

Licensing Act Sub-Committee

Agenda

Date: Monday, 28th May, 2012
Time: ~~9.30 am~~ **Start Time Changed To 10.30am**
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. **Application for a Premises Licence: Bubble Room, 45 - 47 London Road, Alderley Edge, Cheshire SK9 7JT** (Pages 5 - 34)

To consider an application for a Premises Licence for Bubble Room, 45 - 47 London Road, Alderley Edge.

Note: Members of the Sub-Committee have agreed to defer consideration of this item to a meeting on Thursday 21 June.

4. **Application for a Premises Licence: Takeaway/Restaurant, 125 Nantwich Road, Crewe, Cheshire** (Pages 35 - 46)

To consider an application for a Premises Licence for a Takeaway/Restaurant, 125 Nantwich Road, Crewe, Cheshire.

THERE ARE NO PART 2 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 28 th May at 09.30am
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application for a Premises Licence Bubble Room, 45-47 London Road, Alderley Edge, Cheshire, SK9 7JT.

1.0 Report Summary

- 1.1 The report provides details of an application for a premises licence together with information as to representations received in relation to the application.

2.0 Recommendations

The Licensing Act Sub-Committee is requested to determine the application for a Premises Licence by The Bubble Room Bar & Restaurant, in respect of Bubble Room, 45-47 London Road, Alderley Edge, Cheshire, SK9 7JT.

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 Alderley Edge

5.0 Local Ward Members

Cllr Frank Keegan

6.0 Policy Implications

- 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 (Authorised by the Director of Finance and Business Services)

- 7.1 Not applicable.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 In accordance with the provisions of section 18 of the Licensing Act 2003 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(4) 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 the

application relates; (c) to refuse to specify a person in the licence as the premises supervisor; or (d) to reject the application.

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 The application is for Premises Licence under section 17 of the Licensing Act 2003.
- 10.2 The operating schedule indicates that the relevant licensable activities applied for are:
Live Music
Recorded Music
Performance of Dance
Sale and Supply of Alcohol
Anything of a similar description to live music, recorded music and performance of dance.
Provision of entertainment facilities for making music
Provision of entertainment facilities for dancing
Provision of facilities for entertainment of a similar description to making music and dancing.
Late Night Refreshment
- 10.3 The hours applied for are as follows:

Live Music

Sunday to Wednesday 09:00 to 23:00 hours
Thursday to Saturday 09:00 - 00:00 hours

The performance of live music will take place indoors.

Non Standard Timings:

To 02:00 hours on Christmas Eve, on Valentines Day and on the Sundays and Mondays of Bank Holiday Weekends.

An additional hour on the day that British Summertime commences.

From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.

Recorded Music

Sunday to Wednesday 09:00 to 00:00 hours
Thursday to Saturday 09:00 to 01:00 hours

The playing of recorded music will take place indoors only.

Non Standard Timings:

To 02:00 hours on Christmas Eve, on Valentines Day and on the Fridays, Saturdays, Sundays and Mondays of Bank Holiday Weekends.

An additional hour on the day that British Summertime commences. From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.

Performance of Dance

Sunday to Wednesday 09:00 to 00:00 hours

Thursday to Saturday 09:00 to 01:00 hours

The performance of dance will take place indoors only.

Non Standard Timings:

To 02:00 hours on Christmas Eve, on Valentines Day and on the Fridays, Saturdays, Sundays and Mondays of Bank Holiday Weekends.

An additional hour on the day that British Summertime commences.

From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.

Sale and supply of alcohol

Sunday to Wednesday 09:00 to 00:00 hours

Thursday to Saturday 09:00 to 02:00 hours

The supply of alcohol will be for consumption both on and off the premises.

Non Standard Timings:

To 02:00 hours on Christmas Eve, on Valentines Day and on the Sundays and Mondays of Bank Holiday Weekends.

An additional hour on the day that British Summertime commences.

From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.

Anything of a similar description to live music, recorded music and dance

Sunday to Wednesday 09:00 to 00:00 hours

Thursday to Saturday 09:00 to 01:00 hours

The entertainment will take place indoors only.

Non Standard Timings:

To 02:00 hours on Christmas Eve, on Valentines Day and on the Fridays, Saturdays, Sundays and Mondays of Bank Holiday Weekends.

An additional hour on the day that British Summertime commences.

From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.

Provision of facilities for making music

Sunday to Wednesday 09:00 to 00:00 hours

Thursday to Saturday 09:00 to 01:00 hours

The facilities for making music will take place indoors only.

Non Standard Timings:

To 02:00 hours on Christmas Eve, on Valentines Day and on the Fridays, Saturdays, Sundays and Mondays of Bank Holiday Weekends.

An additional hour on the day that British Summertime commences.

From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.

Provision of facilities for dancing

Sunday to Wednesday 09:00 to 00:00 hours

Thursday to Saturday 09:00 to 01:00 hours

The facilities for dancing will take place indoors only.

Non Standard Timings:

To 02:00 hours on Christmas Eve, on Valentines Day and on the Fridays, Saturdays, Sundays and Mondays of Bank Holiday Weekends.

An additional hour on the day that British Summertime commences.

From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.

Provision of facilities for entertainment similar to music and dance

Sunday to Wednesday 09:00 to 00:00 hours

Thursday to Saturday 09:00 to 01:00 hours

The provision of facilities for entertainment of a similar description shall take place indoors.

Non Standard Timings:

To 02:00 hours on Christmas Eve, on Valentines Day and on the Fridays, Saturdays, Sundays and Mondays of Bank Holiday Weekends.

An additional hour on the day that British Summertime commences.

From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.

Late Night Refreshment

Sunday to Wednesday 23:00 to 00:30 hours

Thursday to Saturday 23:00 to 02:30 hours

The provision of late night refreshment will take place indoors only.

Non Standard Timings:

To 02:30 hours on Christmas Eve, on Valentines Day and on the Sundays and Mondays of Bank Holiday Weekends.

An additional hour on the day that British Summertime commences.

From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.

10.4 Designated Premises Supervisor: Mr Lee Mason

10.5 The operating schedule includes the following steps to promote the licensing objectives:

(a) Prevention of crime and disorder

CCTV will be installed at the premises. Said CCTV shall:

- record during all hours that the premises is open to the public;
- include upon any recording the time and date of said recording;
- as a minimum, record and head and shoulders image of each individual who enters the premises through the main entrance, said image to be of evidential quality; and
- retain images for a minimum of 28 days, with said images being produced to an authorised officer upon demand.

The Premises Licence Holder, or a nominated representative, shall be an active member of the local Pub Watch scheme or its equivalent (where such a scheme is in existence) and shall regularly attend the meetings.

Prior to licensable activities taking place a risk assessment will be conducted, an appropriate number of door supervisors will be utilised in accordance with said risk assessment.

(b) Public safety

Frequent collection of glasses and bottles will be undertaken, particularly with regard to the external area, to ensure that there is no accumulation of empty containers around the licensed premises.

(c) Prevention of public nuisance

Whenever any form of regulated entertainment is taking place at the premises, regular assessments shall be made of any noise emanating from the premises. In the event that any noise is likely to cause a disturbance to any local residents, remedial action shall be taken.

Said assessments shall be recorded and made available to an authorised officer upon request.

The volume of amplified sounds used in connection with entertainment shall at all times be under the control of the licensee or the management and the controlling mechanism shall be operated from a part of the premises inaccessible to the public.

There shall be adequate supervision and control over any external areas of the premises to prevent any disturbance to any residents in the vicinity of the premises.

A clear, legible and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents shall be displayed at every exit.

(d) Protection of children from harm

There shall be a "Challenge 25" scheme in operation at the premises, requiring any individual who appears to be under the age of twenty-five to provide identification to prove that they are over the age of eighteen. In the event that the individual is unable to provide said identification, then the sale of alcohol will be refused. The only forms of identification which are acceptable are:

- a UK photo card driving licence;
- a valid passport;
- a PASS-accredited proof of age card; or,
- any other form of identification previously agreed with representatives of the Police Licensing Department.

All staff who are involved with the sale of alcohol will receive training in relation to the "Challenge 25" scheme. Records to evidence said training will be made available to an authorised officer upon request.

Persons under the age of eighteen will not be permitted on the premises unless accompanied by a responsible adult.

(e) General – all four licensing objectives

Members of staff who are involved in the sale of alcohol will be trained in relation to the Licensing Objectives so as to prevent crime and disorder, prevent public nuisance, promote public safety and promote the protection of children from harm. Said training will be documented and will be made available to an authorised officer upon request.

In the absence of the Designated Premises Supervisor, another individual (whose identity should be known to other members of staff) should be nominated to deputise for him or her.

At least one personal licence holder will be present whenever the supply or sale of alcohol is being undertaken, except in the case of emergency.

Hot and cold food will be available at all times that the premises are open to the public and the supply of alcohol is taking place.

Service to patrons who are seated in the external area shall be by way of waiter or waitress.

10.6 Relevant Representations:

Responsible Authorities

10.6.1 The Police state in their response: The application is for Regulated Entertainment, the sale and supply of alcohol and late night refreshments. The premises currently operate under a Premises Licence at 47 London Road, Alderley Edge. The new licence will include no 45 London Road, Alderley Edge, hence this application. Operating times Sunday to Wednesday will remain the same, Thursday to Saturday will be extended by one hour to 02.00 for the sale and supply of alcohol and close at 02.30 hours. The proposed Designated Premises Supervisor Lee Mason will remain. The operating schedule meets the four licensing objectives to the satisfaction of the Police and providing these are met there are no Police representations.

10.6.2 The Environmental Health Department state in their response: I wish to make comment on the Premises Licence application for The Bubble Room at Alderley Edge in respect of the licensing objective of the 'Prevention of Public Nuisance'. This Service would wish for noise from the premises to be controlled and I would therefore request that the following points are taken into consideration:- I would express concern regarding the use of the outdoor seating area at the front of the premises by patrons during sensitive hours. Noise from patrons talking, raised voices, laughter etc may be audible at nearby residencies during late evening / early morning hours when the general background noise level drops - in conjunction with being the times when most people may wish to sleep. The application wishes for alcohol to be consumed outdoors (in the front external decking / seating areas) from 9am until 2am on Thursdays, Fridays and Saturdays and until midnight on any other day. I would recommend that a restriction to an earlier termination time should be considered. I would suggest that this is best addressed by the Licensing Service in relation to making comparison with similar licensed premises / similar uses of outdoor seating areas on London Road, Alderley Edge during late evening / early morning hours and that any generic time termination restrictions should be similarly imposed as a condition of the Premises Licence for the Bubble Room.

In addition, the following points are suggested as conditions of a Premises Licence.

1. Live and recorded music are to be restricted to being played indoors only.
2. Management shall be responsible for ensuring that volume levels (including bass volume level) are effectively controlled at all times. The controlling mechanism shall be operated from a part of the premises which is inaccessible to the public.
3. Whenever any form of regulated entertainment is taking place at the premises, regular external assessments must be undertaken by management to ensure that the noise is contained and does not result in noise nuisance being caused at the nearest residential properties. Details of each assessment shall be recorded in a log book with name of person undertaking the monitoring person, date, time, assessment positions, subjective opinion of what can or can't be heard and what action is subsequently taken (if any). The log book should be kept on the premises and be made available for inspection by an officer from the Local Authority at any time.
4. Windows and doors shall be kept closed during regulated entertainment.

10.6.3 The Cheshire Fire Service – No response.

10.6.4 Local Planning Authority – No response.

10.6.5 Local Safeguarding Children Board – As Police response.

10.6.5 Health and Safety Officer – No response.

10.6.6 Trading Standards – No response.

Interested Parties

10.6.7 The Licensing Authority has received 15 letters of representation from neighbour objectors.

The applicant's Solicitors wrote a letter to the Licensing Authority to request a meeting with the neighbour objectors on 15th May 2012 at the premises to discuss the application and to listen to the concerns of the residents. A copy of this letter is appended to this report at Appendix 16. The Licensing Authority forwarded the Solicitor's letter to all of the neighbour objectors for consideration.

11.0 Access to Information

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

APPENDICES

Appendices 1 – 15 Letters from Neighbour Objectors
Appendix – 16 Letter from Applicant's Solicitors
Appendix – 17 Plan of area.

Sent: 01 May 2012 20:32

To: LICENSING (Cheshire East)

Subject: Reference 021018 Planning Application for extension to license.

APPENDIX - 1

Dear Amanda Hilton

I would like to strongly object to the extension of the license application 021018 as follows;

The village of Alderly Edge is slowly becoming a ghetto in the evenings due to the bars being open until the late hours of the morning.

The residents have a right to be able to sleep at night and not to be woke up by revellers singing dancing in the street and causing rowdy anti-social and nuisance behaviour.

However, I would like to strongly object to the extension on the grounds that the public nuisance is the greatest threat to the village and its residents who live there.

The noise from people standing outside bars/restaurants making noise arriving and leaving at all hours is plain to see. Rubbish and litter, broken glasses and the disruption caused by people

Using these premises is already at breaking point without allowing it to go on for even longer until the early hours of the morning.

Traffic noise is also unbearable and taxis coming and going at all hours then arriving and parking across pavements blocking access because the premises are open until late has become a complete nightmare for normal people who want to get on with their lives.

The damage to the villages' reputation as a nice place to live is at risk by granting extensions to licenses.

Allowing this will set a precedent for other bars to try and get extensions on their premises will allow Public Nuisance and Crime & Disorder to totally get out of control (look what happened to

The bank square area in Wilmslow) a few years ago it was a warzone for local people and the police were stationed there all weekend trying to resolve crime & disorder.

Many thanks

Sent: 27 April 2012 12:30
To: HINTON, Amanda; LICENSING (Cheshire East)
Cc:
Subject: The Bubble Room - Your Ref 021018.

APPENDIX - 2

Dear Mrs Hinton

I wish to object in the strongest possible terms to the Bubble Room's applications to extend its current premises, alcohol, recorded and live music licences up to 2.30 am, as well as the new applications for dance, performance and entertainments up to 1 am. You may not be aware, but the Bubble Room withdrew similar applications in 2008 due to the level of opposition from local residents, including the Parish Council.

My house is situated only 15 yards from the premises on Stevens Street and I have already experienced problems with the Bubble Room, which will only get worse if the above applications are approved. These problems have been reported to the Police and the Council's Environmental Health Department very recently and also over recent years.

Under the headings required by the Licensing Act 2004, my comments and objections are detailed below:

Public Nuisance

From the time the Bubble Room opened on the corner of London Road and Stevens Street, anti-social behaviour and late night noise became a problem that did not exist before, and it has only got worse as time has passed. Recent incidents have included people arguing and shouting outside my house early in the morning, car doors banging, cars revving their engines and sounding their horns and illegal parking on the pavement outside my house, despite the double yellow lines. My boundary wall on The Avenue is used as a urinal, people have been sick along the same boundary and bottles and glasses have been left on my property, sometimes broken. Noise from customers gathering on the pavement outside the Bubble Room is now a permanent feature of life until the early hours, worse at weekends and in fine weather.

The simple fact is that these premises were not constructed or designed for their current use - they are traditional (Victorian) shop premises. They are not soundproofed or capable of being soundproofed, a situation made worse by the fact the doors fronting London Road are actually designed to open fully onto the street. The nature of the premises and how the premises operate, make it impossible for any form of noise containment. I can hear live music being played inside the premises even when the doors are closed and have reported two incidents on recent Sunday evenings to the Environmental Health Department.

The type of building and location on the corner of a residential street makes these premises totally unsuitable as a late night live music /dance /nightclub/entertainments venue. These are old shop premises, not nightclub premises.

Noise is already escaping when the premises are fully closed and when the Bubble room doubles in size (having obtained planning permission to expand into the former Post Office), together with opening longer hours, the noise problems can only get worse.

There are also continuing problems with cooking smells coming from the premises, again reported recently to the Environmental Health Department. Through keeping a diary, as recommended by the

APPENDIX - 2

Environmental Health Officer, it has become clear that the cooking smells occur frequently in the early evening and at weekend lunchtimes.

Crime and Disorder

As mentioned above, I have had cause to call the Police on a Saturday night due to the noise coming from the premises but was told bluntly that they didn't have sufficient manpower to attend the premises. You then just give up. I have also spoken to PCSO Jim Newns recently, who has informed me that he has also expressed his concerns to the police officer responsible for licensing matters over traffic, noise and anti-social behaviour issues.

Public Safety

As mentioned above, the pavement in front of the premises on London Road is treated as an extension of the premises and the premises are actually designed with this in mind. Customers block the pavement area and, with the permanent tables and chairs, make it impossible for pedestrians to pass without walking on the main road. Customers drink freely outside the premises whilst standing on the pavement. Waiting taxis block the entrance to Stevens Street and West Street.

Alderley Edge is a village, not a city centre or town centre. There are houses and flats in close proximity to the high street. Stevens Street is a residential street and the Bubble Room extends 20-25 metres down Stevens Street - it is not therefore confined to the high street as other licensed premises are in the village. The Bubble Room premises are not remote or sufficiently distant from residential homes to carry on existing activities, let alone those being proposed. If successful, these applications will have a damaging impact on the village centre and its immediate residential neighbourhood. They put profit before neighbourliness.

The potential for harm to the neighbourhood is therefore self evident - bigger premises and longer hours means more people, more traffic, more noise, more smells and more anti-social behaviour later into the night. It is as simple as that. I have lived at [redacted] for 20 years and whilst you put up with things up to a point and make adjustments to your life accordingly e.g. by sleeping at the back of the house, these applications go too far.

In view of the existing problems, please reject these applications as they will only make matters worse. Enough is enough.

In view of the seriousness of this matter, I would very much like to attend and speak at any hearing before the Licensing Justices.

Yours sincerely

APPENDIX - 2

Sent: 01 May 2012 09:47
To: HINTON, Amanda
Subject: The Bubble Room Premises Licence Applications
Attachments: SCAN4201_000_1.pdf

Dear Amanda

By way of addition to my letter of objection, please find attached a copy letter dated 21 August 2008 from Napthens, Solicitors, who acted for the Bubble Room on the last occasion they applied to extend/vary their licence. The letter is addressed to Mr B Holland, Solicitor, who was representing Alderley Edge Parish Council.

The one representation referred to was that of the Parish Council as local residents; had not been aware of the application until after the deadline for objections had passed. The Parish Council therefore took up their concerns and appointed Mr B Holland to represent it.

The Bubble Room withdrew their application on that occasion, recognising their application was causing "significant local concern and unrest". If they "had no desire to work against the local community" on that occasion, it begs the question what has changed their minds?

It would therefore be helpful to know how many letters of objection you have received in order to assess whether legal representation may again be necessary to safeguard the interests of local residents.

APPENDIX - 2



naphthens
the legal practice of choice

Direct Dial: 01254 686211
Email:
Date: 21 August 2008

Our Ref: MFI/BU0001-0003
Your Ref: BKH.CMH

Mr B Holland
Solicitor
47 Hamilton Square
Birkenhead
CH41 5BD

St Andrews House
Wellington Street (St Johns)
BLACKBURN BB1 8DB
T: 01254 667 733
F: 01254 681 166
E: reception@naphthens.co.uk
W: naphthens.co.uk
DX: 17964 BLACKBURN 1

BY FAX AND BY POST

Dear Mr Holland

**The Bubble Room, Alderley Edge
Application to Vary Premises Licence**

Further in the above matter.

It has come to our clients' attention over the course of the last day or two that although there has only been one representation made in relation to their application, there is significant local concern and unrest in relation to the extended hours that they are seeking.

It is our opinion that because the parties concerned have not submitted representations or requested permission to attend within the appropriate time frames, their views could not be voiced before the licensing sub-committee. However, despite our opinion, our clients are conscientious operators who have no desire to work against the local community. For that reason, they have instructed us to withdraw their application.

We would be grateful if you would treat this as formal notification of the same and kindly acknowledge receipt.

Yours faithfully

Naphthens LLP, Solicitors



APPENDIX - 3

Amanda Hinton
Licensing Officer
Cheshire East Council
Town Hall
Macclesfield Cheshire
SK10 1DX

24th April 2012

Dear Ms Hinton

Re Application to extend license 0210181 Bubble Room Alderley Edge

I live on Stevens Street Alderley Edge, no more than ten metres across the road from the rear of the Bubble Room premises.

The above application by the Bubble Room (Bluemantle Group) located so closely to residential property that lies inside a Conservation Area (my property is inside this area) has to be inappropriate, I hope you agree? The disruption to the amenity of living where I do is already marked especially since the Bubble Room first opened. We are blighted by noise, inconsiderate parking, cooking smells and drunken loutish behaviour, largely from the Bubble Room clientele.

There is no doubt that further extending the licensing hours and allowing live music to be played until midnight and recorded music to 1am will further damage the amenity of my home and living there with my family. Surely these sort of hours should be the preserve of Town Centre venues, not small residential villages like Alderley Edge; they are inappropriate.

My drive is constantly blocked by cars and taxis illegally parked, during the day, at midnight and even later. People shouting and screaming outside mine and my children's bedroom windows, people throwing bottles, slamming car doors, arguing, urinating in the street already happens; to increase the disruption would be a step too far. The Bubble Room used to be a small Italian Restaurant, the property next door fronting London Rd (that they have permission to expand into) used to be a Post Office, neither premises is suitable for live music as they have no sound proofing.

Especially between Thursday night and Sunday at midnight Stevens Street outside my house is extremely noisy into the early hours. More noise from music being played in the venue; more customers standing on the street; more disruption and noise from vehicles arriving and leaving; more litter; more broken bottles left on the street; all of these will no doubt be a consequence of longer licensing hours and permission being granted for music to be played until 1am .

I don't want to stop anyone's fun, I like to go out and enjoy music and a drink, but there is a time and a place for it that's not Stevens Street Alderley Edge at 2.00am.

APPENDIX - 4

Amanda Hinton
Licensing Officer
Cheshire East Council
Town Hall
Macclesfield
Cheshire SK10 1DX

25th April 2012

Licence Application 021018

Dear Ms Hinton

We write to object to the requested extension of licensing hours for The Bubble Room, Alderley Edge on the grounds that the level of noise from music and conversations combined with movement of people and cars so late into the night is more appropriate to city and town venues and would cause great nuisance in the village setting. In our view any such extension would have a dramatic and unacceptable impact upon the village centre and surrounding residential areas.

Yours sincerely

APPENDIX - 5

30 April 2012

Amanda Hinton
Licensing Officer
Cheshire East Council
Town Hall
Macclesfield

Dear Amanda Hinton

It is regrettable that, once again, licensing hours may be extended at a bar / restaurant in our village. I should like to make it plain that a license to consume alcohol until 2.30am with a 30 minute 'drink-up' time is unacceptable. I can only reiterate that the extension will cause many additional unnecessary and unwanted problems. These issues include noise, anti-social behaviour, parking and litter.

Trafford Road is already a favourite place for parking as bars extend their premises and more and more people come into the village to take advantage of the extra hours drinking. My hedge, drive and front garden are frequently dotted with litter over the week-end, as visitors get 'tanked up' with cans before they start, and finish off with cans in their cars on the way home.

In the past, on Spring and Summer evenings the 'chat' from London Road can easily be heard at my address and in my garden, as can the staff clearing up, moving bottles and bins in the small hours and then staff and owners car doors banging as they leave. This will now be extended to at least 4am on Thursday, Friday and Saturday.

The boundaries outside the Bubble Room are not adhered to. 'Hangers-on' chat alongside the decking, drinks in hand, further extending the business. Pushing a buggy with children in tow is not an easy task for most mums.

Parking regulations are already abused. Cars park on every available piece of roadside – often selfishly right round the Stevens Street corner where the Bubble Room is situated. In addition, imagine for one moment where the parking for Pizza Express will be!

I am not against people enjoying their free time but the village is not getting any longer, larger or wider. It appears to 'implode' as more and more landlords price small, independent businesses out of the market, and owners exploit and demand every square inch to be used to make way for table and drinking space.

I strongly object to this application.

Licensing Officer, Cheshire East Council,

APPENDIX - 6

Town Hall, Macclesfield. Cheshire.

28.4.2012

SK10 1DX

Dear Mrs Hinton,

Ref 021018. Bubble Room Alderley Edge.

I write with regard to the above application and raise the greatest objection, querying the legality of any such proposal, let alone the many anti social issues which have only come about in the village since this "night club" opened. Such issues can neither be condoned by the landlord Bluemantle nor approved of by Cheshire East Council.

The licensing objectives are:-

The prevention of crime and disorder

Public safety

The prevention of public nuisance

The protection of children from harm,

We have overcrowding of the pavement, cooking smells, arguing and shouting outside the premises, illegal parking, urinating in public, vomiting and sounding of horns, loud engine noise way into the night.

I do not consider this to be "giving protection to local residents whose lives are blighted by disturbance and anti social behaviour", and this is the law.

How it is interpreted and actioned is another matter, this failure allows the Bubbles room happily take full advantage to the detriment of the village in general and particularly to those living in close proximity to it, without a care and this to the licensees very considerable monetary gain.

Can nothing be done to stop this? I would like to think Cheshire East Licensing, our local parish council and the residents of Alderley Edge will do their best.

I am hopeful the licensing justices are made aware of this letter and I would seek to attend any hearing and would ask you to keep me informed please.

Re. Bubble Room Extension

of Licence 021018

APPENDIX - 7

Already, I am often disturbed after 11pm by the traffic noise - slamming of doors & loud conversation from clients of restaurants - collecting cars or taxis in Brown St. South St. Green St, Alderley Edge. Increased hours will worsen the problem. Please do not allow the extension.

Also the outdoor seating outside the Bubble Room now, make it difficult when crossing Stevens St. with a wheelchair, buggy, or shopping trolley where the pavement is lowered for their convenience. There is very little pavement left to avoid the obstruction. Please consider the needs of the local residents of Alderley Edge

Yours faithfully,

APPENDIX - 0

Sent: 24 April 2012 17:40**To:** LICENSING (Cheshire East)**Subject:** ref 021018 Bubble Room Licence Extension

FAO Amanda Hinton. We live on the corner of The Avenue and Stevens Street, just a stone's throw from The Bubble Room and so far we have been happy to see their business flourish. Even the expansion into the old Post Office site would be fine if it entailed more of the same. However, the planned extension of their licence into the early hours for live music and entertainment purposes is a step too far. Alderley Edge is a village not a town or city and does not lend itself to having a nightclub at its core. The outcome will be an increase in rowdy, drunken and possibly criminal behaviour close to a predominantly residential area, an increase in noise from traffic and customers in the early hours and a risk to public safety with obstruction to roads and pavements from waiting taxis and drinkers. This is a frightening development and not one we would wish to see the light of day. I hope therefore that you will be able to turn down this licence extension and maintain the status quo in our residential neighbourhood.

Sent: 24 April 2012 15:57
To: LICENSING (Cheshire East)
Subject: FW: Application No 021018 extension of licence FAO Amanda Hinton

APPENDIX -9

Dear Amanda

I am writing to strongly object to any licence extension of the Bubble Room which is situated on a corner plot and has just been given permission to extend its business into the property next door.

This business is on a corner plot leading into Stevens Street, which is a one way residential street. At present with the unit being based on the corner with outdoor seating facilities the customers already block the pedestrian pathways, not keeping within the decked area and causing obstruction and menace to those who pass. There is already drifting of customers onto the side streets as they take their drink outside leaving bottles and cigarette packets on residents garden walls, kerbsides and garden edges for the tax paying residents to clear up.

To allow a late night licence will exasperate this situation. The longer the drinking hours the more antisocial behaviour will occur and to a greater extent.

To add to this a licence for live and recorded music to all the nearby housing would be a real detriment to the well being of all residents who are trying to sleep get families to sleep soundly and safely. There is also the potential harm to children of all ages either being tempted into bars which have open door policies and strangers who may wish harm on them.

The noise factor of allowing late night music with an open door policy and a building which is not soundproofed is not acceptable by any standards and the noise control will be needed taking up Police time to investigate added complaints which need not happen in the first instance if this is controlled by not allowing a late licence and live and recorded music.

At present retail shops are complaining about having to remove vomit and bottles from their fronts after weekend revelry and would not be happy about any late night licensing as it leaves their shop fronts vulnerable to damage and again would lead to more security on shop fronts taking away any semblance of community.

Added to this the external noise as customers leave the premises drifting off down residential streets looking for lifts home, added increased vehicles picking up and dropping people off. This is not a linear placed premises and will not contain noise, public nuisance, safety, crime and disorder to one spot the damage will drift outwards. This a small village where residents live well within the shops. In fact residents have been increasing due to the addition of many flats which have been built in the last 10 years to create a more vibrant day time shopping foot fall not to bring in night life where only the bar owner enjoys increased profit.

Kind Regards

Sent: 23 April 2012 20:38
To: LICENSING (Cheshire East)

APPENDIX 10

Subject: Objection to Bubble Room - Extension of Licence (Application No. 021018)

Dear Ms Hinton,

I am writing to object to the requested Extension of Licence (Application No. 021018) by the Bubble Room on London Road in Alderley Edge.

The Extension requested is totally at odds with the environment in which the premises is situated. Alderley Edge is a small village, with a large number of families. The Extension of Licence will impact negatively on the residents and environment of the village:

Public Nuisance - We already experience disturbance late at night from customers and staff leaving the premises, as well as encountering some of the less pleasant aspects of customers' late night walks home - from broken glasses and bottles to vomit on the streets. This situation can only deteriorate with an extension of opening hours. With the expansion of the site, the proposed Extension of Licence will also result in a significant increase in noise emitting from the premises, which is unacceptable given the proximity to residential roads.

Crime & disorder - the Extension of Licence will undoubtedly result in an increase of drunken and rowdy behaviour. The village does not have the policing levels required to support this threat, and residents should not have to live in fear of the effects.

It is highly inappropriate for this Extension to be granted to a premises in a small village. The type of entertainment and opening hours requested are suited to a major conurbation with the infrastructure and the population to support them. Approving the extension will bring no tangible benefit to the village. We will not see an increase in trade in local shops - which will all be shut at this time of night, it will not enhance the living environment of the village and can only act as a blight on the community.

I hope you are able to reject the Extension application.

Yours sincerely,

Sent: 27 April 2012 16:31
To: HINTON, Amanda; LICENSING (Cheshire East)
Cc:
Subject: Extension of Licence - application no 021018

APPENDIX 11

Dear Mrs Hinton

The Bubble Room in Alderley Edge has applied for a significant extension to its premises licence until 2.30am, including live music until midnight and recorded music until 1am Thursday to Saturday. New licence applications have also been submitted for dancing, performance and entertainment until 1am Thursday to Saturday. Sunday to Thursday times are until midnight.

We wish to object to this application in the strongest possible terms.

We live in The Avenue, only 25 yards from these premises and in the Conservation area and already experience problems with the Bubble Room which did not exist prior to the Bubble Room opening in the village. I am aware problems have been reported to the Police and the environment health department over recent years. There can only be an exacerbation of these problems if the applications are approved.

Alderley Edge is not a city centre or even a town centre and the premises are totally unsuitable for use as a late night night club.

We object under the Licensing act 2004 as follows;

Public Safety

During current opening hours, customers drink freely outside the premises blocking the pavement area whilst standing on the pavement. There are permanent tables and chairs outside making it impossible for pedestrians to pass without being forced onto London Road. The pavement is treated as part of the licensed premises and it is impossible to pass with a child's pushchair or a wheelchair.

Steven's Street is a residential street and there are houses and flats adjacent to the premises. The premises already extend along Steven's Street rather than being confined to the main road, London Road. The premises are too close to residential premises as it is, without extending their activities.

Taxis and vehicles already park and wait illegally on double yellow lines, causing hazards to pedestrians and other motorists.

There will be a very detrimental effect upon the village and its residents if these applications are not rejected.

Public Nuisance

Since the opening of the Bubble Room there has been problems which did not exist previously. Late night noise, and anti social behaviour has been a problem, where none existed previously. We are horrified as parents to see The Avenue used as a urinal and where customers have been sick. Bottles and glasses, often broken, are left along the Avenue, where young children live and play. It is nothing short of dangerous and scandalous.

We hear people shouting, speaking loudly on their mobiles and vehicles revving engines and sounding horns in the early hours. It is much worse in the fine weather when customers congregate on the pavements in the surrounding area. We have to go to work and our children to school in the mornings and this is simply unacceptable in a residential area.

The problems are compounded by the fact that these premises are simply not suitable for the purpose for which they are being used. These are Victorian shops, not nightclub premises. They are not soundproofed, nor are they capable of so being. The planners added to the problem by approving the windows and doors which open completely onto the street. It is impossible to contain any noise or music, live and recorded.

The Bubble Room is extending into the old Post Office and with the increase in the size of the premises, the public nuisance and unneighbourliness can only increase, even without the current application to extend the licensing hours.

Crime and Disorder

An increase in drunken and disorderly conduct, rowdy behaviour, anti-social conduct is completely unacceptable in a residential area. As parents of teenagers, with other local families with younger children, how can we educate our youngsters in sensible behaviour when this appalling behaviour is present on their doorstep?

Harm to Children

Our children are now of an age where they visit friends locally which means they are faced with anti social behaviour and the resulting evidence of this behaviour as they walk home from visiting friends locally. Surely, this is unacceptable?

The Bubble Room in Bramhall does not have such anti social opening hours as the current proposed hours for Alderley Edge. The Bramhall premises are open 11am - 11 pm Monday - Thursday, and 10am - 12pm Friday - Sunday. Please do not allow Alderley Edge to become a late night strip of bars for outside visitors who have little or no regard for residents, to the detriment of the local residents.

If this application were allowed, the potential for harm is enormous. Larger premises, and longer opening hours will increase the noise, traffic, anti-social behaviour into the early hours and exacerbate the existing problems.

In view of the serious nature of this application, we would wish to attend any hearing of the Licensing Justices.

Yours sincerely

APPENDIX 12

Sent: 29 April 2012 18:47
To: LICENSING (Cheshire East)
Subject: Applcn 0221018 Bubble Room Extension of License

Dear Amanda Hinton

I write to object to the extension of licence for the Bubble Room Aldelrey Edge.

These premises are on the corner of a residential street. Noise from live music until midnight and recorded music until 1am are not appropriate in this setting.

I frequently use Stevens Street as a route to access my house. Very often, in fact it is almost normal for cars and taxis to be parked on double lines on both London Road and Stevens Street making this a dangerous corner. Several times I have met with cars coming the wrong way down this one-way street making the area even more dangerous.

Noise and traffic problems will be increased with the enlargement of the Bubble Room and the extension of licence. I therefore strongly object to this application.

Yours sincerely,

APPENDIX 13

Sent: 29 April 2012 14:40
To: LICENSING (Cheshire East)
Subject: Bubble Room ref 021018

For the attention of Amanda Hinton

I live on Chapel Road and write to inform you that I strongly object to the Bubble Room being granted extended drinking hours and authority to play music until 1 am because this place will be more of a nuisance than it is now. On warm dry evenings there is a large crowd of noisy and no doubt drunken young people outside the premises late at night drinking and smoking and spilling out onto London Road and Stevens Street and making the turn by vehicle into Stevens Street hazardous. This occurs particularly on Fridays and Saturdays and the following morning much litter in the form of cigarette ends and empty packets and bottles and cans will be evident. If permission for dancing and entertainment were to be granted also the place would effectively be a "night club" and the centre of a small village is clearly an unsuitable location for such.

On busy nights cars are parked without regard for regard for safety or parking regulations in every available space on the highways, and even the pavement on occasions, because all the customers want to park as close to the place as possible and this situation will get worse. The business is clearly profitable with its existing licences and with larger premises will be more so and there is no necessity to make matters for the residents.

Via E mail

30 April 2012

Amanda Hinton
Licensing Officer
Cheshire East Council
Town Hall
Macclesfield
Cheshire SK10 1DX

Dear Ms Hinton

Bubble Room – Extension of License (Application No 021018)

I am writing to object to the extension to licensing hours and the application for live music, dancing, performance and entertainments license (eg Karaoke etc) for the following reasons:

The Bubble Room is located in a predominantly residential area, where there are residential properties adjoining or flats above. Alderley Edge is not a city centre or even a town centre – it is a small village. This proposal to increase licensing & the application for an entertainment license would materially harm the amenities of occupiers of residential property by virtue of noise, disturbance, traffic, and parking. These buildings have not been constructed for this type of activity and have not been soundproofed and with doors opening onto the pavement will make noise containment near impossible.

Public Safety/ Public Nuisance/Crime & Disorder

The above application does not take into account previous complaints which were raised concerning noise and anti-social behaviour when the owners of the premises sought to further extend their licensing hours previously. The current proposal to extend licensing hours and the request for an entertainment licence in this location will only compound these problems which still exist. There is a continual overspill of noisy revelers outside the Bubble Room in the evening both down the side of Steven Street and on London Road – weekend scenes resembles a city 'Street Party'. There are sometimes as many as 40/50 people

APPENDIX 14

overspilling the pavement and on the road of Steven Street corner. The noise is unbearable late at night, especially during the Summer nights when houses close by need to open their windows. We hear shouting, screaming & swearing, we also find many broken bottles and glasses on the grass verge on The Avenue and areas of vomit which we never experienced before the Bubble Room used the premises. We have experienced patrons from the Bubble Room urinating on our drive and jumping in a skip we had outside our house.

The key issue here is that The Bubble Room is not a restaurant, but a Bar and, if this application goes ahead, will be no different to a 'Nightclub'. It's patrons currently use the pavement and outside space as a place to party and to be seen late into the night when they have been drinking considerable amounts of alcohol which creates loud noise during unsociable hours, in a highly populated residential area – the noise and problems from the Bubble Room can be heard streets away! Music can be heard coming from the premises, not just when the doors fronting London Road are open, as clearly the premises are not adequately soundproofed. Customers visiting and standing outside the premises up to 2 a.m. and staff leaving the premises after this time also create noise and disturbance e.g. by shouting and banging of car doors.

I really do not understand why the Borough Plan, local Councillors and resident opinions are continually ignored in these matters. I feel as though we are paralysed to influence anything in our village anymore.

Sent: 01 May 2012 11:38

To: LICENSING

Subject: Ref: 021018 The Bubble Room

Dear

Amanda

I'm sure you will have received many emails re. The Bubble Room and I anticipate most are 'anti'. I too am in this camp and whilst I would want each and every business to succeed in the village I believe the new licence application will take the venue beyond an acceptable position primarily because of noise and social impact.

I am a regular 'diner' in Alderley Edge and appreciate that, especially in summer, having a buoyant Saturday night provides a great atmosphere in the village. But for this to be extended to 1pm so that, in effect, the Bubble Room becomes a nightclub in all but name is wrong. The precedent it will set and will cause others to apply; I suspect the 'soon to open' The Botanist would follow suit. In truth, I do not believe that The Bubble Room would take any serious note of noise should this go ahead, the number of people spilling out to chat and smoke will increase and, with an existing issue of taxis queueing outside residents' apartments this will also become a great deal worse.

Panacea is the perfect venue so let's keep it that way.

Yours sincerely



Direct Dial: 01254 686211
Email:
Date: 8th May 2012

Our Ref: MFI/BUB0002-0001
Your Ref:

To Whom It May Concern

Greenbank Court, Challenge Way
Greenbank Business Park
Blackburn BB1 5QB
T: 01254 667 733
F: 01254 681 166
E: blackburn@naphthens.co.uk
W: naphthens.co.uk
DX: 745450 Blackburn 12

To Whom It May Concern

**Re: The Bubble Room, Alderley Edge
Application for a Premises Licence**

I have been instructed by the Applicant in relation to the above matter and as such, I have had sight of your objection to the application for a premises licence.

As you may already be aware, the Licensing Act 2003 (which is the primary piece of legislation governing matters such as this) and the associated Guidance strongly encourages a spirit of "partnership working", with open lines of communication between applicants, responsible authorities, local businesses and local residents. In addition the operators of the Bubble Room, Mr & Mrs Mason have a genuine desire to work with local residents rather than against them.

For the above reasons, Mr & Mrs Mason are keen to meet with those who have objected to the application in order that they can explain their intentions for the premises and the rationale behind the application, and also so that they may listen to the concerns of residents and explore any ways in which they can be addressed to the satisfaction of all parties.

To facilitate this, Mr & Mrs Mason are proposing a meeting for all parties. It is proposed that the meeting will take place at the Bubble Room on Tuesday 15th May at 19.30 and your attendance would be very much appreciated. I am away on annual leave until Sunday 13th May, but would be grateful if you would contact Samantha Faud on 01254 686225 to confirm whether or not you are able to attend. Should you wish to discuss the matter with me you can contact me at any time on or after Sunday 13th May on my mobile, the number for which is 07786076433. I can also be contacted through e-mail, the address for which appears above.

I look forward to hearing from you.

Yours sincerely

**Head of Leisure & Licensing
for Naphthens LLP, Solicitors**

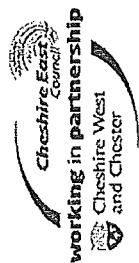
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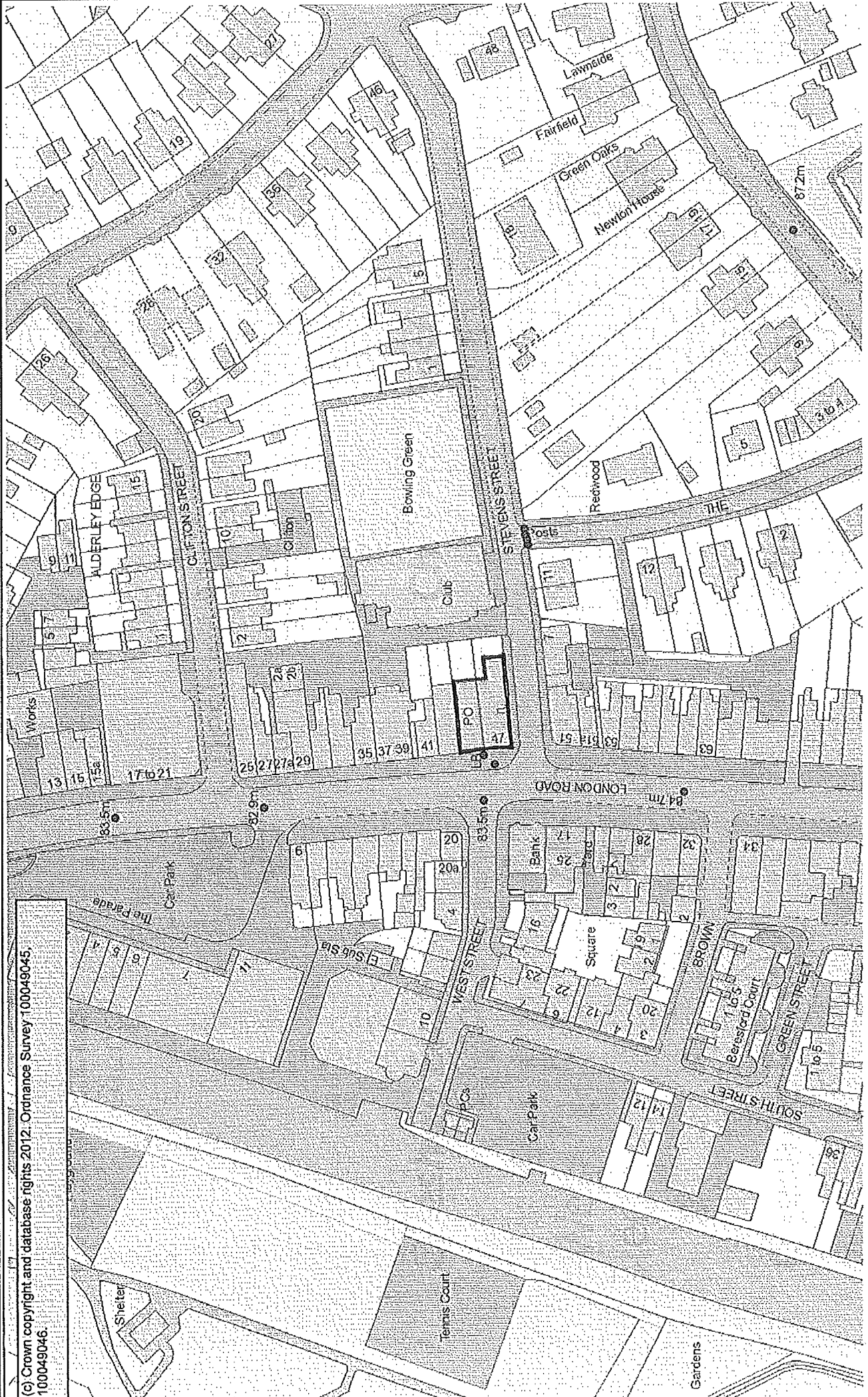
**INVESTORS
IN PEOPLE**

The Bubble Room, London Road, Alderley Edge

APPENDIX 17



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CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Monday 28 th May at 10.30am
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application for a Premises Licence Takeaway/Restaurant, 125 Nantwich Road, Crewe, Cheshire.

1.0 Report Summary

- 1.1 The report provides details of an application for a premises licence together with information as to representations received in relation to the application.

2.0 Recommendations

The Licensing Act Sub-Committee is requested to determine the application for a Premises Licence by Adobe Management Services Ltd, in respect of Takeaway/Restaurant, 125 Nantwich Road, Crewe, Cheshire.

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 Crewe South

5.0 Local Ward Members

Cllr Dorothy Flude
Cllr Steven Hogben

6.0 Policy Implications

- 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 (Authorised by the Director of Finance and Business Services)

- 7.1 Not applicable.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 In accordance with the provisions of section 18 of the Licensing Act 2003 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(4) 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 the application relates; (c) to refuse to specify a person in the licence as the premises supervisor; or (d) to reject the application.

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 The application is for Premises Licence under section 17 of the Licensing Act 2003.
- 10.2 The operating schedule indicates that the relevant licensable activity applied for is:
Late Night Refreshment
- 10.3 The hours applied for are as follows:

Late Night Refreshment (to take place indoors only)

Monday to Sunday 23.00 to 02.00

The hours of operation of the premises are as follows:

Monday to Sunday 09.00 to 02.00

- 10.4 Designated Premises Supervisor: Not applicable – no sale of alcohol to take place.
- 10.5 The operating schedule includes the following steps to promote the licensing objectives:

(a) Prevention of crime and disorder

There shall be CCTV and staff awareness.

(b) Public safety

There shall be multi language health and safety signage with pictures on display at the premises.

Staff shall be aware of public safety at the premises.

(c) Prevention of public nuisance

There shall be multi language notices relating to the prevention of public nuisance at the premises and staff awareness.

(d) Protection of children from harm

Any person under the age of 16 years shall be accompanied by an adult.

Staff shall be aware of the protection of children from harm at the premises and shall when practical, telephone the parents of any children who come to the premises after 21.00hrs.

10.6 Relevant Representations:

Responsible Authorities

10.6.1 The Police response with agreed conditions is detailed at Appendix 2 of this report.

10.6.2 The Environmental Health response with agreed conditions is detailed at Appendix 3 of this report:

10.6.3 The Cheshire Fire Service – No response.

10.6.4 Local Planning Authority – No response.

10.6.5 Local Safeguarding Children Board – As Police response.

10.6.5 Health and Safety Officer – No response.

10.6.6 Trading Standards – No response.

Interested Parties

The Licensing Authority has received one letter of representation from neighbour objectors as detailed at Appendix 1 of this report.

11.0 Access to Information

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

APPENDICES

Appendix 1 - Letter from Neighbour Objectors

Appendix 2 – Representation from the Police with agreement from applicant.

Appendix 3 – Representation from the Environmental Health Officer with agreement from applicant.

Appendix 4 – Plan of area.

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26th April 2012

Dear Sirs

Application for Licence at 125 Nantwich Road Crewe

I have noted the pending application for the above mentioned matter and wish to register my objection to the application for the following reasons.

Planning Permission Ref: P09/0084 was granted on the 24th March 2009 for change of use of existing premises from retail (A1) to restaurant/takeaway (A3) with 2 bedsit flats at first floor level and smoking shelter to the rear of 125 Nantwich Road Crewe.

At this time I expressed my concerns to the then Crewe and Nantwich Borough Council regarding the noise, smells, disturbance, parking and that Nantwich Road already had enough of this type of establishment.

However the Council chose to approve the application.

In doing so the Council as part of the consent imposed 17 Planning Conditions, I am unsure whether or not all the conditions have been complied with especially condition 6 relating to the accoustic insulation between my property and 125.

My concerns and main objection focus mainly on the proposed opening hours that are now being applied for.

It is very clear and an enforceable Planning Condition No.15 that the hours of opening should be restricted to between 09.00 and 22.00 hours Monday to Sunday.

Any use of the premises outside of these hours would be a clear blatant breach of the Planning Condition and should not be allowed under any circumstances.

My tenants at inform me that the noise and smells and general disturbance from the previous chip shop were intolerable and it is time that someone acknowledged the feelings and sentiments of the residents of Nantwich Road and not just the prospective take-away businesses.

Further more if the prospective business intends to operate as a separate take-away premises i.e. without the restaurant, it again would be in breach of Planning Condition No. 5 which states "this permission relates to the change of use of the ground floor unit of 125 Nantwich Road as an A3 restaurant with ANCILLARY TAKE-AWAY and does not imply consent for the Change of Use to a SEPARATE TAKE-AWAY premises."

I find it hard to comprehend how someone can apply or the Council could event contemplate granting a licence for extended opening hours or take-away business that is very clearly in contravention of the Planning Consent granted in 2009.

Finally allowing any premises to open on a regular basis until 2.00 a.m. in the morning, where adjoins residential properties would be totally unacceptable.

I therefore request that this licence application be refused.

Yours faithfully

From: Adobe Management Services Limited
Sent: 28 April 2012 12:17
To: crewe.congleton.licensing@cheshire.pnn.police.uk
Cc: LICENSING (Cheshire East)
Subject: RE: Premises Licence - Chunky Chicken, 125 Nantwich Road, Crewe <NOT PROTECTIVELY MARKED>

Attn: Mr David Smethurst

With reference to points listed below/email (23 Apr 2012) and a meeting with Directors' and Members of Adobe Management Services Limited, have taken note and agree with all points/conditions listed from 1 - 7 and the obligation to implement the conditions at 125 Nantwich Road, Crewe, Cheshire CW2.

I hope this satisfies and if you require any further information please do not hesitate to contact me.

Kind regards

Project/Contracts Manager

From: Crewe.Congleton.Licensing@cheshire.pnn.police.uk
To:
CC: licensing@cheshireeast.gov.uk
Subject: Premises Licence - Chunky Chicken, 125 Nantwich Road, Crewe <NOT PROTECTIVELY MARKED>
Date: Mon, 23 Apr 2012 16:16:21 +0100

For the sake of clarity I am writing to confirm those matters we recently discussed in relation to 125 Nantwich Road, Crewe.

The following matters have been agreed between us as conditions which should be attached to the Premises Licence in order to promote the licensing objectives.

Conditions

- 1 A CCTV system will be installed and such system to be fit for the purpose.
- 2 The system will incorporate a minimum of 8 cameras covering the exterior and interior of the premises and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
- 3 The system will incorporate a recording facility and any recording shall be retained and stored in a suitable and secure manner for a minimum of 14 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
- 4 The system will display on any recording the correct time and date of the recording.
- 5 A system will be in place to maintain the quality of the recorded image and a complete audit trail maintained.
- 6 Notices informing customers of the operation of the system shall be prominently displayed.
- 7 The system will be maintained and fully operational throughout the hours that the premises are open to the public.

Can I now ask you to 'Reply with history' to this message, indicating your agreement to the above conditions. This will give the Licensing Authority visibility of your agreement when I forward your message on to them. I can confirm that if we are able to reach agreement on these conditions I do not seek to enter any further representation on behalf of the Chief Officer of Police.

30/04/2012

You should however please note that at this time I have copied this message to the Licensing Authority. In the event that you do not reply to me by the time when I must enter a representation then this message will form the basis of my representation and I will amplify this at the hearing.

Kind Regards

David Smethurst MLoL
Licensing Officer
Sandbach Police Office
Middlewich Road
Sandbach
CW11 1HU

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LICENSING ACT 2003
Environmental Health Consultation Response

Date Received:

Name of Applicant:

Address to which application relates:

125 Nantwich Road
Crewe
CW2 6BA

Conversion: ☐

Variation: ☐

New: ☒

☐

Approve

☒

Approve with Conditions

☐

Object to Section(s)

Proposed Conditions

The following conditions should be applied:

1. 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.
2. Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc regularly during the stated operating hours and at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods which shall be constructed, maintained and located so that access to it by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
3. No nuisance shall be caused by noise coming from the premises.

Signed: Sarah Edge

Dated: 3rd April 2012

CADMAN, Nikki

From: LICENSING (Cheshire East)
Subject: FW: 125 Nantwich Road Crewe CW2

From: Adobe Management Services Limited
Sent: 10 May 2012 15:00
To: LICENSING (Cheshire East)
Subject: 125 Nantwich Road Crewe CW2

To whom it may concern - Carol Kerr

125 Nantwich Road Crewe Cheshire CW2
Environmental Conditions

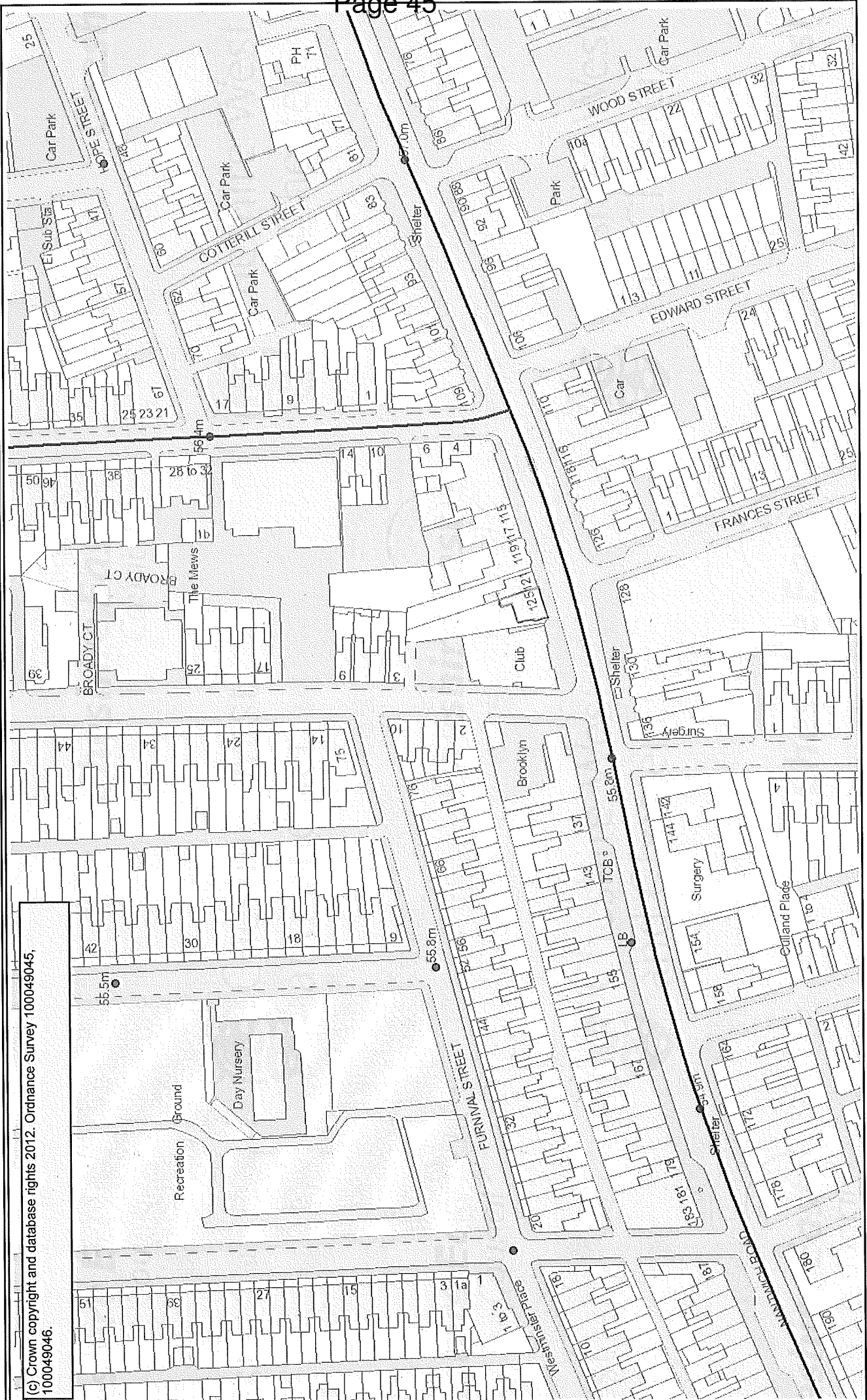
The Directors'/Members' of Adobe Management Services Limited have no objections and are fully aware the obligations to implement the Conditions as required by the Cheshire East Environmental Department.

Regards

Project/Contracts Manager

125 Nantwich Road, Crewe

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