

Licensing Act Sub-Committee

Agenda

Date: Monday, 29th June, 2015
Time: 1.15 pm
Venue: Committee Suite 1, 2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

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 disclosable pecuniary and non-pecuniary interests in any item on the agenda and for Members to declare if they have pre-determined any item on the agenda.

3. **Application for the Review of a Premises Licence - Bar 48, 48 Crewe Road, Alsager ST7 2ET** (Pages 45 - 152)

To consider an application to review a Premises Licence by Sgt 3641 Lindsay Chamberlain of Police Eastern Partnerships in respect of Bar 48, 48 Crewe Road, Alsager ST7 2ET.

4. **Application to Vary a Premises Licence - The Shakespeare, 35 Beam Street, Nantwich CW5 5NA** (Pages 153 - 216)

To consider an application to vary a Premises Licence submitted by Punch Taverns Plc in respect of The Shakespeare, 35 Beam Street, Nantwich, Cheshire CW5 5NA.

THERE ARE NO PART 2 ITEMS

For requests for further information

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

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Procedure for Hearings – Licensing Act 2003**The Licensing Committee**

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

Officers at Hearings

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

PROCEDURE

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

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

5	Responsible Authorities (who have made representations)	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.
6	Other Persons (who have made representations)	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	Other Persons (who have made representations)	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 they should be stating their objections.)
12	Committee Members	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	Other Persons (who have made representations)	Those who have objected 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 other persons, by way of clarification.
16	Committee Members	May ask <u>questions</u> of the other persons.
17	Chairman	To invite both Responsible Authorities and Other Persons 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	<p>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.</p> <p>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.</p>

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. Other Persons 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
STATEMENT OF LICENSING POLICY
(LICENSING ACT 2003)
POLICY DATED JANUARY 2014 TO JANUARY 2019

Contents

1. Introduction
2. The aim of the Policy and Statutory Licensing Objectives
3. Matters within the control of the Licence Holder
4. Planning and need for Licensed Premises
5. Integrating Strategies
6. Anti-Social Behaviour
7. Prevention of Crime and Disorder
8. Public Safety
9. Prevention of Public Nuisance
10. Protection of Children from Harm
11. Cumulative Impact
12. Applications for New Grants and Variation of Existing Terms and Conditions
13. Temporary Events
14. Operating Schedule
15. Hours of Operation
16. Conditions
17. Enforcement and Review
18. Early Morning Alcohol Restriction Orders (EMRO's)
19. Late Night Levy
20. The Licensing Process
21. Delegation and Decision Making
22. Exclusions
23. Consultation
24. Changes to Legislation

Appendix 1 – Table of Delegations of Licensing Functions

Appendix 2 – Procedure at Hearings

Appendix 3 – Mandatory Conditions

1. Introduction

- 1.1 Cheshire East Council (**the Council**) is the Licensing Authority for the area of Cheshire East under the provisions of the Licensing Act 2003 (**the Act**).
- 1.2 The Local Authority's current Statement of Licensing Policy was published on 24th February 2009. A review of that policy is due by January 2014. This Statement of Licensing Policy (**the Policy**) is the result of the review and is published by the Council in accordance with section 5 of the Act. The Policy provides information and guidance to applicants and persons who are likely to be affected by an application (e.g residents and businesses) and Responsible Authorities or anyone interested in these matters. It will clarify the manner in which the Council will approach matters relating to licensing. Whilst the policy provides framework guidance regarding the considerations it will take into account when determining any licence application, the Council, as the Licensing Authority, will ultimately determine each individual application on its own merits.
- 1.3 Cheshire East's mission is for 'Cheshire East to be a great place to live, work, visit and enjoy'. The mission statement complements the aims of this Policy. There are a number of Corporate Objectives some of which link with this Policy. They include:
 - Cheshire East has a strong and resilient economy
 - People live well and for longer
- 1.4 The context of the Policy includes the Local Authority's statutory responsibility under the Health and Social Care Act 2012 for the health of the population of Cheshire East and it is noted that it is a priority of the local Health and Wellbeing Board to reduce alcohol related harm.
- 1.5 The context of the Policy includes the Local Authority's statutory duty under the Crime and Disorder Act 1998 to have regard to the need to do all that it reasonably can to prevent crime and disorder, misuse of drugs and alcohol and reoffending in its area.
- 1.6 The Policy takes into account the guidance issued under section 182 of the Act. The latest guidance was published by the Home Office in June 2013. A copy of the guidance may be accessed via the Home Office website www.homeoffice.gov.uk
- 1.7 In accordance with section 4 of the Act, the Licensing Authority shall have regard to the Policy in the exercise of its functions in respect of Licensable Activities and qualifying Licensable Activities in accordance with Section 1

and Schedules 1 and 2 of the Act. The following is a summary of what comprises Licensable Activities:

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of a member of the club
- The provision of regulated entertainment:
 - performance of a play
 - exhibition of a film
 - indoor sporting event
 - boxing or wrestling entertainment
 - performance of live music
 - playing of recorded music
 - performance of dance
 - entertainment of a similar description to the above

There are certain exemptions to this definition, which relate to incidental live and recorded music, and spontaneous music, singing and dancing, which are set out in full in the Act.

- The provision of late night refreshment (supply of hot food or drink from a premises between 23:00 and 05:00 hours)

1.8 The Licensing Authority has noted that the vicinity test in respect of relevant representations has been removed and consequently any person can now make a representation.

1.9 In formulating the Policy, the Licensing Authority has consulted all Responsible Authorities, holders of licences under the Act and the public within Cheshire East.

1.10 This policy will be for a 5 year period and a review will take place in accordance with statutory procedures and will take into full account of any relevant information received by way of consultation or otherwise.

2. The Aim of the Policy and Statutory Licensing Objectives

2.1 The aim of the Policy is to secure the safety and amenity of communities within the Cheshire East area, whilst facilitating a sustainable entertainment

industry. The Local Authority recognises the need of residents for a safe and desirable environment in which to work and live and the importance of well-run licensed premises in a vibrant and diverse local economy. The Local Authority will promote the safety of residents and visitors whilst out at night and on their journey home.

- 2.2 In accordance with the guidance issued by the Secretary of State, the Local Authority recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre for the wider cultural benefits of our communities. A natural concern to prevent disturbance in the neighbourhood will always be balanced with the wider cultural benefits of our communities
- 2.3 The Local Authority has a duty to protect the amenity of its residents. This extends to the business community, who can expect the Local Authority to ensure that the environment is attractive and sustainable for the conduct of their business.
- 2.4 It is the Local Authority's duty to exercise its licensing functions with a view to promoting the four Licensing Objectives set out in section 4 of the Act:
- **The prevention of crime and disorder**
 - **Public safety**
 - **The prevention of public nuisance**
 - **The protection of children from harm**
- 2.5 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.
- 2.6 The legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:
- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises
 - giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems
 - recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises

- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them

2.7 The Licensing Authority will have proper regard to amongst other issues:

- Location and environmental impact of the proposed activity
- Suitability of the applicant
- Suitability of the premises to the application
- Operation and management of the premises
- Monitoring, review and enforcement

Policy Considerations

2.8 This policy does not prejudice the requirement for the Licensing Authority to consider each application on its own merits.

2.9 Nothing in the policy will

- Undermine the rights of any individual to apply under the terms of the Act for a variety of permissions and have the application considered on its individual merits; or
- Override the right of a person or a body or a Responsible Authority (as defined in the Act) to make representations on an application or to seek a review of a licence or certificate in accordance with the provisions of the Act.

2.10 All persons have equal rights to make representations concerning applications for premises licenses (and hours of trading) and to receive appropriate consideration to their representations. Irrelevant, frivolous and vexatious representations will be disregarded.

2.11 Following Relevant Representations the Licensing Authority will only depart from this Policy where there is satisfactory evidence/information that the Licensing Objectives will be met in full. In cases where a departure occurs, the Licensing Authority shall provide reasons for the departure.

- 2.12 If an application for a licence or certificate has been made lawfully and there have been no Relevant Representations from Responsible Authorities or other persons, the Licensing Authority will grant the application, subject only to conditions consistent with the operating schedule and any relevant mandatory conditions.
- 2.13 To achieve its aims the Local Authority is committed to working in partnership with the Responsible Authorities, local businesses, residents and others towards ensuring the continued success of this Policy in achieving the statutory objectives of the Act. In considering these issues the Local Authority will focus on the four statutory Licensing Objectives.

3. Matters within the Control of the Premises Licence Holder

- 3.1 The Licensing Authority recognises that licensing law is not the primary mechanism for the general control of individuals once they are away from a licensed premises, and therefore away from the direct control of the premises licence holder. Accordingly, in exercising its licensing functions the Licensing Authority will focus on matters which are within the control of the individual licensee and others who are granted relevant permissions. Nevertheless licensees should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, e.g. on the pavement, in a beer garden or in a smoking shelter, where and to the extent these matters are within their control.
- 3.2 The Licensing Authority will expect applicants to consider and make appropriate provisions to ensure that harm is not caused to the Licensing Objectives as a result of activity in, or in the vicinity of, the licensed premises.
- 3.3 It will normally be the responsibility of the premises licence holder to ensure that the managers, designated premises supervisor and door supervisors are competent and appropriately trained.

4. Planning and need for Licensed Premises

- 4.1 When exercising its licensing functions the Licensing Authority will not be influenced by questions of need. The issue of whether or not there is a need for a particular premises is a commercial matter, which is not relevant to the Licensing Authority's considerations.
- 4.2 The Planning Regulation and Licensing Regulation functions are separate statutory regimes. The Licensing Authority recognises that there should be a clear separation of the planning, building control and licensing regimes in order to avoid duplication. The Licensing Authority when exercising its licensing functions will not consider whether there has been any alleged

breach of planning conditions. Planning Permission will usually be required prior to the use of premises for Licensable Activities.

- 4.3 The Licensing Authority is not bound by decisions made by the Planning Authority and vice versa.
- 4.4 There may be circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensed hours, the earlier closing time must be observed. Premises operating in breach of their planning permission would be liable to enforcement action under planning law.
- 4.5 It should be noted that Building Regulations govern a variety of issues, which directly contribute to the Licensing Objectives, including means of escape, structural integrity, accessibility and public safety. Building Regulation Approval and Completion Certificates may be required prior to the use of the premises for licensable activities.

5. Integrating Strategies

- 5.1 The Licensing Authority will consider the Local Authority's approved strategies and policies where they are relevant to the exercise of its function as the Licensing Authority.
- 5.2 The Local Authority recognises that Licensed Premises are an important contributor to the local economy. Any licence application will be considered by taking certain factors into account. These include:
 - Employment opportunities
 - The enhancement the proposal might have on the attractiveness of the wider area
 - The general impact in attracting visitors to the area
- 5.3 In undertaking its statutory licensing function the Licensing Authority may have regard to:
 - Section 17 of the Crime and Disorder Act 1998 and requirement that the Local Authority do all that it reasonably can to prevent crime and disorder in its locality
 - The European Convention on Human Rights (which is given effect by the Human Rights Act 1998), which places a duty on public authorities to protect the rights of individuals in a variety of circumstances
 - Any other relevant legislation drawn to its attention

5.4 The Licensing Authority will seek to discharge its responsibilities identified by other Government Strategies, insofar as they impact on the objectives of the Licensing Act. Examples of these strategies are:

- In accordance with Guidance the Licensing Authority will seek to establish a Safe Scheme so that proper liaison and partnership working with all relevant stakeholders will ensure that appropriate Action Plans for Tackling Alcohol Related Crime, Disorder and Nuisance are in place
- Safer Clubbing
- Local Authorities Coordinators of Regulatory Services and Trading Standards Institute Code of Best Practice on Test Purchasing
- Alcohol Harm and Reduction Strategy
- Crime and Disorder Reduction Strategy
- Enforcement Concordat, under which the Local Authority has developed an Enforcement Strategy

6. Anti-Social Behaviour

6.1 The Licensing Authority recognises that in addition to the requirements for it to promote the Licensing Objectives, the Local Authority has a duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder within its area.

6.2 The objective of the licensing process is to allow the retail sale of alcohol and the provision of other Licensable Activities in a manner that ensures the public's safety and which is neither to the detriment of residents, nor gives rise to loss of amenity. It is the Licensing Authority's aim to facilitate well run and managed premises with premises licence holders displaying sensitivity to the impact of their premises on local residents.

6.3 In accordance with the Guidance, the Licensing Authority does not regard this policy as a mechanism for the general control of anti-social behaviour by individuals once they have left the immediate vicinity of the licensed premises.

6.4 Recurring problems of alcohol-related anti-social behaviour, crime and disorder or serious public nuisance can occur in an area, which are not directly attributable to specific premises. In such cases, particularly if supported by the Police, the Licensing Authority may consider whether an Early Morning Alcohol Restriction Order (EMROs) might address the problems. These Orders are considered later in this Policy.

7. Prevention of Crime and Disorder

- 7.1 The Licensing Authority will have regard to the Crime and Disorder Act 1998 (See Section 6.1 above). Any conditions attached to the premises licence should reflect any local crime prevention strategy. Including, the Safer Cheshire East Partnership Plan or a subsequent replacement plan.
- 7.2 The Licensing Authority will consider whether the premises make or will make a detrimental contribution to levels of crime and disorder, and whether the Operating Schedule is based on an adequate risk assessment, undertaken by the applicant, of the likelihood of crime and disorder occurring as a result of the application.
- 7.3 In order to meet its duty to prevent and reduce crime this Policy will have regard to the likely impact of licensing on related crime and disorder in the area. The Licensing Authority will consider the location of the premises and the impact, operation and management of the Licensable Activities. In particular these issues may include:
- Whether the layout, lighting and fittings of the premises have been designed so as to minimise conflict and opportunities for crime and disorder
 - Whether the Operating Schedule includes appropriate management measures to prevent crime and disorder
 - Door supervision together with the maintenance of an incident book
 - Use of toughened glass or plastic glasses
 - Mechanisms for combating drug dealing and use
 - Use of CCTV cameras
 - Membership of any Pubwatch or similar scheme
 - Use of ID scan equipment
- 7.4 The Licensing Authority may impose conditions on licences or certificates. These may include the following conditions (although the list is not exhaustive). The decision to impose conditions and their extent will depend upon the risks of crime and disorder at the particular premises
- Appropriate ratio of tables to chairs to customers and for areas to be allocated for seated customers
 - A requirement for Security Industry Authority door supervisors to control numbers and to deny entry to individuals who appear drunk, disorderly or intent on crime

- A requirement that drinking vessels do not form a sharp edge when broken
- Restrictions on drinking in areas within and outside the premises
- Procedures for checking the ages of young people who appear under the age of 21 or 25 to ensure alcohol is not sold to those under 18 and that those under 16 are accompanied in alcohol-led premises
- Appropriate 'early warning' communication systems with the Police and with other licensed premises
- The installation of CCTV
- Clear policies and measures to prevent illegal drugs being brought onto and used on the premises
- Searching of customers and staff

7.5 The Licensing Authority will carefully consider Police representations and other conditions relating to the deterrence and prevention of crime and disorder and initiatives to reduce crime will be drawn up in liaison with the police to deal with particular premises or types of premises where concerns may arise.

Safer Clubbing

7.6 The Licensing Authority wishes to promote the principles of 'Safer Clubbing'. The current Home Office Guidance on the subject is recommended to relevant Premises Licence and Club Premises Certificate holders. Following relevant representations appropriate licensing conditions may be imposed to control the environment at relevant premises in support of the 'Safer Clubbing' objectives.

Drugs

7.7 Following Relevant Representations, conditions may need to be imposed for certain types of venues to seek to eliminate the sale and consumption of drugs and to create a safer environment for those who may have taken them. These conditions will take into account the above-mentioned 'Safer Clubbing' advice issued by the Home Office. In all cases where conditions are to be imposed advice will be sought from the Drug and Alcohol Action Team and the Police.

7.8 The Licensing Authority, Police and Licence Holders need to be aware that power is available under the Anti-Social Behaviour Act 2003 that allows for the closure of a licensed premises by the Police where there is production,

supply or use of Class A drugs and/or serious nuisance or crime and disorder. This provides an extra tool to the Police in enabling instant action with regards to premises where there is a Class A drug problem.

Door Supervisors

- 7.9 Following Relevant Representations the Licensing Authority may consider that certain premises require supervision for the purpose of promoting the reduction of crime and disorder, and to generally provide a safer operation of the premises. In such cases licensed door supervisors (registered by the SIA) must be employed at the premises either at all times or at such times as certain licensable activities are taking place, at a number and ratio to be determined by the Licensing Authority. (This excludes stewards/glass collectors who are not involved in the security of the premises and do not therefore require registration with the SIA).

CCTV

- 7.10 Licence holders may wish to install cameras for the protection of staff, customers and for the prevention of crime on or in the vicinity of the premises. In exercising its licensing functions, the Licensing Authority may for the purpose of promoting any of the Licensing Objectives, impose as a condition of the licence the installation of a CCTV system. It should be noted that in such cases the Licensing Authority may take into account the type and quality of recordings, the location of cameras, storage and the availability of recordings to the Licensing Authority and Police.

Cinema Exhibitions (see also under Protection of Children from Harm)

- 7.11 No film shall be exhibited at a licensed premises which is likely to:
- Lead to disorder
 - Incite hatred or violence towards any section of the public on grounds of colour, race or ethnic or national origin, disability, religious beliefs, sexual orientation or gender

8. Public Safety

- 8.1 The Licensing Authority wishes to promote high standards of public safety in relation to premises and activities within the scope of the Act.
- 8.2 The Licensing Authority recognises that the Public Safety Objective is concerned with the physical safety of the customers using the relevant premises and not with Public Health, which is dealt with by other legislation.

- 8.3 Where the Local Authority Director of Public Health submits a relevant representation the relevant Licensing Objective is likely to be Public Safety. This may include where a premises has undermined the objectives in respect of accidents and injury and other harms that may be caused by alcohol consumption. These issues may also impact on the prevention of crime and disorder objective and/or the protection of children from harm objective.
- 8.4 Where activities are organised by volunteers or a committee of a club or a society the Licensing Authority considers it good practice that the same level of Health and Safety protection is provided as if an employer/employee relationship existed, irrespective of whether there are strict legal duties applicable under Health and Safety legislation.
- 8.5 Following Relevant Representations, where the Licensing Authority considers that general health and safety duties do not adequately cover certain Licensable Activities, conditions may need to be attached to the licence to ensure public safety.
- 8.6 Organisers of temporary/large scale events will be encouraged to seek advice and information from the Local Authority's Event Safety Advisory Group prior to submitting any application.

Fire Safety

- 8.7 The Licensing Authority will have due regard to the representations of Cheshire Fire and Rescue Service regarding licensing applications.
- 8.8 Following Relevant Representations, the Licensing Authority may impose appropriate conditions in relation to fire safety matters in consultation with Cheshire Fire and Rescue Service.
- 8.9 The Licensing Authority will only include an occupant capacity condition on a Premises Licence or a Club Premises Certificate where there is a genuine fear or a genuine problem with overcrowding and it is considered appropriate for public safety. This figure will be arrived at in consultation with Cheshire Fire and Rescue Service. If an occupant capacity is fixed in accordance with any risk assessment required by The Regulatory Reform (Fire Safety) Order 2005 that figure will be used.
- 8.10 Where the special provisions of Section 177 of the Act (dancing, amplified and unamplified music in premises with a capacity of no more than 200 persons) are utilised, the Licensing Authority reserves the right to confirm with Cheshire Fire and Rescue Service the safe capacity of the premises.

9. Prevention of Public Nuisance

- 9.1 If Relevant Representations are received the Licensing Authority, when making an objective judgment about what constitutes a nuisance in respect of an application or review of a premises licence or certificate, will take a broad common law meaning when considering matters such as:
- Noise from premises
 - Waste
 - Litter
 - Car parking
 - Light pollution
 - Noxious odours
- 9.2 In considering the potential impact of licensed premises on the surrounding locality the Licensing Authority, when in receipt of any Relevant Representations will take into account the type of entertainment activity, proposed hours of operation, the capacity of the premises, the character of the areas and the proximity to local residents. Consideration will be given to the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas where there is residential accommodation in the proximity of the premises.

Noise and Vibration

- 9.3 In order to enforce the provisions of the Environmental Protection Act 1990 (which relate to noise nuisance) the Police, Environmental Health Officers and Licensing Officers will liaise to ensure that adequate control measures are properly used to protect the local environment. Any action taken will be conducted in accordance with relevant enforcement policies
- 9.4 Consideration will be given to whether the operating schedule contains adequate measures to prevent noise and vibration, generated from within the premises, outside it, or from an open site, that may cause disturbance. Stricter conditions will be considered on premises in areas that have dense residential accommodation or have residential accommodation close to them. Noise includes music and human voices. Measures in the Operating Schedule may include installation of soundproofing, air conditioning, acoustic lobbies, sound limitation devices or locking doors at specified hours. If the proposed operating schedule fails to address noise nuisance issues, the Environmental Health Department may request that an independent acoustic report is conducted. Environmental Health may use any recommendations from such a

report to propose amendments to the Operating Schedule or suggest conditions for the consideration of any (Sub) Committee.

- 9.5 Applicants will be expected to have included measures in their Operating Schedules that make adequate provision to:
- Restrict the generation of any noise within the premises and from activities associated with the premises in the vicinity, or from an open air site
 - Limit the escape of any noise from the premises or open air site
 - Restrict any noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping
 - Minimise and control any noise from customers arriving and departing from the premises
- 9.6 The Licensing Authority will not impose conditions on licensed premises that cannot be directly controlled, or on matters not related to the vicinity of the premises.
- 9.7 If it is considered that any noise emanating from within the curtilage of a licensed premises is causing a public nuisance, under the provisions of the Anti-Social Behaviour Act 2003, an Authorised Officer can require its immediate closure for a period of up to 24 hours. It should be noted that the 'test' is a lesser one than that required to determine a Statutory Noise Nuisance and the statutory defence of 'best practicable means' is not available.
- 9.8 The Licensing Authority further recognises the Government's view that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists. Whilst providing consumers with greater choice and flexibility is an important consideration, the Licensing authority takes the view this should always be carefully balanced against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.
- 9.9 The Licensing Authority will not seek to impose uniform closure times in relation to alcohol licensed premises and will consider each application on its merits. However, where premises are situated in sensitive areas, in circumstances where the Licensing Authority's discretion has been engaged through the receipt of relevant representations, consideration will be given to the imposition of conditions aimed at limiting the impact of noise and

disturbance on residents. Such conditions may, for example, include the use of door supervisors, or measures to prevent the escape of sound from within the premises. Licensees and certificate holders are reminded that they should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance in outside areas such as beer gardens or smoking shelters and in areas such as pavements immediately outside their premises, where and to the extent that , these matters are within their control.

Eating, Drinking and Smoking Outside Premises

9.8 The Licensing Authority will take the following into consideration:

- Whether people standing or sitting outside are likely to cause obstruction or other nuisance
- Whether premises are under or near residential accommodation
- The hours of sale of alcohol in open containers or food for consumption outside the premises
- Measures to make sure that customers move away from outside premises when such sales cease
- Measures to collect drinking vessels and crockery, cutlery and litter
- The extent and location of areas proposed to be set aside for the consumption of food and alcoholic drink for smoking
- Whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink (whether supplied by the premises or not), between certain hours or at all times.

Other Environmental Impacts

9.9 Consideration will be given to whether Operating Schedules contain adequate measures to prevent:

- Litter, smells, fumes, dust, tobacco or other smoke, or other emissions
- Street fouling
- Light pollution
- Congestion of the pavement or roadway, impeding reasonable access

arising from the proposed licensable activity that may cause nuisance to people in the vicinity.

9.10 If the sale of alcohol in open containers or food for consumption outside the premises has been proposed, the following considerations are relevant:

- Whether measures would be undertaken to prevent nuisance caused by the storage, handling and collection of refuse and recyclable materials
- Whether late night premises are likely to generate litter and whether the sale of take-away food is proposed and the measures planned to prevent littering in the vicinity and to clear up any litter that occurs
- The steps proposed to prevent queuing or, if some queuing is inevitable, to divert queues away from residential properties and entrances to neighbouring premises, and to manage the queue to prevent disturbance and obstruction
- The steps taken to prevent disturbance by patrons arriving at or leaving the premises
- The steps taken to ensure staff leave the premises quietly
- The arrangements made or proposed for parking by patrons and the effect of parking on local residents
- Whether taxis and private hire vehicles serving the premises are likely to disturb local residents
- Whether routes to and from the premises on foot or by car or service or delivery vehicles pass residential premises
- Whether other measures to prevent nuisance such as the use of CCTV or the employment of SIA registered door supervisors are necessary
- The measures proposed to prevent the consumption or supply of illegal drugs, including any search procedures
- The likelihood of any violence, public disorder or policing problem arising if a licence were to be granted
- If the applicant has previously held a licence within the Cheshire East area, the details of any enforcement action arising from that premises
- Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.

10. Protection of Children from Harm

10.1 Protection of Children from harm includes the protection of children from moral, psychological and physical harm. This includes protection from premature exposure to strong language and sexual expletives. The Act does not prevent children having free access to premises selling alcohol for consumption on those premises, although the Licensing Authority when in receipt of Relevant Representations may impose conditions necessary for the prevention of harm to children. Where there are matters that give rise to serious concerns and the restriction of access may not ensure adequate protection of children from harm, children should be excluded. Examples of what may give rise to these concerns include:

- Where there have been convictions for serving alcohol to minors or where the premises has a reputation/evidence for underage drinking (to include any action undertaken regarding test purchases in relation to the supply of alcohol)
- There is a known association with drug taking or dealing
- There is a strong element of gambling on the premises
- Entertainment of an adult or sexual nature is provided

Note: The Act makes it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises used exclusively or primarily for the supply of alcohol for consumption on the premises.

10.2 Matters which the Licensing Authority will take into consideration include:

- Whether there are effective measures to check the age of those young people who appear under 25, to ensure alcohol is not sold to those under 18 and those under 16 are accompanied in alcohol led premises
- Whether the supply of alcohol for consumption on the premises is the exclusive or primary purpose
- The hour to which accompanied children under 16 are proposed to be on the premises where the exclusive or primary purpose of the services provided at the premises is the supply of alcohol for consumption on the premises
- The likelihood of children being attracted to the premises e.g. by the nature of activities or facilities provided, whether or not these are licensed
- Whether there is evidence of heavy, binge or underage drinking on the premises

- 10.3 Where Relevant Representations have been received and it is considered necessary that the access of children should be restricted to protect them from harm then conditions may be attached to the licence. These may include:
- Limitation on the hours when children may be present
 - Restrictions to the age of persons on a premises (e.g. to over 18's only)
 - Restrictions on access to certain parts of the premises
 - Limitations or exclusions when certain activities may take place
 - Require an accompanying adult to be present at all times
- 10.4 Where large numbers of children are likely to be present on any licensed premises, for example, a children's show or pantomime, then the Licensing Authority may require the presence of an appropriate number of adult staff (who will have provided a satisfactory Disclosure and Barring Service check) to ensure their safety and protection from harm. The exact ratio is to be assessed in respect of each individual application and is dependent on the type and size of the premises and the control measures in place as outlined within the operating schedule, and importantly the particular group of children likely to visit the premises in question.

Cinema Exhibitions (see also under Prevention of Crime and Disorder)

- 10.5 Where the exhibition of films is permitted the Licensing Authority will expect age restrictions to be complied with in accordance with the British Board of Film Classifications (BBFC) recommendations. Where a film has not been classified by the BBFC the Licensing Authority will consider whether it is appropriate to provide a local classification. When setting a local classification the Licensing Authority will have regard to the BBFC's guidelines.
- 10.6 In considering applications, the Licensing Authority will take into account any evidence that age restrictions for cinema exhibitions have not been adhered to.

11. Cumulative Impact

- 11.1 The Licensing Authority does not consider that there are areas where Cumulative Impact occurs presently nor is there a need at this time for the Licensing Authority to adopt a special policy relative to designating 'Stress Areas'.

- 11.2 Where there is a concentration of licensed premises this can lead to serious problems of nuisance and disorder arising in the area itself and even some distance away from the premises. In such circumstances the impact of those premises when taken as a whole can be far greater than that arising from individual premises and it may not be possible to distinguish individual premises as being the sole cause or even a major contributing factor, of a particular problem. It is the **Cumulative Impact** of all the premises which causes problems for the wider area.
- 11.3 It is clear however, that the vicinity within which licensed premises are or may be located is a major consideration in determining whether a licence should be granted and what conditions should be attached to it should representation be received. Due consideration will be given to the direct impact of the operation of the premises on members of the public living, working or engaged in normal activity in the vicinity of the premises.
- 11.4 It should be noted that 'Cumulative Impact' should not be confused with the issue of 'need', which relates to commercial demand for licensed premises. 'Need' is not a matter to be taken into account by the Licensing Authority.
- 11.5 Where a particular area becomes saturated with licensed premises making it a focal point for large groups of people to congregate, this might create exceptional problems of disorder, noise and other nuisance and in such circumstances the grant of further Premises Licenses or Club Premises Certificates may undermine the Licensing Objectives.
- 11.6 Notwithstanding these concerns each application has to be considered on its own individual merits. Where an objector is seeking to establish that the grant of a licence or certificate would result in a cumulative impact which undermines one or more Licensing Objectives, the following shall apply:

Objections on the grounds of Cumulative Impact

- 11.7 In cases where objectors seek to establish that an application should be refused on the grounds that it would result in or further contribute to cumulative impact which would undermine one or more of the Licensing Objectives the objector shall:
- Identify the boundaries of the area from which it is alleged problems are arising
 - Provide full details and evidence as to the seriousness of the nuisance and disorder caused in the area
 - Identify the licensing objective(s) which it is alleged will be undermined with specific regard to:

- The occupancy figure for the proposed premises
- The nature of the licensed activity to be carried on at the premises and its patrons.

Identifying Stress Areas

11.8 Where as a result of an objection under paragraph 11.7 above and the Licensing Authority is satisfied that there is a serious or chronic concern about nuisance and disorder in a particular area and has refused an application on the grounds of Cumulative Impact the area shall be declared as a '*Stress Area*'. In doing so the Licensing Authority shall:

- Follow the statutory procedures outlined in the Home Office Guidance issued under Section 182 of the Act
- Identify the boundaries of the area
- Identify the licensable activities causing the nuisance and/or disorder
- Monitor and review the '*Stress Area*'

Applications for a New Premises Licence in a Stress Area

11.9 New premises licenses will not be granted for the activities identified as causing nuisance and/or disturbance in Stress Areas except where:

- No objections are received to the application, or
- The grant of the licence will not undermine the Licensing Objectives

11.10 In considering such applications the Licensing Authority will have particular regard to:

- The occupancy figure for the proposed premises
- The proximity of the premises to others in the Area licensed for similar activities and the occupancy figures for those other premises
- Whether the proposed premises will act as a replacement for others in the Area that no longer has a licence
- The proposed methods of management outlined in the applicants' operational plan
- The proposed hours of operation
- Transport provision for the Area

Existing Premises Licenses in Stress Areas

- 11.11 The above factors cannot be used as a justification for removing an existing licence. If representations are received about existing licensed premises relating to matters other than cumulative impact and which undermine the Licensing Objectives then appropriate action may be taken.

Applications for variations to existing Premises Licenses in Stress Areas

- 11.12 Applications for variations to existing Premises Licenses in Stress Areas will not be granted where those modifications directly affect the issue of Cumulative Impact in the Stress Area or otherwise undermine the Licensing Objectives. An example of where a modification may directly affect the issue of cumulative impact would be where an application was received to extend premises and significantly increase the occupancy level of the premises.

12. Applications for New Grants and Variation of Existing Terms and Conditions

- 12.1 In the absence of any Relevant Representations in respect of any application made to the Licensing Authority, it is the duty of the Authority to grant the licence or certificate subject only to conditions that are consistent with the Operating Schedule and any Mandatory Conditions prescribed in the Act. This will also apply to any applications made in respect of premises within an identified Stress Area.
- 12.2 The EU Services Directive (Directive 2006/123/EC) and the Provision of Services Regulations 2009 require the Authority to enable an electronic application facility. This is available through www.GOV.uk for Premises Licence applications, renewals and variations and for Club Premises Certificates, renewals and variations. An automatic grant is not available for these applications since visits to premises are required in order to ensure the Licensing Objectives would be promoted. In addition the consideration of a licence needs to take into account the management of the premises.
- 12.3 The Licensing Authority will consider the same issues in respect of a variation and a renewal as they do in respect of an application for a new grant.
- 12.4 The Licensing Authority may take into account any non-compliance of other statutory requirements brought to its attention. Particularly where these undermine the Licensing Objectives, as non-compliance with other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed or that the management of the premises is not adequate to protect the public from harm or nuisance.

- 12.5 The Licensing Authority will consider whether appropriate measures have been put into effect by the applicant to mitigate any adverse impact.

13. Temporary Events

- 13.1 Arrangements are made under Part 5 of the Act for the temporary carrying on of licensable activities which are not authorised by a premises licence or a club premises certificate.
- 13.2 The Licensing Authority will provide advice about, amongst other things, public safety. Organisers of temporary/large scale events will be encouraged to seek advice and information from the Local Authority's Event Safety Advisory Group prior to submitting any application.
- 13.3 Legislation states that a minimum of ten working days notice should be given to the Licensing Authority of temporary events (or five working days in respect of a late temporary event). In accordance with the Act, 'Working Day' excludes Saturday, Sunday and Bank Holidays. The Licensing Authority cannot and will not accept notification of a Temporary Event Notice or a late Temporary Event Notice outside the statutory time limit.
- 13.4 The Licensing Authority acknowledges that in exceptional circumstances, some Temporary Events may and do have an impact upon crime and disorder. Therefore, in cases of large scale events, organisers should consider providing as much notice as possible. The Licensing Authority considers two months notice to be advisable in relation to such events.
- 13.5 The Licensing Authority expects organisers to give due consideration to the four licensing objectives and to consider local residents and those attending events, in areas such as:
- Health and Safety
 - Noise Pollution
 - Use of Temporary Structures
 - Road Closures
 - Use of Pyrotechnics or Fireworks
 - Controlling Anti-Social Behaviour
- 13.6 The Licensing Authority may advise applicants to consult with Cheshire Fire and Rescue Service and North West Ambulance Service for guidance with regards to assessing possible risks.

- 13.7 Applicants will also be reminded that giving a Temporary Event Notice does not relieve the premises user from planning law and any requirement to obtain the appropriate planning permission where it is required.

14. Operating Schedule

- 14.1 It is recommended that that applicants contact Responsible Authorities when preparing their operating schedules. This is likely to reduce subsequent objections.
- 14.2 This Statement of Licensing Policy sets out criteria and considerations, which relate to the Licensing Objectives, which applicants should have in mind when drawing up their Operating Schedule.

15. Hours of Operation

- 15.1 The Licensing Authority will determine licensing hours based on the individual merits of each application.
- 15.2 The Licensing Authority will consider whether longer licensing hours will achieve a gradual dispersal of people leaving licensed premises and therefore promote the Licensing Objectives.
- 15.3 The Licensing Authority recommends that applicants indicate within the operating schedule that consideration has been given to the extent the licensing hours applied for will impact on local residents and the surrounding area.
- 15.4 The Licensing Authority will consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting the hours. Consideration may be given to restricting the licensing hours of individual shops in circumstances where representations received indicate that the premises is a focus of disorder and disturbance.

16. Conditions

- 16.1 The Licensing Authority may, when considering the content of the Operating Schedule, select appropriate conditions from the Home Office Guidance, pool of Conditions, where it is deemed appropriate to ensure that the Operating Schedule reflects the four Licensing Objectives.
- 16.2 Where appropriate, following receipt of Relevant Representations, the Licensing Authority, may attach conditions to the grant of a licence which seeks to regulate the behaviour of persons as they leave licensed premises.

- 16.3 Where existing law already places statutory obligations on applicants the Licensing Authority will not usually impose the same or similar duties by way of condition.

17. Enforcement and Review

- 17.1 It is the intention of the Licensing Authority to work proactively with the Cheshire Police and other enforcement agencies. Proportionate targeting of agreed problem and high-risk licensed activities needing greater attention will be applied. A corresponding lighter touch for well run, lower risk premises will also be applied.
- 17.2 The Review of licences or certificates provides a key protection for the community where the Licensing Objectives are being undermined. The Review system should allow the Licensing Authority to apply a light touch bureaucracy to the grant or variation of a licence or certificate. The Licensing Authority may then take a more robust approach when problems relating to the Licensing Objectives arise later in respect of any premises.
- 17.3 At any stage following the grant of a premises licence or a club premises certificate, a Responsible Authority or any other person, may ask the Licensing Authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives. The Licensing Authority shall refer to Guidance when assessing whether any Relevant Representations are irrelevant, vexatious, frivolous or repetitious.
- 17.4 Although the Act does not require premises inspections to be undertaken, they will take place at the discretion of the Licensing Officers charged with this role and will take place as judged necessary. This will ensure that the Licensing Authority manages resources efficiently and that 'effective enforcement' is directed at 'problem premises'.
- 17.5 Where any conditions have been applied to a Premises Licence or Club Premises Certificate and Authorised Officer of the Local Authority may inspect the premises at any reasonable time for the purpose of checking that the conditions are being complied with.

Door Supervisors

- 17.6 The Security Industry Authority (SIA) plays an important role in preventing crime and disorder by ensuring that door supervisors are properly trained and licensed. Specific enquiries or premises visits may occur in order to ascertain that SIA Licenses are being executed in the correct manner and not as a tool for crime and disorder such as fronts for serious and organised criminal activity. Intelligence led operations by the SIA, Licensing Authority and/or Police will be conducted without notice

18. Early Morning Alcohol Restriction Orders (EMROS)

- 18.1 Under Section 172 A to E of the Act, the Licensing Authority has the power to make an EMRO prohibiting the sale of alcohol for a specified period between the hours of 24:00 and 06:00. They are designed to address recurring problems with licensed premises, serious public nuisance and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.
- 18.2 The Licensing Authority will consider evidence that such a decision is appropriate for the promotion of the Licensing Objectives. Consideration will be given to evidence provided by partners, Responsible Authorities and the Local Community Safety Partnership as well as evidence the Licensing Authority has gathered to determine whether an EMRO would be appropriate for the promotion of the licensing objectives. The Licensing Authority will consider the problems that have been identified. A range of evidence may be considered, including local crime and disorder statistics, statistics on anti-social behaviour offences, health related statistics (e.g. alcohol related emergency attendances and hospital admissions, environmental health complaints, complaints recorded by the Local Authority, residents' questionnaires, evidence from local councillors and evidence obtained through local consultation).
- 18.3 It is acknowledged by the Licensing Authority that an EMRO is restrictive, whilst also being a powerful tool to address recurring problems of alcohol-related crime and disorder, serious public nuisance and alcohol-related anti-social behaviour. Prior to making an EMRO the Licensing Authority will consider whether any other measures (implemented by themselves or with partners) may address the problems that have been identified, in particular other measures might include:
- Development of a Cumulative Impact Policy
 - Reviewing the licenses of specific problem premises
 - Encouraging the creation of business-led practice schemes
 - Use of powers of the Local Authority to designate an area where alcohol may not be consumed publicly (Designated Public Places Order)
 - The confiscation of alcohol in designated areas
 - Police enforcement of the general law concerning disorder and anti-social behaviour

- Prosecution for the offence of selling (or allowing such a sale of) alcohol to a person who is drunk
- Use of Police powers to close down any licensed premises instantly for up to 24 hours in respect of which a TEN has effect

18.4 In taking any decision to make an EMRO, the Licensing Authority will follow the statutory process and will invite representations.

19. Late Night Levy

19.1 Under Section 125 of the Police Reform and Social Responsibility Act 2011 the Local Authority can adopt a Late Night Levy, following a consultation process, outlined by the Home Office. It allows the Local Authority to charge an additional fee to any licensed premises that has a licence for the sale of alcohol (on and off sales) after 12 midnight and up to 06:00 in order to cover the additional costs associated with late night alcohol trading. Legislation allows this to start from midnight but it is up to the Local Authority to decide when they wish to apply it.

19.2 Any income raised by the Levy must be split with the local Police force; the Police would receive a minimum of 70% of funds raised and the Local Authority's 30% must be used to fund services which make the late night economy a more welcoming place.

19.3 The Local Authority will consider implementing a Late Night Levy if appropriate.

20. The Licensing Process

20.1 Applications can be made on the prescribed forms that can be found on the Home Office website.

20.2 Applications can also be made via the government website www.gov.uk. In order to fulfil its obligations under the Provision of Services Regulations 2009 (and the EU Services Directive) the Council will continue to enable the application process and payment online. Tacit consent is however not applicable for applications under the Licensing Act 2003 since the suitability of an applicant and the suitability of premises are under consideration.

21. Delegation and Decision Making

21.1 One of the major principles underlying the Licensing Act 2003 is that the licensing functions contained within the Act should be delegated at an appropriate level to ensure an efficient and cost effective service.

- 21.2 The Licensing Authority is committed to the principle of delegating its powers to ensure that these objectives are met and has arranged for its licensing functions to be discharged in accordance with the Home Office Guidance. The table at Appendix 1 sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and Officers
- 21.3 The Act itself creates a presumption that applications will be granted unless a Relevant Representation (objection) is raised. Where a function is delegated to an officer, that officer will be responsible for liaising between the applicants, objectors and Responsible Authorities to ensure that any licence granted is subject to any appropriately agreed conditions and relevant mandatory conditions
- 21.4 Where objections are made, an officer of the Licensing Authority may liaise with the Applicant, objectors and the Responsible Authorities to see if agreement is possible to conditions which would overcome the objections, without the need for the matter to go before the Committee or Sub-Committee. Only where objections are raised which cannot be reconciled will matters be referred to either the Sub-Committee or the Full Committee for determination.
- 21.5 Contested Licensing Applications and Review Hearings are administrative in nature and the (Sub) Committee will ensure that any meetings are conducted as informally as possible. However, some degree of formality is needed to ensure that all parties receive a fair hearing. Procedural requirements will be established to ensure that all parties are able to express their views openly and fairly. The (Sub) Committee procedure is inquisitorial rather than adversarial and, whilst applicants, objectors and Responsible Authorities are entitled to bring legal representation with them if they wish, this is by no means a requirement or a necessity.
- 21.6 Whilst the (Sub) Committee usually meets in public, it does have the power to hear certain applications in private. The Committee, however, will always reach its decision in private. A public announcement of the decision is normally made at the end of the Hearing together with an outline of the reasons for that decision. However on occasion this may not be possible, due to time constraints and/or the complexity of the issues under consideration, in which case a written decision will be issued as soon as possible after the Hearing.
- 21.7 The procedure which will generally be used by the (Sub) Committee, unless the Chairman of the (Sub) Committee takes the view that natural justice and fairness require a change to be made to the process, is set out at Appendix 2.

22. Exclusions

- 22.1 In formulating this Statement of Licensing Policy in accordance with Guidance and recognising the need to treat each application on its individual merits the Licensing Authority makes specific exclusions, which are detailed below.

Commercial Demand

- 22.2 The commercial demand for additional premises licenses (as distinct from cumulative impact) will not be a matter for the Licensing Authority, such matters being a specific consideration for the Planning Authority.

Zoning and licensing hours

- 22.3 Fixed predetermined closing times for particular areas will not form part of the Policy and restriction on trading hours will be considered only where appropriate to meet Licensing Objectives.

Children

- 22.5 Nothing in this Statement of Policy shall limit or require access of children to premises unless there is an overriding necessity to prevent harm to children. Areas that will give rise to particular concern are highlighted elsewhere in this Policy.

Standardised conditions

- 22.6 The Policy does not provide for 'standard conditions' to be imposed so as to avoid the imposition of disproportionate and burdensome requirements. Conditions attached to licenses or certificates, if deemed appropriate in particular circumstances, will be tailored to reflect the individual operation of the premises in question. Conditions will not be imposed which are beyond the responsibility or control of the premises licence holder.

23. Consultation

- 23.1 In reviewing this Policy the Licensing Authority has consulted widely to ascertain an appropriate licensing framework for its area. Various bodies have been consulted including:
- Cheshire Constabulary
 - Cheshire Fire and Rescue Service
 - Cheshire East Health and Wellbeing Board
 - Current licence holders
 - Representatives of the local licensing trade

- Representatives of local businesses and residents
- Community Safety Partnership and Event Safety Advisory Group
- Borough Councillors
- Parish and Town Councils
- Macclesfield Charter Trustees
- Council Officers

24. Changes to Legislation

24.1 This Statement of Licensing Principles reflects the law in force in June 2013. The following are some of the main changes which are currently proposed:

- An authorisation for an indoor sporting event or a performance of a play or dance may be required only when the audience exceeds a specified number (1000 for an indoor sporting event and 500 for the performance of a play or dance) or the entertainment does not take place between 8am and 11 pm on any day
- It is intended that it will be made clear that a contest exhibition or display which combines boxing or wrestling with one or more martial arts (a 'combined fighting sport') is licensable under the Act as a boxing or wrestling entertainment rather than an indoor sporting event

24.1 As changes to legislation occur the Local Authority will implement them using the principles stated in this Statement.

25. Review of the Statement of Licensing Policy

25.1 The adoption of a revised Statement of Licensing Policy is reserved to Full Council. However if a review were necessary during the 5 year period for which the Policy is adopted this can be undertaken by the relevant Cabinet member and the Council's Licensing Committee which would make a recommendation to Council.

Table of delegations of licensing functions

Functions under the Licensing Act will be dealt with as follows:

Matter to be Dealt with	Full Committee	Sub-Committee	Officers
Application for Personal Licence		If a police objection	If no objections made
Application for Personal Licence with unspent convictions		All Cases	
Application for premises Licence/Club Premises Certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation is made	If no relevant representation is made
Application to vary Premises Licence/Club Premises Certificate		If a relevant representation made	If no relevant representation made
Application to vary designated Personal Licence holder		If a police objection	All other cases
Request to be removed as designated Personal Licence Holder			All cases
Application of transfer of Premises Licence.		If a police objection	All other cases
Application for Interim Authorities		If a police objection	All other cases
Application to review Premises Licence/Club Premises Certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when Local		All cases	

Matter to be Dealt with	Full Committee	Sub-Committee	Officers
Authority is a consultee and not a lead authority			
Determination of a relevant objection to a Temporary Event Notice		All cases	
Power to issue a Counter Notice in respect of a Temporary Event			All cases
Determination of a minor variation			All cases
Decision to exercise the Licensing Authority's powers as a Responsible Authority			All cases

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	Other Persons (who have made representations)	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	Other Persons (who have made representations)	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 they should be stating their objections.)
12	Committee Members	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	Other Persons (who have made representations)	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	<p>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.</p> <p>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.</p>

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. Other Persons 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.

Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:

1. No supply of alcohol may be made under the 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 the premises licence must be made or authorised by a person who holds a personal licence

Mandatory condition: exhibition of films

1. Where a premises licence or club premises certificate authorises the exhibition of films, the licence/certificate must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence/certificate, unless condition (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

Admission of children must be restricted in accordance with any recommendation made by that licensing authority

Mandatory condition: door supervision

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must:
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act

Prohibited conditions: plays

1. In relation to a premises licence or club premises certificate which authorises the performance of plays, no condition may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under the licence.

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise)
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act)
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be

considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
4. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that:
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Conditions 1- 3 and 5 do not apply where the Premises Licence authorises the sale and supply of alcohol only for consumption off the premises.

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Monday 29th June 2015 at 13.15hrs
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application for the review of a Premises Licence Bar 48, 48 Crewe Road, Alsager, ST7 2ET

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 determine the Application for the Review of a Premises Licence by Sgt 3641 Lindsay Chamberlain of Police Eastern Partnerships in respect of:

Bar 48
48 Crewe Road
Alsager
ST7 2ET

- 2.2 The Licensing Act Sub-Committee is requested to consider the review application and any relevant representations and determine what steps, if any, it considers are appropriate to promote the Licensing Objectives.

- 2.3 Acting in the capacity of Licensing Authority, Members must seek to promote the Licensing Objectives, and where Members consider matters have engaged one or more of the objectives, they may exercise their discretion. The Licensing Objectives are:

- (a) The prevention of crime and disorder
- (b) Public safety
- (c) The prevention of public nuisance
- (d) The protection of children from harm

- 2.4 The Sub-Committee in respect of this application must have regard to the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.

- 2.5 Finally, Members are also reminded that in determining the application in accordance with the Licensing Act 2003, Members must also have regard to:

- § The rules of natural justice
- § The provisions of the Human Rights Act 1998

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 and the Council's Constitution.

4.0 Wards Affected

- 4.1 Alsager

5.0 Local Ward Members

- 5.1 Cllr Martin Deakin
Cllr Rod Fletcher
Cllr Derek Hough

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.
- 6.2 Whilst having regard to the general principles within the Statement, Members may wish to consider the following:
- 6.2.1 This application for the review of a premises licence relates to all four Licensing Objectives. The Licensing Authority sets out at paragraphs 7 to 10 of its Statement of Licensing Policy how it will deal with representations under these objectives. The Statement of Licensing Policy also deals with issues of Anti-social behaviour at paragraph 6.
- 6.2.2 The Policy also deals with the reviews of licences at paragraph 17.
- 6.3 Members should provide reason(s) for any decision taken and should set out their reasoning where they determine to depart in any way from the Policy or Guidance.

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 appropriate for the

promotion of the Licensing Objectives. The steps set out within sub-section (4) are:

a) Modify the conditions of the licence

This could include either imposing further conditions on the licence or changing (for example, further restricting) the hours of certain licensable activities, where this is proportionate and relevant to the licensing objectives. This may also include a requirement that unregulated entertainment becomes regulated again between the hours of 8am and 11pm.

For this purpose, the conditions of the licence are modified if any of them are altered or omitted, or any new condition is added.

b) Exclude a licensable activity from the scope of the licence

The Sub-Committee may decide that it is proportionate and relevant to the Licensing Objectives to remove one or more of the licensable activities.

c) Remove the designated premises supervisor

d) Suspend the licence for a period not exceeding three months

e) Revoke the licence

8.2 Members are reminded that should any conditions be modified, they should be practical, enforceable and appropriate to promote the Licensing Objectives.

8.3 By virtue of section 52(11) of the Licensing Act 2003, any decision of the Sub-Committee to take one or more of the steps set out above does not have effect:

(a) until the end of the period given for appealing against the decision or

(b) if the decision is appealed against, until the appeal is disposed of

8.4 Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1998 to do all that it can to prevent Crime and disorder, Anti-social Behaviour, behaviour adversely affecting the environment and re-offending.

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 the 6th May 2015 an application for a review of the Premises Licence relating to Bar 48, 48 Crewe Road, Alsager, ST7 2ET, was submitted by Sgt 3641 Lindsay Chamberlain of the Police Eastern Partnerships, Crewe Police Station. The grounds for review set out within the review application were; (1) the Prevention of Crime and Disorder, (2) Public Safety, (3) the Prevention of Public Nuisance and (4) the Protection of Children from Harm . A copy of the review application is appended to this report as Appendix 1.

- 10.2 The Premises Licence Holder and Designated Premises Supervisor named on the Premises Licence is Ms Mikala Howell. A copy of the Premises Licence is appended to this report as Appendix 2. Ms Mikala Howell has submitted a statement in relation to the application for review. A written submission has also been received from Gladstones Solicitors, acting on behalf of Ms Howell. Copies of these documents are attached to this report at Appendix 3.
- 10.3 Within the prescribed consultation period in relation to the review, the Licensing Authority has received representations from Environmental Health and Trading Standards acting as Responsible Authorities. Representations have also been received from other persons.
- 10.4 In reviewing the Premises Licence and making its decision, the Licensing Act Sub-Committee must have regard to the application and relevant representations. The Sub-Committee may take such of the steps referred to within sub-section 52(4) of the Licensing Act 2003 (if any) as it considers appropriate for the promotion of the Licensing Objectives.

10.5 Relevant Representations

Responsible Authorities:

- 10.6.1 The representation from the Environmental Health Officer is attached as Appendix 4 of this report.
- 10.6.2 The representation from the Trading Standards Officer is attached as Appendix 5 of this report.

There were no representations from any of the other Responsible Authorities.

Other Persons:

- 10.6.4 The Council has received a number of representations in support of the Review application, these are attached as Appendix 5 of this report.
- 10.6.5 The Council has received a number of representations in support of Bar 48, these are attached as Appendix 6 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 – Review application and accompanying documentation
- Appendix 2 - Existing Premises Licence Summary and Annex 2 conditions
- Appendix 3 - Statement of Ms Mikala Howell and Submission from Gladstones
- Appendix 4 - Representation from Environmental Health
- Appendix 5 - Representation from Trading Standards
- Appendix 6 - Representations received in support of the review application
- Appendix 7 - Representations received in support of Bar 48
- Appendix 8 - Plan of area

This page is intentionally left blank

[Insert name and address of relevant licensing authority and its reference number (optional)]

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I . Lindsay J Chamberlain

(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 Bar 48 48 Crewe Road Alsager Stoke on Trent	
Post town Alsager	Post code (if known) ST7 2ET

Name of premises licence holder or club holding club premises certificate (if known) Mikala HOWELL
--

Number of premises licence or club premises certificate (if known) 883
--

Part 2 - Applicant details

I am

Please tick yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

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 yes

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

Surname

First names

I am 18 years old or over

Please tick yes

☐

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

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Sgt 3641 Lindsay Chamberlain Eastern Partnerships Crewe Police Station Civic Centre Crewe Cheshire CW1 2DQ
Telephone number (if any)
E-mail address (optional)

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

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

Please tick one or more boxes

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

Please state the ground(s) for review (please read guidance note 2)

Seeking a review of the premises under all four licensing objectives to prevent crime and disorder, public safety, prevention of public nuisance and the protection of children and young persons from harm.

Bar 48 is not being managed in a responsible manner this is causing a negative impact on the health and well-being of the local community. Especially those who live in close proximity to Bar 48 . Due to a recent failed test purchase, sold to a 15 year old, there seems to be a lack of understanding and lack due diligence regarding the sale of alcohol to those under eighteen years of age which is harmful to health of young people and children.

As detailed in the information section numerous agencies have been involved with Bar 48 over the 16 months of trading. Individually and jointly, each has tried to persuade and guide the DPS and its owner, Christopher Powell to achieve its legal requirements and obligations. Despite this assistance and support Bar 48 continues to be irresponsible. From the information received from local residents the management of Bar 48 show a total disregard for the law and responsible authorities. the holder of the premise has failed to promote a “safe, Clean and mature drinking environment” as promised when the premises licence was approved.

Please provide as much information as possible to support the application (please read guidance note 3)

Since Bar 48 opened in December 2013 at least five different agencies have been involved with meeting with the DPS and the owner of this premise. The aims of all these agencies was to point out inadequacies and failings with suggestions on how to put things right. Having spent over a year trying to guide the DPS and owner to achieve this there has been little improvement to demonstrate personal responsibility and due diligence.

The time line enclosed illustrates some of the agencies involved and contact with Bar 48.

The Cheshire Constabulary since December 2013 has recorded at least 13 incidents to Bar48. These range from fighting immediately outside the premises, noise nuisance, drink drivers and a positive drugs warrant In addition to these incidents, there has been a rise in incidents of anti-social behaviour (ASB) incidents in Beat code EC17. Bar 48 is located in Alsager town centre which is beat code EC17. See table one , Comparing the 16 months prior to Bar48 opening and after . There has been an increase of 10% in ASB incidents .

Mikala HOWELL took over as the DPS on August 13th 2014 . See table 2 If you compare season for season August to November for 2013 and 2014 there has been increase in ASB by 43% .

Once incident ASB incident received at 2319hrs on 13th February 2015. The initial call receive was fighting in the street next to the Hot Spot , Bar 48 is the premises next to the Hot Spot. Fortunately on this occasion a police patrol was nearby (see statement from PC Roger Need) PC Need witnessed the noisy behaviour and managed to disperse the group . Had the police not been there this noise level would have continued to adversely affect the quality of life of the local community, namely being unable to sleep at night.

Another example of police involvement is Operation Fern. This was a joint operation between the police and trading standards . Police incident 643 of 6/2/2015. A statement from Pc Howard is attached who describes the scene on him entering the premises to issue a Penalty for Disorder to a member of the bar staff for a sale of alcohol to a person under 18. Bar 48 was full of young people celebrating the owners daughters eighteenth birthday party. At this time the bar was overcrowded and had no effect practice in place to be able to identify those who were 18 years of age or older. Again a good example of Bar 48 not promoting a safe, clean and mature drinking environment.

Please see three statements from three members of the local community whose quality of life has been adversely affected by the activities of Bar 48 . In each case it details how the activities of Bar 48 have altered the quality of their homes lives, which were on the whole tranquil before the opening of this establishment. It has had a detrimental effect on their health and well being . Two residents are now on medication a main contributor is the disruption to sleep. One couple are selling their home as they can no longer cope with living in close proximity to Bar 48.

I could have gathered evidence from further residents who would articulate the same detail of events and the same effects. To get a good understanding of the general observations of the residents please read the comments on the Cheshire East Planning applications 14/3757C and 15/0628C. Of note the planning application for this premise to be converted from A1(retail) to A4 (bar) was rejected and Bar 48 has not appealed . Since the closure of this planning case the DPS has put in a change of use from A1 to A3 (café/ restaurant) . Despite this change of use to a café , the incidents of loud music (live and recorded) and disorder outside the premises continue.

Finally to give the panel a real feel for the Bar 48 in full swing please see YouTube clip promoting the club . this includes real footage from the venue . This was posted online in February 2014 but was available to view on 27th April 2015 . The post address is www.djbart.co.uk Bar Forty eight Alsager . It describes the venue as an entertainment hot spot. I have taken the liberty of securing a copy should the panel have difficulty locating the clip. It shows the club with its high tables , very loud music from a DJ , strobe lighting and looks more like a nightclub and certainly does not “promote a safe, clean and mature drinking environment”

Have you made an application for review relating to the premises before

Please tick

☐

yes

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

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

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature LJ Chamberlain

.....

Date 3rd May 2015

.....

Capacity applicant

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) See section C	
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. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

This page is intentionally left blank

Table 1

Cheshire Constabulary data Anti-social behaviour incidents on beat code EC17 , Town Centre, Alsager

Before the opening of Bar 48

Aug-12	7
Sep-12	6
Oct-12	10
Nov-12	5
Dec-12	9
Jan-13	7
Feb-13	10
Mar-13	10
Apr-13	6
May-13	6
Jun-13	6
Jul-13	13
Aug-13	7
Sep-13	5
Oct-13	6
Nov -13	5
Total	118

Bar 48 opened in December 2013

Dec-13	8
Jan-14	6
Feb-14	3
Mar-14	5
Apr-14	9
May-14	10
Jun-14	8
Jul-14	17
Aug-14	5
Sep-14	10
Oct-14	10
Nov-14	8
Dec-14	9
Jan-15	12
Feb-15	3
Mar -15	7
Total	130

This page is intentionally left blank

Table 2

Cheshire Constabulary data Anti-social behaviour incidents on Beat code EC17, Town Centre of Alsager

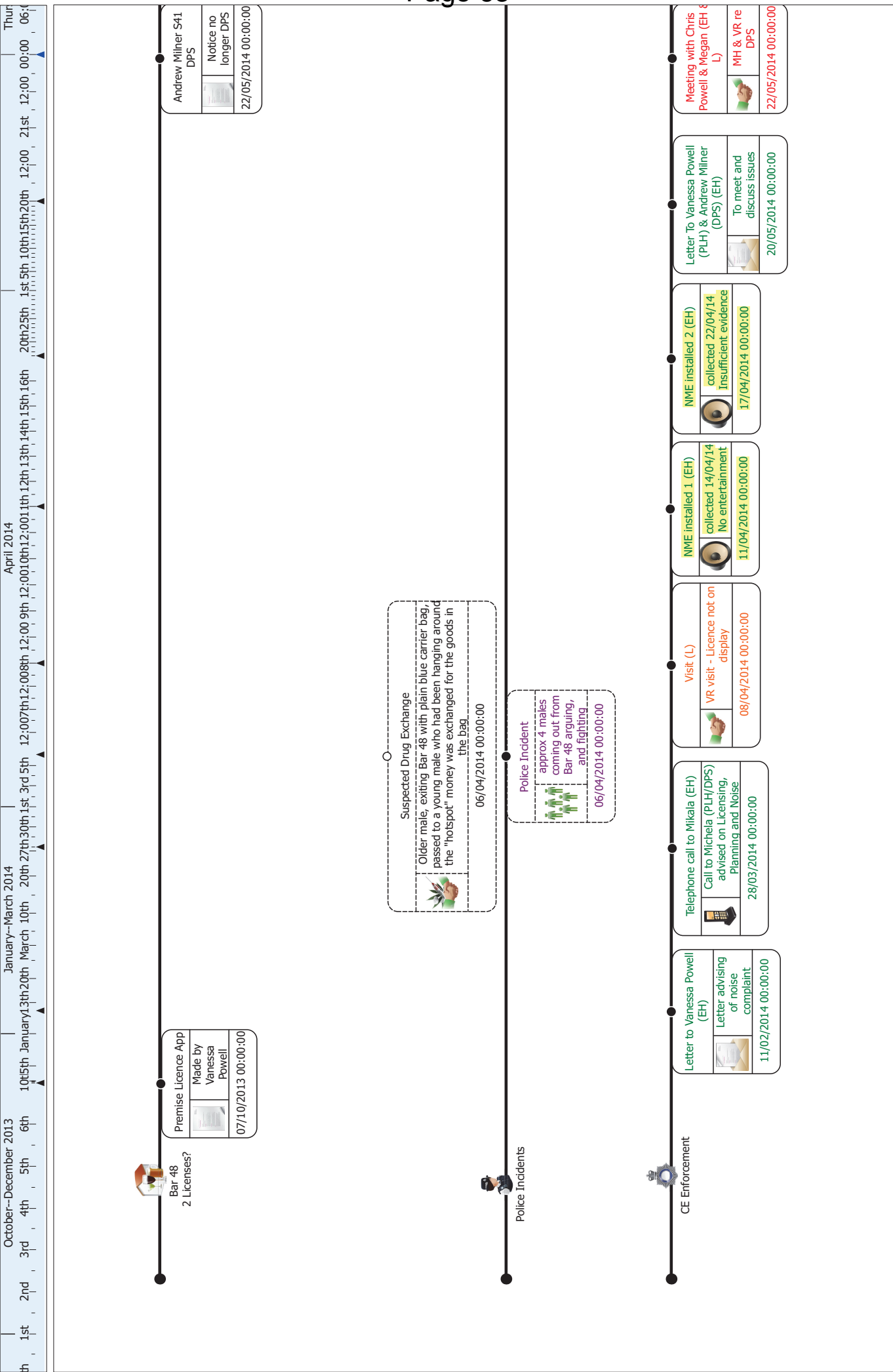
Before Mikaela Howell took over premises licence.

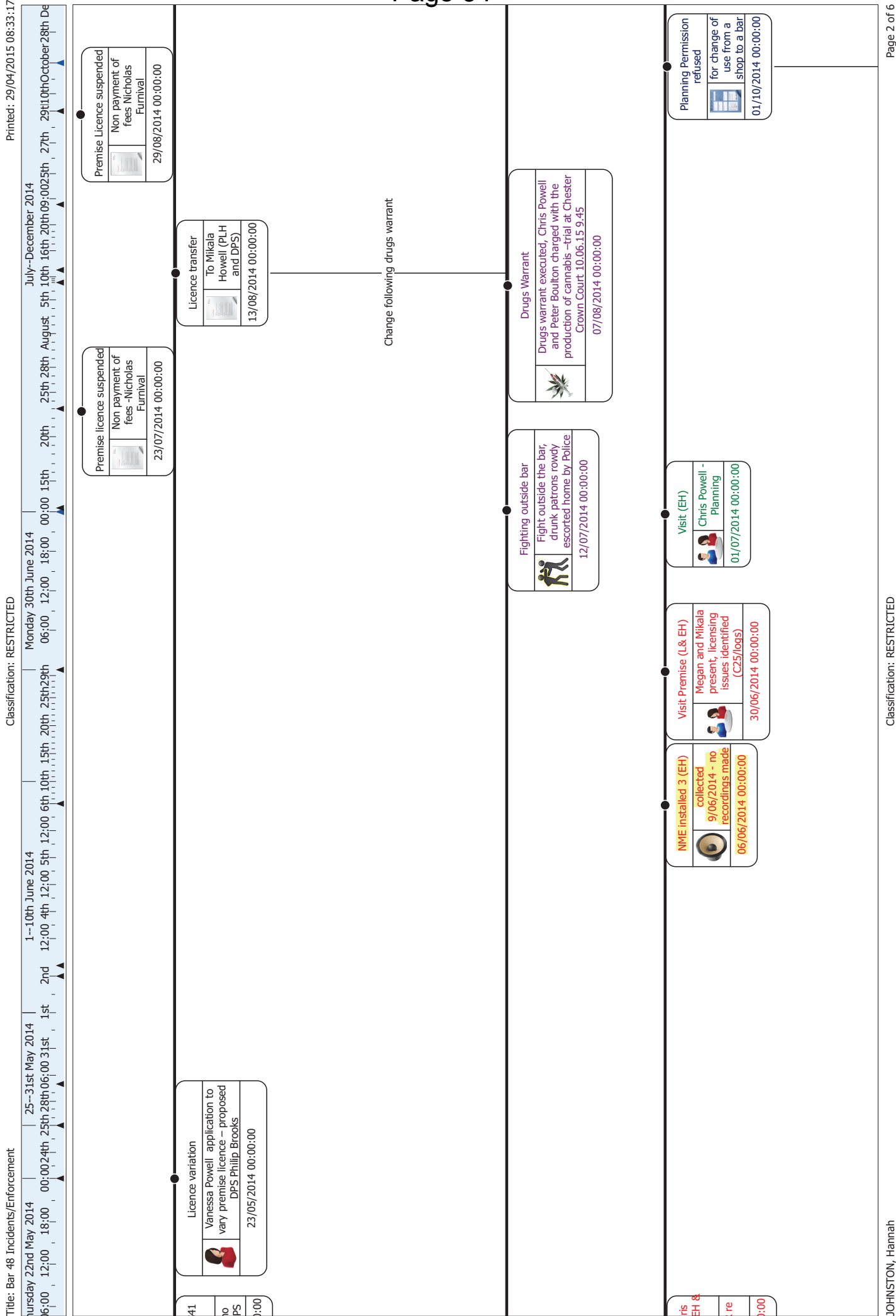
Aug-13	7
Sep-13	5
Oct-13	6
Nov -13	5
Total	23

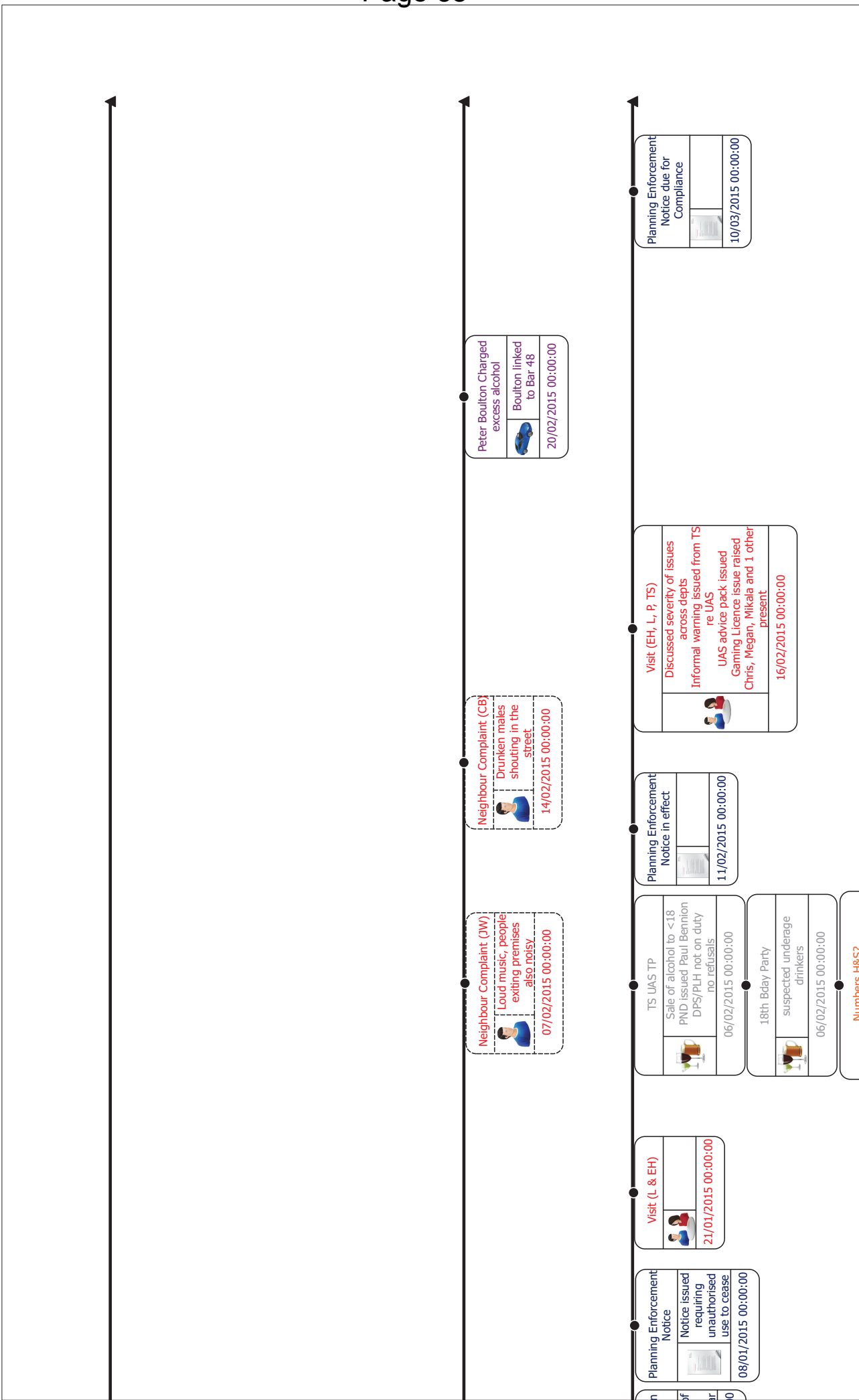
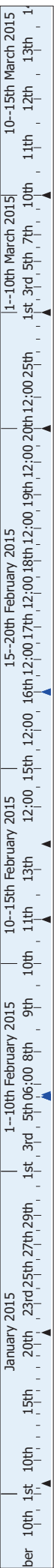
Mikaela Howell the premises license holder from 13th August 2014

Aug-14	5
Sep-14	10
Oct-14	10
Nov-14	8
Total	33

This page is intentionally left blank









Bar 48 Actions



Consumer Complaint
Noise & ASB weekly/bi-weekly
between 10/02/14 -16/02/15
(also specific entries)

KEY

Bar 48 Incidents/Enforcement

----- Unconfirmed event _____ Confirmed event

AaBbYyZz Undermine complaint

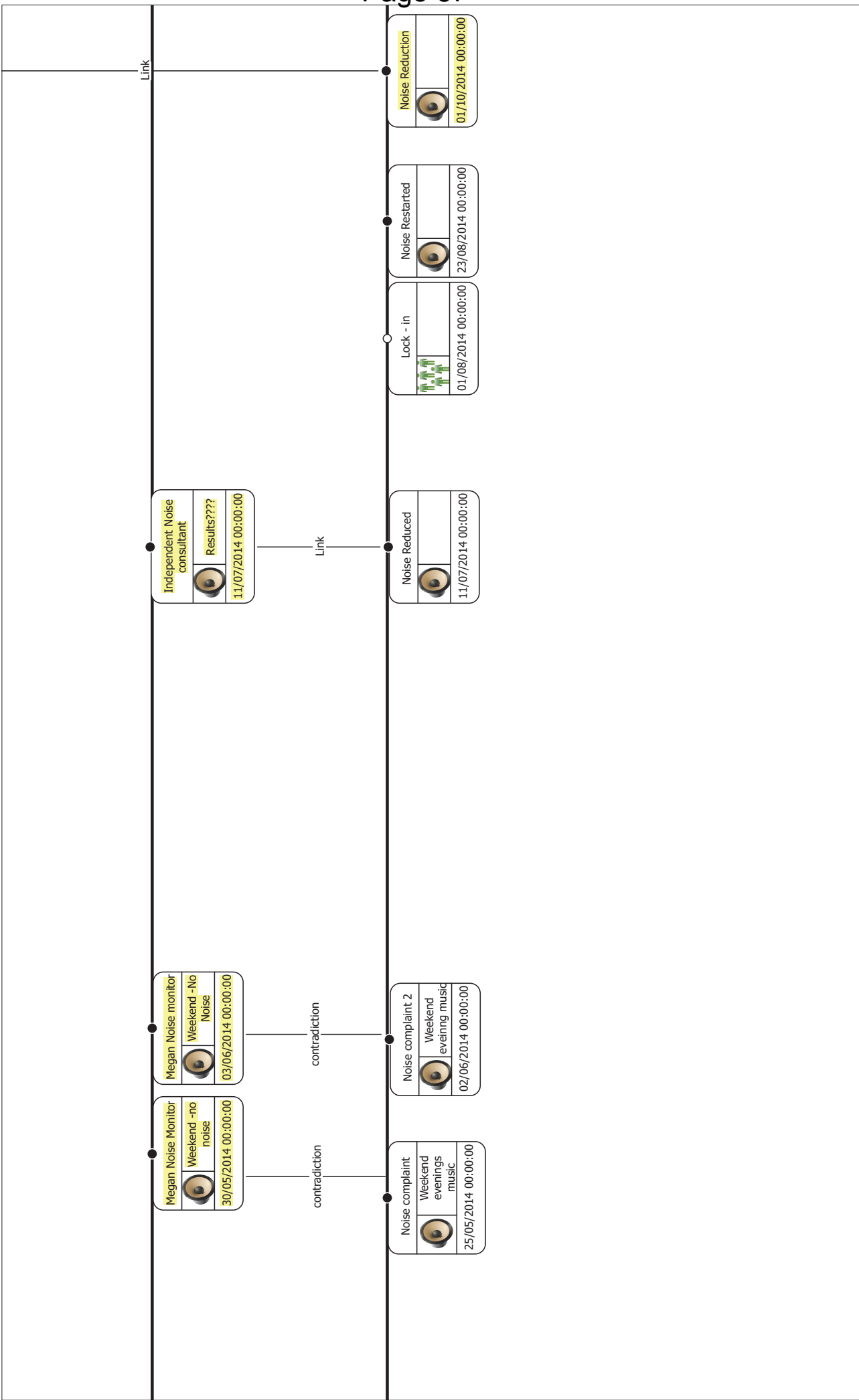
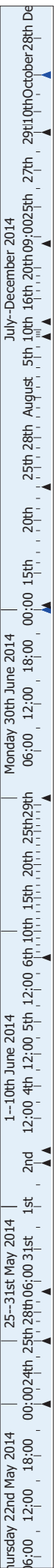
AaBbYyZz Police actions/incidents

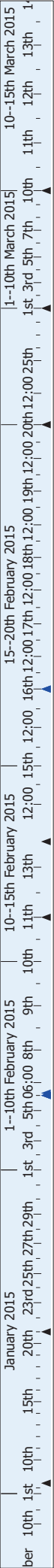
AaBbYyZz Environmental Health actions/incidents


AaBbYyZz Licensing actions/incidents

AaBbYyZz Planning actions/incidents


AaBbYyZz Trading Standards actions/incidents








Numbers H&S?
Premise has limited occupancy of 50 potentially many more on premise
06/02/2015 00:00:00



CCTV request not fulfilled
Requested CCTV from evening 6th Feb (TP) cctv not forthcoming to date (7th April)
16/02/2015 00:00:00





No further noise complaints?
01/03/2015 00:00:00

Text

Restricted (when completed)			
Cheshire Constabulary			
WITNESS STATEMENT			
Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B			
URN:	07		

Page 1

Statement of: Niki Bugg	
Age if under 18 (if over 18 insert 'over 18'): 0/18	Occupation: School Teacher
This statement (consisting of 6 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.	
Signature: 	Date: 14 th April 2015
Check box if witness evidence is visually recorded <input type="checkbox"/>	Witness personal details should be entered in appropriate section ONLY .


My full name is Niki Bugg. I live at the address shown with my wife  and three young children.

We moved into the address in the June of 2013. The house, although requiring a lot of work, was the house of our dreams and we were all looking forward to building a home for our family and looking forward to sharing happy times at the house.

The street is a mixture of residential and business and licenced properties. Opposite our address is a building which is number 48 Crewe Road, Alsager. This building is owned, I believe by a male called Chris Powell. The building has been ran as a Hairdressing business, which I have found requires A1 planning permission for this purpose. Shortly after moving in I became aware that the business had closed and I was led to believe that it may be opening up as a Tapas type bar.

In December 2013 the premises was opened as a Pub/Bar called Bar 48. I would describe the building as a single glass fronted shop type building with a single glass panelled door. Upon entering the bar I think there is a small bar to the left hand side. There is a Juke box to the right hand side and an Electronic Gaming Machine at the rear of the building. There are a few high bar tables and chairs towards the front of the bar near the windows and some more cosy type chairs towards the rear of the bar. There is a T.V high up on the front wall which points into the bar. People stand at the bar watching the Sky live football.

During the first few weeks over the Christmas and New year period the bar seemed to run ok with no real issues of note. However we started to experience problems towards the end of

Signature: 	Signature Witnessed By:
Restricted (when completed)	
2014t	MG11

Restricted (when completed)

Cheshire Constabulary**WITNESS STATEMENT**

Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN: 07

Page 2

January, early February 2015. This was in the form of excessive noise coming from the bar on a Friday and Saturday night. On a Friday the bar had a DJ playing there on on a Saturday night had a live band or singer. The noise was to the extent that we struggled to hear the T.V in our own home and the noise from the DJ and live music constantly woke up our youngest child, who was 7 months old at the time. It was almost impossible for him to settle down again because of the noise.If we were in bed we would also be unable to sleep.Eventually we had to move him out of his bedroom at the front of the house and into a room towards the rear of house.

The first step we took was to contact Environmental Health and seek their advise. The advice we received was to first try and approach the owner and hopefully discuss our issues and agree an amicable solution. As a result of further noise on the following Friday night my wife decided act on the advice and approach the management at the bar with a view to try and amicably sort out the issue of the noise. The result was that the owner agreed to tone the noise level down. We felt a little relief that the owner had agreed to tone the noise down and hoped that this would be an end to the matter. Saturday night came and to our disbelief the noise was now worse than it had ever been ,causing my family and I upset and again waking my youngest child up. I decided to go back into the bar and spoke with a member of staff who I believe is the owners, Chris Powell's eldest daughter. The response I received from her was just outright rude and was along the lines of " Whats your problem, we can do what we want untill 11o'clock. I was shocked and angry by her response and left the bar. Over the next few days I made further contact with Margeret Hopeley at Environmental Health . She advised me to make a note of incidents which I did in the form of an email which I sent to Margeret on each occasion of noise.

A couple of weeks later, on a Friday night, my wife and I invited two of our friends around for a meal. During the course of the meal they commented on the noise levels within our home which were coming from the Bar. They couldn't believe that the noise was so bad. It was unbearable and as a result one of my friends and I went over to the bar ,hoping that if we asked they would turn it down to an acceptable level. I went to the bar and asked to speak with the manager. The young girl pointed over to a lady called Michaela Howells who was the Bar manager and licencee. I was told it was Michaela's day off although she was in the bar and it would be best not to disturb her. I told the girl I would like a word with Michaela. Michaela came over to us and

Signature:

Signature Witnessed By:

Restricted (when completed)

Restricted (when completed)

Cheshire Constabulary**WITNESS STATEMENT**

Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN: 07

Page 3

was polite and amicable with me and showed empathy towards our situation with the noise level. She stated she understood as she had young children herself and agreed to work with us and try and sort out the situation. I left things at that and went back home. To our dismay the music carried on at the same level for the rest of that night. The same pattern of events continued over the next couple weekends with excessive noise from the DJ on a Friday night and the live music on the Saturday night. It got to a point after a particularly bad Friday night that I decided to go back into the bar on the next day, Saturday with the hope of speaking with the owner himself, Chris Powell. I went in around lunch time and after asking a member of staff to speak with him, Chris came and introduced himself to me. I expressed my concerns over the noise levels and the disruption and upset it was causing to my family. He informed me that he had been informed by other residents further on up the road that the noise levels were ok and not causing any issues with those residents. He went on to tell me that he had stopped using the DJ on a Friday night and was also looking at repositioning the live music further back towards the rear of the bar. He also went on to explain that he was looking at getting double glazing installed at the bar and extra sound proofing. At the end of our conversation we shook hands and as we did Chris Powell said to me "oh and by the way I am applying for a late licence until 2am". I couldn't believe what I had just been told and was extremely worried about the consequences we would suffer if this was to be granted. I felt that he was rubbing my nose in it by telling me this and I felt totally shocked and deflated.

It came as no surprise to me when the problems with the noise continued each weekend and bank holidays. It was either a live band or a singer or both. I continued to report to Margaret Hopeley. In June 2014 I also made some enquires with the Council Planning Department. As a result of these enquires I was told the Bar did not have the necessary planning permission to operate as a licenced premises which I am led to believe is A4 planning approval. The building was still operating under a A1 planning approval which is business/retail premises only. In June 2014 I was informed by the planning department that the Bar had been told to retrospectively apply for the planning permission and had 28 days to submit the application. I am aware it was some 3 months later before the planning department actually received the application. Which was well outside the 28 days. I am also aware from the online planning application ref 14/3757C

Signature:

Signature Witnessed By:

Restricted (when completed)

Restricted (when completed)

Cheshire Constabulary**WITNESS STATEMENT**

Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN: 07

Page 4

that there was several objections to the application for a licenced premises. I was informed in the Oct/Nov 2014 that the planning application had been rejected. However through all this time the premises was allowed to operate as a licenced premises. We continued to be objected not only to noise, but arguments in the street from drunken customers from the bar. Fighting in the street. On one occasion a male was in our garden after being involved in a fight. All through I have continued to report matters which also include having to contact the Police. When incidents did occur from the bar they would immediately roll down the bar shutter and close and would not answer to anyone. The latest twist is that the bar have notified the Planning Department that they wanted to turn the premises into a restaurant which requires A3 planning authority. To this day the bar has not changed to a restaurant and its main business is still a bar serving alcohol. I believe they have a small menu on the bar selling burgers and chips and a small kitchen area with a microwave oven. It is obviously a drinking place as people regular attend the bar drinking from cans etc in the street before entering the bar for further drinking. At no point is anyone sitting down to eat a meal. This bar is not acting as a restaurant and I believe the owner is just flouting the planning rules to get round this.

On Friday 13th February 2015 we again had noise issues with the Bar which was also witnessed by a Police officer who happened to be in the area at the time. This occurred again on Saturday which was Valentines day. I was in the kitchen cooking a nice meal for my wife, [REDACTED] The noise was unbearable again and my wife was getting very upset over it and wanted to go and speak with the owner again. I didn't think this was a good idea and certainly didn't want my wife going in . The only way to stop her going over was to say that I would go over, which I did. When I walked into the bar the place went deadly quiet. There was a new bar manager there who came over to me and said to me " What do you want?" I was aware that customers were talking about me and I began to feel quite threatened. I heard someone say " Leave it, its not worth it" I'm sure this comment was about me. Another customer who was becoming Irrate was holding the door and telling me to leave. The owners daughter suggested I tried to sort this out with Chris at another time. At this point I left. The music continued after I had left , but what was most upsetting to my wife and I was the continous loud and abusive customers that were making noise entering and leaving Bar 48. It was very upsetting and totally unacceptable.

Signature: [REDACTED]

Signature Witnessed By: [REDACTED]

Restricted (when completed)


Restricted (when completed)			
Cheshire Constabulary			
WITNESS STATEMENT			
Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B			
URN:	07		

Page 5

This situation has been going on now since December 2013 and I am now at my wits end. It is frustrating that the relevant authorities have been unable to stop this man. Chris Powell continues to flout the rules and regulations and have total disregard for people in the community. On a personal level this home was meant to be our dream home, somewhere we could happily bring up our family in a decent community. The situation is now becoming unbearable, I am becoming more and more angry and feel I am at breaking point. I am worried about my wife who hates the weekends now. It is not only the excessive noise levels from the music that have caused us and the community considerable disruption, but also the anti-social behaviour by the people entering and leaving the bar. We would frequently witness large groups gathering outside the bar. We could hear these people, who were customers of Bar 48 screaming, shouting, using foul and abusive language and singing in the street. There has also been repeated incidents of violence from people who are customers of the bar.


She becomes very anxious and tearful when the issues start again at the weekends. If we are in bed and something happens she sits on the end of the bed crying. She no longer likes me going out at the weekend to visit friends for fear of being on her own with the children if something was to happen. In the past I've had phone calls whilst I've been out asking me to come home. We both have important stressful jobs and see our home as a place that we should be able to relax and unwind and enjoy with our children. We have spoken about giving this statement and are worried about any repercussions from it. However this has gone on far too long now and felt we have tried every avenue to us to try and sort the situation out amicably but to no avail.



I am willing to make this complaint to the Police and agree to abide by any decision that is made. I am willing to give evidence in person to the licensing panel and to attend court if necessary.

Signature:		Signature Witnessed By:	
Restricted (when completed)			
2014t			MG11




Restricted (when completed)			
Cheshire Constabulary			
WITNESS STATEMENT			
Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B			
URN:	07		

Page 1



Statement of: Manuela Gruse	
Age if under 18 (if over 18 insert 'over 18'): 0/18	Occupation: Supported Living Manager
This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.	
Signature: 	Date: 23/04/2015
Check box if witness evidence is visually recorded <input type="checkbox"/>	Witness personal details should be entered in appropriate section ONLY.

My name is Manuela Gruse and I have lived in Alsager with my husband, , since August 2012. Our house is situated in  Alsager and is part of a apartment block. The rear of our house backs onto the main Crewe Road which runs through the middle of the town. The front of the house looks out into the park. The access to the house is through the parks main drive which is opened 24hrs a day to ourselves and the public.

My family and I moved from Crewe in 2012, where we spent 14 years of our lives. Once our children had grown up we decided to make the move to Alsager. Part of the reason for this was we enjoyed going out for a nice meal and a relaxing drink and didn't feel that Crewe could offer this for us. We found ourselves having to drive somewhere everytime we wanted to go out. On top of this we had various bits of damage to our house over the years, as a result of drunken behaviour. As a town we didn't really like Crewe so made the decision to move to Alsager for a better life for us.

My husband works at a school in Winsford and through his job had made friends with Niki and  Bugg who also live in Alsager.  works at the same school as my husband and over time we all became friends. I have known Niki and  for about 18 months now.

From first moving to Alsager my husband and I would regularly walk out to the local restaurants and Pubs on our weekends off. We would enjoy going to The Mere Public House and Bank Corner Public House. On no occasion did we witness any anti-social behaviour whilst out in Alsager. Later in 2013 we heard that a Tapas style bar was going to be opening on 48, Crewe Road, Alsager which if I seem to recall used to be a hairdressing business. My husband and I

Signature: 	Signature Witnessed By: 
Restricted (when completed)	
2014t	MG11

Restricted (when completed)

Cheshire Constabulary**WITNESS STATEMENT**

Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN: 07

Page 2

were quite excited by this and welcomed another nice eating place to go. When the premises opened it was called Bar 48 and within a short space of time I noticed an increase in the footfall going into Bar 48. The type of customer that the bar was attracting appeared to be very young and I suspect some may have been under age. As time went on I witnessed people who had come out of Bar 48, urinating against a nearby church wall and slumped, drunk in the bus stop. Groups of young people would gather at the bus stop and many were drunk. It was obvious that they weren't waiting for any bus and were only using it as a place to congregate. I can categorically say that this sort of behaviour I was witnessing was not about before Bar 48 was open. On many occasions when my husband and I walked past Bar 48 at night, the music was so loud we could physically see the windows vibrating as a result of the level of music being played inside Bar 48.

Also from the comfort of our home we noticed an increase in screaming and shouting and lots of swearing from people during Friday and Saturday nights on both the main road and through the park. This type of anti-social behaviour had not caused us any issues before Bar 48 had opened.

On one occasion [REDACTED] and his wife [REDACTED] had invited us to their house for a meal. It would have been a Friday or Saturday night. I can recall the music coming from Bar 48 was so loud we could make out every word of every song inside [REDACTED] house which is over the road from Bar 48. I was astonished at the level of the noise as we were at the rear of the house and there were two rooms between us and the front of the house which looks out onto the main Crewe Road. [REDACTED] had quite obviously had enough and wanted to go over to Bar 48 to ask them to turn the music down. I offered to go over with [REDACTED] for a bit of support for him. The bar was packed when we entered. It was difficult to hear anything in the bar due to the level of the music and [REDACTED] had to lean over the bar to speak with a female member of staff in order to be heard. The female was reasonable and seemed sympathetic with [REDACTED] request for the music to be turned down and promised it would be sorted. [REDACTED] mentioned to the female that he had been promised this before. We both then left the bar and to the females credit the music was turned down somewhat. That is the only occasion that I have been into Bar 48. I am aware from speaking with [REDACTED] and [REDACTED] that this was not the first time that they had approached Bar 48 with these

Signature: [REDACTED]

Signature Witnessed By: [REDACTED]


Restricted (when completed)

Restricted (when completed)			
Cheshire Constabulary			
WITNESS STATEMENT			
Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B			
URN:	07		

Page 3


issues.

I am willing to make this complaint to the Police and will abide by any decision that they make. I am also willing to give this evidence in person to the licencing board and am willing to attend court if neccassary.

Signature: 	Signature Witnessed By:	
Restricted (when completed)		
2014t	MG11	

Restricted (when completed)			
Cheshire Constabulary			
WITNESS STATEMENT			
Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B			
URN:	07		

Page 1

Statement of: Janet Ware	
Age if under 18 (if over 18 insert 'over 18'): 0/18	Occupation: Retired
This statement (consisting of 5 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.	
Signature: 	Date: 21/04/2015
Check box if witness evidence is visually recorded <input type="checkbox"/>	Witness personal details should be entered in appropriate section ONLY .


My name is Janet Ware and I live at the address shown with my husband 

The street which we live on is a mixture of residential, retail and business properties. Most of the businesses operate within daytime hours with only a few operating in the evening, such as fast food outlets. These businesses have never caused an issue to us other than the odd groups of students going in for food after a night out and being a bit loud and boisterous as they made their way home or passing through. We do live in the real world and expect this as part and parcel of living on the main road.

When we moved into our home in 2003 it required a lot of refurbishment but we had long term plans of carrying out the necessary work to make it our retirement home and spend the rest of our lives in. With all the best intentions this was meant to be our last house move. We love the area as it is central to the town and we have all the amenities that we need on our doorstep.

In 2011 my husband and I made the decision to retire from our jobs in the teaching profession and looked forward to spending time together in both, this home and our holiday home which we have in France. Up until December 2013 we were enjoying just this.

It was around this time that we heard through word of mouth that a local hairdressers at 48 Crewe Road, Alsager, which had recently closed, was to reopen as a wine bar. When the premises did open it was named Bar48. The thought of a nice wine bar appealed to my husband and I. We wanted to support the wine bar and one day decided to visit it for a drink and took our daughter and niece with us who were visiting. We went up to the bar and asked the female bar staff what wine did they sell. She looked quite taken aback by this request and

Signature: 	Signature Witnessed By:
Restricted (when completed)	

Restricted (when completed)

Cheshire Constabulary**WITNESS STATEMENT**

Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN: 07

Page 2

eventually gave us the reply of Red or White. I wasn't expecting this reply as I thought it was meant to be a wine bar with staff who would know about varieties of wine. I recall looking around the bar and seeing a group of people sitting around a table, drinking beer, with some children who were colouring in colouring books. There was a large T.V on the wall showing Sky T.V channels. After one drink we left as the bar wasn't what we imagined it would be. It certainly wasn't a wine bar but more like a bar room in a pub.

For the first month or so of the bar being open there were no real issues that I can recall. However shortly after we slowly but surely began to experience problems , which were a direct result of Bar 48. Mostly these problems happened on a Friday and Saturday night. On these nights there would be loud music coming from Bar 48. We also witnessed groups outside on the street with glasses of beer and other possibly alcoholic drinks. These people would come out of Bar 48 and gather either at the dental practice or solicitors which have large car parking spaces at the front of the properties. It appeared to me that the majority of these people were drunk. They would be outside in groups of between 6 and 12, yelling, yawping and swearing aggressively towards each other and on some occasions fighting between each other. I have also witnessed on numerous occasions people from Bar 48 urinating in shop doorways. This anti-social behaviour has been happening regularly ever since.

On one particular weekend we were at home in our front room and the music was that loud I thought there was a car parked directly outside the house with a very loud amplifier in it. It was of course the music coming out of Bar 48. As a result of this and eventually getting fed up of the constant noise at weekends I decided to report this to Environmental Health . It was through my correspondence with Environmental Health that I discovered that the Council Planning department hadn't received a planning application from Bar 48 and the bar was actually operating without the required licence. Because of this Bar 48 were allowed to retrospectively apply for a change of use to become a drinking establishment and given the madatory 28 days to apply. This I am told was extended and it took nearly 3 months for the Planning department to receive the application. In October 2014 the planning application was refused and I assumed that the bar would have to close.

Since this refusal Bar 48 has continued to trade as a licensed premises without any planning

Signature:

Signature Witnessed By:

Restricted (when completed)

Restricted (when completed)			
Cheshire Constabulary			
WITNESS STATEMENT			
Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B			
URN:	07		


Page 3

permission and the bar continues to serve people outside of the licencing hours. An enforcement notice to close was served and again I presumed the bar would have to close but Bar 48 notified the Planning department that it will now operate as a restaurant and not a drinking establishment. To this day there is no way this bar is operating as a restaurant and it continues to play loud music and have laser lights flashing. It is more of a night club than a bar and often continues until after 1am. We continue to witness more of the behaviour of what I have described. We continue to report these issues to the various agencies. To our dismay no action has ever been taken against Bar 48 . It would appear to us that the owner is above the law and seems to be doing as he feels without any consequences at all. Since this bar has been operating I have made numerous calls to the Police, Enviromental Health and Planning department.

This has now gone on for so long without any action taking place we feel that the only way out of this problem is to sell our property. We have instructed an Estate Agent to come and take photographs and have virtually made up our minds to sell our dream home. My husband and I have invested a substantial sum of money and our time into making our home exactly how we wanted it for our retirement . Our dreams of a happy retirement here have been shattered due to the problems with Bar 48 and the lack of action by the relevant authorities. My husband and I are at a point now were we don't think this situation is ever going to be resolved.

This would not only resolve this situation for my husband and I but also greatly assist with my general health which has deteriated since Bar48 has opened. This experience has put a tremendous strain on my health and caused a great deal of stress to me and my husband. So much so that in January 2015 I collapsed when out in Alsager, suffering chest pains and palpatations. As a result I attended A&E and underwent various tests. I did experience similar symptoms to this during my teaching career. Then this was attributed to stress and anxiety. I am sure my latest health problems can be attributed to the last 15 months or so of Bar48 being open . I have been under the Dr since and I am now being presribed anti-depressants which have helped alleviate the anxiety and palpatations. I continue to take the anti-depressants to control these symptoms.

My husband and I have also had our sleep disrupted and I have often had to sleep in the back

Signature:		Signature Witnessed By:	
Restricted (when completed)			
2014t		MG11	

Restricted (when completed)

Cheshire Constabulary**WITNESS STATEMENT**

Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN: 07

Page 4

room alone in order to try and get some rest on a Friday and Saturday night. We have both suffered sleep deprivation due to Bar48 which has made us both irritable with each other.

There isn't a moment goes by when I do not think of the problems that will come at the weekends due to Bar 48. We spend a lot of time away at our home in France and visiting family and friends in different parts of the UK. However the majority of weekends that we spend in our home in Alasager we have experienced issues with Bar48 which have caused considerably disruption to our lives.

Even going over the details of everthing in this statement is causing me upset and making me feel anxious again. I feel at this point I have no other option but to make an official complaint to the Police with hope that this longstanding problem will be sorted out once and for all.

I am willing to abide by any decision that the Police make. I am willing to attend any licencing board and give my evidence in person. I am willing to attend court if neccassary.

Signature:

Signature Witnessed By:

Restricted (when completed)

Restricted (when completed)			
Cheshire Constabulary			
WITNESS STATEMENT			
Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B			
URN:	07		

Page 1

Statement of	HOWARD, DAVID STEPHEN		
Age if under 18 (if over 18 insert 'over 18')	O/18	Occupation	Police Constable 3824
This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.			
Signature:	David Stephen Howard	Date:	6 th May 2015
Check box if witness evidence is visually recorded	<input type="checkbox"/>	Witness personal details should be entered in appropriate section ONLY	


I am Police Constable 3824 David Howard of the Cheshire Constabulary currently working as a coordinator on the Persistent and other prolific offender team covering Crewe and Nantwich this is a position I have held since September 2011.

My role consists of working with persistent offenders identified through the scheme to tackle persons who have Class A drug addictions and commit acquisitive crime to fund their lifestyle. The PPO team works closely with other agencies Probation, Community Drugs Teams and Housing to identify client's needs and support them in tackling the issues that may cause them to commit crime.

From 1800 hours until 2200 hours, On Friday 6th February 2015, I was engaged on uniformed duties for 'Operation Fern' a Cheshire East trading standards led operation, to execute a joint test purchase; to identify offending licensed premises and follow up with relevant enforcement action to prevent further offences. Police incident 643 – 06/02/15 relates.

During the course of the Operation I attended at 'Bar 48' on Crewe Road, Alsager.

At this location a sale of alcohol was made from the licensed premises to a child under the age of 18 years, this was witnessed by Special Constable Barber and a trading standards officer

Signature:		Signature Witnessed By:	
Restricted (when completed)			
2013/14t		MG11	

Restricted (when completed)

Cheshire Constabulary**WITNESS STATEMENT**

Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN: 07

Page 2

who were observing inside the premises.

At 2100 hours on the same day I entered 'Bar 48' and Special Constable Barber indicated the male behind the bar responsible for the sale, the sale was 2 bottles of Budweiser Lager, which SC Barber had seized and was in his possession. The male behind the bar identified himself as

██████████ I dob: ██████████ of ██████████

He was cautioned and explained that he would be issued with a Penalty notice for Disorder, which covered the offence of sale of alcohol anywhere to a person under 18 years old, contrary to S.146(1) of the Licensing act 2003. He did not make any response to caution and gave further details for the issue of the ticket, he appeared shocked that he would have a £90 fine to pay. ██████████ was issued with PND – 10339868.

I would describe Bar 48 as a relatively small premises, entrance is via a glass paned front door with very large windows either side of the doorway. There is a slim, long bar area to the left, the rest of the premises was occupied by drinkers varying in ages. There is a doorway on left hand side with toilets at the rear of the property. The doorway leads to a very small rear yard, where people were smoking.

Bar 48, in my opinion would suitably accommodate 50 people. On the night I would say that there were 70-80 people inside the property, far too many people inside for 2 police officers, one in uniform and one plain clothes, to speak with and identify.

The atmosphere inside the Bar was anti police, so much so I requested that uniformed patrols were tasked with making regular visits during the evening before the Bar closed.

The Licensee was spoken too, who was clearly drunk. He stated that he was not running the bar this evening as it was his daughter's Birthday. He pointed in the direction of a female who stated


Signature: ██████████


Signature Witnessed By: ██████████

Restricted (when completed)

Restricted (when completed)			
Cheshire Constabulary			
WITNESS STATEMENT			
Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B			
URN:	07		

Page 3

she was the manager and introduced herself to the Trading standards team. Clear instructions were given to both about the fixed penalty notices that had been served and that further contact would be made with regards to licence conditions and generally running of the establishment. Further to the above, I now know that the person described as the licensee is the owner of Bar 48 and is Chris Powell. The person I describe as the manager is in fact the designated premises supervisor and is Mikala Powell. 

Signature:		Signature Witnessed By:	
Restricted (when completed)			
2013/14t		MG11	

now RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, s.s.5A (3)(a) and 5B; MC Rules 1981, r.70)



URN

Statement of: Roger Frederick Need

Age if under 18: Over (if over 18 insert "over 18") Occupation: Police Officer

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature:

Date: 11.22 20th April 2015

I am PC 5240 NEED employed by Cheshire Constabulary, based at SANDBACH Police Station.

At 23.15 on Friday 13th February 2015, I was on patrol with PC 5745 HALL when we had reason to attend at [REDACTED] on Crewe Road Alsager on enquires. As we arrived I noticed a group of people outside Bar 48, who was next door to [REDACTED] I went into [REDACTED] and started to talking to staff, after a few minutes there was a lot of shouting from males and females outside. I then proceeded outside to find group of 10-20 males and females outside the front door of Bar 48. The vast majority of the males and females were intoxicated and were shouting and being rowdy, they were on the pavement and some were standing on the road. A few males were play fighting with each other. PC Hall and I told the group to quiet down, due to the effects the noise would have on local residents and move away from the area. After a few minutes the group dispersed. When we were moving on the group of males and females I did not see any door staff outside or inside by the door of Bar 48. However I did not enter BAR 48 due to the door being locked just after we arrived. As the group dispersed I was made aware by the Police control room about a fight outside Bar 48 which had been called in by residents. I was then approached by local residents complaining about the issues with BAR 48, with regards to the noise and anti-social behaviour.

Signature:

Signature witnessed by: PTO

Premises Licence Summary

Premises Licence Number:

PREM883

Premises Details

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

No. 48
48 Crewe Road
Alsager

Post Town: Alsager

Post Code: ST7 2ET

Telephone Number:

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Sale and Supply of Alcohol

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

Sale and Supply of Alcohol

Monday to Saturday 11.00 to 23.00 hours

Sunday 12.00 to 23.00 hours

Sale of alcohol for consumption on the premises only

The opening hours of the Premises.

Monday to Saturday 10.00 to 23.30 hours

Sunday 12.00 to 23.30 hours

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

Sale of alcohol for consumption on the premises only

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

Mikala Howell
11 Ashmores Lane
Alsager
ST7 2LN

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

Not applicable

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

Mikala Howell

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

Restricted

Annex 2 - Conditions consistent with the Operating Schedule

Prevention of Crime and Disorder

1. CCTV in operation on rear car park which will be maintained.
2. The Premises Licence holder or other responsible person will regularly attend the local Pubwatch scheme.
3. Proof of age scheme "Challenge 25" will be operated for all sales of alcohol.
4. The premises will operate to a maximum capacity of 50 people present at any one time in order to promote the Crime and Disorder licensing objective.

Public Safety

5. Fire Safety measures and procedures will be in operation in accordance with Fire Safety Regulations.

Prevention of Public Nuisance

6. Signage on the premises informing customers to leave in an orderly manner.

7. Door control on leaving the premises.

8. No sales to any member of the public who appears intoxicated.

9. Areas directly outside the premises shall be monitored for rubbish and cleared as necessary.

Protection of Children from Harm

10. No children under 16 to be allowed on the premises without adult supervision.

11. Proof of age scheme "Challenge 25" will be operated for all sales of alcohol.

General – All Licensing Objectives

12. To promote a safe, clean and mature drinking environment.

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

Not applicable.

Annex 4 – Plans

Attached.

This page is intentionally left blank

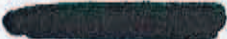
WITNESS STATEMENT

Statement of Mickalla Howell.

This statement consisting of 6 pages each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signed.....

Dated.....01/06/2015.....

My name is Mikala Howell and I live at the address overleaf. My date of birth is . I have been employed as Bar Manager at bar 48 since December 2013. I have been the DPS and became the licensee of the premises on 13th August 2014. Whilst the premises were operating as a bar we applied for a late license on several occasions. We were never refused and I was never aware of any agency raising an objection. In addition a number of the matters raised relate to periods before I was the licensee of the premises.

I have seen the application for the review of the licence and the accompanying evidence and wish to say as follows:-

The Police state that the bar is not being run in a responsible manner, but I disagree with this statement and will respond to all of the allegations made. The principle objection appears to relate to the sale of alcohol to an underage person. Whilst I accept this should not happen, there is only evidence of this occurring once in sixteen months. The night on which the sale took place was extremely busy as agreed by the Police and the member of staff who made the sale is no longer with us. This is because they informed the Police that they hadn't received any training on the matter which in fact they had.

In addition we keep a diary, and I will produce entries from this exhibit reference MH1, which details the number of occasions when other potential customers who were believed to be underage had been refused service by staff. I would

Signature:.....

be interested to know whether Trading Standards have attempted to make any other test purchases at the premises and have been refused.

At no point have we been given guidance by the authorities that we have failed to follow. The Police claim that there have been 13 incidents attributable to Bar 48 since it opened, but apart from the specific incidents referred to, which I shall respond to, no further information is given as to how these relate to Bar 48. There have also to my knowledge been no arrests for disorder related to the premises. We called the Police on one occasion due to a customer behaving aggressively and causing damage and this is the only time in 16 months we have had need to call the Police. Exhibit MH1 also refers to a number of occasions when those considered too drunk were refused service.

The application and timeline refers to some incidents that I wish to respond to directly, firstly the arrest of [REDACTED] for excess alcohol. [REDACTED] has done occasional work at the premises and was arrested for driving with excess alcohol in February this year, but this has nothing to do with the Bar. He was driving from Kidsgrove at the time of his arrest, was not coming to the bar, nor had he been drinking at the Bar beforehand. I as the licensee cannot be expected to be responsible for the actions of everyone who has worked at the Bar in their own time. The positive drugs warrant is currently the subject of unresolved criminal proceedings. I am not aware of any fighting outside the premises and will deal with the noise issues later in the statement when commenting on the Applicant's evidence.

In relation to the alleged increase in anti-social behaviour, the statistics relied upon are completely arbitrary. The Applicant puts great weight on the fact that comparing four months in 2013 to 2014 shows an increase of 43% but if you compare December 2013-March 2014 with December 2012-March 2013 this shows a decrease from 36 incidents to 22 incidents a reduction of 38%.

A significant number of the anti-social behaviour recorded occurred in July 2014 when the World Cup took place. This is a factor which needs to be taken into account as there is no comparable event in the sixteen months considered before the licence was granted. If this month is disregarded and an average month had occurred the difference in incidents would be so small it would be negligible.

Signature:.....[REDACTED].....

The Applicant refers to an incident of fighting outside the Bar and refers to the statement of PC Need. The Officer confirms the bar was closed at this time. The Officer also confirms that the disturbance was outside Flames takeaway and none of those causing a disturbance were seen to leave our premises. It should be noted that Flames is open until midnight, next door to our Bar is the Hot Spot takeaway which remains open until 0200. Apart from the few occasions a late license has been granted, our bar closes at 2200 in the week usually because we are not very busy and 2300 at the weekend. The other two pubs in the area are The Mere and The Bank Corner which close at midnight and 0100 respectively. It had remained open until 0200 but this changed following a licence review. Consequently a number of patrons leave those premises a good deal later than they leave our bar and they come through the High Street to our end of the town as these two takeaways are the only options in town for those wanting kebabs burgers or pizza late. We have asked why they are allowed to remain open so late and been advised that the Fire Brigade are keen on this to prevent fires at home. I do not understand why our license is under review when we close three or four hours before the take away, which is encouraging the congregation of intoxicated patrons into the early hours of the morning. In any event, I see nothing of great concern in PC Need's statement. The Officer describes some raucous behaviour, nothing that required arrest, advice was given to those behaving as described and complied with.

I have already commented on the test purchase conducted under Operation Fern, there is an over 25 policy in place and none of the Police or Trading Standards present expressed concern that anyone else in the bar was under age and drinking.

I will respond to the individuals who have given statements, later in this statement. I will be providing statements from individuals who live closer to Bar 48 than those provided by the Applicant who have raised no concerns regarding the noise level.

With regard to the planning application for a bar, this was refused on planning grounds alone. No agency objected to the bar being granted permission to my knowledge. Whilst we did not agree with the reasons given for the refusal, we did not appeal and the owner sought A3 permission for a cafe restaurant. This has now been granted. We now have a food hygiene certificate giving four out

Signature:.....

of five stars reference MH/2 and I can provide photographs of the new interior exhibit reference MH/3. Although we do not agree with the evidence of the witnesses, there will no longer be live music or DJs performing at the venue since the change of use. The Applicant states the incidents of loud music continue but this cannot possibly be the case as there is no provision for this. The only music played is now from a jukebox.

In relation to the You Tube footage this shows the volume inside the club and does not give an objective assessment as to the volume that can be heard outside the club.

In relation to the timeline, the Police refer to two incidents on 6th April, but provide no further relevant information, were either of the males in the drug exchange arrested? Was this confirmed? Who witnessed this? What connection did they have with the bar? What time of day was this? Similarly with the fight it is impossible to respond to this hearsay without further information.

The next incident is a fight outside the bar on 12th July, were the males seen to leave the bar? Clearly it was not serious enough to justify an arrest. The proceedings regarding the drugs warrant are ongoing. These relate not to the bar but to containers on land owned behind the bar. I gave evidence to the Police and [REDACTED] and [REDACTED] have no position of responsibility within the bar.

Was the complaint on 7th February 2015 attended by the Police? Is there evidence the males had left the Bar? I assume the reference to 14th February is the incident on 13th covered in PC Need's statement. I have already dealt with [REDACTED]'s arrest for excess alcohol.

The timeline refers to Environmental Health installing an NME on three occasions with no evidence forthcoming. I do not know what this is but I assume it is some manner for recording noise levels.

I am also aware there is CCTV covering the High Street including the bar area.

Re the Statement of PC Need:

I have already made the relevant comments regarding this.

Signature:.....[REDACTED].....

Re the Statement of PC Howard

There were not 70-80 people inside the premises. It would not be possible to fit that many people in the bar. There was 40-45 maximum. At no point did the Police do a head count or make any comment regarding the noise.

At no time was anyone aggressive or rude to the Officers.

At no point was any advice given regarding the anything other than the sale of alcohol to an underage person nor did the Officer express any concern regarding the number of people in the venue to me, or any concerns regarding the general mood, behaviour of the patrons, health and safety or any other matter.

Mr Powell is not, and has never been, the licensee. My name is Mikala Howell not Powell.

Re the Statement of Niki Bugg

I dispute the noise was so bad and refer to the only independent evidence being the sound test conducted at the premises.


I cannot speak as to the conversations had with the owner's daughter. I recall the conversation with this male. He asked me to turn the music down and I did, this is confirmed by the statement of Manuela Gruse. Had he asked me again I would have agreed.

I was not a party to Mr Powell's conversation with Mr Bugg. I am advised it is on the whole true, however, Mr Powell indicates he had already applied for an events licence and did not want Mr Bugg to think he was not being up front with him. Mr Powell asked Mr Bugg to speak to me if this caused any issues.

When was the fight in the garden that this male refers to? Again there is no detail regarding these incidents, no date or time.

I also note that in spite of speaking to Environmental Health there is no evidence from that department regarding the noise.

The menu referred to was before the bar was converted. There is no live music.

Signature:.....

The number of incidents suggested by the witness is not borne out by the Police who record only 13 incidents relating to the bar, some of which we contest.

Re the statement of Manuela Gruse

What evidence does the witness have to show there was an increase in footfall?

The business was never a tapas bar.

The church referred to is over 80 metres from the bar, there is only so much control I have over the customers once they leave.

Again I am not aware of any young people gathering at the bus stop after being customers of bar 48.

The windows are single glazed and it would not be in keeping with building as it is 1820s. I doubt the glass was shaking as it is laminated and would be a structural issue.

This witness states the music was turned down when asked, in direct contradiction of the evidence from Mr Bugg.

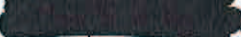
Re the statement of Janet Ware

We have never been a wine bar.

Is there any evidence of customers in the areas of other businesses or urinating in doorways? For example are there any complaints from those businesses.

There is no evidence from Environmental Health and I have already explained the planning issues. Now the business has changed there is no more live music. It should also be noted Police have attended on other occasions regarding noise. The Officers confirmed there was no noise or disorder and signed our diary to this effect. They also confirmed they were receiving a high number of complaints from one particular neighbour.

We have never sold outside of hours. The witness may be referring to the occasions when a late license has been granted. The business is now a cafe/restaurant and I refer the panel to the photographs and other evidence earlier exhibited. I also exhibit MH/4 a sample menu. Planning and enforcement have inspected the premises and passed the application.

Signature: 



Food
Standards
Agency

food.gov.uk/ratings

Cheshire East
Council

Name of business

Box 48, 48 Crewe Road, Alsager

Date of hygiene rating

28th April 2015

Local authority name

Cheshire East Council

Authorising signature

This sticker remains the
property of the local authority

FSAN1577/0412 - 03and 4
© Crown Copyright 2010



Challenge 25 Policy

- Any person who looks Under 25
- Ask for Id
- Passport / Driving licence
- If no Id, refusal of alcohol
- Write in the diary any refusal or if Seen Id

ALL Staff

- Make sure all fridges are stocked up.
- All books filled in.
- The bars cleaned including toilets
- Barrels are checked before every shift.
- No tabs unless Aproved!

Thanks ☺



AB acoustics

4 Cumbrian Close
High Crompton
Shaw
Oldham
OL2 7RH

T : 07771 567 624

e-mail : leachabacoustics@aol.com

Bar 48
48 Crewe Road
Alsager
ST7 2ET

Environmental Acoustic assessment
at above

AB acoustics
4 Cumbrian Close
Shaw
Oldham
OL2 7RH

July 2014.

Introduction

AB acoustics were commissioned by Bar 48 to undertake an environmental noise assessment regarding the reported noise radiated from the above premises when live singers were performing within the venue.

It is understood that complaints have been received from one neighbour regarding the level of noise from the premises.

Again it is understood that live entertainment only takes place on one evening a week – usually a Friday or Saturday night starting at around 20.00 hrs and continuing until around 23.00 hrs.

Originally the singer was sited adjacent to the front facade of the bar but as a result of the complaints they have moved into the middle of the bar together with their speakers.

The measurements were undertaken on Friday 11 July 2014 at the locations detailed below.

The singer – Jenni Stevens – is understood to be typical of the type of singer that the bar employs – solo artist with electronic backing music playing a wide range of songs.

A plan of the location is shown below together with the measurement location.



In the immediate vicinity of Bar 48 are a number of existing commercial premises – chip shops – hot food take aways – off licence and The Mere public house which also advertises live music events for the daytime and evening.

The front facade of Bar 48 consists of two large single glazed windows and two smaller single glazed windows with a central glazed wooden door.

The front facade appears to be origin and the access door is poorly fitted into the surrounding timber frame – this is particularly true to the bottom of the door.

Equipment Used and Procedure

The noise levels were measured using a :

The measurements were made with a Norsonic Type 144 Sound Level Meter – fitted with a suitable windshield - at a height of 1.5m and at least 1.5m away from any reflecting surfaces.

The system was calibrated prior to the series of measurements and checked afterwards using a B & K Type 4231 Calibrator – no deviation was found.

The measurements were undertaken at the times stated in the results.

Results and Discussion

Measurement Period	L _{aeq}	L _{A10}	L _{A90}	L _{amax}
Internal (by door) 20.15 - 20.30	86.4			94.1

	Octave Band Centre Frequencies Hz					
63	125	250	500	1000	2000	4000
83.1	84.2	80.3	81.1	82.5	80.6	75.4

External across road – only just audible when there was a break in the traffic flow – busy road and singer could not be heard over the traffic – busy pedestrian route with hot food shops – 20.30 – 20.50 hrs.

	Octave Band Centre Frequencies Hz					
63	125	250	500	1000	2000	4000
53.9	53.3	53.2	53.6	49.3	42.2	34.3

57.9 60.9

As can be seen the main noise source is the constant traffic flow along Crewe Road.

In addition to the above the LA90 (background) noise level was measured.

47.8

	Octave Band Centre Frequencies Hz					
63	125	250	500	1000	2000	4000
57.7	51.7	46.4	45.7	41.7	39.6	34.1

Additional internal measurements were undertaken between 20.55 – 21.10.

	Octave Band Centre Frequencies Hz						
L _{Aeq}	63	125	250	500	1000	2000	4000
87.2	84.4	80.7	85.3	85.2	82.6	79.2	74.0

External – 21.15 – 21.30 – during break for singer

Measurement Period	L_{aeq}		L_{A10}		L_{A90}	L_{amax}
	55.9		58.3			
	Octave Band Centre Frequencies Hz					
63	125	250	500	1000	2000	4000
62.3	54.8	51.9	52.0	52.8	48.3	39.6

Again as can be seen the main source of noise is due to the constant traffic flow along Crewe Road.

46.8

	Octave Band Centre Frequencies Hz					
63	125	250	500	1000	2000	4000
54.6	50.3	45.8	45.6	41.4	37.6	32.0

External – 21.50 – 22.10 – singer performing.

Measurement Period	L_{aeq}			L_{A10}		L_{A90}	L_{amax}
	54.2			56.3			
	Octave Band Centre Frequencies Hz						
63	125	250	500	1000	2000	4000	
62.0	56.5	50.5	50.3	51.1	45.7	36.1	

Again as can be seen the main source of noise is due to the constant traffic flow along Crewe Road.

47.2

	Octave Band Centre Frequencies Hz					
63	125	250	500	1000	2000	4000
56.5	52.9	44.8	44.4	42.2	38.6	31.7

External – 23.05 – 23.20 – no singer

Measurement Period	L_{aeq}		L_{A10}		L_{A90}	L_{amax}
	55.9		59.9			
	Octave Band Centre Frequencies Hz					
63	125	250	500	1000	2000	4000
52.8	51.3	51.4	50.3	53.0	49.3	39.3

Again as can be seen the main source of noise is due to the constant traffic flow along Crewe Road.

44.6

	Octave Band Centre Frequencies Hz					
63	125	250	500	1000	2000	4000
48.2	45.5	41.4	42.1	40.5	37.6	28.5

The Lamax was also measured internally with the following results :

Lamax = **94.1** 90.9 93.6 92.5 95.2 87.6 88.7 80.8

The noise from the singer is escaping from the premises by two paths – the large single glazed windows and the ill fitting single door – these are discussed in detail below.

Door

No attenuation figures are available for the present door but due to it being poorly fitted into the frame we would estimate that only an attenuation of the order of 20 dBA is being achieved.

The noise level at the location of interest can be calculated using :

$$L_2 = L_1 - 6 - R + 10 \log S - 11 - 20 \log r + DI$$

Where

L_2 = Calculated level at distance r metres

L_1 = Measured Level – from above = **87.2 dBA**

R = the sound reduction index of the building element which in this case is $R_w = 20$

dB

S = Surface Area of door to Crewe Road = $2.0 \times 1.0 = 2.0 \text{ sq m}$

r = distance = **31m** .Reference : GoogleEarth

DI= Directivity Index = 3

Therefore $L_2 = 87.2 - 6 - 20 + 10 \log 2 - 11 - 20 \log 31 + 3$

$L_2 = 26 \text{ dBA}$.

This attenuation can be improved by building an acoustic lock internally within the bar – the side walls should be constructed from a timber / metal stud and covered with a single layer of 12.5mm plasterboard to both sides – the cavity between the plasterboard should be filled with mineral fibre sound insulation material of at least 10 kg / cu m density and 50mm thickness.

The actual access door into the bar could be timber with a glass panel (6.4mm laminated glass for safety) – the door would need to be sealed around the whole of its perimeter – including the floor – with compression seals – from previous experience doors / seals of this type has achieved attenuations of the order of 30 dBA.

If this is then combined with the existing attenuation – estimated to be 20 dBA – then as a rule of thumb the resultant attenuation could be of the order of $0.66 \times (20 + 30) = 33 \text{ dBA}$.

If this is the case then the noise from the door could be attenuated to around **13 dBA** – a reduction of 13 dB – the acoustic lock would also have the advantage that less noise may 'escape' from the Bar as one of the doors could be closed.

No spectral data is available for the door.

Applying the above to the measured internal L_{max} levels the calculated external levels are **20 dBA** and **33 dBA** respectively.

Windows

The attenuation offered by the windows depends upon the area of window that faces the complainants property – there are three windows of 1.4m x 2.4m and two at 0.4m x 2.4m which gives a total area of approximately 12 sq m.

The noise level at the location of interest can be calculated using :

$$L_2 = L_1 - 6 - R + 10 \log S - 11 - 20 \log r + DI$$

Where

L_2 = Calculated level at distance r metres

L_1 = Measured Level – from above = **87.2 dBA**

R = the sound reduction index of the building element which in this case is $R_w = 29$ dB (single pane of 4mm glass reference Pilkington's Data Sheet) .

S = Surface Area of window to Crewe Road = **12.0 sq m**

r = distance = **31m** .Reference : GoogleEarth

DI= Directivity Index = 3

Therefore $L_2 = 87.2 - 6 - 29 + 10 \log 12 - 11 - 20 \log 31 + 3$

$L_2 = 25$ dBA.

However if the noise level is calculated with respect to each octave band the following noise levels result :

	Octave Band Centre Frequencies Hz						
	63	125	250	500	1000	2000	4000
Measured Internal Laeq							
	84.4	80.7	85.3	85.2	82.6	79.6	74.0
Attenuation of 4mm glass (see data sheet)							
-		17	20	26	32	33	26
Calculated octave band level at location of interest :							
Laeq		31	32	26	17	14	14
Lamax		44	39	36	23	23	22

It is usual for LPA's to require that the noise level from venues of this type 'produce' a noise level that is at least 5 dBA BELOW the lowest measured background level.

45.5 41.4 42.1 40.5 37.6 28.5

As can be seen this is not the case with respect to the Lamax levels therefore the following is recommended :

That the single glazed windows are internally glazed with a second sheet of glass – the gap between the existing glazing and this secondary pane should be as large as possible to achieve the maximum attenuation to the internal noise.

We would assume for safety reasons that the glass should be 6.4mm laminated.

If this is the case and assuming a gap of the order of 100mm and using the quoted attenuation (see enclosed data sheet) the external Lamax level at the location of interest could be :

	Octave Band Centre Frequencies Hz					
	125	250	500	1000	2000	4000
	93.6	92.5	95.2	87.6	88.7	80.8
Quoted Attenuation	26	34	44	56	53	52

Calculated Lamax level at location of interest – assuming above distances and areas :

35 25 18 -1 2 -4

LOWEST measured background level – from above :

45.5 41.4 42.1 40.5 37.6 28.5

Therefore calculated Lamax difference to background :

-10.5 -16.4 -24.1 -41.5 -35.6 -32.5

As can be seen the calculated Lamax noise level radiated by the facade windows is well below the requirements of being 5 dB BELOW the lowest measured background level.

With respect to the noise radiated by the proposed modified door the overall Lamax level is calculated to be **20 dBA** (see above) and the lowest measured background **LA90 = 44.6 dBA**.

As can be seen this is 24.6 dBA BELOW the LOWSET measured background level.

Recommendations

The windows to the front facade are 'secondary' glazed with at least 6.4mm laminated glass – the cavity created being as wide as possible.

The existing access door to Crewe Road be retained but internally an acoustic lock be constructed as detailed in the report.

Roger Leach AMIOA

July 2014.



Pilkington Optiphon™

	dB sound reduction index by octave band – Hz						$R_w(C;C_2)$	R_w	R_w+C	R_w+C_2
	125	250	500	1000	2000	4000				

Configuration single glazing

6.8 mm Pilkington Optiphon™	21	26	31	35	37	38	35(-1;-3)	35	34	32
8.8 mm Pilkington Optiphon™	24	28	34	38	37	43	37(-1;-4)	37	36	33
10.8 mm Pilkington Optiphon™	28	31	36	38	39	47	38(-1;-2)	38	37	36
12.8 mm Pilkington Optiphon™	30	32	37	39	41	51	39(-0;-2)	39	39	37
16.8 mm Pilkington Optiphon™	29	34	37	39	46	55	40(-0;-2)	40	40	38

Configuration Insulating Glass Unit (IGU), thickness in mm

6.8 to 20 mm / 6.8 Pilkington Optiphon™	23	24	34	42	43	52	38(+2;-5)	38	36	33
6.8 to 20 mm / 8.8 Pilkington Optiphon™	24	26	40	48	46	54	41(+3;-7)	41	38	34
6.8 to 20 mm / 10.8 Pilkington Optiphon™	23	28	41	47	45	55	42(+3;-7)	42	39	35
6.8 to 20 mm / 12.8 Pilkington Optiphon™	20	29	43	47	46	49	42(+3;-8)	42	39	34
8.8 Pilkington Optiphon™ / 6 to 20 mm / 12.8 Pilkington Optiphon™	26	36	46	50	52	63	47(+2;-7)	47	45	40
16.8 Pilkington Optiphon™ / 6 to 20 mm / 16.8 Pilkington Optiphon™	29	40	45	47	54	68	48(+2;-6)	48	46	42

The above IGUs with Pilkington K Glass™ on one pane and a 16 mm 90 % Argon-filled cavity achieve a U value of 1.5 W/m².K

Further information on solar and thermal performance is available on the Pilkington website using the Spectrum program: www.pilkington.com/spectrum

Impact classification EN12600 Class 1(B)1 for all above Pilkington Optiphon™ products

$R_w(C;C_2)$ are in accordance with EN1171

Non Pilkington Optiphon™ glass products. Figures from BS EN 12354

	dB sound reduction index by octave band – Hz						$R_w(C;C_2)$	R_w	R_w+C	R_w+C_2
	125	250	500	1000	2000	4000				

Configuration single glazing

4 mm Float Glass	17	20	26	32	33	26	29(+2;-3)	29	27	26
6 mm Float Glass	18	23	30	35	27	32	31(+2;-3)	31	29	28
8 mm Float Glass	20	24	29	34	29	37	32(+2;-3)	32	30	29
10 mm Float Glass	23	26	32	31	32	39	33(+2;-3)	33	31	30
12 mm Float Glass	27	29	31	32	38	47	34(+0;-2)	34	34	32

Configuration Insulating Glass Unit (IGU), Float glass, thickness in mm

4 / 6 to 20 mm / 4	21	17	25	35	37	31	29(+1;-4)	29	28	25
6 / 6 to 20 mm / 6	20	18	28	38	34	38	31(+1;-4)	31	30	27
6 / 6 to 20 mm / 4	21	20	26	38	37	39	32(+2;-4)	32	30	28
10 / 6 to 20 mm / 4	24	21	32	37	42	43	35(+2;-5)	35	33	30
10 / 6 to 20 mm / 6	24	24	32	37	37	44	35(+1;-3)	35	34	32

Note that these are conservative figures and cover all products by European glass manufacturers

R_w = Weighted sound reduction. This scale allows for the response of the human ear and could be used for determining a suitable product to reduce noise such as voices.

C = An adjustment to the R_w scale that could be used for selecting a product to reduce noise from music, radio, tv, high speed traffic and other medium to high frequencies.

C_2 = An adjustment to the R_w scale that could be used for selecting a product to reduce noise from urban road traffic, disco music and other noises with a large component of low frequencies.

Note that a 3 dB difference is barely discernable, 5 dB is clearly discernable and 10 dB is a doubling or halving of the noise

Table 3 – Double Windows (Secondary Sashes)

Thirdoctaveband Centre Frequency (Hz)	Sound Insulation (dB) for Glass Thickness (mm)		
	6/100/4	6/150/4	10/200/6
100	25	27	32
125	27 26	30 29	37 35
160	27	30	39
200	33	34	45
250	33 34	34 35	46 46
315	37	39	46
400	41	42	47
500	46 44	46 45	45 46
630	50	50	45
800	54	54	44
1000	57 56	57 56	45 46
1250	59	58	50
1600	58	58	53
2000	52 53	52 52	58 56
2500	51	49	58
3150	48	47	64
4000	57 52	52 50	64 65
R_m (dB)	44	44	47
R_a (dB)	46	47	49
$R_{(1/3)}$ (dBA)	37	39	45

Submissions made on behalf of Mickalla Howell the DPS of Bar 48 in response to the Application for a Review of a Premises Licence under the Licensing Act 2003.

- The application for the Review is made by DS L. J Chamberlain on behalf on the Cheshire Police Authority. It is accepted at the outset that the Application is therefore made by a recognised responsible authority under the terms of the Licensing Act.
- The DPS of Bar 48 also accepts that the Applicant has complied with the requirements of subsection (3) (a) of Section 51 of the said Act and the Authority has complied with their requirements under subsections (3) (b) and (d).
- As the application is made by a recognised responsible Authority the Licensing Authority may reject any ground for review specified in this application if it is satisfied that the ground is not relevant to one or more of the Licensing Objectives (Section 51(4) (a) of the Licensing Act 2003) the grounds of it being frivolous or vexatious or a repetition do not apply in this context, however they can be considered by the Licensing Authority when considering the evidence placed before it in statement form and the written representations made in support of a review when deciding what weight if any to place on the evidence and the representations made.
- Any review must be about how the activities of the Premises are adversely affecting one of the Licensing Objectives. If a request does not relate to one of these objectives it must be deemed invalid. Evidence put forward therefore MUST explicitly link to one or more of the objectives.
- The Applicant puts forward all four objectives under the Act:
 - (i) **Crime and Disorder.** The Authority will be aware that this relates to any crime, disorder or anti-social behaviour related to the management of the premises. The licence holder cannot be responsible for the conduct of individuals once they leave the immediate vicinity of the premises.
The Applicant puts forward the following in support of this ground:
"Fighting immediately outside the premises, noise nuisance (under this ground the noise must relate to potential breaches of the peace and not loud music), drink drivers and a positive drugs warrant." The Applicant also cites a rise in incidents of anti-social behaviour in the Alsager Town Centre.
The DPS has responded to these in her statement and based on the contents of that statement and on the Law as it relates to this licensing objective these grounds are not relevant for the following reasons:
 - (a) The incidents of Anti-social behaviour cover beat code EC17 namely the Town Centre. There is no direct causal link between those incidents and Bar 48, furthermore given the size of the area covered it is unreasonable for the incidents to be specifically related to this particular premises and the management of the same.
The specific incident referred to by PC Need on the 13th of February 2015 occurs after the Premises has closed its doors (the officer in his statement states that the door had been locked just after his arrival) and therefore the behaviour of the individuals concerned which is described as no more than shouting and play fighting cannot be directly linked to the premises, nor is there any evidence to show that these individuals had even been inside the premises before it closed.

(b) The "Positive Drugs," Warrant has no bearing within the review. Firstly it has still to be determined by a court of law whether the warrant was positive it is not for the Licensing Authority to make that determination. Secondly this occurred prior to the DPS taking over the premises. There have been no allegations in respect of drug related matters since she assumed the responsibility for running the premises and she and her staff maintain a zero tolerance in respect of drugs on the premises.

In order to bolster the case the Applicant refers to a suspected "drug related incident" in the time line attached to the application. Again this pre-dates the DPS taking over the management and is spurious at best. A male with a blue bag exits the bar and passes it to another male and money was exchanged. There is no evidence to show what the contents were or to show that the person exiting the bar was in any way connected with the management of the premises.

Whilst it is accepted that a Licensing Authority should take into account and recognise that certain Criminal Activity or associated problems may be taking place or have taken place despite the best efforts of the Licensee and Staff at the premises however the Authorities role is to promote the licensing objectives not determine the guilt or Innocence of individuals, such issues are for courts of law. Drink drivers: One incident is referred to, the only connection with the bar being that the person concerned occasionally carries out repairs at the property. He had not been drinking alcohol at the bar prior to being stopped and therefore reference to this is irrelevant and it should be struck out.

(ii) **Public Safety.** This relates to the Safety of the Public on the Premises, not off the premises.

There is no direct evidence of any incidents relating to a risk being posed to members of the public whilst on the premises. The premises complies with all Health and Safety issues and with the Fire Authority's recommendations and is a safe environment. The only potential matter referred to is the opinion evidence of PC Howard who states that when he attended at the property on the 6th of February 2015 he believed that there were 70 – 80 people in attendance during a private party. In his opinion the maximum capacity is 50. The DPS disagrees with the officer's estimate stating that there were between 40 and 45 people present, but in any event this occasion does not reflect the normal running of the bar and the number of people normally present, as it was a special occasion.

(iii) **The Prevention of Public Nuisance.** This covers a number of things such as noise, vibration, noxious smells, light, pollution and litter.

The Applicant seeks to show noise nuisance with three statements from Local Residents and goes on to state *"I could have gathered evidence from further residents who would articulate the same detail of events and the same effects."* Firstly it is not open to the Applicant to hypothesise what other people might or might not say and the DPS invites the Authority to totally disregard that comment. Indeed if this matter results in a hearing the DPS will be calling evidence from other residents to counter the evidence of the three witnesses, so the hypothesis cannot be correct.

In relation to the three statements provided the DPS has refuted these in her own statement. The statements are factually inaccurate, purely subjective and written with their own agenda. The Applicants own time line supports this in that an NME was installed on the 11th of April 2014 – collected on 14th of April 2014 – "No

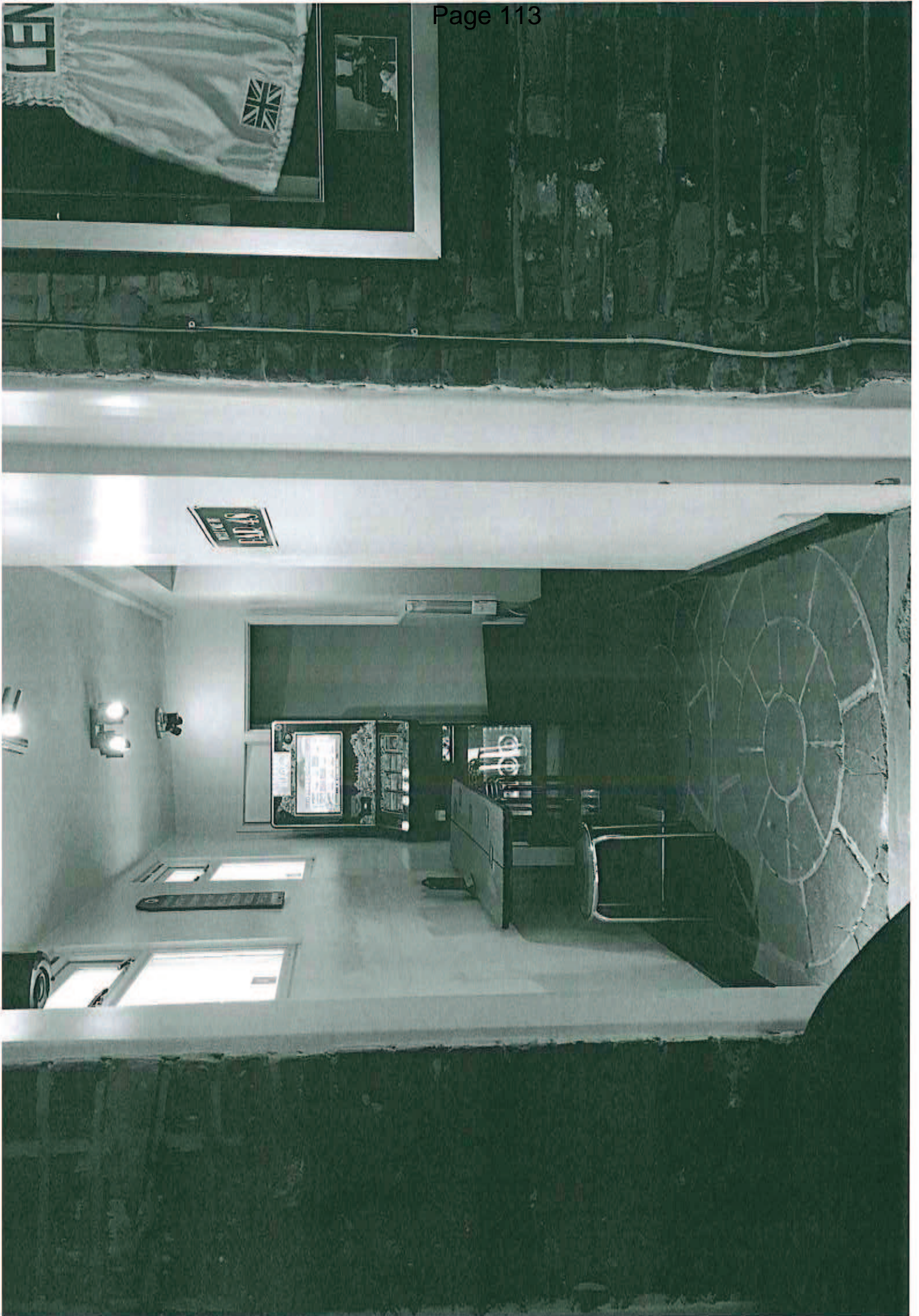
Entertainment. " Thereafter despite complaints being made on several occasions and further equipment being installed no evidence is shown to support noise pollution and indeed the equipment installed on the 30th of May 2014 and the 3rd of June 2014 records "*Weekend – no noise.*" This directly contradicts the complaints made. Furthermore, as the Authority will note from the DPS's statement that the primary purpose of the establishment is now a restaurant and the only source of music is a jukebox. In addition the Authority will have notice that Bar 48 closes at a comparatively early time, other establishments in the area continue to operate far later, at a time when any incidence of noise is understandably unacceptable.

- (iv) **Protection of Children from Harm.** This relates to protecting children from the activities carried out on the premises whilst they are on the premises. The only factor put forward in respect of this objective is the test purchase made by Trading Standards. The DPS runs a tight ship in relation to the sale of alcohol to anyone who is or appears to be under age and actively promotes the Challenge 25 scheme. All bar staff are trained in relation to the procedures to be followed in this regard and if there is any doubt at all the potential customer simply isn't served. Staff log any incidents where people are turned away in a diary and there have been numerous occasions where people have been refused and turned away. It is unfortunate that this one incident slipped through the safety net – it resulted due to human error and was dealt with promptly by the DPS.

- As you as an Authority have to be satisfied that there is an evidential and causal link between the grounds put forward by the Applicant and the effect of the licensing objectives, given the above submissions the DPS respectfully submits to you that the application should fail on all grounds.









12 June 2014

Our Ref: 135395

Event Ref: Pledge 6800

Mrs M Howell
Bar 48
48 Crewe Road
Alsager
STOKE-ON-TRENT
ST7 2ET



your local hospice

Barlaston Road, Blurton,
Stoke-on-Trent, ST3 3NZ

Tel: 01782 344300

Fundraising: 01782 344304

Fax: 01782 344301

www.dmhospice.org.uk

Dear Mikala & Megan

Thanks to your support we are able to continue to provide the best possible care for our patients and their families. But don't take our word for it: here is what the family of one of our patients had to say about the Hospice

'A heartfelt thank you to each and every one of you for your kindness, compassion, patience and dedication for the care of Dad. Your professionalism, empathy, and support have been a shining example to us all.'

Since the Hospice first opened its doors in the early Seventies we have continued to develop our range of services in order to meet the needs of local people. We provide care and support 24 hours a day, not only here at the Hospice but also throughout the community.

It costs £27,000 a day to run the Hospice, which is why your gift means so much to us. Quite simply the Dougie Mac wouldn't be here without the kindness of people like you!

Your donation of £212.00 by holding a Charity Football Match in memory of your grandad, Lionel Palmer is already helping us to help others. Therefore, on behalf of everyone here at the Hospice, please accept our heartfelt thanks.

Yards

Liz Clarke

On behalf of Douglas Macmillan Hospice

Please support your local hospice

Registered company number: 3615904

Registered charity number: 1071613

This page is intentionally left blank



Dear Pub Watch member

The next pub watch meeting is on Wednesday 10th June 2015, 10.00am Bank Corner Lawton Road, Alsager. Please make every effort to attend

Being a member of the pub watch scheme has many benefits to your business, these being:

- Having access to photographs of males and females on the pub watch ban
- Being able to talk to other pub watch members as you or they may have valuable information on an incident, this may help to identify someone, possibly leading to a pub watch ban.
- Having your say on if and how long people are banned.
- There are regular guests attending the pub watch meeting who come with valuable information and even freebies for your premises.
- Getting to speak with police officers who can give further information regarding pub watch incidents, and provide advice where necessary. It also makes police aware of local incidents who may be able to deter a problem before it happens.

For some businesses it is on there licence that pub watch must be attended by a representative of that business, these businesses must attend every meeting. If these premises have not been attending then the licensing officer will be made aware and licensing visits will be made.

If you want to discuss or have enquiries please leave a message on 0845 458 6382

Regards

PCSO 20324 Lorraine Meggs
PCSO 21612 Lee Quoroll

This page is intentionally left blank

LICENSING ACT 2003
Environmental Health Consultation
Response



EP Ref: ELL/036512

Date Received:

6 May 2015

Name of Applicant:

Bar 48

Address to which application relates:

48 Crewe Road, Alsager, Cheshire East, ST7 2ET

Licence Review – Support Application

I Margaret Ruth Hopley being an Enforcement Officer within Cheshire East Borough Council and have been qualified since 2006 and recognised so by the Chartered Institute of Environmental Health.

This Division initially received an enquiry raising concern over the level of noise disturbance due to amplified music and noise from people coming and going from the premises. The initial complaint came via licensing and was seeking advice initially. In light of the detail of the alleged disturbances an advisory letter was sent to the premises on the 11th February 2014 advising them of the concerns raised (appendix 1). No response was received from the premises with regards to this letter.

On the 11th March 2014 this Division received a formal complaint as the levels of the music had not improved and therefore this Division commenced a formal complaint. Mikala Howell a member of staff did contact and she was informed to monitor the level of the entertainment from outside in different locations to ensure the levels were not too high and if they were deemed they were to adjust the noise levels accordingly and to record these actions. Spoke to the complainant who stated the Friday following the levels were reduced however on the Saturday there was a live singer followed by a DJ which was deemed excessively loud by the complainant again. On reviewing the premises licence it became apparent the premises did not have the provision for recorded music on their licence. On the 1st April 2014 I contacted Mikala Howell and advised her of this information that the premises licence only allowed for them to have live music and not recorded. It was also apparent through discussion with Planning they also didn't have the appropriate usage class on the premises to operate a bar. A letter was sent to Vanessa Powell the licence holder (Appendix 2) to inform her of this

information in order for the matters to be addressed and rectified. I spoke to Chris Powell on the 3rd April 2014 in response to the letter received regarding the lack of certain licensing provisions and planning permission.

I discussed with Chris the issues regarding the fact that they did not have permission for recorded music therefore the DJ's had been cancelled. He stated that the premises may become a tapas bar yet but reiterated that he did not have the correct planning permission to undertake such activities and advised me that he was going to contact a planning consultant. Currently the front of the property is only single glazed glass and is not sufficient attenuation. Advised Chris of this and he stated that he would look into and the potential for secondary glazing. From the conversation it was evident that Chris felt that one complainant causing the investigation was unreasonable. I informed Chris that the complainant had informed me that he could name the songs being played and one which was continually repeated was Robin Thicke - Blurred Lines. When I advised him of this he appeared to change his response. Chris informed me that he intended to have a live band/act this Friday and again reiterated to him that needed to ensure that the music was not excessive and to undertake walks outside to ensure it was not too loud.

Following this conversation further complaints were received regarding the volume of the music being excessive.

An additional complainant contacted me on the 8th April 2015 regarding the issues they were experiencing from Bar 48 also which were very similar.

Following receipt of completed diary sheets this Division installed the noise monitoring equipment on the 11th April 2014 into the complainants property for the weekend and on the 17th April 2014 for the duration of the weekend. On both occasions we were unsuccessful in recording due to events either having not taken place or the volume had been decreased.

However complaints continued so myself and a Licensing Officer Vilma Robson attended Bar 48 on the 22nd May 2014 following letters to the Premise Licence Holder Vanessa Powell and the designated premises supervisor Andrew Milner requesting a meeting and received no response.

On arriving we were greeted by a young female who we now know to be Megan Powell daughter of the Premises Licence Holder and were then met by Chris Powell. We asked if Vanessa Powell (Premises Licence Holder) or Andrew Milner (DPS) were present and were advised by Chris they weren't. We informed Chris that we had spoken to Andrew Milner earlier in the day who stated that he wasn't the DPS. Chris Powell suggested that he calls in to the bar every now and again; Andrew Milner had stated earlier that he hasn't been in the

premises. Chris Powell questioned as to why we keep speaking to him. At this point it became quite clear that Chris Powell was being obstructive. We then proceeded to explain the legal obligations. I advised him that we were continuing to investigate the complaints; Chris and Megan Powell stated that they had been round the neighbours and no one had a problem. The requirement for the correct planning permission was also discussed and the mitigation measures which would be required.

Following this meeting I met with Andrew Milner the DPS who stated that he had not been to the premises he had just been asked to sign a form which he had and so he signed a section 41 notice removing him immediately as DPS at Bar 48.

Reports of noise nuisance from the premises did continue however the premises appeared to be beginning to do external monitoring and Megan Powell would email me the monitoring which had been undertaken. This didn't last for very long. The noise monitoring equipment was installed on the 6th June 2014 for the weekend however around this period the entertainment changed to providing viewings of the World Cup.

Meeting was requested by Megan Powell in connection with the continuing complaints and the planning application. Kim Evans from the Licensing Division also attended to undertake a license check on 30th June 2014. Chris Powell was not present. Spoke to Megan Powell and Mikala Howell. A number of conditions were not being complied with so Kim Evans advised would revisit in 14 days to readdress. Visited the premises the following day to speak to Chris Powell in connection to the planning application and advised in detail of the actions that would be required in order to seek approval such as double or secondary glazing as the premises did not due to its structure attenuate noise.

From July 2014 onwards the regulated entertainment noise complaints reduced and became more ASB orientated as the nuisances were occurring on the street outside of the premises so were reported to the Police. During this period as well this Division were addressing matters through the planning application to vary the usage class from A1 retail to A4 drinking establishment. Appendix 3 shows this Divisions comments with regards to the planning application with Appendix 4 being the decision notice issued by planning stating refusal.

Following Christmas 2014 complaints were received again of alleged noise nuisance due to regulated entertainment. A visit was made to the premises on the 14th January 2015 along with Kim Evans from Licensing. The premises were open at the rear and all lights on but no response, we revisited on the 21st January 2015 and were advised by Megan Powell that Chris Powell was at the rear of the premises. He then was not present and was uncontactable despite numerous calls. A joint visit was then undertaken on the 16th February 2015 to the premises following a failed test purchase. Those present were Hannah Johnson Trading

Standards, Sgt Chamberlain Cheshire Police, Kim Evans Licensing Team Leader and myself. In addition to the failed test purchase this Division had received again recent noise complaints from entertainment at the premises and also reports of ASB due to people coming and going from the premises. The issues were discussed with Chris Powell, Mikala Howell and Megan Powell. Night of failed test purchase was Megan's 18th birthday believed premises had more than 50 people with in it. Gaming machine was not licensed even though Chris was adamant that there was a licence for it he was advised there was. A very detailed conversation was had by all departments present of the concerns and the continued lack of responsibility despite efforts by every department to try and assist and provide advise. We were advised during the visit that they were now looking to change from A1 planning usage to A3 restaurant usage hence the installation of the kitchen. The kitchen is extremely small and the menu was extremely limited with only 5/6 items on. It felt that the sale of alcohol would still be the predominant usage of the premises.

Throughout my involvement with the premises it has been felt that the owner Chris Powell and the premises licence holder or designated premises supervisor past and present have had no regard for local residents or the licensing objectives. Instead of matters being addressed and dealt with in a manner which would be expected by such individuals this has been deemed not the case and an alternative approach has always been found regardless of the impact and detriment to those around. This Division is therefore in full support of the review.

Signed: Margaret Hopley | Enforcement Officer | Environmental Protection

Dated: 1 June 2015



Mrs Venessa Powell
No 48
48 Crewe Road
Alsager
Cheshire
ST7 2ET

Public Protection and Health
Westfields
Middlewich Road
Sandbach
Cheshire
CW11 1HZ

DATE: 11 February 2014

OUR REF: N33/011937

Please Contact: Margaret Hopley
Direct Dial: 01270 686603
Email: margaret.hopley@cheshireeast.gov.uk
k

Dear Venessa

Environmental Protection Act 1990
Complaints of Statutory Nuisance: People / Behavioural Noise from , 48 Crewe Road, Alsager

I am writing further to the conversation that you had today with Vilma Robson regarding a noise complaint that both the Licensing and Environmental Health Division received.

As you may imagine, Environmental Health receive many complaints of this nature, some of which, following investigation are found to be unjustified. However, as we have a statutory obligation to respond to all complaints received I am currently writing to you informally to ask for your co-operation in this matter.

Following discussion with Vilma she informed me that you have been advised to monitor noise levels from the premises during regulated entertainment on the perimeter of your premises. In doing so ensuring that noise from your premises is not causing a nuisance or disturbance to anyone else. Any checks undertaken shall be recorded should another complaint arise.

The complainant also raised concern regarding the noise levels generated by individuals stood outside the premises smoking. This again should be monitored by a member of staff as groups can soon congregate and this should be discouraged or a designated smoking area created which is away from residential properties.

Please note that the complainant at this stage is not wishing to proceed with a formal complaint as is hoping that the discuss with Vilma and this correspondence may see the matter resolved. We have therefore requested that the complainant come back to us if the nuisance continues to persist.

Should you wish to discuss the contents of the letter in further detail then please do not hesitate to contact me on the number above.

Yours faithfully

Margaret Hopley | Enforcement Officer | Environmental Protection

Cheshire East Council is the brand name of Cheshire East Borough Council



Mrs Venessa Powell
48 Crewe Road
Alsager
Stoke-on-Trent
ST7 2GL

Public Protection and Health
Westfields
Middlewich Road
Sandbach
Cheshire
CW11 1HZ

DATE: 1 April 2014

OUR REF: N43/012104

Please Contact Margaret Hopley
Tele No: 01270 686603
Email: margaret.hopley@cheshireeast.gov.uk

Dear Sir/Madam

Environmental Protection Act 1990
Complaints of Nuisance: Amplified Music at Bar 48, 48 Crewe Road, Alsager

I am writing further to my letter of the 11th March 2014 regarding a complaint of noise nuisance arising from the above premises.

I now wish to advise you that it is my intention to pursue a formal investigation, as further information has been received which suggests that the complaint may be justified. In particular amplified music on a Friday and Saturday evening.

As part of this investigation noise monitoring equipment, or officer visits may be used to determine if a noise nuisance exists. If a Statutory Nuisance is witnessed then I am obliged by law to take further action, which may result in legal proceedings being taken against you.

Legal proceedings may include the service of an abatement notice on yourself. If you breach such a notice you may be liable to prosecution in a Magistrates' Court and could be fined up to £5,000 per offence. In addition, the Council may seek to take direct action to abate the nuisance which may involve the confiscation of noise making equipment.

At this stage if the alleged problem stops, then no further action will be undertaken.

Following further enquiries with Licensing and the Planning Division there are a number of other concerns which need to be addressed as a matter of urgency.

Planning

Having enquired with Planning it appears that the building currently has A1 usage (Retail) however you did apply for A5 (Hot Food takeaways) usage back in 2008 which was subsequently refused. For the current operations at the premises this would require A4 (Drinking Establishments) usage and needs to be addressed with planning as a matter of urgency as the operations are being undertaken illegally.

The contact details for planning are:

Email: planning@cheshireeast.gov.uk
Tel: 0300 123 5014

Please note that this has been reported to the Planning Division for them to investigate further.

Licensing

You currently do have a premises licence for Bar 48 which you are the premises licence holder. The premises licence permits the sale of alcohol and under the provisions of the Live Music Act 2012 you are permitted to play live music until 11pm however your licence **DOES NOT** permit recorded music i.e. DJ's. I therefore request that you cease playing recorded music or having DJ's in the premises until a variation of the premises licence has been undertaken.

The contact details for planning are:
Email: Licensing@cheshireeast.gov.uk
Telephone: 0300 123 5015

If for any reason you think that an investigation into this complaint is unjustified, or you have questions regarding the contents of this letter and its implications, please contact me on the above telephone number.

Yours faithfully

Margaret Hopley | Enforcement Officer | Environmental Protection

Cheshire East Council is the brand name of Cheshire East Borough Council

Memo



Cheshire East
Council

To	Cheshire East Planning	Copy to	Adam Barnes
From	Margaret Hopley	Tel. No.	01270 686603
Date	29 th August 2014	Your ref	14/3757C
		Our ref	EL7/032654

Subject **PLANNING CONSULTATION WITH ENVIRONMENTAL PROTECTION**

Location: No 48, 48 Crewe Road, Alsager, Cheshire East, ST7 2ET

Proposal: Retrospective application for change of use of ground floor of premises from A1 (Retail) to A4 (Drinking Establishment)

This Service has considered the above planning application and wishes to make the following comments / recommendations.

The following recommendations DO NOT constitute planning conditions, however are intended to provide sufficient information to guide planning officers to adequately word conditions which are enforceable, justified and proportionate, in line with their own guidelines.

Where a planning officer considers that the recommended condition should be substantially altered, or not included on any final decision notice it is strongly recommended contact be made with the relevant officer.

REGULATORY SERVICES AND HEALTH COMMENTS

Margaret Hopley

Tel: 01270 686603

DEMOLITION AND CONSTRUCTION PHASE OF DEVELOPMENT

INFORMATIVE

CONSTRUCTION HOURS OF OPERATION – Noise Generative Works

It is recommended that the hours of noise generative* demolition / construction works taking place during the development (and associated deliveries to the site) are restricted to:

Monday – Friday	08:00 to 18:00 hrs
Saturday	09:00 to 14:00 hrs
Sundays and Public Holidays	Nil

**For information "Noise Generative" is defined as any works of a construction / demolition nature (including ancillary works such as deliveries) which are likely to generate noise beyond the boundary of the site.*

NOISE AND VIBRATION

NOISE MITIGATION SCHEME

This Division has received complaints regarding amplified and live music emanating from the premises causing a potential nuisance to neighbouring residential premises. During the process of the investigation it has been evident that the structural integrity of the building does not and has not assisted in controlling noise emanating from the premises.

The premises currently is single glazed at the front and the front door has gaps around the door thereby causing pathways for amplified and/or live music to be emanate from the property.

This Division would wish to see it conditioned that the front windows are secondary glazed with 6.4 mm laminated glass and a cavity to be created between the existing and additional glazing. The air gap being 100mm.

It is detailed that the existing access door be retained but an acoustic lock be constructed. This Division requests further information and plans to be submitted showing the proposed double door system thereby ensuring that a door remains closed as customers are entering and leaving the premises. The concern of retaining the existing door is that the gaps around the door which at the bottom are considerable would still be a means of noise to emanate should the other door be left open.

A detailed scheme of acoustic attenuation measures shall be submitted to and approved by the Local Planning Authority within 4 weeks of any approval with works undertaken and completed within 3 months of approval. The proposed scheme must detail the attenuation to be provided by the secondary glazing, works to be undertaken to ensure no gaps are within the windows or main door and detailed plans of secondary door (double door system).

HOURS OF OPENING

The applicant has offered hours of opening and this Division would wish to see these hours conditioned as part of any approval granted.

Reason: In the interests of residential amenity

AIR QUALITY COMMENTS

Rebecca Shorrock

Tel: 01625 (3)83818

No Comments

CONTAMINATED LAND COMMENTS

Jonathan Cundall

Tel: 01625 (3)83816

No comments

This section has used all reasonable endeavours to recommend the most appropriate measures regarding potential contamination risks. However, this recommendation should not be taken to imply that the land is safe or otherwise suitable for this or any other development.

Mr Geoff Allen,
Geoff Allen Associates
198 SWANLOW LANE
WINSFORD
Cheshire
CW7 1JJ

Development Management
PO Box 606
Municipal Buildings
Earle Street
Crewe
CW1 9HP

email: planning@cheshireeast.gov.uk

DECISION NOTICE

Application No: **14/3757C**

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Particulars of Development

Retrospective application for change of use of ground floor of premises from A1 (Retail) to A4 (Drinking Establishment) and installation of rear fencing and seating

Location

48, CREWE ROAD, ALSAGER, CHESHIRE, ST7 2ET

for **Mr & Mrs Powell**

In pursuance of its powers under the above Act, the Council hereby **REFUSES** to grant planning permission for the above development referred to in the application and accompanying plans submitted by you for the following reasons:

1. It is considered that the proposed development and use, as a result of the location and design, would be detrimental to the residential amenity of nearby residential accommodation by way of noise. The proposed development is therefore contrary to saved Congleton Borough Local Plan (2005) Policies GR1 and GR6.

INFORMATIVE

The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. A solution has not been reached that overcomes the

environmental harm as identified in the reason for refusal.
The plans to which the decision relates are as follows: PL01 and PL02.

Dated: 2nd October 2014

Signed



Authorised Officer for
Cheshire East Borough Council

CADMAN, Nikki

From: JOHNSTON, Hannah
Sent: 18 May 2015 14:58
To: LICENSING (Cheshire East)
Subject: FW: Review for Bar 48 ~[NOT PROTECTIVELY MARKED]~
Attachments: Bar 48 IncidentsEnforcementPDF.pdf; Bar 48 Table 1 stats.docx; Bar 48 Table 2 stats.docx; PC Need incident 1026 of 13022015.pdf; Bugg MG11 Bar 48.pdf; Gruse MG11 Bar 48.pdf; Ware MG11 Bar 48.pdf; Op Fern - PC Howard Bar 48.pdf; review-licence-certificate for bar 48.doc

Dear Sir/Madam,

Trading Standards are in support of this licence review and would like to add the following:

On the 6th February 2015 Trading Standards undertook an underage sales test purchasing operation whereby volunteers aged 15 were instructed to enter and attempt to purchase alcohol. On this occasion Bar 48 failed the test purchase and sold alcohol to 15 year old males.

Bar 48 operate a Challenge 25 Policy requiring any persons who appear under 25 to be asked to prove they are over 18. The seller failed to ask for proof of age from the volunteers.

Mikala Howell, the Premise Licence Holder and Designated Premise Supervisor, was not on duty at the time but was on the premises at her leisure, she was unable to produce training records and refusal logs in relation to underage sales on the evening. The explanation given follows that the records had been moved whilst they were installing the kitchen to renovate the bar into a restaurant.

On the same evening the premise was also observed to be hosting an 18th birthday party, the event fell halfway through the school year, it is likely that persons attending this party may have been underage, as the staff were clearly not adhering to their age verification policy.

In selling alcohol to children under 18, Bar 48 have disregarded age restrictive law and have undermined licensing objectives 'Prevention of crime and disorder' and the 'Protection of children from harm'.

On the night the seller was issued a Penalty Notice of Disorder (£90) for the sale of alcohol, and later an informal warning and advice pack were issued to Mikala Howell and Christopher Powell.

Please let me know if you require this information in a specific format, and if witness statements are required.

Many thanks,

Hannah

Hannah Johnston
 Enforcement Officer
 Cheshire East Council
 Trading Standards Investigations
 Floor 2, Municipal Buildings
 Earle Street
 CREWE
 CW1 2BJ

Telephone: 01270 686695

This page is intentionally left blank

From: andrew cartwright
Sent: 14 May 2015 18:53
To: LICENSING (Cheshire East)
Subject: Bar 48, Crewe Road, Alsager

Good Evening

I wish to make a formal objection to the planning application review made against Bar 48, Crewe Road, Alsager.

As a local resident, I have submitted three previous objections, on the Cheshire Council site, regarding planning applications and now feel that the process of managing such premises, through the relevant planning authorities, leaves something to be desired; Bar 48, as a consequence of the nature of the establishment and the manner in which it is promoted and marketed, attracts a demographic of customers that are not in keeping with the nature of Alsager and its relevant environs. As residents, we have suffered from noise disturbances, from groups of drunken customers brawling and fighting in the street and from disturbances when visiting friends who have the misfortune to live close to the premises; my wife, in 2014, was verbally abused when requesting that noise disturbance be reduced late on Friday evening (the Police are aware of this incident).

Bar 48 seems to have been operating without proper licensing from some time and has been directly involved in illegal activities, that include; the showing of 'Sky' products without an adequate license; late night 'lock ins'; the sale of alcohol to minors and the production/distribution of illegal substances that were/are under investigation via Cheshire Police.

The bar was originally intended and marketed to be a 'tapas-style' wine bar which, given the demographic nature of Alsager, would have been both welcome and relevant to the nature of other licensed premises in the area and would have complimented the town; however, this didn't materialise and we are currently faced with a café-style bar that serves 'standard' beverages and 'rolls' under the current guise of a restaurant. We are faced with noise pollution and disturbances (which include fights and brawling) on a regular basis and have witnessed customers leaving the premises in the early hours of the morning in a drunken and anti-social state. Residents have absolutely no such issues with any of the other alcohol-serving premises in the area.

Despite a plethora of objections to planning applications, to retrospective planning applications and to change of use applications, it certainly appears that the current owners are associated with 'people' 'in the know' and seem to be able to bypass regulatory law. It is in the public interest that premises of this nature are seen to be dealt with under the relevant legal processes and forcibly served notice to cease trading. Should a member of the public actively seek to bypass planning or licencing laws (regardless of the nature) legal enforcement would be both severe and swift; this appears not to be the case with Bar 48. The premises have traded without relevant planning authority, have continued to trade regardless of having to apply for retrospective planning and appear to be operating without regard for the safety, the welfare and the interests of local residents; there are issues regarding the safeguarding of young people, evidenced through the sale of alcohol to minors, and through police evidence that confirms that customers are entering the premises in an inebriated state and leaving, at 04:00hrs following the recent televised boxing match, in a worse state and then causing anti-social behaviours.

I look forward to your response and would be delighted to meet should such an opportunity arise.

Andrew Cartwright

CADMAN, Nikki

From: LICENSING (Cheshire East)
Sent: 14 May 2015 08:13
To: CADMAN, Nikki
Subject: FW: Bar 48 (Alsager) License review

From: niki bugg [REDACTED]
Sent: 13 May 2015 21:37
To: LICENSING (Cheshire East)
Subject: Bar 48 (Alsager) License review

Dear Sir / Madam

I would like to add my complete support to the police and their application to review the license granted to the above premises and the proposal to revoke the license. Since the premises opened in December 2013 I have had cause to phone either the police, planning, or environmental health regarding the activities of bar 48 each week. There has been consistent anti social behaviour, including numerous fights and violent incidents involving the customers of the bar. On almost each and every weekend we have had cause to contact environmental health regarding the noise either the music and the customers as they leave (or often enter) the bar. There is no control over the people who enter the premises or leave the premises and often the customers are clearly already drunk prior to entering the bar late in the evening. The bar has stayed open well beyond 11pm on numerous occasions playing loud music and encouraging the customers to sing and make extremely loud noise (again no control over the customers as they leave) customers will freely urinate and vomit up against the local business opposite (Dentist and solicitors). On occasions the owners daughters have been seen involved in incidents (they also work within the premises).

They screen sporting events without the required permissions or having paid the required fees. The premises has been involved in drug incidents including the growing and selling of illegal substances and was raided recently by the police. I believe the premise is still involved in drug activity. Most disappointing is that they were originally operating without the required planning permission to convert to a bar (A4 premise). They were refused the permission to do this based on a number of residential complaints surrounding the noise and anti social behaviour. recently they applied to convert to a restaurant (A3 premises) as this did not require permission and since they had recently been served with an enforcement action to cease trading as a bar. Unfortunately they have failed to do this and remain operational as a bar under the false guise of a restaurant and continue to cause problems (just in the last few weeks they have remained open until 1pm playing music extremely loud, and remained open well into the night to show the boxing (they did not shut until breakfast time the next day).

I have a young family and I am concerned for the safety of both my wife and my children with a premises like the one we have been subjected to over the last two years and would hope that they are stopped from causing residents the problems they continue to do with no respect or regard for the residents.

Niki Bugg
[REDACTED]

From:

Sent: 19 May 2015 14:15

To: LICENSING (Cheshire East)

Subject: Bar 48, Alsager

To whom this may concern,

Although you now have my email address, I am concerned about making this complaint in case my name and address become public knowledge to the persons involved in this complaint.

I am writing to complain about bar 48 and the row of other shops that I believe are owned by the same proprietor. About 12 months ago I was out with some friends and decided to have a drink in bar 48. I am a local teacher and was with my husband and colleagues (one a local headteacher). The four of us were greeted in a strange way. Someone from behind the bar shouted "who the fuck's that". The people sitting around the bar turned and stared at us. The man at the bar left the bar and sat down, stopping us from purchasing a drink. It was clear that we would not be served. We felt very uncomfortable and intimidated. We decided not to go back, it felt as though it was a private club for thugs.

Approx 4 months ago I witnessed a nasty fight that started inside the bar and rolled out into street stopping cars in a dangerous way. One of the victims in the fight then went to hide in the driveway of a house, whilst 3 thugs persisted in the chase.

When I passed the bar I noticed a green notice on a lamp post, which had been covered up and defaced so it was difficult to read.

I am really concerned that despite licencing and planning permission, Cheshire East has done very little to stop the take over of the row of shops. When I walk by I see teams of young girls waiting inside and outside the hotspot, often flitting between the hot spot and bar 48. I have witnessed young girls coming from the back of this business as well.

I chose to move to Alsager some 10 years ago as I found it to be a safe place for my children to grow up. There is a sinister and threatening culture emerging between the row of shops/bars, which are clearly not operating in a respectful manner to local residents. I urge that along with Cheshire Police, you stop the threatening take over, which will reduce our village to be a place of fear.

Dear Sir,

In response to review of the premises licence in respect of the premises known as Bar 48 I was concerned at the alleged health and safety issues raised by the review. I became aware of the problems created by Bar 48 after reading articles in the local paper where local residents explained how their lives were being disrupted by the noise and behaviour of the customers of bar 48. I also attended recent Alsager town council meeting where again, the local residents explained the problems created by the mismanagement of Bar 48 in terms of noise, anti-social drunken behaviour by their customers and a disrespect for the law.

Clearly if an establishment open to the public has little concerns relating to health and safety i.e. not promoting a safe, clean and mature drinking environment nor protects youngster under 18 from alcoholic drink, then the licence holders should not be able to continue with owning and managing such an establishment. My particular concern relates to the alleged selling of alcohol to under aged persons which is an indication of the owners/managers lack of concern or perhaps awareness of the under aged drinking and the health and social problems which can ensue from this.

It would appear that the owners/managers are either unaware of their obligations to the public under the conditions of their premises licence which they have agreed to or have a total disregard for the law.

The alleged low stands of quality of care by Bar48 flies in the face of the hardworking landlords and managers in Alsager and will, by association, reflect on their good name.

I therefore object to continuance of the premises licence in respect of the premises known as Bar 48, Crewe Road, Alsager.

Barry Curtis



CADMAN, Nikki

From: LICENSING (Cheshire East)
Sent: 29 May 2015 08:01
To: CADMAN, Nikki
Subject: FW: Review of Licence for Bar 48 Crewe Road Alsager ST7 2ET

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

From: Catherine Smith [REDACTED]
Sent: 28 May 2015 17:56
To: LICENSING (Cheshire East)
Subject: Review of Licence for Bar 48 Crewe Road Alsager ST7 2ET

Dear Sir or Madam

We understand that you are going to review the licence application for Bar 48. As a neighbour of this bar we are requesting you not to renew the licence for the following reasons.

1. Although we have not had many warm evenings, over Easter the weather was dry and sunny. However we were unable to sit out in our own garden because of the noise, including loud swearing and shrieking from patrons of Bar 48 who were in the yard behind the bar.
2. Patrons are not remaining in the designated seating area at the back of the bar but spill out into the yard at the rear of the bar.
3. We were assured the yard at the back would not be used as a car park, but some patrons are parking their cars there.
4. We understood that the original application was for a bar/ restaurant for quiet conversation and occasional live music. However there is now a screen for live sports events, more in keeping with a large pub than a restaurant. This means that patrons have remained in the bar drinking all night when there is a big sporting event being broadcast (e.g recent boxing match).
5. We have seen 2 or 3 people at a time appearing to conduct some sort of business in the yard behind the bar.

We should point out we moved to this area from London 10 years ago, fully aware that we were buying a property close to two pubs and several takeaway restaurants. During this time we have never had any reason to complain about noise or nuisance from any of these establishments, even when the university still had a campus in Alsager.

We have also never felt concerned or threatened until Bar 48 opened. It is a measure of our concern that we fear retaliation from the patrons of this bar because we are complaining, especially as we had to go and stand at the door of this bar to make a note of your contact details.

You should be aware we have not had any trouble since the notice was posted on the door of Bar 48, but we know that if you renew the licence the problems will start again, because that is what has happened each time there has been any reason why the planning or licensing application has been reviewed.

We urge you not to renew the licence application for Bar 48.

Yours faithfully

Anthony & Catherine Smith
[REDACTED]

The Licensing Section

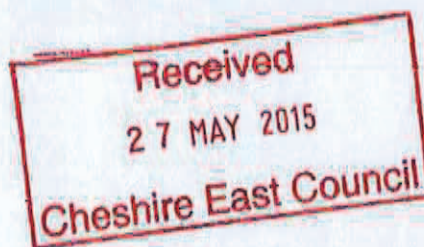
Cheshire East Borough Council

Municipal Buildings

Earle Street

Crewe

CW1 2BJ



Ref: Bar 48 Licensing Review

Dear Sir / Madam

I am writing to support the current action to review the license of the above premises. Since the premises opened as a bar we have been subjected to a wide range of problems on most weekends including anti-social behaviour of the customers who visit the premises, very violent incidents that have spilled out onto the street and included large numbers of people, and repeated high levels of noise from both customers and the music and events at the property. The owners have no regard for any laws associated with either planning, or licensing and have clearly been operating without the required permissions for the duration of the property being converted to a bar and continue to do so as I believe they have been refused permission to operate in this way since March. They also on many occasions will remain open beyond the licensed hours playing music and causing problems.

I hope the council will support this review and prevent the local residents and people of Alsager being subjected to this irresponsible property and owners any longer.

Yours Sincerely

Mr and Mrs Evans

A blacked-out redacted signature consisting of two horizontal bars.

APPENDIX 7

EMAIL RECEIVED IN SUPPORT OF BAR 48

From: Meg Powell
Sent: 28 May 2015 15:39
To: LICENSING (Cheshire East)
Subject: Bar 48
02-05-15

To whom it may concern,

This is a great bar, great atmosphere, in my opinion, wherever there is alcohol sold there is a risk of there being arguments. However I have never seen anything since the bar opened that I would class as anything more than this.

On behalf of Matthew Moreton.

From: Lucy Powell
Sent: 28 May 2015 16:26
To: LICENSING (Cheshire East)
Subject: Bar48

I go in bar48 almost every night. I eat and drink there. The food is amazing and the company is good also. The staff are firm but fair and will not tolerate any one who is too drunk, being loud or is known to pub watch to be in the bar. I cannot fault the place. Keep it open!

From: Rebecca Kirby
Sent: 28 May 2015 16:49
To: LICENSING (Cheshire East)
Subject: Bar48

To whom this email may concern

I regularly attend the bar on Crewe road alsager. I do not feel that there is a need for this bar to be shut, there is a friendly atmosphere as you enter and there is never any issues. I feel that this bar is my local unlike other bars in alsager such as the bank corner where there is always issues Many thanks Becky Kirby

From: Daniel Mounsey
Sent: 28 May 2015 16:42
To: LICENSING (Cheshire East)
Subject: Bar 48 - Alsager

Hi, I understand there is a hearing involving Bar 48 from Alsager.

I just wanted to send a quick email to say that I've really enjoyed my time in there & the staff have always been friendly. I play for a football team and after each game they provide food and drink for us which is great as it gives us somewhere to socialise afterwards.

I'd be gutted to see it closed.

Best regards,

Daniel Mounsey

From: ben maitland
Sent: 28 May 2015 14:35
To: LICENSING (Cheshire East)
Subject: Bar 48

Hello just a quick email to say that me and my wife really enjoy going to bar 48 for a quite drink and think it's a lovely little bar . We live very close to bar 48 and never notice any kind of Noise pollution at closing time or any other time .

Many thanks Ben Maitland & Zoe Maitland

From: Peter O'Brien
Sent: 28 May 2015 14:12
To: CADMAN, Nikki
Subject: Bar 48 Crewe Road Alsager

I have had the pleasure of frequenting the above premises on a regular basis. In all the times I have been there, there has never been any trouble with bad behaviour or drunkenness. I have never witnessed any problems with noise, the staff and clientele are always polite. I would support them 100% with any review of their licence and cannot understand why such a review is taking place. The bar shuts at 11pm each night so I fail to see why you have a problem with it. In fact, I would like an explanation from yourselves as to why the bar is under review? I have witnessed a lot more disturbances at other licensed premises in Alsager but I do not see their licences being reviewed! I look forward to hearing from you.

Regards

Peter O'Brien

From: Meg Powell
Sent: 28 May 2015 15:46
To: LICENSING (Cheshire East)
Subject: Bar 48

14-05-15

To whom it may concern,

My name is Grant Fryer and I own the paper shop over the road. I have been drinking in the bar since it opened and have always enjoyed the bar. There has never been any trouble or issue while I have been in there. I always come in now to watch the football, as I live over the road I would like to say that I have never had any problems with noise from the bar at any time and have spoken to my neighbours and they have no problems either. I know the bar has had a few late licences and even then there has not been any problems. It would be a great disappointment if the bar were to close.

On behalf of Grant Fryer

From: Meg Powell
Sent: 28 May 2015 15:55
To: LICENSING (Cheshire East)
Subject: Bar 48

12-05-15

To whom it may concern,

I have been in Bar 48 on many occasions for the last few years. I have never seen any untoward behaviour or loud behaviour. Obviously in any drinking establishment there will be occasions when people have had too many drinks. Bearing in mind they have usually come from other drinking establishments. This is no different from any other pub that sells alcohol.

On behalf of Lorraine McKellar Taylor

From: Meg Powell

Sent: 28 May 2015 15:59

To: LICENSING (Cheshire East)

Subject: Bar 48

To whom it may concern,

I drink on a very regular basis in Bar 48, and have always found it to be a relaxed and peaceful place, with no sign of trouble and I live locally.

On behalf of Tim Sullivan

From: Laura Preston

Sent: 28 May 2015 16:33

To: LICENSING (Cheshire East)

Subject: Bar 48 - Alsager

To whom it may concern, I've heard that there is speculation over closing down Bar 48 in Alsager. Over the past few months I have started socialising in this pub. It has a great friendly atmosphere with friendly staff to go with it! It is a place that appeals to all age ranges and welcomes families as much as groups of friends after a good night out. It would be a great shame to lose this pub. Kind regards Laura Preston

From: Meg Powell

Sent: 28 May 2015 15:27

To: LICENSING (Cheshire East)

Subject: Bar 48

To whom it may concern,

I am writing as regards to a notice that has been put on display outside Bar 48 on Crewe Road, I live ** to the bar and never have any problems or concerns as regards to noise nuisance or any local of trouble if anything the noise I only hear comes from young teenagers coming and going from the take away next door.

On behalf of Maria Gaffney

From: Jayne Mounsey

Sent: 29 May 2015 11:16

To: LICENSING (Cheshire East)

Subject: Bar 48, Crewe road, Alsager

Dear sir

I am sending this e mail in support of the above bar remaining open.

I have had nothing but good experiences while spending evenings out in the bar and feel it would be a great shame to lose it.

Regards

Jayne Mounsey

From: andrew cope

Sent: 29 May 2015 15:59

To: LICENSING (Cheshire East)

Subject: BAR 48 Alsager

To whom it may concern,

I am writing with regards to the review of Bar 48. I would like to take this opportunity to say how unfortunate it would be if it was to close down. As a regular customer myself I enjoy going to Bar 48 to meet up with friends. Unlike various other places in alsager, I no I can go there and see a friendly face and the staff are very welcoming and work hard to make it a nice place to have a drink.

Furthermore, I play for the football team put together by bar 48, and they always provide the catering every week and are very supportive towards us. Therefore it would be a shame to lose that also. Kind Regards,
Matthew Cope

From: Danny Frost
Sent: 29 May 2015 13:20
To: LICENSING (Cheshire East)

I am writing this email in support of bar 48 staying open. Bar 48 is a great place to go with my mates to have a drink and watch the football. The staff are really friendly and get on really well with everyone. Everyone in the bar speaks and gets on with each other. Its a great place to start a night out with the good prices for good quality beers. I go to the bar often and there is never any trouble. If the bar was to shut there will be many people upset with the out come the bar is a rally nice place to go and have a drink and socialize. Yours sincerely Danny Frost

From: Miers Jones
Sent: 29 May 2015 13:14
To: LICENSING (Cheshire East)
Subject: support for bar 48

hi there, just a quick email to support bar 48 in alsager, many local people of all ages come to the bar to enjoy a nice drink and to watch the football, good friendly atmosphere and you can also enjoy some food whilst watching the football

From: david nixon
Sent: 29 May 2015 15:41
To: LICENSING (Cheshire East)
Subject: Bar 48

Dear sir. I am of the opinion that bar 48 should be allowed to stay open.
We are losing enough businesses in the village as it is.
Regards david nixon

From: Jennifer Boulton
Sent: 28 May 2015 17:47
To: CADMAN, Nikki
Subject: Bar 48

Dear Miss/Mrs Cadman, I am getting in contact with you with regard to the complaints Bar 48 have been receiving from nearby residents. I have myself been to the bar on several occasions and feel the owners of Bar 48 are being unfairly targeted. I have only experienced a pleasant experience in my visits to have a meal and a get together with friends. There is quite some noise from the takeaways that stay open until the early hours of the morning however yet Bar 48 seem to be the centre of peoples complaints. I feel this is unjust and Crewe Road has many aspects that cause noise levels to rise at a certain time of night. I am not alone in my opinion and feel that the owners deserve the right to trade as much as any other business on Crewe Road. Yours Sincerely Miss Jennifer Boulton.

From: adam suleman
Sent: 28 May 2015 17:12
To: LICENSING (Cheshire East)
Subject: bar48

I attend bar 48 regularly and do not see an issue in which to why it should close. I feel that it should remain open as it brings employment to the local area

Many thanks
Adam Suleman

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

From: Meg Powell
Sent: 29 May 2015 15:04
To: LICENSING (Cheshire East)
Subject: Bar 48

To whom it may concern,

I am a neighbour of Bar 48 and I have been since it opened at least 18 months ago. I am an occasional customer and regularly meet friends who bring their kids in with them. I find Bar 48 a quiet and family orientated environment. As a neighbour I have never been disturbed or had cause to complain. As far as I am concerned I would like Bar 48 to remain open and if it was to close it would be missed. I can be contacted on the number below if anyone would like any more information regarding Bar 48.

On behalf of Mark Fallon

From: Katie O'Brien
Sent: 28 May 2015 21:07
To: LICENSING (Cheshire East)
Subject: Bar 48 Alsager

To whom it may concern,

I am writing to express my concerns regarding Bar 48. I am aware that it is up for review and I cannot stress as a regular customer myself how disappointing it would be if it was to be closed down. Every week I spend time in Bar 48 socialising with my friends and I don't think it is given enough credit for how much hard work and effort the staff put in to make it an enjoyable experience. I know when I go to Bar 48 I will feel comfortable and will always see a friendly face, as this isn't the case for other places in Alsager and it would be such a shame if it was to close and I know a lot of other customers feel the same.

It may not matter to some people, but they are the people who haven't been to bar 48 or do not attend very often, as to myself and many others and certainly the staff, it is a place where we are able to come together, have a good time and make memories. Therefore we would be deeply saddened to have that taken away.

One final reason I would like to see Bar 48 stay open is that I have never been to a bar where they have been so welcoming, accommodating and understanding towards individual needs.

Thank you for taking the time to consider my comments and take them into account and I hope I am part of making a difference for everyone at Bar 48.

Kind Regards,
Katie O'Brien

From: Kirsti Allport
Sent: 28 May 2015 20:55
To: LICENSING (Cheshire East)
Subject: Bar 48 - Alsager
To whom it may concern

I understand there is a review underway in respect of Bar 48 in Alsager, as such I would just like to voice my strong support for this business to remain open.

Whenever I frequent the Bar I have always been greeted by friendly staff who go the extra mile to make all feel welcome. I have been in with my children on family days who have loved the bouncy castle and I also have been in with my partner on nights out where the Bar provides an excellent venue for friends to meet and socialise, with no fear of any trouble.

Were this Bar to close it would be yet another loss of a family run business to the local community.
Regards Kirsti Allport

From: Jenny Bentley
Sent: 28 May 2015 20:37
To: LICENSING (Cheshire East)
Subject: Bar 48 Alsager.
To whom it may concern,

I am writing this email in support of The Bar 48 in Alsager, my house backs onto The Bar 48 and I have never been given reason to complain, I never get disturbed by noise or people leaving.

Whenever I have a night out I always chose The Bar 48 to go to as It has a friendly relaxed atmosphere, the owner and his staff are polite and friendly and I always enjoy myself in there. The Bar has a regular clientele therefore everybody in there knows and respects each other so there is never any drunken fights.

I think to lose The Bar 48 would be a shame for the local community and it would be missed by many people of varying ages.

Yours Faithfully
J Bentley

From: glyn holyfield
Sent: 28 May 2015 20:20
To: LICENSING (Cheshire East)
Subject: re: Upcoming Hearing for Bar 48, Alsager
Dear Sir/Madam

I am writing to say that I am a customer of Bar 48, 66 years of age and retired. It is my local bar as it is very convenient for me. The ambience suits me very well and it is very comfortable for me as I have mobility issues. The staff acknowledge my situation and look after me extremely well.

I understand that the bar is being subject to a hearing and so I am writing this in support of the bar continuing to remain as a licensed premises as I would be severely inconvenienced by it's closure.

Yours faithfully,
Mr Glyn Holyfield

From: Alison Jackson
Sent: 28 May 2015 20:07
To: LICENSING (Cheshire East)
Subject: Bar 48

Hi

I have been a regular customer of Bar 48 since it opened. Its always been a really friendly, pleasant place to drink with customers of all ages & walks of life. The staff are great and play an integral part to the local community. The Bar staff & customers have participated in community charity events raising funds for local causes.

Its my favourite place to drink in Alsager & would be a great loss if it were to close.

Many thanks
Alison Jackson

From: Alison Jackson
Sent: 08 June 2015 19:30
To: CADMAN, Nikki
Subject: Re: NOTICE OF HEARING - REVIEW OF PREMISES LICENCE - BAR 48, ALSAGER

Hi Nikki

I have received your email regarding the licence review hearing for Bar 48 in Alsager. I am extremely disappointed that due to a work commitment i will not be able to attend to show my support for Bar 48 to remain open. I would like to continue to express my support for the bar. I am 40 years old and have always found it a great place to be. I am not from Alsager but thanks to the Bar i have made lots of lovely friends of all ages some of which are the staff. This has been very important to me and has enabled me to socialise during a personally difficult period.

I am astounded that they are under review. They close promptly at 11 (sometimes earlier), taxis wait outside without peeping and as most of the customers are local, they respect the area & community.

In my experience it is the local takeaways open until the early hours that are more of a concern.

I have submitted a formal statement but would like to add the above and as i wont be in attendance would like this email to be shared with the licensee.

Many thanks
Alison Jackson

Bar 48 regular customer & advocat

From: Fielding Talks
Sent: 28 May 2015 18:38
To: LICENSING (Cheshire East)
Subject: Bar48, Alsager.

My name is Fielding Talks, I'm a professional singer and I've done many gigs at Bar 48.

It's a great bar and attracts great customers who generate a really good atmosphere.

The staff are really friendly and Meg and Chris are terrific hosts an make everyone feel welcome.

I'm very sad and bemused to hear that the bar might close, as every time I have sang there it's packed full of customers and every time it's been a great night.

So I'd like to support the club and I hope it stays open.

Kind Regards

Fielding Talks

From: aaron proudfoot

Sent: 28 May 2015 18:24

To: LICENSING (Cheshire East)

Subject: Reference: Bar 48 Alsager

Hi there,

Just writing to inform you I would love for the bar to stay open, it's a happy and vibrant place and all the staff are extremely friendly and welcoming. It's clean, presentable and always a good laugh. It's bridged a gap in Alsager instead of just a regular pub.

From: Meg Powell

Sent: 29 May 2015 15:12

To: LICENSING (Cheshire East)

Subject: Bar 48

To whom it may concern,

I am writing this letter to put my point of view across for why Bar 48 should remain open. I find the bar a very friendly and popular place. I've been a regular for about 15 months now and I have never witnessed any trouble at bar 48. I find bar 48 a very welcoming place and I have had many good nights at bar 48, before bar 48 opened I used to drink in the Alsager Arms and I was glad the bar 48 opened because of the trouble up there on a regular basis, so after finding the bar I would be happy for the place to remain open.

On behalf of Andrew Campbell

From: Alan Mounsey

Sent: 29 May 2015 13:57

To: LICENSING (Cheshire East)

Subject: Bar 48 Alsager

To whom it may concern,

It's been brought to my attention that Bar 48's license is being reviewed.

I'm a local businessman and have been a customer since the bar opened, meeting friends and business acquaintances there. I've found the bar to be a professionally run establishment with good food and great service. To this end I'd like to express my support for the venue to retain their license. Thank you for your consideration.

With kind regards,

Alan Mounsey.

From: Adam Newbould

Sent: 29 May 2015 11:51

To: LICENSING (Cheshire East)

Subject: Bar 48

Hi,

I am writing to confirm my support for Bar 48 of Alsager to remain open.

I lived in Alsager for all of my life until last year when I moved away to Spain for work purposes.

Bar 48 is one of the places I look forward to going back to as it is where a lot of people get together.

I would love to see it stay open.

Regards,

Adam Newbould

From: lisa phillips

Date: 29 May 2015 10:33:53 BST

To: "licensing@cheshireeast" <licensing@cheshireeast>

Subject: The bar 48 Alsager To whom it may concern,

I am writing this email in support of the Bar 48 in Alsager

I go in the bar most weekends and in the week it's a great bar staff so lovely and friendly never no trouble I take my nephew most of the time as they have a kiddy area which he loves I always enjoy my time at the bar and hear no noise as the bar shuts at 11pm it wud be a shame to lose such a great bar with great staff yours faithfully

Lisa phillips

From: Jayne Mounsey

Sent: 29 May 2015 11:16

To: LICENSING (Cheshire East)

Subject: Bar 48, Crewe road, Alsager

Dear sir

I am sending this e mail in support of the above bar remaining open.

I have had nothing but good experiences while spending evenings out in the bar and feel it would be a great shame to lose it.

Regards

Jayne Mounsey

From: gavin allport

Sent: 28 May 2015 17:02

To: LICENSING (Cheshire East)

Subject: bar 48 Alsager

Dear Licensing,

it has been brought to my attention that Bar 48's license is under threat. I would like to offer my support for the bar & congratulate the staff for running a friendly hospitable bar. I use the bar on a regular basis & feel the local business community would be a poorer place without the bar. They are a hub for the community & they organised a charity football game last year which raised a lot of money for Douglass McMillan & also Milton house care home.

Gavin Allport

From: Mike Cross

Sent: 29 May 2015 12:34

To: LICENSING (Cheshire East)

Subject: Bar 48 – Alsager

Dear Cheshire East My name is Mike Cross & I am a resident of alsager currently living in ** i have lived in alsager for the last 49 years (since the age of 3) & my mother aged 79 lives also in the village - my office is now alsager based just as a bit of background i am the very proud Chairman of AFC Alsager a football club established in 2012 to provide opportunities for youngsters (boys & girls) to play football in a safe environment - we started with 5 teams & quickly grew to 21 teams at ages under 8 right the way through to our senior team whom i also coach.

In august last year we approached the owners of Bar 48 to ask for support with our football club & in return we would as a club support bar 48 - we did some of our own checking with local businesses

(many of the people i know personally through the time when i was Round Table Chairman) to establish what sort of bar it was & whether it was suitable for a football club of our size to have some association - the resounding answer was yes it is predominantly a sports bar with some food provision . A very good friend of mine John Steele lives in the flat directly opposite & confirmed that he gets no trouble what so ever from the bar - his gripe is the closing of car doors & car noises from people visiting the local take aways which i understand have a much later opening hours than bar 48 itself. Bar 48 agreed to sponsor some urgently required "dug outs" & indeed recently helped with our fund raising efforts to take 4 young coaches to south africa an ongoing project which bar 48 have agreed to further support - this is an example of how local businesses have an impact on our community - without this support our projects will discontinue. Our football club consists of mainly local alsager people (c96% of whom live / eat & drink in Alsager) - the adults are a mixed bunch including many company directors / people in education & all walks of life - we strictly adhere to the football association codes of conduct & would not wish to establish our selves with any business organisation that has a reputation for up setting the locals. It concerns me that on the back of one couples observations Bar 48 may be forced to close resulting in the loss of 3 or more jobs- our members have empathy with the couple particularly over health issues. - I understand that Bar 48 have had independent noise observation tests taken - the results are clear for all to see - I understand that there has been one time when the police was called to Bar 48 - are you aware that this attendance was asked for by staff at Bar 48 ? - Bar 48s licencing hours finish at 11am - yet other public houses such as the mere & the lodge remain open after these hours - Bar 48 cannot be responsible surely for every incident that happens after hours - indeed the take away next door stays open til 2pm - all sorts turn up in all sorts of states. - Some evidence suggest the number of police attending incidents in alsager increased following bar 48s opening - can you direct me please to where we can perhaps as a community find out how many time the police have been called out to the Alsager Arms for example & also at the time was it not the World Cup ? Dont get me wrong i do not condone alcohol related incidents but sadly as a nation the World Cup is one such events where the police plan for such increases - Bar 48 staff attend pub watch - this has clearly worked in alsager over the years. Id like to think that Cheshire East will give the owners a fair hearing based on facts not hear say. Our adult membership is c250 & on behalf of our executive committee & members i have been asked to support Bar 48 & their staff - if need be i can obtain all members signatures in support of Bar 48 remaining open . I drink in the bar myself along with my wife & son (now 18) - indeed he was refused to be served by the staff until evidence of age was produced. The bar clientele includes many professional people - the welcome is warming - the food hygiene rating is better than most a 4 i believe - it is a pleasant environment. Perhaps you would be so kind to acknowledge this email so i can confirm to our members you have at least recieved it - the closure of this establishment affects our club in forms of sponsorship - a place to entertain our opposition etcim sure you will understand our concerns as we plan for next season Best regards Mike Cross Chairman AFC Alsager

From: marie ward

Sent: 28 May 2015 17:35

To: LICENSING (Cheshire East)

Subject: Bar 48

To whom it may co concern

Drank at this bar for over a year never had and problems always a great atmosphere with polite hard working staff.

Would be a shame to lose this bar.

Miss ward

From: Darren Blairs
Sent: 28 May 2015 17:20
To: LICENSING (Cheshire East)
Subject: Bar 48, Alsager

Hello

I'm writing about bar 48, Alsager. I understand there having trouble with being blamed for the noise late on. I use this bar every Friday and Saturday night. The bar staff are polite and friendly, much like all the customers that also use this place. It has always closed and has last orders at 11 o'clock in which case myself and most of the other customers move on. Mainly to bank corner as they have a later license. I live by the plough pub so I have to walk past bar 48 on my way home. I notice that the kebab shop is always open with what tends to be a lot of younger persons eating in there at half past 1 in the morning. I don't know how they stay open when the council made the other to close early? However I think you will find that the noise is coming from there and not the pub as its closed when I walk past. I'm hoping you will allow this pub to stay open its become a local for myself and many others. Some even leave there and go to the mere as its open till 12. Anyway I just want to view my opinion.

Thanks

Darren Blairs

From: jess boulton
Sent: 28 May 2015 19:40
To: CADMAN, Nikki
Subject: Bar 48

To whom this may concern, My name is Jess Boulton, I'm 23 and I live in Rode Heath. I've been to Bar 48 a couple of nights in the past few months with my boyfriend and we've both found the atmosphere in there to be pleasant and welcoming. I understand that there have been antisocial complaints about this establishment and can honestly say that I have never experienced any such behaviour in the times that I have frequented Bar 48.

Yours sincerely,
Jess Boulton

From: Kevin Beech
Sent: 29 May 2015 19:26
To: LICENSING (Cheshire East)
Subject: Bar 48 Alsager

To whom it may concern, I'm writing to express my concern about learning that Bar 48 may close. I use the bar regularly and I think the Bar serves well in the community with friendly staff and I would hate to see it go.
Many thanks.

From: tiffany walters

Sent: 01 June 2015 11:43

To: CADMAN, Nikki

Subject: Bar 48

I am writing in regards to bar 48, crewe road, alsager. I have visited this Bar/Restaurant on numerous occasions with family and friends and each visit has been an enjoyable one. The dps, manager and staff are very welcoming and attentive and the environment is very friendly. It's a local community pub and that's why me and a lot of others love to visit regularly. The food menu is small but very good and reasonably priced too. Regards Tiffany walters

Cheshire CC WebGIS



(c) Crown copyright and database rights 2015. Ordnance Survey 1000490045, 1000490046.



This page is intentionally left blank

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Monday 29th June 2015 at 15.30hrs
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application to Vary a Premises Licence at The Shakespeare, 35 Beam Street, Nantwich, CW5 5NA

1.0 Report Summary

- 1.1 The report provides details of an application to vary a premises licence and the proposed operating schedule together with details of relevant representations received in relation to the application.

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to determine the application to vary a Premises Licence by Punch Taverns Plc in respect of:

The Shakespeare
35 Beam Street
Nantwich
Cheshire
CW5 5NA

- 2.2 The premises currently benefits from a Premises Licence issued on 26th August 2014 which is set out at appendix 1.
- 2.3 Acting in the capacity of Licensing Authority, Members must seek to promote the Licensing Objectives, and where Members consider matters have engaged one or more of the objectives, they may exercise their discretion. The licensing objectives are:
- (a) The prevention of crime and disorder
 - (b) Public safety
 - (c) The prevention of public nuisance
 - (d) The protection of children from harm
- 2.4 Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it considers it desirable to do so. Careful consideration should be given to application and relevant representations in light of the current and proposed operating schedules.
- 2.5 The Sub-Committee in respect of this application must have regard to the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.

- 2.6 Finally, Members are also reminded that in determining the application in accordance with the Licensing Act 2003, Members must also have regard to:

- § The rules of natural justice
- § The provisions of the Human Rights Act 1998

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 and the Council's Constitution.

4.0 Wards Affected

- 4.1 Nantwich North & West

5.0 Local Ward Members

- 5.1 Cllr Penny Butterill
Cllr Arthur Moran

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.
- 6.2 Whilst having regard to the general principles within the Statement, Members may wish to consider the following:
- 6.2.1 The majority of representations relate to the Prevention of Public Nuisance Objective. The Licensing Authority sets out a paragraph 9 of its Statement of Licensing Policy how it will deal with representations under this objective.
- 6.2.2 The Statement of Licensing Policy also deals with issues of Anti-social behaviour at paragraph 6 and the Prevention of Crime and Disorder at paragraph 7.
- 6.3 Members should provide reason(s) for any decision taken and should set out their reasoning where they determine to depart in any way from the Policy or Guidance.

7.0 Financial Implications

- 7.1 Not applicable.

8.0 Legal Implications

- 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 appropriate for the promotion of the licensing objectives. Section 18(4) provides that the authority may:

- (a) Grant the licence subject to the relevant mandatory conditions and conditions consistent with the operating schedule
- (b) Modify the application to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives
- (c) Exclude from the scope of the licence any of the Licensable Activities to which the application relates
- (d) Refuse to specify a person in the licence as the Premises Supervisor
- (e) Reject the application.

8.2 Members are reminded that should any conditions be added, they should be practical, enforceable and appropriate to promote the Licensing Objectives.

8.3 Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1998 to through all of its various functions, and Licensing is one of those functions to do all that it can to prevent Crime and disorder, Anti-social Behaviour, behaviour adversely affecting the environment and re-offending.

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, received on the 5th May 2015, is for the grant of a variation to a Premises Licence under section 34 of the Licensing Act 2003.

10.2 The operating schedule indicates that the relevant licensable activities applied for extension of hours are:

- § Sale and supply of alcohol
- § Live Music
- § Recorded Music
- § Performances of Dance
- § Anything Similar to Music and Dance
- § Late Night Refreshment

The proposed variation is also to remove condition 5. of Annex 2. No person shall be admitted or re-admitted to the premises after 01.00hrs. Also to vary condition 4 of Annex 2 so that it will read 'The beer garden/outdoor drinking area shall not be used for the consumption of food and/or drink(s) after midnight.

10.3 The hours applied for are as follows:

Sale and supply of alcohol (for consumption both on and off the premises)

Sunday 08.00 to 02.30

To sell alcohol outdoors in the beer garden/outdoor drinking area on the Sundays preceding a Bank Holiday.

Live and Recorded Music, Performance of Dance and anything of a similar description to Music and Dance (to take place indoors)

Sunday 08.00 to 02.30

The provision of recorded music externally in the beer garden/outdoor drinking area 08.00 and 23.00 on Sundays preceding a Bank Holiday.

Late Night Refreshment

The provision of late night refreshment outdoors in the beer garden/outdoor drinking area on Sundays preceding a Bank Holiday between the hours of 23.00 and midnight.

Hours Premises are Open to the Public

Sunday to Thursday 08.00 to 03.00

10.4 A copy of the application form is attached as Appendix 2.

10.5 Relevant Representations

Responsible Authorities:

10.6.1 The Police have made representation with suggested conditions, a copy of this representation is attached as Appendix 3 of this report.

10.6.2 The Environmental Health Officer has made representation with suggested conditions, a copy of this representation is attached as Appendix 4 of this report.

There were no representations received from any of the other Responsible Authorities.

At the time of writing this report, Licensing have not received a written agreement from the applicant to the Police or Environmental Health suggested conditions.

Other Persons:

10.6.4 The Council has received 12 valid written objections and a petition with 22 names from local residents. Copies of these representations are attached as Appendices 5 - 16 of this report. It is noted that 7 of the 12 persons who submitted their own written representation, have also signed the petition. The Council has also received a written representation from Nantwich Town Council, a copy of this is attached as Appendix 17 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 – Existing Premises Licence Summary, conditions and plan.

Appendix 2 - Premises Licence application

Appendix 3 – Written representation from the Police

Appendix 4 - Written representation from the Environmental Health Officer

Appendix 5 -16 Written objections and petition from local residents

Appendix 17 – Written representation from Nantwich Town Council

Appendix 18 - Map of area

This page is intentionally left blank



PREMISES LICENCE SUMMARY

Premises licence number	348
-------------------------	-----

Premises details

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

The Shakespeare
35 Beam Street

Post town Nantwich

Post code CW5 5NA

Telephone number 01270 610550

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Sale by retail of alcohol
Provision of regulated entertainment
Late Night Refreshment

The times the licence authorises the carrying out of licensable activities

Monday)	
Tuesday)	
Wednesday)	
Thursday)	Please see tables on page 3
Friday)	
Saturday)	
Sunday)	

The opening hours of the premises

Monday	08:00	to	02:00
Tuesday	08:00	to	02:00
Wednesday	08:00	to	02:00
Thursday	08:00	to	02:00
Friday	08:00	to	03:00
Saturday	08:00	to	03:00
Sunday	08:00	to	02:00

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

Name, (registered) address of holder of the premises licence

Punch Taverns Plc
Jubilee House
Second Avenue
Burton upon Trent
Staffs
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 the supply of alcohol

Ben Johnson

State whether access to the premises by children is restricted or prohibited

No unaccompanied children under 16 are allowed in premises licensed to sell alcohol for consumption on the premises.

Accompanied children will be allowed access to licensed premises where alcohol is sold for consumption on the premises - subject to the Personal licence holder's discretion.

Issued: 26th August 2014

On behalf of Cheshire East Borough Council

The times the licence authorises the carrying out of licensable activities

Regulated entertainment - indoors			
Monday	11:00	to	01:30
Tuesday	11:00	to	01:30
Wednesday	11:00	to	01:30
Thursday	11:00	to	01:30
Friday	11:00	to	02:30
Saturday	11:00	to	02:30
Sunday	11:00	to	01:30

Late Night Refreshment - indoors			
Monday	23:00	to	01:30
Tuesday	23:00	to	01:30
Wednesday	23:00	to	01:30
Thursday	23:00	to	01:30
Friday	23:00	to	02:30
Saturday	23:00	to	02:30
Sunday	23:00	to	01:30

Sale of alcohol			
Monday	11:00	to	01:30
Tuesday	11:00	to	01:30
Wednesday	11:00	to	01:30
Thursday	11:00	to	01:30
Friday	11:00	to	02:30
Saturday	11:00	to	02:30
Sunday	11:00	to	01:30

Non standard timings	
Normal start time on New Year's Eve to normal start time on New Year's Day.	
Extended to 02:00 (licensable activities) and 03:00 (opening hours) on each Sunday of a Bank Holiday weekend and on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day.	

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the 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/her Personal licence is suspended.
2. Every supply of alcohol under the Premises licence must be made or authorised by a person who holds a Personal licence.

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

The following conditions became effective on 06 April 2010:

3. The responsible person shall take all reasonable steps to ensure that staff do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
- b) provision of unlimited or unspecified quantities of alcohol free or for a fixed price or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Licensing Act);
- c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where the provision is dependent on-
 - i. the outcome of a race, competition or other event or process, or

(Continued on page 4)

- ii. the likelihood of anything occurring or not occurring;
 - e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a disability).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

The following conditions became effective on 01 October 2010:

6. a) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- b) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
7. The responsible person shall ensure that-
- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
- i. beer or cider: half pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml; and
- b) customers are made aware of the availability of these measures.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—

- a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b) 'permitted price' is the price found by applying the formula—

$$P = D + (D \times V)$$

Where —

- i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence—
- i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e) 'value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
 4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with Operating Schedule

1. The capacity of the premises is restricted as follows:

Bar area	75 persons
Lounge	225 persons
2. No person shall be admitted or re-admitted to the premises after 01:00.
3. The Designated Premises Supervisor will regularly attend local Pubwatch meetings.
4. The Premises Licence Holder will ensure that a comprehensive risk assessment is conducted, at intervals of not more than 31 days, into the need for door supervisors to be on duty at the premises. This risk assessment will be recorded in writing, produced to a constable and authorised officers of the local authority on request, and a copy retained at the premises for a period of at least 6 months from the date of the assessment
5. Anyone who appears to be under 18 must produce ID or a proof of age card.

E		Live Music				
		Will the performance of live music take place indoors or outdoors or both.	Indoors	x		
			Outdoors			
			Both			
Day	Start	Finish	Details			
Mon	11:00	01:30				
Tue	11:00	01:30				
Wed	11:00	01:30	Seasonal variations			
			12:00 New Year's Eve to normal start time on New Year's Day.			
Thur	11:00	01:30				
Fri	11:00	02:30	Non standard timings			
Sat	11:00	02:30	Extended to 02:00 on each Sunday of a Bank Holiday weekend and on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day.			
Sun	11:00	01:30				

F	Recorded music			
	Will the playing of recorded music take place indoors or outdoors or both.		Indoors	x
			Outdoors	
			Both	
Day	Start	Finish	Details	
Mon	11:00	01:30		
Tue	11:00	01:30		
Wed	11:00	01:30	Seasonal variations	
			12:00 New Year's Eve to normal start time on New Year's Day.	
Thur	11:00	01:30		
Fri	11:00	02:30	Non standard timings	
Sat	11:00	02:30	Extended to 02:00 on each Sunday of a Bank Holiday weekend and on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day.	
Sun	11:00	01:30		

G	Performances of dance			
	Will the performance of dance take place indoors or outdoors or both.		Indoors	x
			Outdoors	
			Both	
Day	Start	Finish	Details	
Mon	11:00	01:30		
Tue	11:00	01:30		
Wed	11:00	01:30	Seasonal variations	
			12:00 New Year's Eve to normal start time on New Year's Day.	
Thur	11:00	01:30		
Fri	11:00	02:30	Non standard timings	
Sat	11:00	02:30	Extended to 02:00 on each Sunday of a Bank Holiday weekend and on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day.	
Sun	11:00	01:30		

H	Anything of a similar description to (E), (F) or (G)			
	Will this entertainment take place indoors or outdoors or both.		Indoors	x
			Outdoors	
			Both	
Day	Start	Finish	Details	
Mon	11:00	01:30		
Tue	11:00	01:30		
Wed	11:00	01:30	Seasonal variations	
			12:00 New Year's Eve to normal start time on New Year's Day.	
Thur	11:00	01:30		
Fri	11:00	02:30	Non standard timings	
Sat	11:00	02:30	Extended to 02:00 on each Sunday of a Bank Holiday weekend and on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day.	
Sun	11:00	01:30		

L	Late night refreshment			
	Will the provision of late night refreshment take place indoors or outdoors or both.		Indoors	x
			Outdoors	
			Both	
Day	Start	Finish	Details	
Mon	23:00	01:30		
Tue	23:00	01:30		
Wed	23:00	01:30	Seasonal variations	
			23:00 New Year's Eve to normal start time on New Year's Day.	
Thur	23:00	01:30		
Fri	23:00	02:30	Non standard timings	
Sat	23:00	02:30	Extended to 02:00 on each Sunday of a Bank Holiday weekend and on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day.	
Sun	23:00	01:30		

M	Supply of alcohol		
	Will the supply of alcohol be for consumption	On the premises	
		Off the premises	
		Both	x
Day	Start	Finish	Details
Mon	11:00	01:30	
Tue	11:00	01:30	
Wed	11:00	01:30	Seasonal variations
			11:00 New Year's Eve to normal start time on New Year's Day.
Thur	11:00	01:30	
Fri	11:00	02:30	Non standard timings
Sat	11:00	02:30	Extended to 02:00 on each Sunday of a Bank Holiday weekend and on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day.
Sun	11:00	01:30	

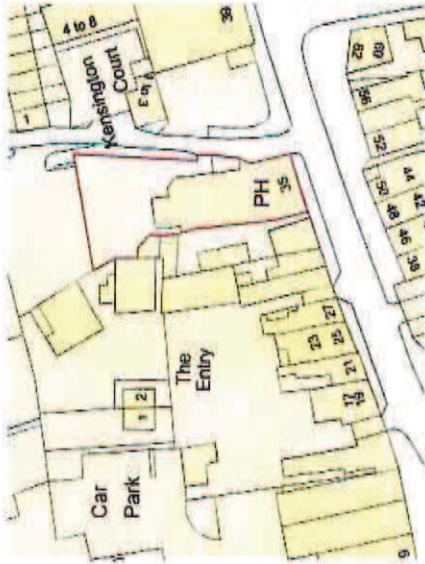
Hours premises are open to the public			
Day	Start	Finish	Seasonal variations:
Mon	08:00	02:00	08:00 New Year's Eve to normal start time on New Year's Day.
Tue	08:00	02:00	
Wed	08:00	02:00	Non standard timings: Extended to 03:00 on each Sunday of a Bank Holiday weekend and on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day.
Thur	08:00	02:00	
Fri	08:00	03:00	
Sat	08:00	03:00	
Sun	08:00	02:00	

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

1. The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a nuisance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.
2. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.
3. 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.
4. The beer garden/outdoor drinking area shall be closed to patrons by 23:00.
5. All doors other than the front door onto Beam Street (which is lobbied) shall be kept closed after 23:00.
6. Refuse such as bottles shall be disposed of from the premises at a time, i.e. between 08:00 and 20:00, when it is not likely to cause a disturbance to residents in the vicinity of the premises.
7. No alcohol in open containers shall be taken outside the premises except in the beer garden.
8. Lights shall be shielded so that they do not cause a nuisance to nearby residents, to the satisfaction of the Environmental Health Department.
9. Additional wording to Condition 4 in Annex 2 to the existing licence: after the word "constable" add "and authorised officers of the local authority".

Annex 4 - Plans

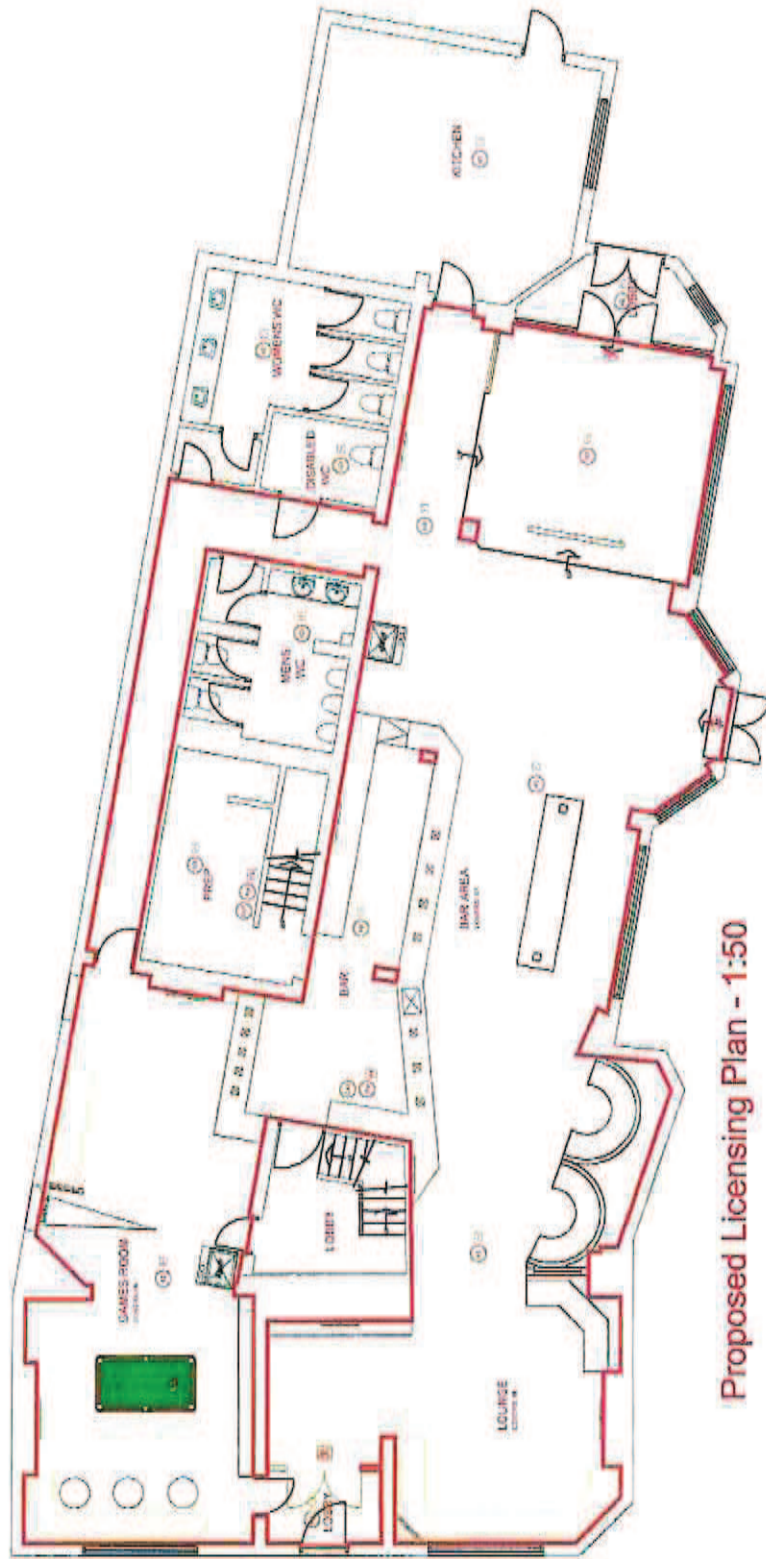
Attached.



PROPOSED WORKS

1. Cut back existing fixed seating and reupholster;
2. Cut back and reduce existing raised area;
3. New turn rest;
4. New dart cabinet & screen;
5. Form new curved booth seating, possum height;
6. New Lobby Doors;
7. form new 2000mm H screen;
8. Reupholster existing fixed seating;
9. Strip out existing fixed seating and form new;
10. Allow for new raised stage area with one step up;
11. Allow for new drinks island with elongated legs;
12. Allow for new step;

PROPOSED WORKS	
1. Cut back existing fixed seating and reupholster;	1. Cut back existing fixed seating and reupholster;
2. Cut back and reduce existing raised area;	2. Cut back and reduce existing raised area;
3. New turn rest;	3. New turn rest;
4. New dart cabinet & screen;	4. New dart cabinet & screen;
5. Form new curved booth seating, possum height;	5. Form new curved booth seating, possum height;
6. New Lobby Doors;	6. New Lobby Doors;
7. form new 2000mm H screen;	7. form new 2000mm H screen;
8. Reupholster existing fixed seating;	8. Reupholster existing fixed seating;
9. Strip out existing fixed seating and form new;	9. Strip out existing fixed seating and form new;
10. Allow for new raised stage area with one step up;	10. Allow for new raised stage area with one step up;
11. Allow for new drinks island with elongated legs;	11. Allow for new drinks island with elongated legs;
12. Allow for new step;	12. Allow for new step;



Proposed Licensing Plan - 1:50

All works and alterations must be carried out in accordance with the relevant regulations and the premises must be licensed for the proposed use. The plan must be submitted to the relevant authority for approval. The plan must be submitted to the relevant authority for approval. The plan must be submitted to the relevant authority for approval.

Proposed Licensing Plan

Plot No.	Plot Area	Plot Size	Plot Type	Plot Use	Plot Status
1	1000 sqm	1000 sqm	1000 sqm	1000 sqm	1000 sqm
2	1000 sqm	1000 sqm	1000 sqm	1000 sqm	1000 sqm
3	1000 sqm	1000 sqm	1000 sqm	1000 sqm	1000 sqm
4	1000 sqm	1000 sqm	1000 sqm	1000 sqm	1000 sqm
5	1000 sqm	1000 sqm	1000 sqm	1000 sqm	1000 sqm
6	1000 sqm	1000 sqm	1000 sqm	1000 sqm	1000 sqm
7	1000 sqm	1000 sqm	1000 sqm	1000 sqm	1000 sqm
8	1000 sqm	1000 sqm	1000 sqm	1000 sqm	1000 sqm
9	1000 sqm	1000 sqm	1000 sqm	1000 sqm	1000 sqm
10	1000 sqm	1000 sqm	1000 sqm	1000 sqm	1000 sqm
11	1000 sqm	1000 sqm	1000 sqm	1000 sqm	1000 sqm
12	1000 sqm	1000 sqm	1000 sqm	1000 sqm	1000 sqm



[Insert name and address of relevant licensing authority and its reference number (optional).]

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We	Punch Taverns PLC

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number
348

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Shakespeare 35 Beam Street			
OUR REFERENCE: LHS/27844/203303/JGC			
Post town	NANTWICH	Post code	CW5 5NA
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£17,500.00	

Part 2 – Applicant details

Daytime contact telephone number		01283 501600		
E-mail address (optional)				
Current postal address if different from premises address		Jubilee House Second Avenue		
Post Town	BURTON UPON TRENT	Postcode	DE14 2WF	
Daytime contact telephone number	01283 501600	Daytime contact telephone number	01283 501600	Daytime contact telephone number

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes ☒ No ☐

If not, from what date do you want the variation to take effect?
DD MM YYYY

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

1. Variation of opening hours

Sunday 08:00 – 03:00

2. Sale of Alcohol

Sunday 08:00 – 02:30

2.1 To sell alcohol outdoors in the beer garden / outdoor drinking area on all Sunday's preceding a bank holiday between the hours of 08:00 – 23:00.

3. The provision of all permitted regulated entertainment (indoors)

Sunday 08:00 – 02:30

4. The provision of recorded music externally in the beer garden / outdoor drinking area.

Monday - Sunday 08:00 – 23:00

5. Late Night refreshment

5.1 To provide late night refreshment outdoors in the beer garden/ outdoor drinking area on the Sunday preceding a bank holiday between the hours of 23:00 – 00:00.

Remove the following condition

Annex 2

5. No person shall be admitted or re admitted to the premises after 01:00.

Vary the following condition

Annex 3

6. Vary condition 4, so that it will read "The Beer garden / outdoor drinking area shall not be used for the consumption of food and / or drink (s) after 00:00.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

--

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment**Please tick all that apply**

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☒
- f) recorded music (if ticking yes, fill in box F) ☒
- g) performances of dance (if ticking yes, fill in box G) ☒
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) ☒

Provision of late night refreshment (if ticking yes, fill in box I)

☒

Sale by retail of alcohol (if ticking yes, fill in box J)

☒

In all cases complete boxes K, L and M

A

Plays	Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Standard days and timings (please read guidance note 6)		Outdoors	<input type="checkbox"/>

Day	Start	Finish	Both	<input type="checkbox"/>
-----	-------	--------	------	--------------------------

Mon			Please give further details here (please read guidance note 3)	
-----	--	--	--	--

--	--	--

Tue		
-----	--	--

--	--	--

Wed			State any seasonal variations for performing plays (please read guidance note 4)

--	--	--

Thur		
------	--	--

--	--	--

Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)

Sat		
-----	--	--

--	--	--

Sun		
-----	--	--

--	--	--

B

Films	Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Standard days and timings (please read guidance note 6)		Outdoors	<input type="checkbox"/>

Day	Start	Finish	Both	<input type="checkbox"/>
-----	-------	--------	------	--------------------------

Mon			Please give further details here (please read guidance note 3)

Tue		
-----	--	--

Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)

Thur		
------	--	--

Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)

Sat		
-----	--	--

Sun		
-----	--	--

C

Indoor sporting events			<u>Please give further details</u> (please read guidance note 3)
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments	Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Standard days and timings (please read guidance note 6)		Outdoors	<input type="checkbox"/>

Day	Start	Finish	Both	<input type="checkbox"/>
-----	-------	--------	------	--------------------------

Mon			Please give further details here (please read guidance note 3)	
-----	--	--	--	--

--	--	--	--	--

Tue				
-----	--	--	--	--

--	--	--	--	--

Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
-----	--	--	---	--

--	--	--	--	--

Thur				
------	--	--	--	--

--	--	--	--	--

Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	
-----	--	--	--	--

Sat				
-----	--	--	--	--

--	--	--	--	--

Sun				
-----	--	--	--	--

--	--	--	--	--

E

Live music	Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Standard days and timings (please read guidance note 6)		Outdoors	<input type="checkbox"/>

Day	Start	Finish	Both	<input type="checkbox"/>
-----	-------	--------	------	--------------------------

Mon	08.00	01.30	Please give further details here (please read guidance note 3)	
-----	-------	-------	--	--

		As per existing licence
--	--	-------------------------

Tue	08.00	01.30
-----	-------	-------

--	--

Wed	08.00	01.30	State any seasonal variations for the performance of live music (please read guidance note 4)
-----	-------	-------	---

		As per existing licence
--	--	-------------------------

Thur	08.00	01.30
------	-------	-------

--	--

Fri	08.00	02.30	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)

Sat	08.00	02.30
-----	-------	-------

--	--

Sun	08.00	02.30
-----	-------	-------

--	--

	As per existing licence
--	-------------------------

F

Recorded music			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Standard days and timings (please read guidance note 6)				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	08.00	01.30	Please give further details here (please read guidance note 3)		
			As per existing licence		
Tue	08.00	01.30	The provision of recorded music in the beer garden / outdoor drinking area will be limited to 08:00 – 23:00 on Sundays proceeding a Bank holiday.		
Wed	08.00	01.30	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
			As per existing licence		
Thur	08.00	01.30			
Fri	08.00	02.30	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	08.00	02.30	As per existing licence		
Sun	08.00	02.30			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish		
Mon	08.00	01.30	Please give further details here (please read guidance note 3)	
			As per existing licence	
Tue	08.00	01.30		
Wed	08.00	01.30	State any seasonal variations for the performance of dance (please read guidance note 4)	
			As per existing licence	
Thur	08.00	01.30		
Fri	08.00	02.30	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	08.00	02.30	As per existing licence	
Sun	08.00	02.30		

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)	Please give a description of the type of entertainment you will be providing As per existing licence
--	---

Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	08.00	01.30		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>

Tue	08.00	01.30	Please give further details here (please read guidance note 3) As per existing licence
Wed	08.00	01.30	

Thur	08.00	01.30	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4) As per existing licence
Fri	08.00	02.30	

Sat	08.00	02.30	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)
Sun	08.00	02.30	

I

Late night refreshment Standard days and timings (please read guidance note 6)	Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/>
		Outdoors <input checked="" type="checkbox"/>
		Both <input type="checkbox"/>

Day	Start	Finish
-----	-------	--------

Mon			Please give further details here (please read guidance note 3) To provide late night refreshment outdoors in the beer garden / outdoor drinking area on the Sunday preceding a bank holiday between the hours of 23:00 – 00:00.
Tue			

Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4) For the Sunday preceding a bank holiday
Thur			

Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)
Sat			

Sun	23.00	00.00

J

Supply of alcohol Standard days and timings (please read guidance note 6)	Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
		Off the premises	<input type="checkbox"/>

Day	Start	Finish	Both	<input checked="" type="checkbox"/>
-----	-------	--------	------	-------------------------------------

Mon	08.00	01.30	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) As per existing licence To sell alcohol in the beer garden / outdoor drinking area on the Sundays proceeding a Bank holiday.
Tue	08.00	01.30	
Wed	08.00	01.30	

Thur	08.00	01.30	<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri	08.00	02.30	As per existing licence
Sat	08.00	02.30	
Sun	08.00	02.30	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

AWP machines

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4) As per existing licence
Day	Start	Finish	
Mon	08.00	03.00	
Tue	08.00	03.00	
Wed	08.00	03.00	
Thur	08.00	03.00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5) As per existing licence
Fri	08.00	03.00	
Sat	08.00	03.00	
Sun	08.00	03.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

As per existing premises licence

b) The prevention of crime and disorder

As per existing premises licence

c) Public safety

As per existing premises licence

d) The prevention of public nuisance

As per existing premises licence

e) The protection of children from harm

As per existing premises licence

Checklist:

Please tick to indicate agreement

- | | |
|--|-------------------------------------|
| <input type="checkbox"/> I have made or enclosed payment of the fee. | <input checked="" type="checkbox"/> |
| <input type="checkbox"/> I have sent copies of this application and the plan to responsible authorities and others where applicable. | <input checked="" type="checkbox"/> |
| <input type="checkbox"/> I understand that I must now advertise my application. | <input checked="" type="checkbox"/> |
| <input type="checkbox"/> I have enclosed the premises licence or relevant part of it or explanation. | <input checked="" type="checkbox"/> |
| <input type="checkbox"/> I understand that if I do not comply with the above requirements my application will be rejected. | <input checked="" type="checkbox"/> |

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	FORD & WARREN.
Date	1 May 2015
Capacity	Solicitors for the applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Ford & Warren Solicitors
Westgate Point
Westgate

Our ref: LHS/27844/203303/JGC

Post town	LEEDS	Post code	LS1 2AX
Telephone number (if any)	0113 243 6601		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
licensing@forwarn.com			

Representation Form.

Responsible Authority.

POLICE

Your Name	David Smethurst
Job Title	Police Licensing Officer
Postal and email address	Police Office, Middlewich Road, Sandbach, CW11 1HU <i>crewe.congleton.licensing@cheshire.pnn.police.uk</i>
Contact telephone number	01606 363580

Name of the premises you are making a representation about.	The Shakespeare
Address of the premises you are making a representation about.	35 Beam Street, Nantwich, CW5 5NA

Which of the four licensing Objectives does your representation relate to? Please state yes or no.	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
The Prevention of harm to children	No	
To prevent Public Nuisance	Yes	The proposed removal of the last entry condition and the extended use of the external areas of the premises later into the night and into the early hours of the mornings will have the likely effect of causing a noise nuisance and thereby unreasonably disturb residents quality of life. This will be exacerbated by the fact pedestrian traffic from inside the premises can only access the external areas after 23:00 hours via the front door onto Beam Street and Dog Lane. These reasons will be amplified at the hearing.
To prevent crime and disorder	Yes	The proposed removal of the last entry condition will have the likely effect of encouraging late night migration from across the town to these premises and in doing so undermine the crime and disorder licencing objective. This issue will be amplified at the hearing.
Public Safety	No	

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	The licensing objectives will continue to be promoted by the retention of the existing control measures already within the premises licence which prevent the use of external areas after 23:00 and which also prevent entry or re-entry to the premises after 01:00.
--	---

For the avoidance of doubt I have listed below the applicant's summary of the changes proposed and the view of the Chief Officer of Police to each:

1. Variation of opening hours Sunday 08:00 – 03:00. **NO COMMENT.**
2. Sale of Alcohol Sunday 08:00 – 02:30. **NO COMMENT.**
To sell alcohol outdoors in the beer garden/outdoor drinking area on all Sundays preceding a bank holiday between the hours of 08:00 – 23:00. **NO COMMENT.**
3. The provision of all permitted regulated entertainment (indoors) Sunday 08:00 – 02:30. **NO COMMENT.**
4. The provision of recorded music externally in the beer garden/outdoor drinking area Monday – Sunday 08:00 – 23:00. **NO COMMENT.**
5. To provide Late Night Refreshment outdoors in the beer garden/outdoor drinking area on the Sunday preceding a bank holiday between the hours of 23:00 – 00:00. **WILL UNDERMINE THE LICENSING OBJECTIVES!**

Remove the following condition:

Annex 2 - No person shall be admitted or re-admitted to the premises after 01:00. **WILL UNDERMINE THE LICENSING OBJECTIVES!**

Vary the following condition:

Annex 3 – Vary condition 4, so that it will read "The Beer garden/outside drinking area shall not be used for the consumption of food and/or drink after 00:00". **WILL UNDERMINE THE LICENSING OBJECTIVES!**

Signed: David Smethurst

Date: 02/06/2015

LICENSING ACT 2003
Environmental Health Consultation
Response



EP Ref: ELL/032924

Date Received:

5 May 2015

Name of Applicant:

The Shakespeare

Address to which application relates:

35 Beam Street, Nantwich, Cheshire, CW5 5NA

Conversion:

Variation:

X

New:

X

Approve

Approve with Conditions

Object to Section(s)

The Shakespeare have applied for a number of variations to the premise license. This Division wish to address these in two sections those which we approve and those which we object to and the reasons for the objection.

The variations which this Division **approves** are as follows:

1. Variation of Opening Hours – Sunday 08.00 – 03.00
2. Sale of Alcohol – Sunday 08.00 – 02.30
3. The Provision of all permitted regulated entertainment (indoors)
4. Removal of Condition 5 within Annex 2 – No person shall be admitted or re admitted to the premises after 01.00.

The variations which this Division proposes to **object** to or amend are as follows:

1. To sell alcohol outdoors in the beer garden/outdoor drinking area on all Sundays preceding a bank holiday between the hours of 08.00 – 23.00.

This Division would wish to see this condition stipulate that this is only for the Bank Holiday weekends and not for throughout the year.

2. The provision of recorded music externally in the beer garden/outdoor drinking area Monday – Sunday 08.00 – 23.00

This Division wishes to object to this condition in its entirety due to the close proximity of residential properties to the beer garden of these premises. The closest residential premises are 6.5 metres away. Following the recent Jazz Festival this Division did receive complaints from local residents regarding the amplified music and that it intruded to the enjoyment of their properties. Residents however acknowledge that the Jazz Festival is a town event however providing the ability for the premises to have recorded music externally on a regular basis would be deemed by this Division to have a detrimental impact on local residents.

3. The applicant wishes to vary condition 4 from its current 'The beer garden/outdoor drinking area shall be closed to patrons by 23.00' to 'The beer garden/outdoor drinking area shall not be used for the consumption of food and/or drink(s) after 00.00'.

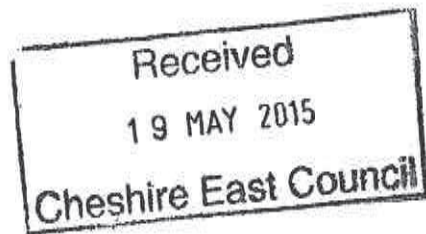
The Division wish to object to this variation for two reasons:



- a. The proposed condition would cease the consumption of people utilising the beer garden/outdoor area for consuming food and drink but would allow patrons to remain within the beer garden/outdoor area which in themselves could cause a potential noise disturbance; and
- b. The applicant has not looked to vary condition 5 of Annex 3 which requires all doors except the front door to be kept closed at 23.00 therefore patrons would be required to leave through the front door to access the beer garden/outdoor area at the rear. This would cause the dispersion of patrons from the premises and potentially cause noise disturbance to residents through patrons travelling from the front to the rear of the premises externally.

This Division would therefore request that the current Condition 4 in Annex 3 is maintained.

Signed: Margaret Hopley | Enforcement Officer | Environmental Protection

Dated: 29 May 2015





Nantwich
Cheshire
CW5 5LG

17th May 2015

RE:

OBJECTION TO THE APPLICATION FOR OUTDOOR MUSIC AND THE SELLING OF BEER OUTSIDE AT THE SHAKESPEARE PUB, NANTWICH

Dear Sir/Madam

I wish to formally object to the application put forward by Punch Taverns in respect to The Shakespeare Public house in Nantwich.

I object to them varying the times of the following activities on the premises licence Opening hours - Sunday 08.00 to 03.00

I object to them Selling Alcohol - Sunday 08.00 - 02.30 outdoors in the beer garden/outdoor drinking area on all Sundays preceding a bank holiday between the hours of 08.00-23.00. Provision of all permitted Regulated Entertainment

I object to them providing music - externally in the beer garden/outdoor drinking area Monday to Sunday 08.00 - 23.00.

I object to them providing refreshments - outdoors in the beer garden/outdoor drinking area on all Sundays preceding a bank holiday between the hours of 23.00 - 00.00

I object to them varying the condition 4 in Annex 3 - to read "The Beer garden/outdoor drinking area shall not be used for the consumption of food and/or drink(s) after 00.00"

The reasons for my objections are that during the "Jazz festival" weekend the music that was being played outside was that loud we could hear every word of it even with the doors and windows shut (and I am the house furthest away from the pub in Thomas Row).

I object to bottles being left on the road outside the beer garden and the drunken behaviour of the pub residents, who not only leer and shout at me when I walk home but I have also witnessed them being sick on the road.

Both myself and my son feel very uneasy about walking past the beer garden when there are lots of drunks outside. This would be further encouraged by music and selling beer outside.

The pub is in a residential area and therefore should be mindful of this when their beer garden is used. The pub should be held responsible for tidying up of the roadside of any rubbish/bottles or sick left by their customers. With this happening already, I see that the unsocial behaviour and rubbish etc getting worse so would like the council to reject their application.

Concerned and unhappy resident

[REDACTED]

RECEIVED
26 MAY 2015
CEC LICENSING

[REDACTED]

[REDACTED]

Cheshire

CW5 5LG

25.05.2015

The Licensing Section
Cheshire East Council
Municipal Buildings

To The Licencing Team

RE: The Shakespeare of 35 Beam Street, Nantwich CW5 5NA

APPLICATION FOR VARIATION OF A PREMISES LICENCE - LICENSING ACT 2003

I am a concerned resident of Thomas Row and I am writing to raise my concerns and I am in opposition to the application stated below. I live in close proximity to the Shakespeare Pub and I oppose the application as detailed below.

It is already a massive problem having to contend with drunken people's unruly behaviour and high noise levels at. The details below will bring the value of our properties down and affect our peace and quiet in our own homes, which we all deserve.

In addition the Shakespeare is a Pub and it now appears that the owners would like to turn it into a nightclub. This Pub is in close proximity to residential homes with young families and we do not wish to end up with a nightclub on our doorstep.

I strongly oppose the application as detailed and would really appreciate it if the Licencing Team would consider our concerns when making a decision on this application.

I believe you all are residents of this Borough and like myself would not appreciate to live near a "nightclub".

Your serious consideration to my concerns will be highly appreciated, and I am looking forward to hearing from you.

Yours sincerely,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The Shakespeare of 35 Beam Street, Nantwich CW5 5NA

APPLICATION FOR VARIATION OF A PREMISES LICENCE - LICENSING ACT 2003

NOTICE is hereby given that Punch Taverns PLC have applied on 5th May 2015 to Cheshire East Council in respect of the premises known as The Shakespeare of 35 Beam Street, Nantwich CW5 5NA.

To vary the times of the following activities on the premises licence Opening hours –

- Sunday 08.00 to 03.00
- Sale of Alcohol – Sunday 08.00 – 02.30 – to sell alcohol outdoors in the beer garden/outdoor drinking area on all Sundays preceding a bank holiday between the hours of 08.00 - 23.00.
- Provision of all permitted Regulated Entertainment (Indoors) Sunday 08.00 - 02.30 Provision of recorded music - externally in the beer garden/outdoor drinking area Monday to Sunday 08.00 – 23.00.
- Late Night Refreshment – outdoors in the beer garden/outdoor drinking area on all Sundays preceding a bank holiday between the hours of 23.00 – 00.00
- Remove the condition in Annex 2: No person shall be admitted or re-admitted to the premises after 01.00
- Vary condition 4 in Annex 3 – to read “The Beer garden/outdoor drinking area shall not be used for the consumption of food and/or drink(s) after 00.00”

PLAYING OF MUSIC OUTDOORS
WILL PENETRATE INTO NEARBY
RESIDENCES AND IS EXTREMELY
LIKELY TO CAUSE A HIGH LEVEL
OF NOISE NUISANCE AND STRESS
TO THOSE LIVING NEARBY.

THIS WAS SOLE EVIDENT AT EARLIER
BANK HOLIDAY WEEKEND 2015 WHEN
RECORDED MUSIC WAS PLAYED IN
BEER GARDEN AT EXTREMELY LOUD
LEVELS THROUGH OUT THE DAY UNTIL
11 PM AT NIGHT, MAKING SEVERAL
RESIDENTS ILL.

IT IS A MATTER OF RECORD THAT THIS
INCIDENT WAS REPORTED BOTH TO THE
POLICE, THE LANDLORD DIRECT, & ENVIRONMENTAL
HEALTH AT CHESHIRE EAST COUNCIL.
CLEARLY THIS IS UNACCEPTABLE
AND I RESPECTFULLY ASK THE
COUNCIL TO REFUSE THIS APPLICATION.

YOURS SINCERELY



LICENSING SECTION

CHESHIRE EAST COUNCIL

EARL STREET

CREWE

CW2 2BQ East Council

19TH MAY 2015

RE. PROPOSED VARIATION OF
PREMISES LICENCE AT STANES REAR
PUB. 35. BEAM ST. NANTWICH CWSNA

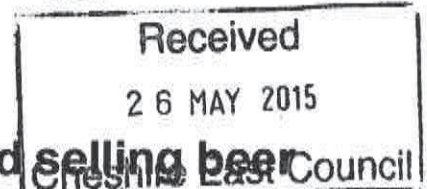
DEAR SIR/MADAM

I WRITE TO OBJECT IN THE STRONGEST
POSSIBLE TERMS TO THE LATEST
PROPOSALS OF 5TH MAY 2015, AND
IN PARTICULAR, THE PROVISION OF
RECORDED MUSIC - EXTERNALLY IN
THE BEER GARDEN / OUTDOOR DRINKING
AREA MONDAY TO SUNDAY 08.00 UNTIL
23.00 HOURS.

THE BEER GARDEN AT REAR OF
PUB IS INTEGRATED INTO A
RESIDENTIAL AREA AND THE
P.T.O.

Petition to prevent

The Shakespeare pub playing music and selling beer outside (Variation to premises licensing Act 2003)



Petition summary and background	<ul style="list-style-type: none"> To vary the times of the following activities on the premises licence Opening hours – Sunday 08.00 to 03.00 Sale of Alcohol – Sunday 08.00 – 02.30 – to sell alcohol outdoors in the beer garden/outdoor drinking area on all Sundays preceding a bank holiday between the hours of 08.00-23.00. Provision of all permitted Regulated Entertainment (Indoors) Sunday 08.00 to 02.30 Provision of recorded music – externally in the beer garden/outdoor drinking area Monday to Sunday 08.00 – 23.00. Late Night Refreshment – outdoors in the beer garden/outdoor drinking area on all Sundays preceding a bank holiday between the hours of 23.00 – 00.00 Remove the condition in Annex 2: No person shall be admitted or re-admitted to the premises after 01.00 Vary condition 4 in Annex 3 – to read "The Beer garden/outdoor drinking area shall not be used for the consumption of food and/or drink(s) after 00.00"
Action petitioned for	We, the undersigned, are concerned residents who urge the council to act now to prevent the Shakespeare pub from being allowed to play music and sell alcohol outside in the beer garden until 2300 Monday to Sunday

Printed Name	Signature	Address	Comment	Date
1		THOMAS ROW	OBJECTIVE, TO PREVENT NOISE NUISANCE IN MY HOME	17/5/15
2		THOMAS ROW	OBJECTION TO LOUD MUSIC BEING PLAYED OUTSIDE	17/5/15
3		THOMAS ROW	OBJECTION TO NOISE	17/5/15
4		THOMAS ROW	AS ABOVE	17.5.15
5		THOMAS ROW	AS ABOVE	17.5.15
6		THOMAS ROW	AS ABOVE	17.5.15
7		THOMAS ROW	AS ABOVE	17.05.15
8		THOMAS ROW	AS ABOVE	17.05
9		THOMAS ROW	AS ABOVE	17.05
10		THOMAS ROW	AS ABOVE	17.05
11		THOMAS ROW	AS ABOVE	17/5
12		THOMAS ROW	AS ABOVE	18/5

[illegible]

LC PREM CO

(4)

Received

26 MAY 2015

Council

NANTWICH

CHESHIRE

CWS SLG

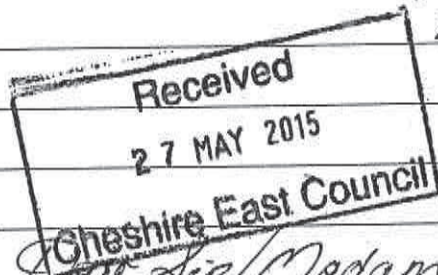
We are writing to object to Speakers in the beer garden at the Shakespeare public house; we live [REDACTED] [REDACTED] and we put up with the noise from the Shakespeare at night, but if this is allowed to happen it will be a living nightmare, myself & [REDACTED] get up at 5am for work 10 days out of 14 [REDACTED] also works nights on 12hr shifts and we do not expect to have no sleep because of speakers outside the Jazz festival was horrendous.

Yours Sincerely

[REDACTED] & [REDACTED]

LCPREMCO.

(5)

24th March 15.Nantwich
Cheshire
CW5-5N Y.

Dear Sir/Madam.

It has come to my attention
the Shakespear Public House in
Beam Street which is about a
hundred yards from my home,
I would really appreciate it
if the licence to 3AM was
revoked we do not need
another late premises as the
noise from revellers is
already annoying we already
have a nightclub and two
other late licences at the
white Horse and Nakatchas.
please understand our
plight

Yours Sincerely

May 27th 2015.

Received

28 MAY 2015

Cheshire East Council

Nantwich

CW57JL

To whom it may concern,

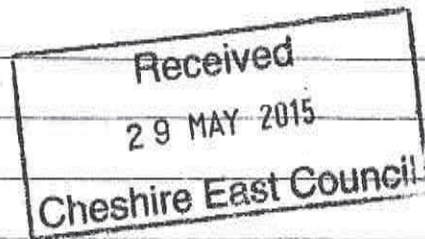
I am expressing my dismay at the proposed licensing plans at the Shakespeare Public house in Dog Lane Nantwich. I am a landlord of a property in Thomas Row and can understand the concern of my tenant (and others) appertaining to the unacceptable noise just a few metres from their dwellings. It is so loud for such a prolonged period that sleep is impossible. My tenant has to work the subsequent mornings and last time there was an event, found it very stressful trying to function.

after a sleepless night. It there is constant noise, disturbance and disgusting detritus on a regular basis, tenants are going to leave the area which I believe is

supposed to be a conservation area anyway. The behaviour of people after such long hours of drinking also promotes bad behaviour with people urinating, vomiting and causing disturbance even after the music has stopped. It is grossly unfair to expect law abiding hard working families to cope with this. Property prices will plummet and an area so close to a primary school will become a real problem.

Yours sincerely





~~XXXXXXXXXX~~
Nantwich
Cheshire
CW5 5LG

Dear Sir/Madam,

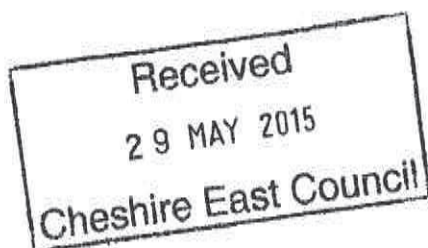
RE The Shakespeere of
35, Beam Street, Nantwich
CW5 5NA.

I am writing to object to the application that the above establishment has made for Variation of it's license.

My main objection is to the part:-
provision of recorded music externally
in the beer garden / outdoor drinking
area Mon - Sun 0800 - 2300 late night.

I do have concerns about the
other variations as I feel that they
can't control the volume on the people
that drink in there. However it is the
music that concerns me the most
due to having a 2 year old that sleeps
closest to the music and during the
Jazz festival it disturbed her sleep
so much that after 2 days we went
to stay elsewhere. At the moment we
are hearing the music up till about
midnight and this is with the doors
closed. Therefore this is why I feel
that I must write this letter to
make my feelings heard and hopefully

help in the decision you will make.



NANTWICH

CHESHIRE

CW5 5LG

I am writing to object to the application by The Shakespeare Pub, Beam Street, Nantwich, to hold any outdoor entertainment\ music events in the Beer Garden at the rear of the pub, on the grounds of excessive noise, as well as public order, after the ridiculous and upsetting events of Easter Sunday 2015 which only added to my concerns over outdoor entertainment in the beer garden. My previous objection and complaint should be on file .I live at above address, which is less than 10 meters from The Shakespeare's Beer Garden where these outdoor entertainments are proposed to be held.

The live music and DJ nights, which to date are held inside the pub, with stipulations, (closed doors and windows), can still be heard on occasion, (exceptable), especially when the rules of keeping the rear doors closed are broken, but who from the Council, after 11.00pm is there to enforce the rules?.

Regarding the outdoor event that took place on Easter Sunday Bank Holiday Weekend, who were available from the Council to monitor the noise levels? (All phone numbers tried were unavailable) over that Bank Holiday. If a license is granted for a Bank Holiday Outdoor events, who will be monitoring the noise levels, where and when?, and what action will be taken?.

My house has double glazing and the noise was unbearable, my bath water was rippling and the whole house was vibrating to the never ending beat\noise coming from the Beer Garden. My next door neighbours had the Police in their house who were powerless\ unwilling to do anything and a further neighbour had to take their little girl to her Grandparents, because of the noise levels were so high, but unfortunately are too apprehensive to complain and fortunately had somewhere to go.

I have lived at this address since 1996, which is in a residential conservation area, with elderly, young (Pre School) and disabled neighbours, some of which are apprehensive and frightened about your forthcoming descion. I have to get up for work 7.30am every Sunday morning, and 5 days a week and I believe it is my right, also my neighbours rights , to be able to have a peaceful ,uninterrupted night's sleep.

If any outdoor entertainment license is granted in this residential area, it will make my own life unbearable, affect my employment, and, I 'am not the only local resident, that, unwillingly may have to seek alternative residence, which I believe is completely unfair, because this is a friendly, peaceful neighbourhood.

I have previously complimented The Shakespeare about their controlling of the noise from DJ\music from inside and the noise levels from the Beer Garden, but with the longer nights and warmer weather, the noise from the Beer Garden is starting to increase, also the doors being left opened after 11.00am leaves to intermittent blasts of loud music from inside the pub, which really disturbs sleeping.

I hope my objections are noted, it will be unlikely that I will be able to attend any hearing, to object in person because of work commitments, (also like many of my neighbours),but I believe there will be some representation on this objection from my Local Councillor, and The Police.

Yours sincerely

THE LICENSING SECTION

CHESHIRE EAST COUNCIL

MUNICIPAL BUILDINGS

EXETER ST.

EXETER.

EXETER.

bank holiday I have no wish
to ever have to listen to it
again. A complaint was made
to the police who had to
ask the landlord to turn the
music down. Never again
please.

Yours faithfully,




Re The Shakespeare Public
house. Dog Lane Nantwich

We wish to object to the

application for variation of a
premises licence for the above
public house.

NANTWICH

END SLG.

As a resident of 

I had the unfortunate
experience to have to listen
to the forced music played
at the pub over the Easter



Nantwich

CW5 5NY

The Licensing Section
Cheshire East Council
Municipal Buildings
Earle Street
Crewe
CW1 2BJ

29th May 2015

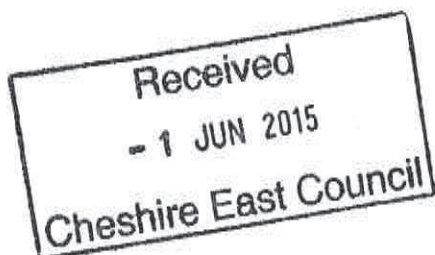
To whom it may concern

Application for a 3am License – The Shakespeare Public House

I am writing to raise my concerns about the application made by the proprietors of The Shakespeare for a 3am License.

Living in the centre of Nantwich I already see and hear noisy drunk people walking home, some using our gardens to urinate and vomit on. Being elderly the behavior of some of these people can make me feel quite vulnerable.

The Shakespeare is a noisy pub and a 3am license would mean more inconsiderate customers making noise throughout the night. How are we supposed to sleep?





NANTWICH.

The Licensing Section
Cheshire East Council
Municipal Buildings
Earle Street
Crewe
CW1 2BJ

29th May 2015

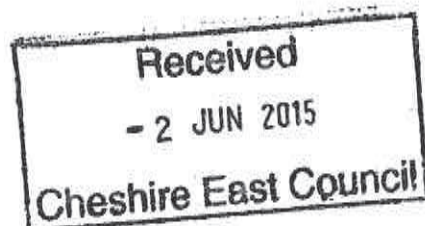
To whom it may concern

Application for a 3am License – The Shakespeare Public House

I am writing to raise my concerns about the application made by the proprietors of The Shakespeare for a 3am License.

Living in the centre of Nantwich I already see and hear noisy drunk people walking home, some using our gardens to urinate and vomit on. Being elderly the behavior of some of these people can make me feel quite vulnerable.

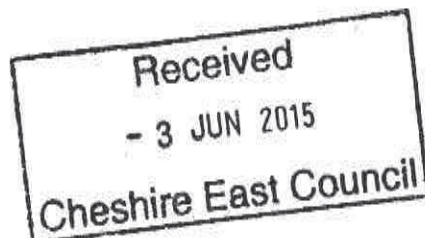
The Shakespeare is a noisy pub and a 3am license would mean more inconsiderate customers making noise throughout the night. How are we supposed to sleep?





[REDACTED]
[REDACTED]
Nantwich, Cheshire CW5 8DE
Telephone [REDACTED]
[REDACTED]

1.6.15.



The Licensing Section
Cheshire East Council
Municipal Buildings
Earle Street, Crewe
CW1 2BJ.

Dear Sirs

Variation of a Premises licence Licensing Act 2003
The Shakespeare of 35 Boarum St. Nantwich. CW5 5N

I wish to object to the granting of the varying of the above premises licence opening hours which relate to the Beer Garden adjacent to the Shakespeare.

1. I refer to the sale of alcohol on Sundays preceding a Bank Holiday between 08.00 - 23.00 and 23.00 - 00.00.

2. Provision of recorded music externally in the Beer Garden/outdoor drinking areas Monday to Sunday 08.00 - 23.00.

I am enclosing copy of the Land Registry CH99327 from which you will see the proximity of 101 Thomas Row (of which I am the owner/landl). I understand that the Jazz Festival caused a lot of unhappiness and complaints from the occupants of Thomas Row & nearby neighbours as loud speakers were used in the Beer Garden to the detriment of, & 'right to a peaceful existence', of the occupants of Thomas Row.

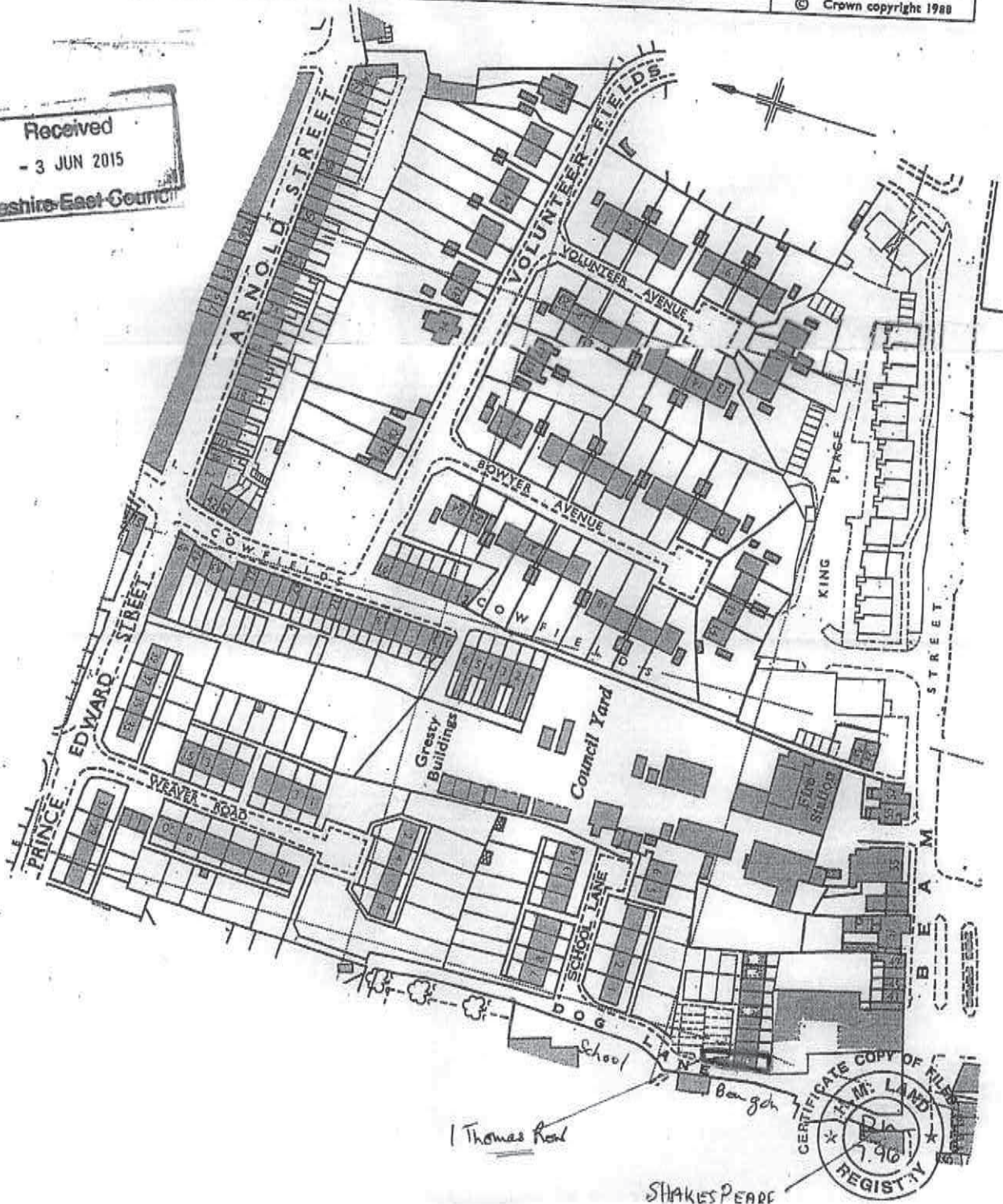
I hope that my objections are upheld.

Yours sincerely,

~~XXXXXXXXXX~~

H.M. LAND REGISTRY		TITLE NUMBER	
		CH399327	
ORDNANCE SURVEY PLAN REFERENCE	SJ 6552	SECTION H	Scale 1/1250 Enlarged from 1/2500
COUNTY CHESHIRE	DISTRICT CREWE AND NANTWICH		© Crown copyright 1988

Received
- 3 JUN 2015
Cheshire East Council



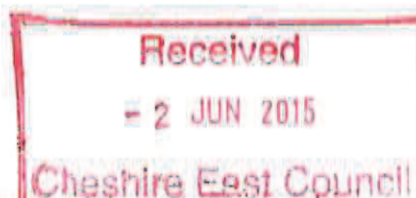


Town Clerk:- Ian Hope
 Tel :- 01270 619224
 Fax :- 01270 619225
 E-Mail :- nantwichtc@nantwichtowncouncil.gov.uk

Nantwich Civic Hall
 Market Street
 NANTWICH
 Cheshire
 CW5 5DG

Our Ref:- IHH/CEC Licensing

29 May 2015



Dear Sirs,

Shakespeare, Beam Street, Nantwich

APPLICATION FOR A PREMISES LICENCE - LICENSING ACT 2003

To vary the times of the following activities on the premises licence

Opening hours –

- Sunday 08.00 to 03.00
- Sale of Alcohol – Sunday 08.00 – 02.30 – to sell alcohol outdoors in the beer garden/outdoor drinking area on all Sundays preceding a bank holiday between the hours of 08.00 - 23.00.
- Provision of all permitted Regulated Entertainment (Indoors) Sunday 08.00 - 02.30
- Provision of recorded music - externally in the beer garden/outdoor drinking area Monday to Sunday 08.00 – 23.00.
- Late Night Refreshment – outdoors in the beer garden/outdoor drinking area on all Sundays preceding a bank holiday between the hours of 23.00 – 00.00
- Remove the condition in Annex 2: No person shall be admitted or re-admitted to the premises after 01.00
- Vary condition 4 in Annex 3 – to read “The Beer garden/outdoor drinking area shall not be used for the consumption of food and/or drink(s) after 00.00”

I write on behalf of Nantwich Town Council to object to the above application. The Town Council appreciates that the building is an existing public house and due consideration should be given to its ability to trade as effectively as any other similar establishment.

Impact on the prevention of public nuisance.

However the location of the public house and its proximity to residential property gives rise to concern. The extension of the licence to 3.00am will result in late night departure from the premises giving rise to public nuisance and demonstrable harm to living conditions of nearby residents in School Lane, Kensington Court and Dog Lane and it is suggested that an earlier closing time is more appropriate. In addition allowing the beer garden at the rear to be used for drinking and music during these late hours will cause even more harm to the nearby residents. The town already has an area of late night activity near The Studio and in Welsh Row. Allowing late night activity outside these areas will further stretch policing resources.

The Town Council strongly objects to the proposal.

Yours faithfully

Ian Hope
Town Clerk

The Licensing Section,
Cheshire East Council,
Macclesfield Town Hall,
Market Place,
Macclesfield,
Cheshire SK10 1DS

Cheshire CC WebGIS



(c) Crown copyright and database rights 2015. Ordnance Survey 100049045, 100049046.

