN Sydes + Sean BRENNAN
(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 Boars Head
2 Shrigley Rd North Poynton Stockport

Post town <u>Stockport</u>	Post code (if known) <u>SK12 1TE</u>
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Name of premises licence holder or club holding club premises certificate (if
known)
Gordon yoxhall

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

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

BRENNAN Sydes

First names

Gillian
Sean

I am 18 years old or over

Please tick yes



Current postal
address if
different from
premises
address

4 Shrighey Rd North
Poynton

Post town

Stockport

Post Code

SK12 1TE

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
Telephone number (if any)
E-mail address (optional)

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

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

+ information

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

Because of Mr Yokhalls habit of allowing my after hours drinking, during the week, it has become customary to have incidents of nuisance in the evening and early mornings. These incidents came to a head in the early hours of 28th September when an act of criminal damage was carried out on our vehicle, by one of the pub regulars. The damage to the vehicle amounted to £1200.00 and the incident was reported to East Cheshire Police crime reference 141 28th September.

We have tolerated many nuisances in the past, but they have now reached a level where tolerance is unacceptable.

I also have concerns over an issue of public safety in the pubs car park.

PRO.

Cont'd

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

Mr Yoxhall has had trees removed from the public car park at the rear of the pub which formed a natural barrier with my land. The car park is unlit and the removal of the trees has left an unguarded open ditch at the end of the surface adjacent to my property. The ditch is several feet deep and is a hazard to the public using the premises at night time.

Mr Yoxhall is not what I would consider as a responsible licensee. He has no regards as to what occurs around the vicinity of the public house. He allows drinking outside the pub and often leaves glasses, including broken ones, outside overnight.

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

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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If you have made representations before relating to this premises please state what they were and when you made them

APPENDIX - 1

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 Gillian BRENNAN Sydes + SEAN BRENNAN

Date 14 11 2011

Capacity

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

Post town

Post Code

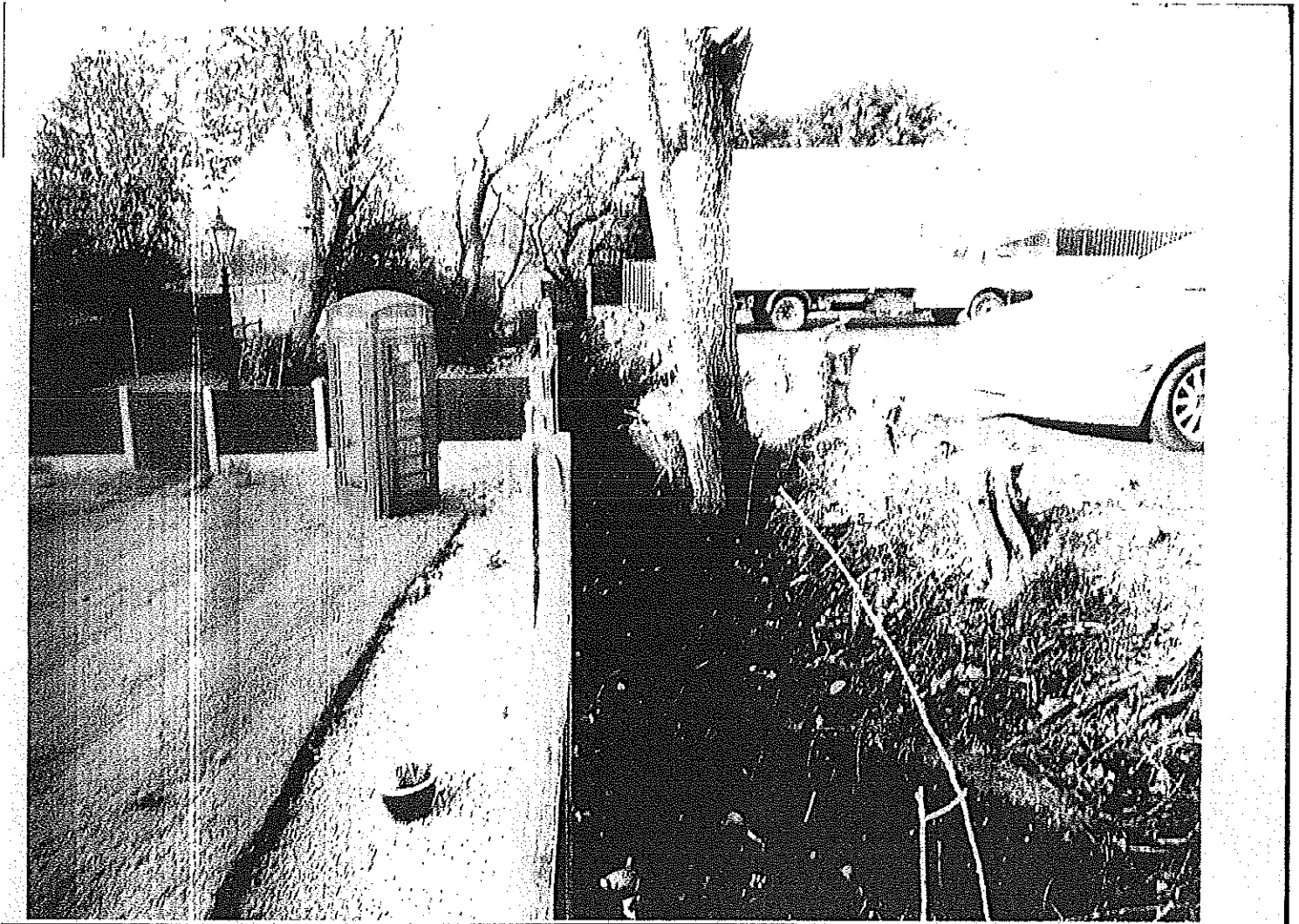
Telephone number (if any)

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.







Premises Licence

Premises Licence Number:

MBC/PR/0086

Part 1 - Premises Details

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

The Boar's Head Hotel
2 Shrigley Road North
Poynton
Stockport, Cheshire

Post Town: Poynton

Post Code: SK12 1TE

Telephone Number: 01625 876676

Where the Licence is time limited, the dates:

Not applicable.

Licensable activities authorised by the Licence:

Live Music
Recorded Music
Sale and supply of alcohol
Late Night Refreshment

The times the Licence authorises the carrying out of licensable activities:

Live Music (to take place indoors)

Monday to Thursday and Sunday 10.00 to 24.00

Friday and Saturday 10.00 to 01.00

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve. A further additional hour every Boxing Day. From end of permitted hours on New Years Eve to the commencement of permitted hours on New Years Day.

Recorded Music (to take place indoors)

Monday to Thursday and Sunday 10.00 to 24.00

Friday and Saturday 10.00 to 01.00

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve. A

further additional hour every Boxing Day. From end of permitted hours on New Years Eve to the commencement of permitted hours on New Years Day.

Sale and supply of alcohol

Monday to Thursday and Sunday 10.00 to 24.00

Friday and Saturday 10.00 to 01.00

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve. A further additional hour every Boxing Day. From end of permitted hours on New Years Eve to the commencement of permitted hours on New Years Day.

Late night refreshment (to take place indoors)

Monday to Saturday 23.00 to 23.30

From end of permitted hours on New Years Eve to 05.00 on New Years Day.

The opening hours of the Premises:

Monday to Thursday and Sunday 10.00 to 00.30

Friday and Saturday 10.00 to 01.30

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve. A further additional hour every Boxing Day. From end of permitted hours on New Years Eve to the commencement of permitted hours on New Years Day.

Where the Licence authorises supplies of alcohol, whether these are on and/or off supplies:

For consumption either on or off the premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of Premises Licence:

Punch Taverns Plc
Jubilee House
Second Avenue
Burton on Trent
Staffordshire
DE14 2WF

Tel No: 01283 501 600

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

03752645

Name, address and telephone number of designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

Mr Gordon Allan Yoxall
Boars Head
Shrigley Road North,
Higher Poynton
Stockport
SK12 1TE

Tel No: 01625 876676

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: MBC/PE0101

Issuing Authority: Macclesfield Borough Council

.....
Head of Service (Legal)

Annex 1 - Mandatory Conditions

1. No supply of alcohol may be made under this Premises Licence -
 - (a) at a time when there is no designated premises supervisor in respect of the Premises Licence, or
 - (b) at a time when the designated premises supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under this Premises Licence must be made or authorised by a person who holds a Personal Licence.

Annex 2 - Conditions consistent with the Operating Schedule**Prevention of Crime and Disorder**

1. There shall be car park lighting at the premises.

Public Safety

2. There shall be emergency lighting and fire exit signs at the premises.

Prevention of Public Nuisance

3. There shall be a kitchen extraction system at the premises.

Protection of Children from Harm

4. There shall be no unaccompanied children on the premises.
5. Where there is provided in the Premises an entertainment for children, or an entertainment at which the majority of the persons attending are children, then, if the number of children attending the entertainment exceeds one hundred, it shall be the duty of the person providing the entertainment to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate, and to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and to take all other reasonable precautions for the safety of the children
6. Where the occupier of the Premises permits, for hire or reward, the Premises to be used for the purpose of an entertainment, he shall take all reasonable steps to secure the observance of the provisions of condition 5 above.
7. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
 - (1) He is the child of the holder of the premises licence.
 - (2) He resides in the premises, but is not employed there.
 - (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

General – All Licensing Objectives

8. There shall be a 30 minute drinking up time at the premises to allow appropriate dispersal and use of lavatories etc.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

Not applicable.

Annex 4 - Plans

See plans attached.



Premises Licence Summary

Premises Licence Number:

MBC/PR/0086

Premises Details

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

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2 Shrigley Road North
Poynton
Stockport, Cheshire

Post Town: Poynton

Post Code: SK12 1TE

Telephone Number: 01625 876676

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Live Music
Recorded Music
Sale and supply of alcohol
Late Night Refreshment

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A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank holiday weekend.

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Friday and Saturday 10.00 to 01.00

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Where the Licence authorises supplies of alcohol, whether these are on and/or off supplies:

For consumption either on or off the premises

Name, (registered) address of holder of Premises Licence:

Punch Taverns Plc
Jubilee House
Second Avenue
Burton on Trent
Staffordshire
DE14 2WF

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

03752645

Name of designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

Mr Gordon Allan Yoxall

State whether access to the Premises by children is restricted or prohibited:

There shall be no unaccompanied children on the premises.

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the premises licence.
- (2) He resides in the premises, but is not employed there.
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

.....
Head of Service (Legal)



Licensing Act 2003 – Premises Licence

Duration of a Premises Licence

A premises licence has effect until such a time that it is suspended, revoked or surrendered.

Duty to notify change of name or address

The holder of a premises licence must, as soon as is reasonably practicable, notify the relevant licensing authority of any change of name or address.

Where the designated premises supervisor (DPS) under a premises licence is not the holder of the licence, he should notify the licensing authority of a change in name or address as soon as possible. The DPS must also notify the holder of the premises licence.

Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)

Duty to keep and display licence

The holder of a premises licence must ensure that the licence or a certified copy of it is kept at the premises in the custody of or under the control of the holder of the licence or a person who works at the premises whom the premises licence holder has nominated in writing. A notice should be prominently displayed at the premises specifying the position of any such nominee.

The premises licence holder has a duty to ensure that a summary of the licence or a certified copy of that summary is prominently displayed at the premises.

Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)

Duty to produce licence

A constable or an authorised person may require production of the premises licence for examination. An authorised person must, if requested, produce evidence of his authority to exercise the power.

Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)

Theft or loss of premises licence

Where a premises licence or summary is lost, stolen, damaged or destroyed, the holder of the licence may apply to the relevant licensing authority for a copy of the licence or summary. A fee of £10.50 is payable in relation to such an application.

Where an application is made for a replacement licence or summary the licensing authority must issue the holder of the licence with a licence or summary if it is satisfied that –

- (a) the licence or summary has been lost, stolen, damaged or destroyed; and
- (a) where it has been lost or stolen, the holder has reported that loss or theft to the police.

Surrender of premises licence

Where the holder of a premises licence wishes to surrender his/her licence he/she may give the licensing authority a notice to that effect. The notice must be accompanied by the premises licence, or where that is not practicable, by a statement of the reasons for the failure to provide the licence. Where a notice of surrender is given, the premises licence lapses on receipt of the notice by the licensing authority.

Death, incapacity, insolvency of licence holder

A premises licence lapses if the holder of the licence –

- (a) dies,
- (a) becomes mentally incapable (within the meaning of section 13(1) of the Enduring Powers of Attorney Act 1985)
- (b) becomes insolvent,
- (c) is dissolved, or
- (d) if it is a club, ceases to be a recognised club

(subject to provision for re-instatement in certain circumstances).

From: LOMAS, Brenda
Sent: 06 December 2011 15:30
To: CADMAN, Nikki
Subject: Application for the review of a premises licence - Boars Head, 2 Shrigley Road North, Poynton

I would refer to the review of the Premise Licence application for The Boars Head, 2 Shrigley Road North, Poynton which has been called by Mrs Gillian Brennan Sydes of 4 Shrigley Road North, Poynton.

I have checked the record of complaints lodged to this Service in relation to The Boars Head. I would advise that Mrs Brennan Sydes has made a number of complaints to this Service in relation to various matters from the overall premises and activities on the site. However, I would confirm that the issue of noise caused as a result of attendance of patrons beyond the permitted hours has only been raised by Mrs Brennan Sydes on one occasion.

On 28th September 2011, Mrs Brennan Sides spoke to Hamish Roscoe, Senior Enforcement Officer of this Service and complained that patrons had been drinking in the pub until 2am on the previous night and until 1.30am on the previous Thursday night. Mrs Brennan Sides alleged that noise disturbance was caused from the patrons when they were leaving the Boars Head - particularly when on the roadway outside of the pub.

Mr Roscoe advised Mrs Brennan that the noise nuisance legislation which is enforced by Environmental Health, cannot be used to address behavioural noise on the highway. Mr Roscoe therefore referred her complaint to the Licensing Department in respect of the alleged breach of the conditions of the Premises Licence in terms of the allegation that alcohol was being consumed at the public house beyond the licensed hours.

I would therefore confirm that this Service has not received regular complaint in this regard from Mrs Brennan Sydes or from any other resident in the locality. It is however, recognised that Mrs Brennan Sydes is the closest resident to The Boars Head. I would also confirm that this Service has not received any complaint in respect of general noise from patrons whilst drinking outdoors at the pub at any time of the day or evening.

Brenda Lomas

Enforcement Officer

Cheshire East Council

Public Protection and Health

Town Hall, Market Place

Macclesfield

SK10 1EA

From: FIRTH, Paula
Sent: 12 December 2011 09:14
To: CADMAN, Nikki
Subject: Boars Head, Higher Poynton

My colleague has visited the Boars Head to do a food inspection and had a look at the health and safety issues raised in the license review. The only potential problem found was the ditch to the edge of the car park where the trees have been chopped down. The landlord is very co-operative and has agreed to put up a barrier to meet with his duties under health and safety regulations. He has assured my colleague that he will do this quickly. I am aware that this is an ongoing dispute between the applicant and the license holder and my colleague has since discovered that there are counter claims from the licensee against the applicant's business to do with animal welfare.

Mrs Paula Firth BSc (Hons) MSc (Eng)
Senior Environmental Health Officer
Cheshire East Borough Council
Town Hall
Macclesfield
SK10 1DS

Dear Sirs

To Whom it may concern —

My local pub The Boar's Head is a long established, friendly and welcoming one which myself and family have used for decades.

The current landlord is a most amiable and hard working family man who we all respect and appreciate.

I am confident that I speak for many other people in this respect.

Yours Sincerely

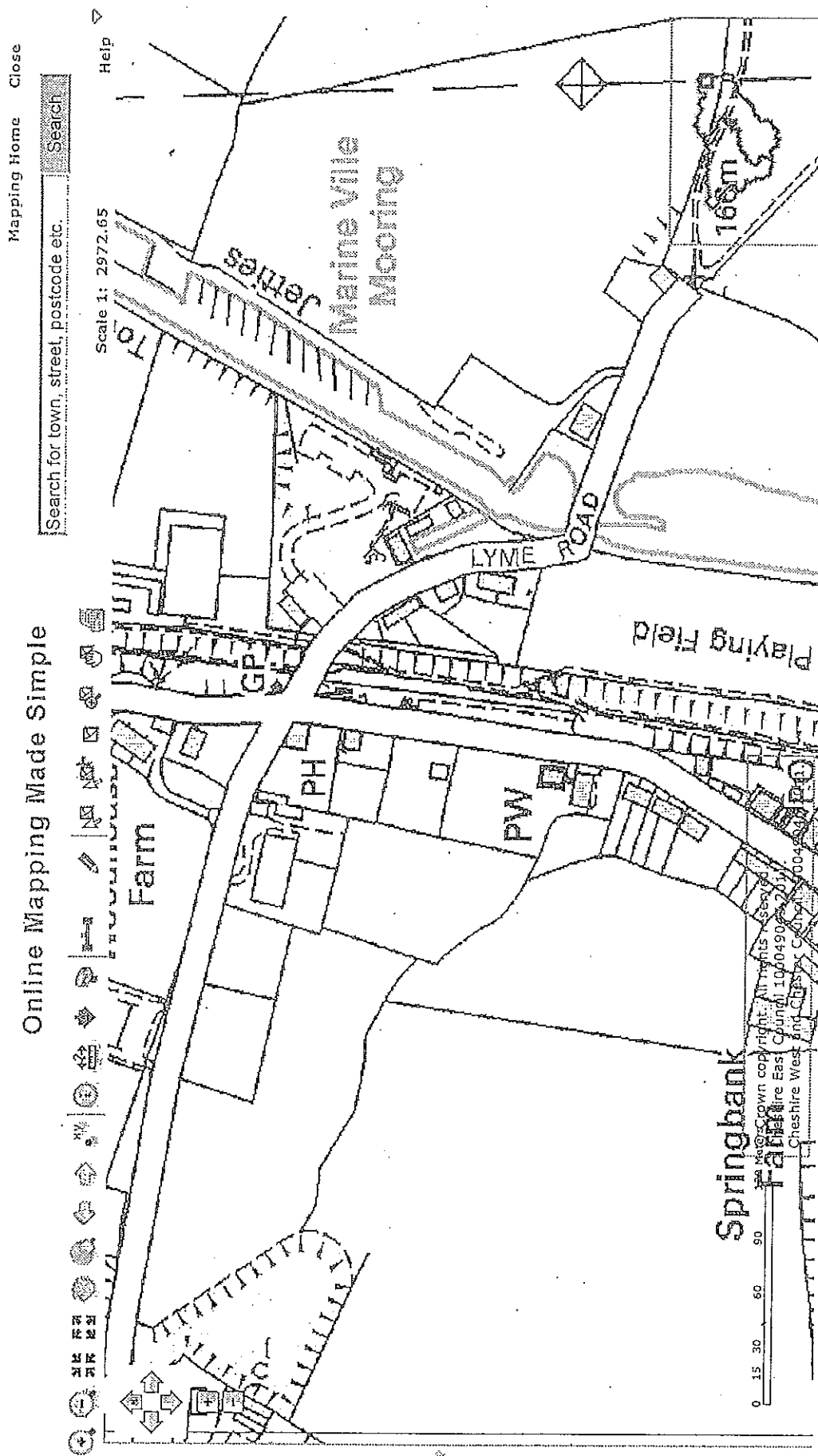
I am a local resident who has been coming to the Boarsthead for the last 21 yrs. The pub is the hub of local activity and Gordon the landlord who has been here for 15 yrs is a most congenial host. He takes time to interact with all his customers and if he can assist with any problem he is most willing to do so.

The pub itself has an inviting atmosphere with its fires and traditional decor. You feel at home.

All the local people visit the pub at some time and speak very highly of Gordon. My husband and I feel

fortunate that we have such a well run and friendly pub on our doorstep.

Have been coming up to the Boon
for the last 8 yrs and found not only
a warm and welcoming place, the 'Landlord'
Gordon, a delightful person - and a place
we always come - even with the snow!



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