

Licensing Act Sub-Committee

Agenda

Date: Thursday 2nd June 2016
Time: 9.30 am
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: The Mill Bar and Restaurant, Town Mill, High Street, Sandbach, CW11 1AH (Pages 45 - 174)**

To consider an application for the review of a Premises Licence for the Mill Bar and Restaurant, Town Mill, High Street, Sandbach

For requests for further information

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CHESHIRE EAST COUNCIL

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

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

Officers at Hearings

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

PROCEDURE

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

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

5	Responsible Authorities (who have made representations)	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.
6	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

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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

LICENSING ACT SUB-COMMITTEE

Date of Meeting:	2nd June 2016
Report of:	Miss K Evans, Licensing Team Leader
Subject/Title:	Application for the review of a Premises Licence The Mill Bar and Restaurant, Town Mill, High Street, Sandbach, CW11 1AH

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:

The Mill Bar and Restaurant
Town Mill
High Street
Sandbach
CW11 1AH

- 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

2.6 Members should also consider the following:

- The Local Authority's statutory responsibility under the Health and Social Care Act 2012 for the health of the population of Cheshire East
- 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.

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 Sandbach

5.0 Local Ward Members

5.1 Councillor Barry 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 Statement as a whole and the general principles contained within, Members may wish to consider the following:

6.2.1 This application for the review of a premises licence relates to the undermining of the prevention of crime and disorder and the protection of children from harm objectives. The Council's policy deals with these matters at paragraphs 7 and 10 respectively.

6.2.2 Anti-social behaviour, which overlaps with the crime and disorder objective and the Police's information, is also addressed within the Statement of Police at paragraph 6

6.2.3 The Policy also deals with the reviews of licences and enforcement matters 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:

- 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.
- 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.
- Remove the designated premises supervisor
- Suspend the licence for a period not exceeding three months
- 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

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

- 10.1 On the 7th April 2016 an application for a review of the Premises Licence 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) the Protection of Children from Harm. A copy of the review application is appended to this report as Appendix 1 together with the support evidence provided by the Police.
- 10.2 The Premises Licence Holder and Designated Premises Supervisor named on the Premises Licence is Mr Jonathan Jones. A copy of the Premises Licence is appended to this report as Appendix 2. Mr Jones has submitted a statement in relation to the application for review to the Police who in turn provided this information to the Licensing Authority on 22nd April 2016 (appendix 3).
- 10.3 Within the prescribed consultation period in relation to the review, the Licensing Authority has received representations from the Council's Public Health Team acting as a Responsible Authority under the Act. Representations have also been received from one other person.
- 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:

- 10.5.1 The representation from the Environmental Health Officer is attached as Appendix 4 of this report.

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

Other Persons:

- 10.5.2 The Council has received a representation in support of the premises (appendix 5).

10.6 Procedural Matters

- 10.6.1 In accordance with The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 the Council is required to advertise the application, including the placing of notices at or near the premises subject of the review for not less than 28 days.
- 10.6.2 The reason for the placing of notices is to make members of the public aware of the Review. The notices must also state the grounds for the review in

accordance with regulation 39. The grounds for the review were summarised on the notice with the information taken from the review application form.

10.6.3 Notices were displayed in accordance with this requirement. However, on a number of occasions the notices were either tampered with or removed entirely. This necessitated officers repeatedly redisplaying them. A report describing this process is at appendix 6 together with a copy of the notice and a letter sent to the premises licence holder on the 19th April 2016. Photographs from the Council's CCTV department will also be available to Members at the Hearing.

10.6.4 In his statement provided to the Police Mr Jones explains that he was advised to remove the notices by his solicitor because they are a '*...misrepresentation of true and actual fact (therefore this is giving the public false/unsubstantiated information and trying to falsely guide their judgement)*'. However, the notices represent the grounds put forward by the Police for the review and the Hearing is Mr Jones' opportunity to clarify or refute any misleading or untrue statements.

10.6.5 The requirement to advertise the notices at the premises for no less than 28 consecutive days at the premises has not been fully complied with.

10.6.6 However, the case of R (on the application of Akin) v Stratford Magistrates Court [2014] EWHC 4633 (Admin) has recently dealt with the validity of notices and confirms that substantial compliance with the relevant regulations (38 and 39 taken as a whole) is sufficient for the process to be deemed valid. This follows and reiterates previous case law concerning procedural defects. The information provided by Officers in relation to the notices supports that substantial compliance, insofar as Mr Jones' actions allowed, has been achieved.

10.6.7 In addition to the notices at the premises, notices were also displayed at the Council's Westfields Offices and on the Council's website. Notices were displayed on blue A4 paper with size 16 font and followed the requirements in regulation 39 on its content.

10.7 Cheshire Police has also provided copies of letters sent to the premises licence holder on the 6th and 14th April 2016. These letters are attached at appendix 7.

11.0 Access to Information

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

Name: Miss K Evans

Designation: Licensing Team Leader

Tel No: 0300 123 5015

Email: kim.evans@cheshireeast.gov.uk

APPENDICES

- Appendix 1 – Review application and accompanying documentation (Police appendices A – H)
- Appendix 2 - Existing Premises Licence and conditions
- Appendix 3 - Statement and information from the Premises Licence Holder
- Appendix 4 - Representation from Public Health
- Appendix 5 - Representations received in support of the premises
- Appendix 6 - Information in relation to the displaying of the public notices
- Appendix 7 - Letters sent by the Police to the Premises Licence Holder
- Appendix 8 - Plan of area

[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 Sergeant 3641 Lindsay Chamberlain

(Insert name of applicant)

apply for the review of a premises licence under section 51 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Mill Bar & Restaurant, Ground Floor, Town Mill, High Street,	
Post town Sandbach	Post code (if known) CW11 1AH

Name of premises licence holder or club holding club premises certificate (if known) Mr Jonathan Harry Thomas Jones

Number of premises licence or club premises certificate (if known) LAPRE/0956/05
--

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

Please tick ✓ yes

☐

I am 18 years old or over

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 Chief Officer of Police C/O Sergeant 3641 Lindsay Chamberlain Crewe Police Station Civic Centre Crewe CW1 2DG
Telephone number (if any) 01606 362566
E-mail address (optional) <u>lindsay.chamberlain@cheshire.pnn.police.uk</u>

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

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

I submit this application for a review of the licence under the licensing objectives , the prevention of crime and disorder and protection of harm to children.

The Mill is not being managed in a responsible manner , the premises license conditions are not being adhered to which is having a negative impact on the local community and those that attend the Mill and surrounding premises. In a recent case still under investigation a young man had his jaw broken inside the premises, further information is attached .

The Mill Bar and Restaurant current premises license was issued on February 17th 2015 and has Jonathan Harry Thomas Jones as the holder. During the time it took for Jonathan Jones to become the holder of the premises license and during his position in this post, he has come to the attention of the local authority , Cheshire Constabulary licensing and Crewe local policing units. As you will see from the statements in the information section at the beginning these were supportive conversations from these public authorities but to date he still does not comply with the conditions of his license. Failure to comply with those premises license conditions undermines Jonathan Jones' ability to comply with the licenses objectives. Prevention of crime and disorder and Protection from harm to children.

Many of the conditions contained within the Premises License support the objective to protect children from harm . As Jonathan Jones is not complying with these conditions he is exposing children , those under 18 years old to potential harm . You will see in the statements attached that Jonathan Jones has deliberately sought out young people especially girls to work at his premises as glass collectors. Jonathan Jones puts these children on a work trial, no payments, then asked them to work beyond the licensed hours , they have been supplied alcohol whilst working at The Mill. This irresponsible behaviour has made these children vulnerable and likely to come to harm, especially in the adult environment of a bar. The children who frequent The Mill are at real risk of child sexual exploitation. .

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

During the initial application and obtaining of the premises license there has been issues with Jonathan Jones being unable to comply with legislation and conditions. This is documented in the statement by Cheshire Constabulary's licensing officer David Smethurst. **Appendix A**.

Mr Smethurst recounts the issues regarding the layout, gaming machines, an inability to tell the truth and failure to support police investigations of crimes within the license premises by withholding CCTV. This statement highlights the failure to achieve both objectives, Prevention of crime and disorder and Protection of harm to children. The latter of Mr Smethurst's statement details the report from a mother of a sixteen year old girl who was so ill through her alcohol consumption at this premises she was still suffering the effects several days later.

In addition to support the evidence of not complying with the licensing objective to prevent harm to children, there are two accounts of two girls aged 15 and 16 working as glass collectors until past the hours of closing at 0300hrs (closing is 0200hrs). This is against the law of employing children and his licensing objective which state "no person under 18 years may enter or remain on the premises after 2100 unless in attendance at a pre-booked private family function which has the exclusive use of the entire premises"

To support the evidence for the objective prevention of harm to children. There are two statements one from the mother of a 16 year old school girl who went for a trial as a class collector on Saturday 6th December 2015, which details that Mr Jones wanted the girl to work until 4 am was given alcohol through the course of the night knowing how old she was. This school girl was so unwell she went to see the GP the next day. This version of events is supported by her mother. **Appendix B**.

On December 20th 2015 following reports and intelligence that alcohol was being sold after hours police entered the premises under section 179 and 180 of the Licensing Act 2003. The following officers; PC 3872 Kerrie Cummings, SC 80858 Blackburn, PC 2809 Hinett, PC 5148 Harrison and PC 3794 Wray. Details of their findings are in their statements. To summarise, the police entered at 0152 hrs on Sunday 20th December 2015. The late night entertainment was in full swing (licensed only until 0115hrs). Alcoholic drinks still being served (supply of alcohol licensed until 0115hrs). The majority of the patrons were heavily intoxicated and signs of drugs use. **Appendix C**

Following this licensing visit, Cheshire Constabulary licensing officer hand delivered a formal letter, **Appendix D** to the premises licensing holder Jonathan Jones detailing the non-compliance with the premises license. The following was asked of Jonathan Jones :-

- Stop employing children to work unlawfully in your premises
- Stop employing people under the age of 18 years to sell alcohol
- Comply with your premises license, its conditions and hours, including CCTV conditions
- Take steps to prevent the widespread and blatantly unlawful use of controlled drugs within your premises

Nothing improved over the coming months. The premises was only being managed by the fact that most weekends the local patrols would take in The Mill as part of their patrol plans which ensured the premises closed at 2 am.

During this time due to the issues reported so far, a late Temporary Event Notice was

refused and a visit conducted after closing time to see if they had complied. To some degree The Mill had. At 0240hrs the premises was still open, there was music on and people drinking. The people drinking were staff and the DJs who had performed at the event.

In February 2016 Sgt Chamberlain and Sgt Watkins visited Jonathan Jones who was accompanied by his parents at the Mill Bar and Restaurant to discuss any progress being made since the letter. Sgt Watkins statement, **Appendix E** details the meeting and following actions. In summary, there was no progress but more worrying there was a total lack of understanding of the importance of complying with the conditions on license and in fact did not seem to understand what they were. During this meeting Jonathan Jones admitted employing two 17 year old glass collectors.

Following the meeting Sgt Watkins hand delivered another letter police exhibit CW/1 (court ref). This was hand delivered on Monday 15th February 2016.

Since the meeting in February 2016 the CCTV system which was seized by police has been returned to premises.

Sgt Watkin's statement is supported by Cheshire East CCTV from Thursday 25th February 2016. Sgt Watkin's was informed by Jonathan Jones, it was a private function. The CCTV shows a very young man slumped against a wall who is intoxicated and unable to look after himself.

At the same event a few weeks later, which is not a private function but an advertised event by the Mill on Thursday 24th March 2016 incident 978 refers. An incident relates to a father calling the police about concern over the welfare of his 17 year old son. Details of this are in PC 5240 Need's statement, **Appendix F**. The 17 year old boy was intoxicated and had some sort of altercation with the door staff.

I, Sgt Chamberlain had further conversations with the father of this 17 year old boy. Over the last few weeks Sandbach High School head boy committee have been paying to hold a disco at The Mill where under 18 can attend. A wrist band system exists but it is not complied with. If the wrist band is not on and the person tells the bar staff they have lost the wrist band, the bar staff simply sell alcohol to the children. Equally concerning is that there have been several assaults on children by door staff and bar staff which has resulted in bleeding noses, although not officially reported to the police.

This is a breach of the premises license conditions "No person under 18 years may enter or remain on the premises after 2100 unless in attendance at a pre-booked private family function which has the exclusive use of the entire premises". As it is not complied with, the premises are not supporting the licensing objectives Prevention of crime and disorder and Protection of harm to children.

A serious assault occurred inside The Mill on 20th March 2016 when a customer had his jaw and eye socket broken. This happened on the dance floor but no one from The Mill, door staff nor bar staff, manager or premises license holder called for an ambulance or the police. Since that date the police have been trying to obtain footage from the venue. Jonathan Jones did give a copy of the cctv but it showed outside cameras on the night and inside from a night when The Mill was not opening, showing an empty bar. Those images, albeit for the wrong date, were grainy and of poor quality and **not** to the satisfaction of the Police Licencing Officer.

It appears that once again Jonathan Jones has managed to frustrate an investigation which may have provided a window into activities at The Mill and in doing so failed to comply with

his image retention condition of license :-

- A CCTV system will be installed and maintained at the premises to the satisfaction of the Police Licensing Officer. It will record continuously and securely retain unedited images for a period of not less than 28 days.

This clearly demonstrates Jonathan Jones breaching the licensing conditions, he is failing to support the license objective to Prevent crime and disorder. Without this evidence the police are unable to bring the offender to justice, the offender remains a threat to the community whilst outstanding for this serious assault.

In addition there are statements from Sophie Barrett former worker at The Mill and Robert Davenport former door staff at The Mill both describe in their opinion Jonathan Jones lack of ability to run a licensed premises and how he did not adhere to the license conditions when they worked at The Mill. Although it does not give direct evidence of failure to comply with licensing objectives it does highlight Jonathan Jones' bad attitude and total disregard of his responsibilities as a Premises License Holder. Together with a statement from another Designated Premises Supervisor, Roger Morse who describes what it was like to have The Mill in the same town as your business, due to it not being run responsibly. He also describes an incident which highlights that woman maybe being deliberately targeted in The Mill.

Appendix G

I present this application for a review to the licensing panel due to the fact that other less punitive methods have not worked. Since becoming the Premises License Holder of The Mill Jonathan Jones has had ample opportunity to get his premises in order with guidance and support from the police and licensing officers but has chosen not to. With the recent lack of action taken by The Mill in help the victim of the serious assault, who has life changing injuries and the constant risk of children being harmed I see no other option but to have The Mill's Premises license revoked.

List of documents sent by post :-

Appendix A - Statement from David George Smethurst

Appendix B – Statement from school girl age 16 (edited to remove all children's names from the statement)

Statement from Nicola Jayne Leese

Appendix C – Statement from Sc 80858 Andy Blackburn

Statement from PC 3872 Kerrie Cummings

Statement from PC 2809 Kevan Hinett

Statement from PC 5148 Helen Julia Harrison

Appendix D – Letter dated 22nd December 2015 from David Smethurst to Jonathan Jones

Appendix E – Statement from PS 3593 Christian Watkins

Statement from James Sharp – cctv operator for Cheshire East Council

Letter dated 15th February 2016 from PS Watkins to Jonathan Jones

Appendix F – Statement from PC 5240 Roger Need .

Appendix G – Statement from David George Smethurst

Letter dated 29th March 2016 from David Smethurst to Jonathan Jones

Appendix H- Statement from Sophie Jade Barrett

Statement from Robert Alan Davenport

Statement from Robert James Morse .

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

Lindsay J Chamberlain

Date 6th April 2016

Capacity Responsible Authority

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Chief Officer of Police C/O Sergeant 3641 Lindsay Chamberlain Crewe Police Station Civic Centre	
Post town Crewe	Post Code CW1 2DG
Telephone number (if any) 01606 362566	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) Lindsay.chamberlain@cheshire.pnn.police.uk	

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.

Please tick ✓ yes

7

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

If yes please state the date of that application

Day Month Year

1	2	3	4	5	6	7	8
---	---	---	---	---	---	---	---

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

Appendix A

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: David George Smethurst

Age if under 18 (if over 18 insert 'over 18'): 018 Occupation: POLICE LICENSING OFFICER

This statement (consisting of 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: 22/12/15

Check box if witness evidence is visually recorded ☐Witness personal details should be entered in appropriate section **ONLY**.

I am a police staff licensing officer with 10 years experience in that capacity. I employed by Cheshire Police and based at Sandbach. Prior to my current role I was a police officer with Cheshire Police retiring after 33 years service in the rank of Sergeant. For the vast majority of my service I have lived and primarily served in the area now comprising Cheshire East. In my current role I am able to access many computer records of incidents reported to and attended by police officers and staff and I will refer to those at times in this statement.

In the 43 years I have worked for Cheshire Police I have met and worked with many hundreds of people running licensed premises across Cheshire East. In the main I have found them hard working, co-operative when working with the police investigations and normally eager to ensure their operation is compliant with guidance and lawful.

In my area of responsibility is the Mill Bar and Restaurant, Town Mill, High Street, Sandbach, CW11 1AH. The Premises Licence Holder and Designated Premises Supervisor at the premises is Mr Jonathon Harry Thomas Jones, commonly known in Sandbach as JJ.

The Mill Bar and Restaurant occupies part of the ground floor at the Town Mill and is accessed via a narrow alleyway off High Street which is directly opposite the cobbled area known as Market Square. Also accessed via the same ground floor door from the alleyway into the Town Mill is an antique business owned by JJ's father, who is also Mr Jones.

I am aware that at least some of the floors above the ground floor provide living accommodation.

I first met JJ on 26th August 2014 when I visited his premises as he had a few days before applied to transfer the premises licence to himself. I immediately recognised that the layout of

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

the premises had been changed as the bar servery had moved and that he had installed two gaming machines. I explained to him that he cannot simply make substantial changes to the premises and that he must advise the licensing authority of the amendments he has made, explained to him how to do that and that he must also inform the licensing authority that he has decided to take up his entitlement to install two gaming machines.

I also advised JJ that as the person nominated on the licence at that time as Designated Premises Supervisor had left the area and now had nothing to do with his business he must also nominate, as a matter of urgency, a Personal Licence Holder to be the new Designated Premises Supervisor.

It took until 16th September 2015 for him to resolve the layout changes by submitting an application and until 2nd February 2015 to legitimize the gaming machines by notifying the Licensing Authority. During this time I reminded and badgered JJ numerous times simply in an effort to get him to operate lawfully and on many occasions he simply lied to me. I have since learnt from my many interactions with JJ and heard from other responsible authorities that he is an accomplished and prolific liar and particularly when taken to task about issues. He appears to treat all and any responsible authority, including the police and judiciary with contempt.

A few days later in the early hours of 2nd September 2014 an incident was reported to police by the mother of a 16 year old girl who worked at the Mill Bar & Restaurant. The child had gone to the premises the previous evening ostensibly for a small party to celebrate a colleagues birthday. Her mother became concerned when she had not returned home as she expected and so the mother attended at the Mill to try and find her daughter. When the mother arrived at the Mill she found her daughter drunk and crying and the mother rang the police at 01:55 hours to try and find out what had gone on. When the police arrived the child was present with her mother, two female members of staff and a male bar manager, although not JJ. The child presented to the officers as hysterical and drunk and when questioned about what had happened she became even more upset. It was noted by the officers that the child had marks on her neck which appeared to be love bites. The child was not questioned further at the time due to her drunken state and she subsequently refused to divulge what had gone on. The staff members present were also questioned about what had happened to the child and there was no

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**

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dispute that she had been given alcohol at various stages during the evening and that JJ had been present on and off. However no one admitted to actually providing the alcohol for her although they all knew she was only 16 years of age. They also knew that after the premises had closed to the public, at which stage the child was drunk, she had left the bar area with JJ. When she returned to the bar area she was crying and upset and allegedly made a comment to one of the female members of staff that some sexual contact had taken place. Another female member of staff went out to the area at the rear believed to have been where JJ and the child went to and found a pair of knickers on a fire escape.

The following day on 3rd September 2014 I went to the Mill at 15:00 hours and spoke to JJ. I told him that I wanted CCTV recordings of the events of the previous night so that I could identify who had given the 16 year old child alcohol and find out exactly what had happened to her. He said the CCTV was faulty, but would be repaired by the following day and that I could have copies then. He identified the area where he and the child had gone to the previous night as being the fire escape at the rear of the premises and that it was not covered by CCTV. He also gave me his version of what took place when he and the child were alone.

I returned to the premises the following day on 4th September 2014 where JJ alleged the CCTV had not been recording at all on the night the child got drunk and so he could not provide CCTV recordings for me.

Whilst there I reminded him that he had still not submitted an application to the licensing authority to cover the layout changes he had made or to legitimize his provision of the gaming machines. It then took a further 12 days of me badgering JJ for him to submit an application to cover the layout changes he had already made.

At 01:17 hours on Friday 12th December 2014 police officers attended an incident at the Mill which culminated in two young men being arrested. However members of the public not involved in the incident were irate that members of staff at the Mill had in fact orchestrated the whole incident and wound the young men up.

As a result I made numerous approaches to the Mill in an effort to secure CCTV recordings and see what, if any, criticism could be levelled at the Mill's staff for what occurred. I then either visited personally, rang, emailed or sent letters on 15 separate occasions in an effort to secure

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**

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Page 4

CCTV recordings. I spoke to numerous members of staff and even JJ's own father with abortive messages about the CCTV with the last attempt being on 13th January 2015.

In the intervening period there have been various internal disputes involving JJ and people he was in business with and the premises have been closed at times.

However during the latter part of 2015 I started to receive numerous compliants about the Mill frequently staying open until 04:00, 05:00 and even later on occasions. People who live or have business premises nearby with CCTV said they had seen groups of people coming away from the premises well after it should have closed to the public. It also has a reputation as somewhere where drugs can be obtained, is referred to as a drugs den and people who live in Sandbach have recently told me it also enjoys a reputation as somewhere where young girls can trade sex for alcohol or drugs.

On the 14th December 2015 information came to my notice that a young female child aged 15 years of age had worked as a glass collector at the Mill on Friday 11th December 2015 and arrived back home in Sandbach at 03:15 hours. I spoke to the mother of the child and her mother confirmed that she now knew her daughter had worked at the Mill, as I had been told, and that she would never work there again although her parents eventually decided against making formal statements.

I was further informed that a 16 year old female child had also worked as a glass collector on the following night, i.e. Saturday 12th December 2015, at the Mill and she worked until around 03:00 hours. During the evening she had been given alcohol by males aged under 18 years of age who were working the bar servery and by 03:00 hours when she left she was incapable of looking after herself and subsequently felt someone had been slipped a substance other than alcohol into her drink. Prior to commencing her shift she was told she would be working until 04:00 hours.

It was also alleged that both the young 15 year old and 16 year old girl had been approached and offered work at the the Mill as they were on a list maintained by JJ of people deemed suitable to receive such an offer.

Signature:

Signature Witnessed By:

Restricted (when completed)

Appendix B

RESTRICTED (when complete)


Cheshire
Constabulary
 BE SAFE, FEEL SAFE

WITNESS STATEMENT

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

URN

Statement of: [REDACTED]

Age if under 18: 14y13 (if over 18 insert 'over 18')

Occupation: School, etc.

This statement (consisting of 3 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: X [REDACTED]

Date:

29/12/15.

Tick if witness evidence is visually recorded ☐

(Witness personal details should be entered in appropriate section ONLY)

On Wednesday 10th December I heard that someone had given my details to the owner of The Hub, one of my friends at school told me that through working there the owner had made a list of boys and girls of my age to be a glass collectors.

I then rang up on the Tuesday and spoke to a man who I didn't know at the time was the owner but my mum told him so I then discovered

he said that I could come in for a trial on the Saturday I was happy with this and thought I would give it a go. He told me that the hours would be 8pm until 11pm and that it was a trial so I knew it wouldn't be paid. I didn't realise that this isn't right until my mum.

I was nervous about going and I had heard that there are weird men who go in there my friend Sophie had been asked my one lad Aldo that if she didn't get in the back and spread her legs she would have them spread for her there and then.

Danielle Morris greeted me and she told me what I had to do and how to clean up.

I also know [REDACTED] who is 14yrs old and he works until 11pm He also collects glasses and clears up. I worked with [REDACTED] helping them

Signature: X [REDACTED]

Signature witnessed by: PTO

RESTRICTED (when complete)



Page No. 2 of 3

Continuation of Statement of [REDACTED]

load the glass washer.

In between times I would stand with my boyfriend who came in to keep an eye on me, he had fell out with me earlier on as he didn't want me there.

At 3am it shut down and he kicked everyone out. The only people left were those that worked there.

From 12.30am I was offered malibu and Coke and shots from Aaron Beardonmore who is one of the bartenders. I had one glass of malibu and Coke and 2 shots of ~~red and green~~ alcohol sars. These I drank between 12.30am and 3am. I started to feel tipsy quicker than normal and felt drunk and sick but held it back because I didn't want to be sick.

I got on with most people except Aaron Butchman who was weird and flirted with me so I stayed away.

He has a fake identification because he is not 18 until 12th February.

Around 2am I felt like my voice was echoing in my ears, my eyes were blurred, my stomach was funny. I felt terrible nothing like I have when I normally have a drink.

I remember going home I can't remember some stuff meeting etc. were meant to have, the only thing I can remember after this was leaning over the bar at home.

I slept and slept when I woke my head was pounding I felt so bad, I tried to go out but came back and when back to bed straight away. I feel that

Signature: [REDACTED] Signature witnessed by: [REDACTED]

RESTRICTED (when complete)Page No. 3 of 3

Continuation of Statement of

Something had been put in my drink it took me days to feel ok. My mum persuaded me to go to the doctors. I was scared to go at first in case of them telling me off but I went and have had blood tests to make sure I am ok.

I am not going to go back because it is not the right environment for a 16yr old I just wanted a job for christmas x

Signature:

Signature witnessed by:

RESTRICTED (when complete)


Cheshire
Constabulary
 BE SAFE. FEEL SAFE

WITNESS STATEMENT

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

URN

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Statement of:

NICOLA JAYNE LEESE

Age if under 18:

018

(if over 18 insert 'over 18')

Occupation:

Unemployed

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: X

Date:

15th December 15

Tick if witness evidence is visually recorded

☐

(Witness personal details should be entered in appropriate section ONLY)

On the 12th December 2015 my daughter [REDACTED] went for a work trial at The Mill on High Street SANDRACH.

She was told to go in smart casual clothes and to be there for 8pm.

Allegedly there is a list that the licensee has that apparently has the names of young people in the area. [REDACTED] rang genuinely to see if she was on the list and Jon Jones had told her she was and come for a trial. [REDACTED] had no idea how she was on this list and along with other such as Jack Bradley who she asked, she asked Adam Beardmore to ask him what she would have to do and said it was just glass collecting.

Also behind the bar Aaron Blackshaw who is not 18 until February, Adam Beardmore who is 20/21yrs and [REDACTED] who is not yet 16yrs.

We were out the Saxon Arms for a birthday meal and [REDACTED] went over to The Mill for the trial. We had felt out about this trial her boyfriend Aaron and us had felt out with her about it. Aaron had advised her that it was not the place for her because of what was going on with drugs etc.

She was dead nervous and didn't want to eat her

Signature: X

Signature witnessed by:

PTO

RESTRICTED (when complete)



Page No. 2 of 4

Continuation of Statement of Nicola Jayne Leese

meal.

I believe that her friend [REDACTED] had already told her that when she was there she came home at 11am and had been given drinks that were alcoholic.

Aaron came back and said she was OK. We left the Saxons Crew at 9.30pm leaving Aaron and the others to go over to The Lion to watch the boxing.

Alicia was 18 that night so she was excited to be able to go in the pub.

We went home and went to bed and then about 03.10am I thought I was dreaming as I heard a voice calling our names. He apologised for coming into our room but he was worried about [REDACTED] as she was just lay flopped on her bed with her head lolling about. She was also lay just staring blankly at the ceiling.

I saw that she was in bed with her head back eyes glazed. I called to her but she was unresponsive. I asked Aaron had she been drinking. Aaron said she had had a few but that he suddenly saw her wobbling around and dropping the glasses and that it happened very suddenly.

I couldn't smell alcohol and it concerned me as she didn't look drunk or Merry just as though she had been drunk.

Aaron told me that he could not get her home that she didn't know where she was. She has been drunk before and she just acts silly and this was completely out of character.

Signature: X

Signature witnessed by:

RESTRICTED (when complete)

Page No. 3 of 4

Continuation of Statement of

Nicola Jayne Leese

I tried to open her eyes but there was nothing.

I woke Nigel up as I was worried. She had opened her eyes and they were stuck open. She suddenly sat bolt upright and started crying. Aaron got a bin for her to be sick in. There was just spit apparently I had gone out as I don't like sick, instead she started screaming, shouting and crying talking rubbish before suddenly collapsing back.

Aaron stayed all night and she woke at 11am but was still poorly. She then slept until 8.30pm that next night, she had got up and gone out with Aaron to pick her sister up but she still felt ill.

On Monday she was still complaining of pain in her stomach and sore throat and not feeling well.

Eventually I convinced her to go to the doctors and he gave her some blood tests the next day of which we are awaiting the results.

I will never allow her back in that place ever it is so scary, I believe that she was given something other than just alcoholic. I still would have been angry as she shouldn't be given alcohol at all!

I am scared that girls are at risk going into that place and I have heard that there are less than nice people working behind the bar such as Aaron Rickman.

I have heard so much bad stuff, drugs underage drinking, that the licensee sniffs lines of drugs off the bar, and others are now coming forward to say what is happening.

I support any investigation that is done as to

Signature: X

Signature witnessed by:

RESTRICTED (when complete)

F200203 - MG11 (CONT)



Page No. 4 of 4

Continuation of Statement of NICOLA JAYNE LEES

what is happening in The Miu and the dangers
to the Community X

Signature: X

Signature witnessed by:

Appendix C

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:

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Page 1

Statement of:

Andy Blackburn

Age if under 18 (if over 18 insert 'over 18'):

Occupation: *SC 80858*

This statement (consisting of _____ 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: *25/12/2015*Check box if witness evidence is visually recorded ☐Witness personal details should be entered in appropriate section **ONLY**.

I am SC 80858 Blackburn of the Cheshire constabulary, currently stationed at Sandbach Police station on the neighbourhood policing team.

On Sunday the 20th of December 2015 I was on duty in company with Pc 3794 Wray, when at approximately 01:52hrs we were asked to attend at The Mill, Highstreet, Sandbach, CW11 1AH.

On arrival at The Mill we were joined by 6 other members of the team to carry out licensing visit under section 179/180 other licensing act 2003.

It was clear to say that they were still letting people into the venue through the main front entrance at 1:52 the licensee Mr JOHNATHON JONES was on the door. As we approached we could see Mr JONES was still allowing people in and out of the venue we question two people in particular which hesitantly said that they are normally allowed in this time Mr JONES gave them a stern stare.

He stated that he wasn't allowing people in and this was clearly not the case.

As we entered the premises it was clear to see that the disco was in full swing as the music was still on and very loud, people were still standing at the bar as if they were buying drinks at this point the bar staff were aware of our presence and were very sheepish and started to collect glasses. As I walked through the venue it was clear to see people had full glasses, bottles et

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**

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cetera I spoke to some people who were not willing to give me their details but they did admit that they had bought their drinks within the last 10 to 15 minutes.

Once the door staff had cleared the venue I then used a cocaine indicating wipe on the tops of the surfaces in the toilets it indicated positive for cocaine.

A member of the door staff was present as we were carrying out these tests he appeared nervous and announced he was just using the toilet and wasn't checking on us.

After leaving the premises I spoke to some of the people outside, they all generally seemed young I would estimate at 18yrs upwards but some in my opinion could have been quite possibly younger.

The majority of them seemed heavily intoxicated indicating to me that the bar staff may have been serving alcohol to individuals when already drunk.

In my 20s I was the bar manager for the lion public house in Sandbach for a number of years this has given me the ability to be able to judge somebody's level of intoxication and whether they are suitable to be served or not. Having witnessed the behaviour and inability of those trying to function after the amount of alcohol they had consumed it appeared to be the intention of the bar to allow people to become in ancompetant state.

After the licensing visit we resumed patrol in Sandbach town centre. Whilst walking along the main street, where The Mill is situated, we could see that there were still small groups of poeple in the area, who had congregated together after leaving the premises, the majority of which seemed intoxicated, slumped on benches, leaning on walls, sitting on curbs and being looked after by their friends.

I spoke to a group of three males of approximately 18 years of age, the males were in the doorway of the shop two of them were heavily intoxicated and both had fully dilated eyes I suspect because of drugs use, the third male explained to me that they had come from The Mill

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

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One of his friends was kneeling on the floor on his hands and knees, he was retching as if trying to be sick , but nothing was coming out which I found was odd if he had consumed a lot of liquid. He was unable to stand and his friend explained that one of his family members was coming to pick them up as the night had got a little out of hand .

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**

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07

Page 1

Statement of: Kerrie CUMMINGS**Age if under 18 (if over 18 insert 'over 18'):** 018 **Occupation:** Police OFFICER

This statement (consisting of _____ 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:** 20/12/15**Check box if witness evidence is visually recorded** ☐Witness personal details should be entered in appropriate section **ONLY**.

I am Police Constable 3872 Kerrie CUMMINGS of CHESHIRE CONSTABULARY based at SANDBACH POLICE STATION as part of CREWE LPU.

On SATURDAY 20th DECEMBER 2015 at approximately 01:52 hours I entered THE MILL public House on HIGH STREET in SANDBACH in company with other colleagues.

The powers of entry were based upon the rights of entry to investigate licensable activities under section 179/ 180 Licensing Act 2003 and intelligence received that the sale of alcohol was taking place after licensable hours.

On arrival at the front door the owner Jonothan JONES was about to allow 2 males entry, on seeing us he loudly told them they were refused entry as he had been closed since 01:15. The males continued to argue with him and I asked one of the males do you usually get in at this time to which he replied yes.

On entering the club I witnessed that it was of full capacity with music at full volume and 4 DJ's at the rear of the club. There was at least 10/15 people at the bar waiting to be served and you could see people walking away from the bar with full bottles of beer. There was dry ice being pumped actively around the room and a lot of people dancing on the dance floor.

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**

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I became aware of one of the bouncers a tall asian fellow with a beard who was suddenly given the nod by another bouncer, start to make his way rapidly through the crowd to the end of the room. I followed him immediately to see what he was attempting to do, to which he headed straight to the DJ's and told them "IF YOU ARE ASKED TELL THEM YOU WERE TOLD TO FINISH AT 2"...At the same time, as the music was loud, he used his hand in a cutting motion across his throat to mean "cut" and held 2 fingers up to signal 2am. I could see that the DJ's looked confused and on seeing me behind the bouncer did not reply. I then asked the DJ's when they were originally told to finish and they told me that they were employed to play until whenever or just until they were told to stop.

I told the DJ's that they had to stop immediately and explained why to which they obliged. We then started to clear the pub. Once the music was off it was clear that there had been no attempt to finish the night or to ask people to leave. I could see most individuals had full bottles of beer or full pint glasses that had been freshly poured and the bottles were cold as though just produced from the fridge. I enquired with some individual when they last got served to which only 2 admitted that it was within the last couple of minutes. It was then I could see that one male was going around telling people to say they last got served at 12.30.

The pub started to clear but it became obvious that lots of people were very very drunk. One female fell over in front of me with a full drink and on entering The Mill I witnessed one male being carried out unable to walk.

Behind the bar I witnessed 2 males, one called Jack Bradley and another who I know are only 16 years old. One of these was glass collecting but the other was witnessed by PC Harrison serving as she entered.

I also spoke with a male called Aaron BLACKSHAW who had served all night and is openly employed as barman who I know is not 18 his dob being 12/2/98. he admitted that he had been working and that he is not 18.

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**

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I spoke with JONOTHAN JONES and asked him if he had got an extension to his license to allow him to serve of which he replied NO but that he had submitted one to the licensing officer. He then informed me that I would have to get a download of the till activity from the company who have the hard drive and he furnished me with the address.

It is in my opinion that The MILL was going to remain actively serving and allowing entry way past what is part of the licensed conditions. It is also clear that he is serving customers when they are already intoxicated and that from swabs done by Sgt CHASPMAN and SC BLACKBURN that cocaine had been used in the male and female toilets.

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 of 2

Statement of: Kevan HINETT

Age if under 18 (if over 18 insert 'over 18'): 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 in it anything which I know to be false, or do not believe to be true.

Signature:

Date: 20/12/15

Check box if witness evidence is visually recorded ☐Witness personal details should be entered in appropriate section **ONLY**.

I am PC 2809 Hinett of the Cheshire Constabulary currently stationed at Sandbach Police Station.

At 01:55 on the morning of Sunday 20th December 2015 I was on duty in uniform in the Sandbach area.

At this time I attended at the rear entrance/exit to the Mill bar and restaurant which is situated at the far end of Hope Street, Sandbach.

The Mill has a beer garden at the back and a wooden gate from the beer garden opens out onto Hope Street.

I was aware that at that time other officers were entering the Mill via the main entrance to carry out licencing checks due to information that had been given regarding poor management of the premises.

A short time later the gate to the Mill beer garden was opened from the inside and two males appeared in the doorway.

I know one of the males to be Jonathon Jones the licensee of the Mill, the other male I did not know.

It was clear that one or both of the males intended to leave the premises via the gate but on seeing me in the area Jones shouted that they were staff checking for people in the area.

Both males went back into the beer garden and the gate was then locked from the inside.

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

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Page 2 of 2

Statement of: Kevan HINETT

Statement taken by (print name):

Station:

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

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Page 1

Statement of: HELEN JULIA HARRISON

Age if under 18 (if over 18 insert 'over 18'): 0 18 Occupation: Police Constable

This statement (consisting of 2 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:

5148

Date: 20th December 2015Check box if witness evidence is visually recorded ☐Witness personal details should be entered in appropriate section **ONLY**.

I am Pc 5148 HARRISON currently stationed at Sandbach Police Station as part of Crewe Local Policing Unit.

At 0152 hours on Sunday the 20th of December 2015 I conducted a licencing check under sections 179 and 180 of licencing act 2003 in company with Pc 3872 CUMMINGS at The Mill on High Street, Sandbach.

As we approached the front door of the premise I saw a male being helped away from the building by two other people. He was so incredibly drunk that he couldn't even walk, he was effectively being carried. Two door staff, both large built males of Asian ethnicity flanking the front door. Two young males were about to enter the bar when one doorman saw Pc CUMMINGS and then refused them entry. As Pc CUMMINGS conversed with the doorstaff I squeezed past them and went into the building.

The building where The Mill wine bar is, is called the Town Mill, it is a large building with about 4 floors. The ground floor is used for business and is divided between the wine bar and an antique shop. In order to get to the wine bar you have to walk down a short narrow corridor past the antique shop. At the end of the corridor there is a door which opens into the wine bar.

The wine bar itself is only one rectangular room. As you enter, the bar itself is on the left and runs for about half the length of the room. Also on that side of the room is a door leading to the kitchen. At the back of the room was the DJ and his equipment and another door leading to the toilets.

When I got to the end of the corridor I opened the door and peered into the room.

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

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Page 2

I saw a male whom I now know to be Jack BRADLEY stood behind the bar. I would describe him as being white, six feet tall, skinny build with short fair hair. He was wearing a navy blue or black polo shirt with a narrow brown stripe trimming the collar. As I looked at BRADLEY I saw that he was holding a black drinking beaker and was filling it with a drink. BRADLEY then noticed me and quickly put down the things he was holding looking very sheepish and furtive.

I stepped inside the bar and made the following observations:

- The room was full to capacity, I would estimate there were 200 plus people inside.
- There was loud music playing and many people were walking and dancing around with full, chilled drinks. I noticed condensation on the sides of the full drinks which would indicate to me that they were freshly poured or bought, chilled drinks.
- In addition to this my attention was drawn to a male in a white sweater, he stood out because he was in white. I recognised him as dob 08/06/1993. was stood at the bar with his wallet out, he was paying for a bottle of budweiser which had just been placed on the bar in front of him.

Pc CUMMINGS then made her way to the DJ station and requested that the music be turned off. The door staff then started to empty the building.

After about 20 minutes only half of the customers had left. I then made my way to the toilets at the rear to assist in checking them for additional customers and any illegal activities.

The toilets were in a disgusting state. They were unclean and there was a lot of damage to the walls and the furniture inside. I wiped some of the surfaces surrounding the sinks and on the backs of the toilets with a drugs wipe. The wipe turned blue in places which indicates a presence of cocaine on those surfaces.

Once the building was empty and Pc CUMMINGS had finished speaking with staff I left the building and continued about my duties.

Signature:

Signature Witnessed By:

Restricted (when completed)

Appendix D

Our ref: 07/C3/7541

Your ref:

Date: 22nd December 2015 (By Hand)



Mr J.H.T. Jones
(Premises Licence Holder)
Mill Bar & Restaurant
Town Mill
High Street
Sandbach
CW11 1AH

In reply address correspondence to:
David Smethurst - Licensing Officer

Telephone: 01606 363580

Mobile: 07796 440534

Re: Mill Bar & Restaurant

Dear Jonathon,

I am writing to you in your capacity as the premises licence holder and designated premises supervisor at the Mill Bar & Restaurant. It has come to my attention that last weekend police officers visited your premises in the early hours of Sunday 20th December virtually at the point your premises should have been closing to the public and some ¾ of an hour after all licensable activities should have ceased.

As the officers approached your premises they could hear from some distance away loud music emanating from within, which as they entered they could hear was coming from a DJ. The premises was very busy, officers witnessed alcohol being sold by people they knew to be under 18 years of age and drunken people were present, some having difficulty standing.

You were of course present throughout this visit and were spoken to by the officers but to prevent any confusion you must immediately:

- Stop employing children to work unlawfully in your premises,
- Stop employing people under the age of 18 years to sell alcohol,
- Comply with your premises licence, its conditions and hours, including CCTV conditions,
- Take steps to prevent the widespread and blatantly unlawful use of controlled drugs within your premises.

It is a condition on your premises licence that CCTV is fitted to my satisfaction and I understand that at the weekend it was only recording the exterior at the front and rear of your premises. Just to avoid confusion I will not be satisfied unless you have a CCTV system which records all public areas at your premises and which complies in all respects with your premises licence. What has been described to me as currently being in place is not fit for purpose and must immediately be rectified.

There is no doubt your management of these premises has for some time been undermining the licensing objectives, including a number of police investigations where your control and usage of the CCTV has compromised evidence. I have absolutely no doubt that you and I will be revisiting these issues again in the near future and you should take careful note of the very severe penalties which could result from those matters mentioned above.

Yours sincerely,

David Smethurst
Licensing Officer

c.c. Licensing Authority, Cheshire East Borough Council.

David Smethurst MIO, Police Licensing Officer, Sandbach Police Office,
Middlewich Road, Sandbach, Cheshire, CW11 1HU.

Tel: (01606) 363580, Fax: (01606) 363571

Appendix E

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: PS 3593 Christian Watkins

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

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: C WATKINS

Date: 22ND March 2016Check box if witness evidence is visually recorded ☐Witness personal details should be entered in appropriate section **ONLY**.

I am Police Sergeant 3593 Christian Watkins currently attached to Crewe Local Policing Unit. My role is Community based and covers the areas of Sandbach, Middlewich and Holmes Chapel. I have been in this role since July 2015 and have nearly 18 years Policing experience.

My role is varied and includes extensive crime and anti-social behaviour related investigations. My remit also involves licensing and I work closely with the Constabulary's Partnership and licensing team to ensure that local premises act within the terms of the law and their own premises licence conditions.

Sandbach has Community based PCSO's and Police Officers. My team attend the Pub Watch Meetings and work closely with the Police Licensing Officer, David Smethurst. One of the premises in my area is The Mill Bar and Restaurant, Town Mill, Sandbach. The premises licence holder and Designated Premises Supervisor is Mr Jonathan Harry Thomas Jones. The purpose of Pub Watch meetings is to encourage collaborative working between licensees to reduce crime and alcohol fueled disorder. To the best of my knowledge no representative from The Mill has attended a meeting since I moved to Sandbach in 2015.

Since September 2015 David Smethurst, my team and others have raised concerns regarding The Mill. These concerns related to compliance with licence conditions.

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

In November 2015 and December 2015 concerns were specifically raised about the cooperation Police received when seeking to retrieve CCTV evidence (a licence condition) and vulnerable young people being illegally present inside the premises whilst under the influence of drink.

Reference the CCTV PC Greg Chadwick, a local response Officer, was investigating a complaint of assault from a Joseph Peever from 27th September 2015. PC Chadwick informed me that between this date and 11th November 2015 eleven separate attempts were made to retrieve a copy or down load of the relevant evidence using various means. On 11th November 2015 PC Reade attended at The Mill and seized the entire CCTV system under S19 PACE 1984. It was appreciated that this would cause The Mill financial inconvenience but that it was proportionate and necessary in order to investigate a criminal allegation. In my 18 years' service I have only ever come across the Police taking such action once before.

Reference the presence of vulnerable persons I am aware that David Smethurst was approached by the Mother of a 15 year old child who had been working as a glass collector. Further contact was received from the Mother of a 16 year old child who also worked as a glass collector.

I authorised PC 3872 Kerrie Cummings and other Police Officers to conduct a licensing visit at The Mill in the early hours of Sunday 20th December 2015. I am aware that PC Cummings has provided a statement of evidence to outline her findings.

As a result of the collective concerns and the evidence available to us David Smethurst hand delivered a formal letter addressed to the Premises Licence Holder outlining his specific concerns. The areas included non-compliance with his licence conditions, employing Under 18's to serve alcohol and not providing CCTV.

On Thursday 11th February 2016 PS Lindsay Chamberlain and I met with Mr. Jones at The Mill itself. The meeting was arranged by PS Chamberlain, who supervises David Smethurst, in

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

order to raise our ongoing concerns about The Mill. We wanted to see what positive action Mr. Jones had taken to address the concerns raised in the correspondence from the licensing Officer. This included ensuring he had adequate CCTV coverage.

At this meeting PS Chamberlain and I raised concerns about several key areas. These included his total lack of understanding of the conditions of his premises licence. Indeed we had to provide Mr. Jones with a copy of it in order to outline the points we were making. An example would be Mr. Jones stating that his regulated in door entertainment could continue until 01:45 AM. It was necessary to point out to him that it should end at 01:15 hours and always had been.

I asked Mr. Jones to work with the authorities to actually make his premises licence fit for purpose. In other words I asked Mr. Jones to seek to make alterations to conditions that are not relevant and to work in accordance with those that were. Mr. Jones agreed to do this and my letter outlined actions I wanted him to take as part of an action plan. I agreed to urgently investigate if the CCTV system seized in November 2015 could be returned to Mr. Jones.

As a result of the meeting a letter addressed to Mr. Jones was hand delivered to The Mill on Monday 15th February 2016. I produce a copy of this letter as (Police Exhibit CW/1)(Court ref)

Later on in February 2016 Mr. Jones attended at Sandbach Police Station in order to collect the CCTV system from PC Chadwick. I asked Mr. Jones if he had made progress in seeking to alter his premises licence to reflect the needs of his business. He stated that it was his intention to seek an extension to his opening hours and wanted to know if the Police would support it. I explained that he needed to submit the necessary application and that the Police would consider any application on its merits. To this date I have not received correspondence asking me about an application to change The Mill's licence conditions.

Whilst at Sandbach Police Station I asked Mr. Jones about a forthcoming event he was hosting

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

at The Mill. I understood that he would be hosting a six form leavers party on Thursday 25th February 2016. I acknowledged that as a private function he would be able to allow under 18's onto the premises. To be fair to Mr. Jones he immediately recognised my concerns and stated what plans he had in place to ensure that those who were not yet 18 years of age would not be given alcohol. This involved a wrist band system and a restriction on the number of drinks someone could purchase. To support these plans four security staff would be employed.

Cheshire East CCTV operator James Sharp sent Cheshire Police a disc of evidence. CCTV exhibit JS/1, which later took into my possession. I have watched the disc and it shows High Street Sandbach on the evening of 25th February 2016. Between 23:02 hours and 23:28 hours it shows a vulnerable and in my view intoxicated young man slumped against a wall on High Street, Sandbach. The male clearly emerged onto High Street the Town Mill area. The Mill is the only premises that would be open and working on this road at this time of night.

In my view he is clearly incapable of protecting himself and is very vulnerable. He has clearly been at The Mill and leaves in a state not fit to function as a young man in a Town Centre at that time of night.

Signature:

Signature Witnessed By:

Restricted (when completed)

RESTRICTED (when complete)

Cheshire Constabulary

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN

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Statement of: JAMES SHARP

Age if under 18: Over 18

Occupation: CCTV Operator

This statement (consisting of 02 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: 27/02/2016

Tick if witness evidence is visually recorded ☒ (supply witness details on rear)

I am the above named person and I am employed by Cheshire East Council as a responsible officer for CCTV.

The CCTV Unit is located within the Town Hall on Market Place in Macclesfield. The Unit is managed by Cheshire East Council and is permanently manned by employees of the Council. Access to the Unit's camera controls, monitors and the recording system is limited to the Unit's Operators, Technicians and Supervision. The system is registered with the Information Commissioner and is compliant with the Data Protection Act 1998.

The system consists of cameras covering the towns of Alderley Edge, Alsager, Congleton, Crewe, Disley, Handforth, Holmes Chapel, Knutsford, Macclesfield, Middlewich, Nantwich, Poynton, Sandbach and Wilmslow plus various car parks. The cameras are linked to the control room via fibre optic and hard wire cable. All images from the cameras are continuously recorded at real time on a 24-hour basis onto a Synectics Modular Digital Recording System (MDRS), which is password protected, via a virtual matrix. All images from the cameras are recorded along with the time and date of the recorded images. The time and date is synchronized every 24 hours to a Microsoft time server. Recorded information is retained/maintained on a hard drive for a maximum of 21 days and will overwrite/clean itself automatically from day 1. Any images removed from the hard drive will be recorded to 2 CDs/DVDs (on occasion to portable hard drives) with Disk 1 being the archive copy and Disk 2 being the working copy of the original. Both disks will be passed to the Police along with all relevant paperwork. Disk 1 will be secured within a sealed evidence bag.

Signature:



Signature witnessed by:

RESTRICTED (When complete)



URN

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continuation of Statement/Interview of: JAMES SHARP

Page 2 of 3

I have been asked by PS 3593 WATKINS to download digital image data received from cameras located at HIGH STREET in SANDBACH to cover the time period 2045-2344HRS on THURSDAY 25TH FEBRUARY 2016 relating to Police Incident 642 of SATURDAY 27TH FEBRUARY 2016.

The Synectics recording system has generated its own unique incident reference number for this footage which is 4398.

The camera at the above location is designated as number 225.

This digital data has been burnt to 2 DVDs.

The DVDs are serial numbered as

EV-4398A (Archive Copy)

EV-4398W (Working Copy)

I produce the CDs/DVDs containing the downloaded data from the camera(s) as (Pol ref JS/1)(Exhibit number)

At 1900HRS on SATURDAY 27TH FEBRUARY 2016 at SANDBACH Police station I left the DVDs of which the archive is sealed in an evidence bag to be handed to the officer dealing.

Signature:

Signature witnessed by:

Our ref: CW/1

Your ref:

Date: Monday 15th February 2016



Mr J.H.T. Jones
(Premises Licence Holder)
Mill Bar & Restaurant
Town Mill
High Street
Sandbach
CW11 1AH

In reply address correspondence to:
PS 3593 Christian Watkins
Telephone: 01606 363572

Re: Mill Bar & Restaurant

Dear Jonathon,

I am writing to you in your capacity as the premises licence holder and designated premises supervisor at the Mill Bar & Restaurant.

PS Lindsay Chamberlain and I met with you on Thursday 11th February 2016. The meeting was at our request and as a direct consequence to a letter sent to you by the licensing Officer David Smethurst on 22nd December 2015, a copy of which is attached. At your request both your Parents were present at the meeting.

In his letter David Smethurst raised concerns about the management of The Mill that were 'undermining the licensing objectives'. This included non-compliance with your own Premises licence conditions, a copy of which is attached. The purpose of the meeting was to raise the importance of meeting the licensing objectives and complying with the conditions of your existing premises licence.

Two particular areas concerned me throughout our meeting;

- 1) Your lack of understanding of your Premise licence. You did not have a copy on display or to hand. You were clearly not aware of its contents. An example being that you believed that regulated in door entertainment could continue until 01:45 hours from Thursday to Saturday when the licence states it must end at 01:15 hours.
- 2) The Premises licence did not reflect the needs and functionality of your business in 2016. An example being that you no longer served food and that the kitchen area has been changed into a VIP room. You expressed an urgent desire to change the Premises licence including the hours you could serve alcoholic beverages and provide regulated entertainment.

This suggests to me that you have not been adhering to your existing licence and that concerns raised by David Smethurst are accurate.

At the end of the meeting I agreed to write to you in order to document my concerns and what actions I expect from you to demonstrate your ability to manage your premises moving forward.

This 'action plan' is to be driven by you.

- 1) **The times at which licensable activities can take place.** You must follow these strictly and if you wish to extend or alter them you must make an urgent application via the appropriate licensing Authority. I expect any application to be forthcoming by the end of February 2016.
- 2) **Making the PL conditions, as per Annexe 2, fit for purpose;**

For example, Condition 2 states; 'Children only permitted in the restaurant area when accompanied by an adult'. You no longer have a restaurant and as stated the Kitchen area is now a VIP room. This needs amending.

*PS 3593 Christian Watkins, Community Policing Sergeant, Sandbach Police Station,
Middlewich Road, Sandbach, Cheshire, CW11 1HU.*

Tel: 01606 363572

I expect any application or amendment request to be forthcoming by the end of February 2016.

- 3) **Children on the premises.** Condition 10 of your licence states that 'No person under 18 years may enter or remain on the premises after 21:00 unless in attendance at a pre-booked private family function which has the exclusive use of the entire premises'.

At the meeting you stated that you employ under 18's as glass collectors. You stated that you currently had two 17 year olds working as glass collectors. I am not suggesting that the employment of under 18's is illegal, however, their presence on your premises after 21:00 hours breaches your licence.

To clarify; at this time No children or person under 18 years of age are to be allowed on your premises unless in accordance with your premises licence.

- 4) **CCTV on your premises.** You raised the fact that in November 2015 Police entered your premises and seized parts of your CCTV system. I explained the reasons why this was necessary after repeated demands for copies were made by the Police. I promised to expedite the return of your property. I am currently undertaking these enquiries with the Officer in the Case.

Conditions 7 and 8 refer to the provision of an adequate CCTV that must be provided to the Police by a responsible person during your opening hours. You state that you currently employ two bar Managers during your opening hours.

I consider these to be 'responsible persons' and expect that they be trained and able to access the CCTV systems in your premises. You stated that you would extend your training records to ensure that this provision was met. I expect that you implement an effective system by the end of February 2016.

In conclusion you stated your commitment to working with all authorities to make your business a success. I am satisfied that compliance with the above will demonstrate to me that you understand the importance of the licensing objectives.

Week commencing Monday 7th March I would like to meet with you at your premises to review the progress you have made concerning the matters outlined in this letter and that from David Smethurst.

3

If you have any queries or concerns please write to me so that at the below address so that our communications are transparent and documented for future reference.

Yours sincerely,

Sgt 3593 Christian Watkins
Sandbach Police Station,

c.c.
Licensing Authority, Cheshire East Borough Council.
David Smethurst, Licensing Officer Cheshire Police.
PS Lindsay Chamberlain, Partnerships Sgt Cheshire Police.

*PS 3593 Christian Watkins, Community Policing Sergeant, Sandbach Police Station,
Middlewich Road, Sandbach, Cheshire, CW11 1HU.*

Tel: 01606 363572

Appendix F

Restricted (when completed)**Cheshire Constabulary****WITNESS STATEMENT**

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

Page 1 of 2

URN				
Statement of NEED, ROGER				
Age if under 18 (if over 18 insert 'over 18')		Over 18	Occupation Constable 5240 R NEED	
This statement (consisting of _____ 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 /time : 30/03/2016	
Check box if witness evidence is visually recorded			<input type="checkbox"/> Witness personal details should be entered in appropriate section ONLY	

I am PC 5240 Roger Need currently stationed at Sandbach Police station on Middlewich Road in Sandbach. At 22.09 hours on the 24th March 2016 I was on duty and was asked to attend to incident 978 of the 24th March 2016, the incident relates to a father calling the Police concerned for the welfare of his son, his son was in the The Mill in Sandbach and had rang home saying that there were 30 male going to attack him. The caller descibled his son as 17 years old and with blonde hair. I arrived at the Town Mill on High Street Sandbach, with PC 30053 Towe at 22.15 hours. The Town Mill is down a short alley way on High Street, which is poorly lit. On proceeding down the alleyway I straight away noticed a a male sitting on his backside on the floor. I went straight away to the male, he stated that he had been thrown to the floor by The Town Mill by door staff. The male was clearly intoxicated he was slurring his words, smelt of intoxicants and swayed as he stood up, when the male stood up I asked him his age he stated he was 17 years old and tried to deny he had been drinking. My colleague PC Towe spoke to the door staff, and a few minutes later other officers arrived at the incident. I then spoke to a member of door staff who informed me that it was a private party that evening, and the male who had been sitting on the floor had tried to get into the Mill and he had been refused, he had then tried to push his way in, the member of staff had pushed him backwards. As I was stood with the member of door staff I noticed that the people going into the Mill were in there teenage years and some of them seemed to be intoxicated. I then escorted the male who had been sitting on the floor on my arrival to the High street , I then called Sgt 4517 Heatley and explained that there was a private party at the Mill in Sandbach with a lot of Teenagers and some had consumed a lot of alcohol, Sgt Heatley then spoke to a Inspector whom arranged a dispersal order for the

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

Page 2 of 2

URN

Statement of NEED, ROGER

area. I then returned to the Mill and walked inside the front door, down a corridor to another door, this lead to what looked like the main dance floor area. There was loud music playing and the dance floor was full of people. I also notice just to the right of the door was a very large pile of jackets and coats which had just been piled on to of each other, this did not hinder opening the door however, if a large amount of people wished to leave club at once this would have caused issues for them. I returned to the corridor to find a female checking peoples identification as the came through the second door , on leaving the front door I noticed a member of door staff was collecting tickets from anyone whom wished to enter the Pub. PC 2971 Dutton was speaking to the male who's father had called the Police. I returned to High Street and spoke to the father would had called the Police, he stated that he was concerned for his son due to the call he had recieved. We remained in the area for about 20 minutes before and resuming patrols. About 00.50 hours Friday 25th March, I was on High street with PC 30053 Towe, PC 4062 Austin and PC 5983 Willams, when we noticed a large volume of people exit The Town Mill, Due to the issues earlier on that evening we remained in the area, The Town Mill had closed and it seemd that the large group were the last of its customers. The group dispersed after about half and hour, a couple of males were told to move on due to there behaviour otherwise the group was well behaved. About 01.30hours we resumed our duties.

Signature:

Signature witnessed by:

Statement taken by (print name): Constable 5240 R NEED

Station:

*Sardbeck***Restricted (when completed)**

Appendix G

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: David George Smethurst	
Age if under 18 (if over 18 insert 'over 18'): Over 18	Occupation: POLICE LICENSING OFFICER
This statement (consisting of Three 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: 04/04/16
Check box if witness evidence is visually recorded <input type="checkbox"/>	Witness personal details should be entered in appropriate section ONLY .

I am a police staff licensing officer with 10 years experience in that capacity. I employed by Cheshire Police and based at Sandbach. Prior to my current role I was a police officer with Cheshire Police retiring after 33 years service in the rank of Sergeant.

Within my area of responsibility is a licensed premises called The Mill Bar & Restaurant, Ground Floor, Town Mill, High Street, Sandbach, CW11 1AH. The premises licence holder and designated premises supervisor at the premises is one and the same person and that is Jonathon Harry Thomas JONES, commonly referred to as JJ.

I am aware that as a result of a report made to the police in the early hours of Sunday 20th March 2016 that police officers attended at The Mill Bar & Restaurant. It subsequently transpired that an allegation was made by a male who had been a customer at The Mill Bar & Restaurant that he had been assaulted inside the premises and that allegation was being investigated by police officers.

I am also aware that there are a number of conditions on the premises licence at The Mill Bar & Restaurant and one requires CCTV to be recording continuously and that unedited images are retained for 28 days.

As a result of the police investigation, into what transpired was an assault resulting in serious injuries, at 10:40 hours on Tuesday 29th March 2016 I visited 27 Green Street, Sandbach, the home address of Jonathon Harry Thomas JONES. Whilst at the address I hand delivered a letter (DGS/5 police Ref) addressed to Jonathon Harry Thomas JONES requiring him to safeguard and copy images from the CCTV at The Mill Bar &

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

Restaurant of the assault which had occurred inside his premises at approximately 01:40 hours on Sunday 20th March 2016. Whilst I was at the premises I also spoke to Mr Jones and reiterated to him verbally the need to copy the CCTV and retain the images until their collection could be arranged. At that time Mr Jones assured me he had saved the images and just needed to copy them to a memory stick.

At about 14:45 hours the same day I received a phone call from Mr Jones in which he told me he would have the requested images copied to a memory stick and they would be ready for collection at 12 noon the following day at The Mill Bar & Restaurant.

At 11:30 hours the following day, i.e. Wednesday 30th March 2016, I received a phone call from Mr Jones in which he informed me he was in the process of copying the requested images from his CCTV system but it was taking longer than he anticipated and it would not be ready for me to collect at 12 noon. He undertook to ring me as soon as the copying process was complete and I arranged that I would collect them straight away as my office is only a 5 minute walk away.

At 12:20 hours the same day I received a call from Mr Jones to say that the CCTV copying process had finished, he had already left the premises but a member of his door staff team would wait at the premises to hand over the recorded CCTV images to me.

When I arrived at 12:30 hours I met Stefan John HARRIS who handed to me a memory stick. At my request he opened the premises and I went inside with him and inserted the memory stick into my laptop. It had three files on it and two were identical, i.e. the same file replicated twice. The single file was CCTV images from a camera recording the outside drinking area at the side of the premises and appeared to have no one on it. The replicated file was of images from a camera recording inside the premises and looking towards the DJ booth at the end of the room opposite the entrance. However these images had absolutely no one on them and according to the date/time on it it these were images from the small hours of the previous night, i.e. after midnight on 30/03/16.

As the retrieved images were not what was requested and did not assist the investigation I left the memory stick with Stefan Harris with strict instructions that I wanted JJ to get back to me the following day with the requested images without fail.

On Thursday 31st March 2016 I rang Mr Jones mobile telephone, 07525 199418, at 11:00 hours

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

and left a voicemail message impressing on him the importance of the requested CCTV. I asked him to either get back to me the same day or ring 101 quoting the NICHE reference number he has been given when he has copied the required CCTV images to arrange collection or I would chase him up on Monday 4th April 2016 for it.

At 13:27 hours the same day I sent a text message Mr Jones mobile phone, 07525 199418, which read "I have left you a voicemail today! What is happening about the CCTV from the 20th March? Dave Smethurst."

When I returned to work on Monday 4th April 2016 it came to my notice that further attempts had been made over the weekend to secure the CCTV images from the 20th March 2016 and that the system was only holding images for the previous 8 days, i.e. as far back as 24th March when officers visited on Friday 1st April 2016.

Signature:

Signature Witnessed By:

Restricted (when completed)

Our ref: CC16080878

Your ref:

Date: 29th March 2016 (By Hand)



Mr J.H.T. Jones
(Premises Licence Holder)
Mill Bar & Restaurant
Town Mill
High Street
Sandbach
CW11 1AH

In reply address correspondence to:
David Smethurst - Licensing Officer

Telephone: 01606 363580

Mobile: 07796 440534

Re: URGENT - Mill Bar & Restaurant, Sandbach

Dear Jonathon,

At approximately 01:45 hours on Sunday 20th March 2016 a male was assaulted inside The Mill Bar and Restaurant and shortly after police officers attended at your premises. Amongst those officers who attended was Sergeant Penny Jones, who has met you previously, and she spoke to you individually. You assured Sergeant Jones that your CCTV system was functioning correctly and was recording images. As a result Sergeant Jones sought an undertaking from you that you would secure the images from your CCTV system of the incidents leading up to and including the assault and you gave her an undertaking that you would do that.

In the interim police officers have made several unsuccessful attempts to recover those CCTV images and as a result have contacted me to assist them in that endeavour. In case you are in any doubt the images requested are to ensure the effective investigation of a crime and anything which prevents their production to the police will undermine that investigation and as a result undermine the crime and disorder licensing objective.

I sincerely hope you have already secured the requested images and that it is only difficulties in actually contacting you that has prevented them already being supplied to the police. However for the avoidance of any doubt please accept this letter as a formal request from the police for you to provide the images mentioned in paragraph one above and the police reference you should quote is CC16080878.

Once again for the sake of clarity DO NOT simply pop a memory stick into a random police letterbox but rather contact the police on 101 and, quoting the above reference number above, say you have CCTV ready for collection. It is important that you personally safeguard the images until such time as they are collected from you and I trust you will use your best endeavours to do so.

Yours sincerely,

David Smethurst
Licensing Officer

c.c. Mr J.H.T. Jones, 27 Green Street, Sandbach, CW11 1GX.
Sergeant Lindsay Chamberlain.
Sergeant Christian Watkins.

*David Smethurst MIO, Police Licensing Officer, Sandbach Police Office,
Middlewich Road, Sandbach, Cheshire, CW11 1HU.*

Tel: (01606) 363580, Fax: (01606) 363571

Appendix H

RESTRICTED (when complete)


Cheshire
Constabulary
 BE SAFE. FEEL SAFE

WITNESS STATEMENT

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

URN

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Statement of: SOPHIE JADE BARRETTAge if under 18: 018 (if over 18 insert 'over 18') Occupation:

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: X Date: 9/1/16
 Tick if witness evidence is visually recorded ☐ (Witness personal details should be entered in appropriate section ONLY)

I am currently working at [REDACTED] as a temp. I have just graduated having got my degree in Criminology and Psychology and am applying for more suitable positions. In Feb of 2015 I got a job as a Bar Manager at The Mill a Restaurant in Sandbach.

The owner and licensee, or so I believed as I never saw the licence, was Jonathan Jones. I ~~refer~~ asked him on numerous occasions I would ask to see the licence as he would buy and convince me that his Bank Holiday opening hours were the same as a Saturday Night. He would reply that I didn't need to and as such on every Bank Holiday Sunday he would serve past his licensable hours.

I have known JJ since high school and on one night whilst in the bar I advised him on a cocktail his bar staff had served me as it was poor. I was in a fluff after studying and as such when he offered me a position I took it.

I worked varied hours from full time average to 50 hours plus as he was open everyday at this time. He paid me £8 an hour but

Signature: X Signature witnessed by: PTO

RESTRICTED (when complete)


Cheshire
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 BE SAFE. FEEL SAFE

Page No. 2 of 5

Continuation of Statement of Sophie Chloe Barrett

this was always cash in hand. I presumed that albeit he was giving me cash that this was what was left after my contributions. It was only when I became general manager that once he asked me to create a record of books to take to his accountant that I realised he had never set up PAYE to which I then had to organise and that prior to this all the staff were paid that way.

There was times when there was no money to pay the staff and when I would question this he would just tell me it was his bar and he could do what he wanted.

I had witnessed JJ just taking money out of his pos till's and putting them in his back pocket or just taking it upstairs to his mum and dad. I bought him a portable safe but even then we would leave money in the safe at night and come back in the morning and it would be gone. I had to then change the code without him knowing to keep it safe.

The staff would turnover due to non-payment of wages. Suppliers were not paid and he would have to go to his parents to be bailed out.

There were times when he would be out drinking but we had no money to put stock behind the bar.

The bar even closed intermittently due to the services being cut off and I do know that he

Signature:

Signature witnessed by: _____

RESTRICTED (when complete)**Cheshire**
Constabulary
BE SAFE, FEEL SAFEPage No. 3 of 5Continuation of Statement of SOPHIE JADE BARRATT

would run the water from the Parents flat.

Although I never saw him take drugs you can tell when he had as his behaviour would change and he would be erratic and aggressive overtalkative and his eyes wide. All the common symptoms.

The amount of times he would stay over after I had gone was amazing. He was never bothered he just wanted the money.

The dynamics of the place changed dramatically there was no transparency. CCTV got deleted. People who we didn't know were turning up.

I couldn't show the police CCTV as JJ put a password on it to prevent me opening it.

I was constantly worried about drugs. I would discover evidence of drug taking and JJ would not take this seriously probably because he didn't care.

When I was there we managed to prevent underage drinking and entry as we had really good door men but I know that since then it is the norm for underage to be served.

I also know a friend who is currently away and he has worked for JJ and he would see that they were openly giving and passing around drugs for the staff to take.

When I was there I know he had no passed electrical certificate as the fire assessor refused to pass the building. There was no designated

Signature: X

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Page No. 4 of 5

Continuation of Statement of

Sophie Jane Barratt

First Aider, no first aid kit, no fire book no accident book.

I can only remember that on one occasion he was allowing it to go over full capacity and the doorman insisted it be closed.

When he first started when it was the The Nu Bar & Restaurant the kitchen was closed by environmental health as his dad was cooking and never cleaned. JJ was in America showing at the time and the chef left as he hadn't been paid.

I couldn't contact him but his parents did but nothing changed.

I decided I had had enough in May 2015 or the beginning of June 2015 the accumulation of everything and on occasion of having a quite an aggressive argument with JJ over him bringing in 2 girls after hours, all drunk, when I wanted to shut down and go home. He told me it was his bar and he could do what he wanted. My concern was the stock and staff when stock was being used and not paid.

In my opinion it was not a legitimate business just a lay for a young inexperienced boy to play with he had no idea how to run it and should not be allowed.

I have heard that he has since been disqualified and I saw him myself whilst working there.

JJ told me last year that he was terminally

Signature: X

Signature witnessed by:

RESTRICTED (when complete)

F200203 - MG11 (CONT)


Cheshire
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Page No. 5 of 5

Continuation of Statement of

Sophie JAOG BARRETT.

ill and wouldn't make it until Christmas but he looks very well. I even heard that he told people I had Cervical Cancer even though I only needed time off for a routine smear. I was furious and distraught and challenged him over this. He never said a thing and wouldn't speak to me.

I have heard that no-one reputable will work there and that friends of mine who used to go in drinking no longer will as they don't feel safe.

I am glad I left. I have no contact with JJ and don't feel that someone like him should be responsible for that premises at all. It is my opinion that he is can not take responsibility for himself.

Signature: ..

Signature witnessed by: ..

RESTRICTED (when complete)



WITNESS STATEMENT

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

URN

Statement of: ROBERT ALAN DALENPORT.Age if under 18: 018 (if over 18 insert 'over 18') Occupation: FARMER / DOORSTAFF.This statement (consisting of 3 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: X Date: 11th JANUARY 16Tick if witness evidence is visually recorded ☐ (Witness personal details should be entered in appropriate section ONLY)

When The Miu opened in about 2014 it was opened by JONATHAN JONES and ERNIE (JONES?) It was then The Miu Bar & Restaurant.

JD originally approached me in 2013 but it took ages for it to open.

Eventually I agreed to do the doors and asked my mates to help out. I help organise people to be doormen to help the pass in turn and I check that they are all registered and suitable for the role.

I have a record of all the badge numbers and their expiry dates and liaise with licensing and the police.

So in August 2014 I would change the door Friday, Saturday Nights and Bank Holidays.

At the beginning it was alright although JD had ideas above his station and the kitchen to the restaurant was never ready.

I remember he lost staff as he accused them of stealing money and as time went on I ended up mediating between JD, his dad and his partner who kept falling out over money and things.

I remember that there was always

Signature: X

Signature witnessed by: _____ PTO

RESTRICTED (when complete)

F200203 - MG11 (CONT)



Page No. 2 of 3

Continuation of Statement of

ROBERT ANN DUNFORD

some issue about things not being done correctly.

During all this I would just concentrate on my role and although I knew staff weren't getting their wages I made sure my kids were paid at the end of the night.

We always made sure that people who were banned were not allowed in but now I know that JJ lets them all in.

There were times I saw him taking money out of the till for his own use on Christmas Eve 2014 he took £13,000 out of the till and he disappeared for about 4 days.

There were so many more made up stories that JJ used to tell even once trying to say he had been in a gas terrorist attack in America. He also told everyone he had cancer which I don't know whether is true or not.

I would quite often have to tell him to stop serving as his time was up but he would not listen and we would go and leave him to get on on his own.

He accused so many people of stealing but it was him. I know that Sophie BARRATT had to ring a safe to stop it going missing.

I know that Sophie has made a statement and I can reiterate all that she says. We felt so sorry for the staff and tried

Signature: X

Signature witnessed by:

RESTRICTED (when complete)

F200203 - MG11 (CONT)



Page No. 3 of 3

Continuation of Statement of ROBERT ALAN DAVENPORT.

to protect them.

It is known for being terrible at running the business and I knew that Sophie tried to turn it around until she gave up and once I knew she and her colleagues had to go to Haco to buy stock out of their own money to open up.

Eventually it shut in Easter 2015 as he owed so much money and the electric was going to be cut off. At this point we decided to call it a day.

Since then I have heard that the place serves after its hours, the butcher next door has had to put up his own CCTV down the alley because the place is such trouble.

It is known as the place to go and buy drugs which is terrible and it is bringing down the reputation of the town which is a lovely place.

Other traders are following the rules and keeping things civilised. He is irresponsible and should not be allowed to let youngsters drink underage either, which I have heard stories about.

I do not wish any of my doormen to be associated with the place and when he asked me to return to do the doors I refused based on his reputation. X

Signature: X

Signature witnessed by:

RESTRICTED (when complete)


Cheshire
Constabulary
 BE SAFE. FEEL SAFE

WITNESS STATEMENT

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

URN

Statement of:

ROBERT JAMES MORSE

Age if under 18:

018

(if over 18 insert 'over 18')

Occupation:

Landlord

This statement (consisting of.....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: X

Date:

5/2/16

Tick if witness evidence is visually recorded

☐

(Witness personal details should be entered in appropriate section ONLY)

I am the Landlord of THE WHEATSEAF Public House. I have held this position for the last 18 months. The pub is currently up for sale and as such I don't know how much longer I will be here.

During my time here I would say that THE Mill which is a bar in the high street has made running my business quite difficult. Customers and staff that work at THE Mill will come in here and before work drink and take drugs. I suffered at the hands of one large group who I knew attended on a weekly basis and were linked to 'JJ' and 'THE Mill'. There were set protagonists within this group who I knew were responsible for the drugs.

the latter being a very aggressive male and from my experience with him he would on many occasions display the behaviour of someone on drugs.

As I would struggle to run the bar myself it was hard to manage them and I would be a victim of knowing they would wait until I was busy behind the bar and be in and

Signature: X

Signature witnessed by:

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RESTRICTED (when complete)



Page No. 2 of 4

Continuation of Statement of

Roger James Morse

out of the toilets or approaching customers. There were also cars that would meet outside. It was damaging to my trade and a risk as I would find bags of coke they had left around.

One other male linked to these males was he had been linked to JJ and he came to me as an employee but stole stock from me. I have since heard that he has worked at The Limes, The Black Bear and asked to leave for theft mostly stock.

Would state he hated JJ but would be seen on Facebook with arms around each other. I couldn't help make the link that this stock was going to The Miu for JJ.

There have been times that customers from The Miu will come down and cause disturbances or trouble to empty the pub and ensure that my customers then frequent there.

I have heard and am under the opinion that JJ manipulates local young people to create issues for the other businesses to ensure we struggle, and he can have a successful business.

About December 2014 when I had first started I closed up the pub at the relevant time and went down to The Miu for a drink as I knew it was the only late opener.

When I first arrived my first impression was it was full of young possibly underage drinkers - females who only looked about 15 years old.

Signature: X

Signature witnessed by:

RESTRICTED (when complete)



Page No. 3 of 4

Continuation of Statement of

ROBERT JAMES MORSE

It was busy but there were no bar staff serving.

I looked to the left and saw about 5 or 6 of the staff with JJ near the ice-machine and glass washer.

I was shocked to see JJ putting out lines of white powder which I assumed was cocaine and they were bending over it to snort.

JJ then walked past me and I couldn't help myself in saying "IS THAT MEANT TO HELP YOUR STAFF BE MORE SUFFICIENT" He continued to walk past me but I know he had seen me when he came in.

He went straight over to the bouncers and then they came over to me and had the cheek to ask me to leave as I had gone into the toilets to try and sell 'Coke' even though I hadn't moved from the spot.

I was disgusted by this and explained this was not the case but I had to leave.

I can 100% say that all my woes, the theft of my wallet and medals 2 weeks after (friend of JJ's) was here, all are related to me witnessing that. Everything that happens appears coincidentally to link back to him and the more it is terrible and made running this pub hard.

Also after this incident I had a couple of female staff who stated that they had been spiked whilst drinking in there explaining that they

Signature: X

Signature witnessed by:

RESTRICTED (when complete)



Page No. 4 of 4

Continuation of Statement of

ROBERT JAMES MARESC

had not drank much but been in a state.

My ex-girlfriend once drank in there and at 31 used to having a drink I have never seen her the way she was, she was unable to walk, conscious yet seemingly unconscious and unable to communicate, she was making funny noises and unable to lift her head from the floor I was very worried and it definitely wasn't as a result of alcohol.

I was concerned about the age of girls in there and the attention paid to them by JJ.

The latest I heard is that he is still serving underage as I hosted an 18th party where the parents refused The Miu because of its reputation X

Signature: X

Signature witnessed by:



Premises Licence

Premises Licence Number:

LAPRE/0956/05

Part 1 - Premises Details

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

The Mill Bar & Restaurant
Ground Floor, Town Mill
High Street
Sandbach
Cheshire East

Post Town: Sandbach

Post Code: CW11 1AH

Telephone Number: 01270 759666

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Supply of Alcohol
Films
Live Music
Recorded Music
Provision of Facilities for Making Music
Late Night Refreshment

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

Supply of Alcohol

Sunday To Wednesday 11:00 - 00:00
Thursday To Saturday 11.00 - 01:15

Regulated Entertainment (Indoors)

(Recorded music Only, outside until 22.00)

Sunday To Wednesday 09:00 - 00:00
Thursday To Saturday 09:00 - 01.15

Extended to 01:15 on Sunday and Monday of Bank Holiday Weekends,
Christmas Eve and Boxing Day. Extended to 04:00 on New Years Day

The opening hours of the Premises:

Sunday To Wednesday 09:00 - 00:30

Thursday To Saturday 09:00 - 02:00

Extended to 02:00 on Sunday and Monday of Bank Holiday Weekends,
Christmas Eve and Boxing Day. Extended to 04:45 on New Years Day.

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

Alcohol is supplied for consumption both on and off the Premises

Part 2

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

Mr Jonathan Harry Thomas Jones
The Mill Bar and Restaurant
Ground Floor, Town Mill
High Street
Sandbach
Cheshire East
CW11 1AH

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

Not applicable

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

Mr Jonathan Harry Thomas Jones
The Mill Bar and Restaurant
Ground Floor, Town Mill
High Street
Sandbach
Cheshire East
CW11 1AH

Personal Licence number and issuing authority of Personal Licence held by designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

Personal Licence Number: PERS 2040

Issuing Authority: Cheshire East Borough Council

Licence Issued: 17th February 2015

J. Cornes

Mrs Jane Cornes

On Behalf of Cheshire East Borough Council

Annex 1 - Mandatory Conditions (as applicable)

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

Where a Village Hall is exempt from needing DPS under s.19 Licensing Act 2003

Every supply of alcohol under the premises licence must be made or authorised by the Management Committee.

Mandatory condition where the licence authorises the exhibition of films

The admission of children to the exhibition of any film must be restricted in accordance with section 20 of the Licensing Act 2003. Admission of children must be restricted in accordance with any recommendation made by the British Board of Film Classification or the Licensing Authority.

Prohibited conditions: plays

1. In relation to a premises licence 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.
2. But subsection (1) does not prevent a licensing authority imposing, in accordance with section 18(2)(a) or (3)(b), 35(3)(b) or 52(3), any condition which it considers necessary on the grounds of public safety.

Mandatory condition: Door supervision

Each individual engaged in security activities at the premises must either:

- 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 the Private Security Industry Act 2001.

LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS)(AMENDMENT) ORDER 2014

MANDATORY CONDITIONS

Condition 1

1. The responsible person must ensure that staff on relevant premises no not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, 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:
 - 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 in a manner which carries a significant risk of undermining a licensing objective;
- 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 in a manner which carries a significant risk of undermining a licensing objective;
- d) 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;
- e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Condition 2

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Condition 3

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. 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 either -
 - a) A holographic mark, or
 - b) An ultraviolet feature

Condition 4

The responsible person must 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: 25ml or 35ml; and
 - iii. Still wine in a glass: 125ml;
- b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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) 'valued 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 the Operating Schedule

1. Live music to be played indoors only.
2. Children only permitted in the restaurant area when accompanied by an adult.
3. The recycling of bottles will not take place between 09:30 and 08:00
4. The shared walkway will be checked for litter on a daily basis
5. Clear signage will be placed in the smoking area and for those leaving the premise requesting customers to respect the neighbours in relation to noise nuisance
6. Music will mainly be recorded music, any live music will be limited to no more than two performers.
7. A CCTV system will be installed and maintained at the premises to the satisfaction of the Police Licensing Officer. It will record continuously and securely retain unedited images for a period of not less than 28 days.
8. At all times the premises are open to the public, there will be a responsible member of staff on duty who is competent to operate and take copies from the CCTV system and such copies will be promptly supplied to a Police Officer upon request.
9. 2 door supervisors will be on duty at the premises from 20.00 every Friday, Saturday, each Bank Holiday and New Years Eve and they will remain at the premises until they are both closed and cleared of the public.
10. No person under 18 years may enter or remain on the premises after 21.00 unless in attendance at a pre-booked private family function which has the exclusive use of the entire premises.
11. The proof of age scheme Challenge 25 will be operated for all sales of alcohol, all staff authorised to sell alcohol will be trained in its operation and all records of that training retained at the premises for a period of at least 12 months.
12. Live or recorded music will not be played in the external area of the premises after 22.00.

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

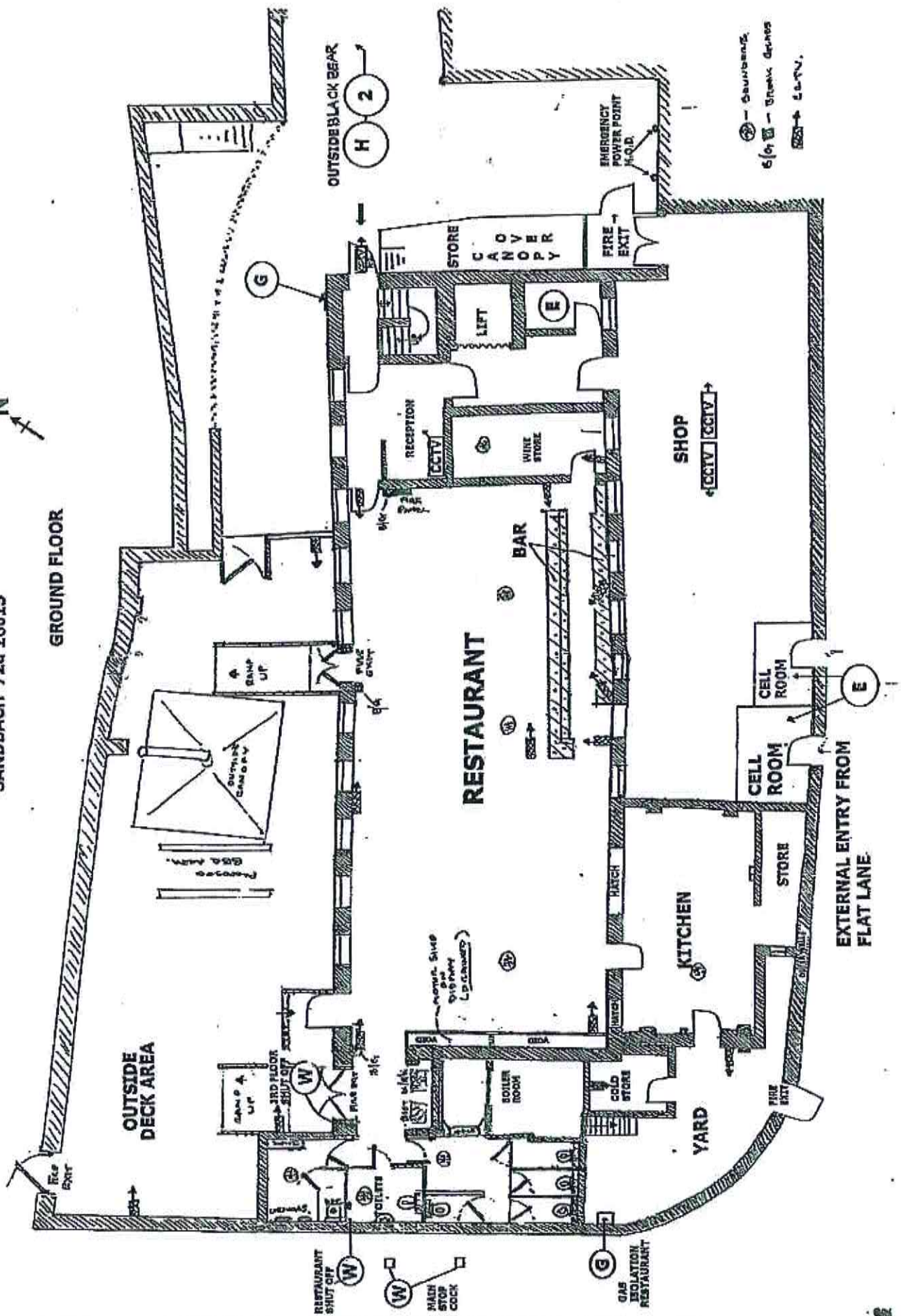
Not applicable.

Annex 4 – Plans

A copy of the Plan is attached to the Premises Licence

TOWN MILL ANTIQUE'S
SANDBACH 72d 16013

GROUND FLOOR



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Statement of Fact in answer to letter dated 8th April 2016 – Application for review

On reading through the various documents I'm quite surprised that some of the statements are allowed to be admissible in court, because Number 1/. Advisory 2/. Not substantiated 3/. Total fabrication 4/. Misconstruing actual fact and truth 5/. All of the above I can and will follow up with more statements and give a list of all the people that are willing to give statements under caution.

I will start with the following, sheet by sheet in alphabetical order.

1/. First page of the 2-page letter clearly states an incident when a man had his jaw broken INSIDE the venue.

2/. The presence of under 18 year olds on the premises being served or supplied alcohol.

In Reply: -

1/. We have got witnesses and video evidence to prove that the incidence did not happen inside The Mill and in fact took place on the High St. (This should have been picked up by your own CCTV on the High St)

2/. As for the serving of under 18 year olds, this categorically has not happened, as the only time there has been under 18 years olds in the venue is at private booking events and everyone was challenged for ID and only those 18 or over were given non transferable wristbands which enabled only those people to purchase one alcoholic drink at a time, also all bags were searched and any liquids discovered were confiscated. All of these precautions to avoid under 18 year olds attempting to purchase alcohol were run past Christian Watkins before the event at the police station, where he agreed that we were taking enough steps to comply with the licensing objectives, "prevention of crime and disorder and protection from harm to children" in addition we had 4 door staff on at these events, plus 2 plain clothed doorman who were undercover and constantly patrolling, making sure no harm was to come to anyone including under age children.

3/. And as the letter is virtually word for word of that of the blue letter that has been repeatedly put up on private gates and on council lamp posts, my solicitor has advised me to remove them as this is misrepresentation of true and actual fact (therefore this is giving the public false/unsubstantiated information and trying to falsely guide their judgement)

4/. Regarding the accusation of Shaun Ashcrofts jaw being broken INSIDE the venue, I would like further information on this matter as we have a witness statement from Mr Ashcroft stating Cheshire Police goaded him into falsely stating that the incident occurred INSIDE the venue and that it was caused by our head doorman, when in fact he has said in his witness statement that it in fact happened on the High St, which we have also got another statement from another door staff member that corroborates this as being a true version of events. This is also backed up by contemporaneous video mobile phone footage taken at the time, it also shows one of your police officers being shown the perpetrator of this incident and dismissing the information that was being given to her.

Second letter, I agree to the 1st 2nd and 3rd side and agree that Sgt Lindsay Chamberlain is who she says she is. After the 4th page however where she continues to state that under 18, s is open to potential harm and that they are of real risk to child sex exploitation, I fail to see what this has got to do with me as I have never knowingly served under 18's or have my

staff that I'm aware of. However, I can not be responsible for those that may have had an alcoholic drink at home before entering my premises.

As for page 5 Mr Smethurst's statement and report from a mother of a 16-year-old, she was in fact sent home at 2am along with the rest of the staff after they'd finished clean down duties. When I was informed of this event by the police I immediately told the police officer that I therefore would like to press charges for the theft of alcohol, as I had not offered or consented to her having any alcohol, I was informed that the charges had been dropped by the glass collector concerned and the police advised me not to press further with taking action against her, which I consented to but was not happy about it.

As to the alleged incident on the 20th of December where 5 officers turned up, police entered my premises at 01.42am where late night entertainment was coming to an end, alcohol was not being served, as last orders was at 01.15 am. The statement that most of the occupants were heavily intoxicated this would have also been the picture in every alcohol serving establishment in Sandbach being at this time and so close to Christmas, and as for the apparent signs of drug use, we do all that we can as an establishment to prevent drug use on the premises, this is done by regular half hourly checks of the toilets and outside area, also if this is what the police felt, were any arrests or drug tests taken, or in fact any drugs found at the time (excluding the empty bags found presuming to have contained drugs) were this then tested, if in fact this is what the police thought? Also we have asked on numerous occasions for a sniffer dog to come out to the premises to again help towards the prevention of drug use in the venue, as such no arrangements were ever put in place for this. If as stated in a number of the witness statements where they claim to have seen drug use and drugs in the venue, surely this would have been a priority to get the sniffer dogs in, however allegations continue to be loosely thrown around in assumptions too goings on, at The Mill.

Following the hand delivered formal letter, I had already instigated the following changes: -

- 1/. No under 18's working at The Mill.
- 2/. Complying with premise license and hours and the conditions therein, these were always and are complied with and followed, as for the CCTV conditions I am not a CCTV expert, but when I see all cameras on view and recording I am not to know when they then wipe out and go back to recording from the beginning again. However please see additional letter from Maplin's which states the CCTV unit has been miss sold due to it only recording as far back as 10 days, Maplin's have said that the CCTV unit needs a 4 terabyte hard drive instead of the 1 terabyte hard drive that's installed, thus proving that the CCTV has never been deleted or edited, this is the same system we've always had with the same supplier (Maplin's) knowing we required a 30 day recording, however apparently due to the high volume of cameras (not insisted on by yourselves) they will only record roughly 10 days worth, and I have only been made aware of this in the last week by Maplin's, who were informed by the manufacturers technician. I have kept various officers who have attended the Mill including Christian Watkins that there were issues and I was in touch with Maplin's.
- 3/. As for me taking steps to prevent the wide spread and blatantly unlawful use of controlled drugs within the premises see above, but also disregard any statements making reference to drug taking within the premises or by myself as these statements have been

made by compromised witness's with conflicts of interests. I have a zero tolerance on drugs personally and professionally.

Page 6, where a late temporary events license was applied for and refused, we respected this decision and maintained normal opening hours, however when a visit was made at 0240 the premises was not open and the only people in having a drink were my staff and the DJ agreed to play a little later as a treat to the staff only. As for Chamberlin and Watkins visit, where my parents were also present, I did admit to employing 2 17 year olds however one of those had supplied a false passport declaring he was 18, and the other 17-year-old was only employed as a glass collector and not allowed behind the bar.

As to the CCTV showing a man slumped against the wall, he was refused entry as he was already seemingly intoxicated before he tried to gain entrance.

As to the 17-year-old having an altercation with the door staff for being refused entry, and his father calling the police worried about his wellbeing, in front of witnesses he was actually boasting that he had been drinking at home and that was the only reason for the altercation because he was refused entry.

At this point in the letter I am also bringing up the fact that the police could not download on to their memory sticks and therefore they removed the whole system back in early Nov 2015 and it was not returned to me until I collected after repeatedly asking for it back in March 2016, and at considerable cost to myself I had to go out and buy another system from Maplin's as a stop gap and to continuously comply with licensing conditions. If it was vitally important that I have CCTV (which most venues do not) why was it not returned to me sooner?

As to Sandbach High School ticket only event, I have earlier made reference to this and there were definitely no assaults to children by door staff, and in fact a number of parents took time out to come to the venue and thank us for looking after their children and not supplying them with alcohol.

As to the CCTV yet again, being told that images the police have secured were of poor/grainy quality, these cameras are the top HD cameras available on the market!

Finally 7th page, as to statements from Sophie Barrett and Robert Davenport both of these being ex employees of The Mill who have an axe to grind because Sophie was "let go" for miss management of the venue and Robert Davenport was no longer employed as a doorman on our doors due to his inability to enforce the company protocol of challenge 25, as to his comment in his statement that he "refused to work for the company", this is also untrue as for the 6 weeks prior to re-opening he was trying to negotiate prices with myself to come back to work on the doors, but I refused. In addition, he also advised that The Mill would only need 2 doormen on a Friday and Saturday night, and in my opinion I felt we needed 4 doormen on a Friday and 6 doormen on a Saturday, which I have implanted and can provide evidence of records upon request. Also Mr Davenport took unbridge when a more competitively priced company got the contract for the doors and also the fact that he

was trying to purchase The Mill lease from behind my back with the Landlords, and again was unsuccessful.

Emphases always been a fight with national
CON - as some are able way through - just
not aware of it

① Add to Statement

- ① Add to Statement
- A) 18 yr old - Doctor's Passport - previously employed by 'Studio' in Nantwich
They were also dropped. Instantly dismissed by us when found at Is he still doing unspectating?
- B) Chamberlain pressed me for taking Board? On Board their refusal to grant an extended adults license & respect it & adhere to their wishes & obligations.
May 2012 ~ 1 J. 1 x no
- C) Watkins praised me for very few occasions ^{only that} police had to be called to their venue. Best in Town.

~~Said NAME has been listed on~~
~~Jan,~~

- d) Victim still happy to see dogs come to our ~~side~~ ^{door} ~~in 3-4 weeks~~ ^{venue}.

Chris Walker's e-mail to Smolensky with these vacation
Police will not object

Statements

Broken Jew Victim's statement.

Chris (desktop) + video from mobile
desktop (other)

Staff - all of them.
Us.

Chris' (doorman) witness statement.

Just (I was after)
multiple
Requesting
same hrs.
as our
local
competitor
Any
statements.



PENTAGON
SECURITY FORCE

Incident Report Log

Date: 20/02/16 Location: Sandbach (M14) Security Officers: _____

Time: 23:00 Police called: N Visits: _____ Control/Patrol Contacted: _____

Incident (Please fill below):

Overall three searches were conducted tonight in relation to drugs

A Mixed race male was searched from a tip off from the DJ upon search no drugs were found on this male, the security guard who conducted the search was Chris Goodwin.

Second search was on a white male, medium build and nothing was found search conducted by Chris

Guy in mens cubicle for 5 minutes after he had come out I asked him to come to front door, followed him behind security front door, searched him had nothing on him he went back inside no problem after that. white male 5ft 8 blonde beard and hair

Stewart Harris D.S. ~~Stewart~~



Incident Report Log

Date: 12/02/16 Location: The Mill Security Officers: Stefan Harris

Time: Police called: NO Visits: N/A Control/Patrol Contacted:

Incident (Please fill below):

Incident 1: customer was caught urinating on the fence outside in smoking area. white male with black jacket, 5ft 9 with jeans. was ejected from venue peacefully. Did not cause any issues.

Incident 2: white male, early 20s, 5ft 8 Picked a female customer up, was asked not to do it again, moments later he did it again. was asked to leave, stood his ground and became hostile. ejected the male out with reasonable force to the main front door and left without any other trouble.

[Signature]



Incident Report Log


Date: 20/12/16 Location: The Mill Security Officers: _____


Time: 3am Police called: _____ Visits: _____ Control/Patrol Contacted: _____

Incident (Please fill below):

MR CRAIG EARLEY called me (Kayleigh Bassham) at 2.58am being very racially abusive i.e. "paki cunt, arab" I put phone on speaker so others could witness & he hung up.

Craig Earley 07340 781748

Signed 
K. BASSHAM

Prior before hand, I went towards exit door and saw this male urinating on the step outside. I asked him to leave and then he became racially abusive towards me. He was then removed by the Police that were already on-site.  Ashish



Incident Report Log

Date: 23/01/16 Location: The Mill Security Officers: Ash, Wakoas + Stefan
Time: 01:45 Police called: Y Visits: _____ Control/Patrol Contacted: _____

Incident (Please fill below):

Customer in suit was caught doing class A drugs inside the venue on the dance floor.

He was immediately ejected out the building but was very volatile and verbally abusive. His sister went to attack a customer with no valid reason, she was also ejected and left the premises.

When clearing the drive the customer in the suit was behaving in a aggressive violent manner and threatened to 'kill' the doorman.

After this the sister again went to attack a customer and she was stopped. Randomly a male customer grabbed another male and threw him head first onto the floor. Head was cut open and was bleeding heavily.

Police then arrived and dealt with the situation.



Incident Report Log

Date: 20/02/16 Location: The Mill (Sandbach) Security Officers: Wakcos, Ashish, Chris + Stefan
 Time: 02:00 Police called: X Visits: Control/Patrol Contacted:
Ambulance
 Incident (Please fill below):

As customers were leaving due to close time.
 A female customer - felicity was on her way out after being sick, said she felt better, went to leave with her boyfriend, got near the exit. said she was tired and wanted to lay down and "go to sleep" at that point she lay on the floor, JO (customer) was keeping her talking, sat her up on a stool and had some water and was throwing up. At this point ambulance was called and was laid in recovery position.
 At this point paramedics arrived and attended to her. Taken to hospital.



Customer(s) Removal Sheet

Date: 28/2/16 Venue/Location: The Mill

Name of Security Guard: Stefan Harris Time of Incident: 12:15 AM

Please Fill Below in detail why customer(s) were ejected from the premises:

White male hit girl, girl cousin came over
I went over to the male told him to leave got aggressive
used reasonable force to take him out, the male's
friend tried to grab me - ~~but~~ he was also
taken out using reasonable force.. ~~Stefan~~

STEFAN
HARRIS

Signed:



Customer(s) Removal Sheet

Date: 28/02/16

Venue/Location: Sandbach

Name of Security Guard: Wakaas Aslam

Time of Incident: 12:55

Please Fill Below in detail why customer(s) were ejected from the premises:

A white, small build Male was behaving in ~~an~~^{an} irrational manner and started another white male shouting and pointing a finger towards him, he then went up in his face and reasonable force was used to walk the male outside, he did not leave the premises and carried on being abusive and then his male friend joined him which then they started to push their way back into the premises, they were informed to leave on several occasions however they continued to use force and myself and them used our hand to keep the distance and from the pushing us, after a few seconds a female of a large build started to push myself and scratched my hands and went to throw a punch, we then continued to walk the males out of the premises, they then said they were calling the Police which turned up and took statements.

Signed: W. Aslam



Customer(s) Removal Sheet

Date: 27/02/16 Venue/Location: Sandbach

Name of Security Guard: Waleed Khan Time of Incident: 01:30

Please Fill Below in detail why customer(s) were ejected from the premises:

A white male of medium build was ejected for being very abusive towards James, no physical intervention was used as he walked outside

Signed: W. Khan



Customer(s) Removal Sheet

Date: 21/02/2016 Venue/Location: Sandbach

Name of Security Guard: Waleas Aslam Time of Incident: 12:30

Please Fill Below in detail why customer(s) were ejected from the premises:

A small build, white male was ejected from the premises, the reason he was ejected was because he slapped a white male in a red t shirt and blue jeans, no physical intention was used as the male co-operated to leave the premises

Signed: W. Aslam



Customer(s) Removal Sheet

Date: 21/02/2016 Venue/Location: Sandbach (M11)

Name of Security Guard: Waters Chris, Stefan Time of Incident: 01:20

Please Fill Below in detail why customer(s) were ejected from the premises:

A male customer - white, Red t-shirt with jeans was given two warnings after being drunken dis-orderly and on the third occasion he squared up to a male in a black + white shirt. myself and chris then had to use Physical intervention to restrain the two individuals with reasonable force as they were determined not to leave the premises. on this occasion they were detained and removed from the venue.

Both males - ICA, short dark hair. 5ft8-10".

Signed: W. [Signature]



Customer(s) Removal Sheet

Date: 11/02/16

Venue/Location: The Mill

Name of Security Guard: Chris Goodwin Time of Incident: 08:20

Please Fill Below in detail why customer(s) were ejected from the premises:

I am the guard present at the time of the incident. I had a call from the radio to go to the smoking area when I saw, 2 boys fighting. I broke it up with another one of my colleagues "Aves". we calmed the situation down and made them shake hands and allowed them to get on with their night. we closed at 11:45pm and asked everyone to leave the venue, with no issues occurring.

Signed: _____



Customer(s) Removal Sheet

Date: 13/03/2016 Venue/Location: ~~ASPHEN~~ MILL

Name of Security Guard: WAKES Time of Incident: 0115

Please Fill Below in detail why customer(s) were ejected from the premises:

A White Male was ejected as he tried to assault another Member, physical intervention was used to detain this individual on the way out he was trying to throw punches and fell on the slippery floor which also resulted in the security officer falling, at this moment of time Ashish and Stephen had arrived and they used reasonable force to take him out the venue.

Signed: _____



Incident Report Log

Date: 20/03/16 Location: The mill Security Officers: Chris Goodwin
 Time: 01:50 Police called: _____ Visits: _____ Control/Patrol Contacted: _____

Incident (Please fill below):

I am the above named person, and one of the guards that was present on the night on this incident. I got a Code red which means an emergency is happening in our venue. I got radical to the dance floor I saw two female, white British (1st, 5'8 Curvy, blonde hair, with a light Coloured dress.) (2nd The attacker - black hair, Skinny build, approx 5'6) both ejected from the venue.

while trying to de-escalating the first incident. A white male, approx, 5'6 stocky build, dark hair, wearing a dark T-shirt, with modern jeans. Slapping the Third party name (Shawn) out of the knees. At this point my colleagues, wakes, c.a. and myself using reasonable force, used physical intervention to stop the incident escalating. Physical intervention was necessary at this point to protect the public and the victim (Shawn). we then safely ejected the offender to the end of the mill drive. At this point everyone was leaving the venue, we then remained on the hire street c.g. c.g.



PENTAGON
SECURITY FORCE

Incident Report Log

Date: 24/11/16 Location: The mill Security Officers: Chris Coleman
Time: 01:50 Police called: _____ Visits: _____ Control/Patrol Contacted: _____

Incident (Please fill below):

we then got told by Jay Jay to clear the drive way. As we were doing this I saw two police officers, white male, 6FT 2 blonde hair, with a female officers, 5FT 4, white British Brown longish hair, trying to arrest the victim named Dean. I tried to speak to the female officer saying "you have the wrong guy he is the third party" she completely blanked me and pushed the victim into their car. I tried to explain to the female officer that the offender was running up the street. There were number of people trying to explain the offender was by a pub called "The Lion". She still ignored, Samira later she then walk up the street and managed speak to the offender. He never got arrested at that time and was able to walk free.



PENTAGON
SECURITY FORCE

Incident Report Log

STEFAN HARRIS

Date: 20/03/16 Location: The mill Security Officers: ~~Chris Harrison~~

Time: 01:45 Police called: _____ Visits: _____ Control/Patrol Contacted: _____

Incident (Please fill below):

I am one of the security guards that witnessed the incident on the night of the 19th March 2016 early morning of the 20th of March. I was positioned at the centre of the club when I heard a code read on the radio to attend the dance floor when I saw two females. First approximately 5ft 8 light dress curly second - offender 5ft 6 black dress dark hair skinny attacking the first female. We then ejected the females both of them at the same time I saw two males white/brillish first Shaun approximately 5ft 10 skinny build dark hair which is the victim in this and the offender named hyle approximately 5ft 6 stocky build dark hair slapping the victim Shaun across the face we then took physical intervention to disperse the situation. Physical intervention was necessary at this point to stop any incidents from occurring. We then ejected the offender of the venue and of the pub. We then got told by JJ to clear drive way when I saw two police officers 1 male approximately 6ft 2 blonde hair slim build 1 female approximately 5ft 4 curly dark long hair speaking to the victim. I then saw Chris trying to explain to the female officer that the offender is half way up the street she ignored Chris and held the victim against the police car. I also got assaulted on the drive way by the male offender named hyle this happened before Chris spoke to the female officer then I went back into the venue.



PENTAGON
SECURITY FORCE

Incident Report Log

Date: 20/03/16 Location: THE MILL Security Officers: Wakkar Aslam

Time: _____ Police called: _____ Visits: — Control/Patrol Contacted: _____

Incident (Please fill below):

I am one of the Security guards that witnessed a incident which originally started with a group of females arguing one white female in a black dress around 5ft 2 with dark colored hair and also a white female around 5ft 8 wearing a peach dress, blonde colour hair were arguing with a group of females a white female with black hair around 5ft 6 trying to attack the two girls they were separated and the situation was de-escalated at this time as the females were been split apart a white Male, 5ft 6 wearing a black top and blue jeans stopped another white Male named (Shawn) description, 5ft 10, small build with dark hair, as soon as he was assaulted I intervened and used physical intervention to stop him from fighting Chris Goodwin assisted myself to eject this Male from the venue, Physical intervention was necessary at this point to protect the public and the victim at this stage the victim was asked if he was ok and he replied that he did not know why this Male ~~stopped~~ stopped him. The owner JT then requested us to clear the drive which we did and the offender then tried to throw a Punch at a Security Guard Stephen Harris after few mins Police arrived and people were shouting that a Male had been attacked by the Pub (Lion)

Two Police officers arrived on the scene one Male and the other a female, My colleague Chris Goodwin tried to assist the Police by telling them that the offender was running up the street however she ignored him and tried to detain Shawn, we carried on telling the officer that the offender was getting off and she was trying to arrest the wrong individual, still at this point she carried on ignoring it took her 3-5 mins before she went up the street, she talked to the offender and then let him walk off.

Date: 20/02/16

[illegible]

Date: 25/02/16

[illegible]

Date: 25/3/16

[illegible]

Date: 26/03/16

[illegible]

Date: 16/04/16

[illegible]



CHALLENGE 25

Date: _____

Venue: The Mill (Sandbach)

Name	Date of Birth	Licence/Passport Number	Name of Guard: Signed:
Molly Hinks	06	Hinks 958114MACIKW	
Ellie Morrell	1/1997	Ellie Morrell Morrell 958114MACIKW	W. 2
Amy Dale	1/1998	Dale 9954098AJ9VK	W. A
Reece McLaughlin	1/1996	MCLAUGHLIN 9903276R99KD	W. A
Kay Marie Thompson	98	S18022015	
Jade Condliffe	1/98	Condliffe 993008JL9SP	
Isabel Dean Cady	97	Cady 9111074P9FX	
Andrew Roach	93	Roach 910003BPA114	
Joshua Kapp	93	Kapp 9911033A9DK	
Jack Robert Williams	94	Williams 993201J29UY	



CHALLENGE 25

Date: 09/04/16

Venue: The Mill (Sandbach)

Name	Date of Birth	Licence/Passport Number	Name of Guard: Signed:
Hope Lane	2/94	LDWE6124356 VS	AB
Rebecca Sharpe	96	SHARPES 11069DB	AB
Reece McLoughlin	3/96	MC10903224920	AB
Chloe Nastasha	195	MYER396130504105	AB
Paige Eisle	5/06/98	JONES956244594W	AB
Jason Hickson	196	HICKS407169657915	AB
Emma Morley	1/93	MORET951033E42 U	AB
Lauren Appleton	196	APPLE956136L994G	AB
Erin Bexford	96	BYF209522105E912	AB
Aiden Jones	1/96	JONES90466499KV	AB



CHALLENGE 25

Date: 08/04/2016

Venue: The Mill (Sandbach)

Name	Date of Birth	Licence/Passport Number	Name of Guard Signed:
Sophie Ann Beardma	95	Beard961135SL9K2	
Tessa Ann Emmanouel	96	LanCa9532cbTeCJF	
Katie Escombe	95	EsCoAT96130SK99MD	
Sarah Jayne	95	Mosel9570705J4PR	
Nina Bealey	90	Bail954050NM9P	
Kerry Stockton	94	52764129S	
Matthew Galloway	94	951244NL9LY	
Georgina Charlton	91	953197644A	
Jessica May	95	110325514	
Lisa Wilkinson	95	958125LM94W	



CHALLENGE 25

Date: ²⁵~~26~~/02/16

Venue: The Mill (Sandbach)

Name	Date of Birth	Licence/Passport Number	Name of Guard Signed:
John Brown	'97	Brown 911247JJ9JV	Ash
Samuel Lakin	'97	Lakin 9102670 SQ DR	Ash
Charles Beeston	1/98	Beest 901128MCICS	Ash
Michael Lea	1/97	Lea 90909177JM9YT	Ash
Lewis Goodwin	1/98	Goodw 902138LM9D	Ash
Thomas Blake	2/98	Blake 9020287J9HE	Ash
Robert Nunn	7/98	Nunn 9950380K9ZM	Ash
Harry Richardson	1/97	Rich 909197H59LB	Ash
Megan Taylor	91	Taylor 9518MR9LT	Ash
Laura Bachle	1/97	Bachle 961027LA9Z	Ash



CHALLENGE 25

Date: _____

Venue: The Mill (Sandbach)

Name	Date of Birth	Licence/Passport Number	Name of Guard Signed:
DINA BURGIS	1997	BURG1954187 DA 9DL	W. A.
CAITLIN HARRINGTON	1997	HARR195817CR9AS	W. A.
ANNIE FORSTER	1997	FORST1954037AJS4N	W. A.
Samuel Craig Critchley	995	CRITCH111755AF1M	
Michael Williams	95	WILLI11055MHAER	
Kurtis Jones	96	5240065169	
Emma Mitchell	96	Mitch 957176152K	
Joshua Kapp	93	Kapp 9511033590K	
Jack Williams	94	WILLI 903326590M	
Eleanor Kay Neal	97	504748158	



CHALLENGE 25

Date: 27/03/16

Venue: The Mill (Sandbach)

Name	Date of Birth	Licence/Passport Number	Name of Guard: Signed
Miss Carla Leigh Taylor	..55	Taylor 9162115CL9CN	
Ryan Lee Cooper	.96	508 3FA 251 Passport	
JESS CULLEN	1997	CULLE 955157JM9PE	W.
KARA McHAMMID	1997	KARA 9806027KM9PZ	W.
Ann ELIZABETH Smith	1988	SMITH 8521484E9RV	W.
Georgina Harper	05/1997	Harper 9550679L9TV	W.
MILICENT Roberts	3/1997	ROBER 953077M49TF	W.
MOLLY SEHNE	1997	SEHNE 955097MA9FJ	W.
AARON BERESFORD	1996	BERES 9122769A9HS	W.
JAMES PARKER	1999	PARKER 911186JA9PR	W.

Date: 27/03/16

[illegible]



CHALLENGE 25

Date: 25/03/2016

Name	Date of Birth	Licence/Passport Number	Signed
Luca Benjamin	-94	HARD 1905184LP 9XF	
Galvin Paton	-1997	Paton 9020476F9JB	
Jamie Newland	-1996	NEWLA 903251JN 9ZE	
Samuel Gregory Samuel Gregory	1994 1994	MORE 19570705J9PR	
Matthew GALLOP	-1990	INNO 1954070 NH4YJ	
Elizabeth Skye	1992	SKY 1958192 EJ4TV	
Demi Luthouse	1993	LOFT 1957193DJ 9JB	
Charlotte Hillen	-1996	HILL 1952286 CL9VP	
Thomas Lee	-1993	LEE 1990214 JTJ4WZ	
Charlotte Dore	1995	REURD 961115C 99RJ	



CHALLENGE 25

Date: 19/03/16

Venue: The Mill (Sandbach)

Name	Date of Birth	Licence/Passport Number	Name of Guard: Signed:
Jess Cullen	1/97	Cullen955157JM9FE	Ash
Shannon Pryor	8/97	PRYOR58077SR9MS	Ash
Charlotte Beardmore	1/95	Beard961115C99RT	Ash
Imogen Major	1/96	Major95261R9LG	Ash
Jennifer Barnett	3/89	Barnett853059M9U2	Ash
Meghan Hutchings	1/95	Hutch951065M99G2	Ash
Laura Taggart	2/94	Taggart956195L09EV	Ash
Justine Cain	1/94	Cain9960304JS9DG	Ash
Georgina Bell	1/94	Bell9953114G692E	Ash
Danielle Desmond	5/87	Desmond85G237D9XL	Ash



CHALLENGE 25

Date: 05/03/16

Venue: The Mill (Sandbach)

Name	Date of Birth	Licence/Passport Number	Name of Guard: Signed:
Megan Belham	/1998	BELSH95228ML9RR	Ash
Sarah Andrews	97	Andre962247SM9SU	Ash
Danielle Cole	'89	CCLES862179D99UD	Ash
Abbie Kiernan	1/96	KIERN960256A99FH	Ash
Kirsty Woods	'91	WOODS962241KL9UG	Ash
Jennifer Barnett	1/89	BARN9853089JM9UZ	Ash
Emma Whitell	96	MITCH957176E1K9211	Ash
Katie Cherry	'96	STZ460G91GBR960317F67	Ash
Elizabeth Styles	92	STYLE95192EJ9TW	Ash
Zoe Davis	/92	DANKE9510422M9VV	Ash



CHALLENGE 25

Date: 19/02/16

Venue: The Mill (Sandbach)

Name	Date of Birth	Licence/Passport Number	Name of Guard: Signed:
Bradley Mottram	1-93	MOTTR910033B-RFA	A. B.
Andrew K Potter	/94	POTTE906294RA96J	A. B.
Cassie Bostock	-94	BOSTO954104C99CM	A. B.
Harry Mace	5-97	MCE94905057HA9MF	A. B.
Avantia Cabello	5-92	ARK152337 ^{Espana} ID Card	A. B.
Diaz Garcia	-92	ATF156256 "	A. B.
Morquez Butana	-96	AUC142612 "	A. B.
Diaz Garcia Albert	-97	BAT181317 "	A. B.
Sue Raskelly	16	RESKE910316J993Z	A. B.
Jack Hallshead	96	HULL1909056JR9A5 20	A. B.

EVANS, Kim

From: KILMINSTER, Guy
Sent: 03-May-2016 07:48
To: LICENSING (Cheshire East)
Cc: GRIMBALDESTON, Heather
Subject: Review of the Licence (LAPRE/0956/05) for the Mill bar and Restaurant in Sandbach

Follow Up Flag: Follow up
Flag Status: Completed

Sir/Madam

On behalf of the Cheshire East Public Health Department (a Responsible Authority under the Licensing Act), I am writing to support the review of the Licence (LAPRE/0956/05) for the Mill bar and Restaurant in Sandbach. This is particularly in relation to the licensing objectives to prevent crime and disorder and to protect children from harm, as defined in the Cheshire East Statement of Licensing Policy 2014-2019 Sections 7 and 9.

With regard to the Objective to prevent crime and disorder, the Review evidence suggests that this is not being (and has not been for a couple of years) adhered to, with examples of under age drinking, violent incidents and drug use all described. Supporting the Police in their work to investigate incidents has also been hampered by a failure to use and supply CCTV images in line with the requirements of the Licence.

With regard to the Objective to Protect Children from Harm, the evidence gathered to support the Review, demonstrates that under age drinking has taken place at the Mill and that boys and girls under the age of 18 have been employed in the mill and supplied alcohol whilst on the premises. With regard to the employment and supply of alcohol to girls, there is a strong suspicion that this has also been used as an opportunity for sexual exploitation when girls have been incapable of looking after themselves. The suggestion that 'it also enjoys a reputation as somewhere where young girls can trade sex for alcohol or drugs' (Appendix A page 4) should be a particular concern for the Committee.

The Cheshire East area is in the worst quartile nationally for a number of alcohol consumption indicators for young people:

From the Health Behaviours in Young People – What about YOUTH survey (published by Public Health England January 2016)

- Percentage of regular drinkers – worst quartile
- Percentage who have been drunk in the last four weeks – worst quartile

From the Local Alcohol Profile for Cheshire East (published by Public Health England March 2016)

- Alcohol specific hospital admissions – worst quartile
- Alcohol specific hospital admissions (female)- worst quartile

The actions of Licence holders impact upon the performance in relation to these indicators and, of course, have negative impacts on the lives of the young people affected.

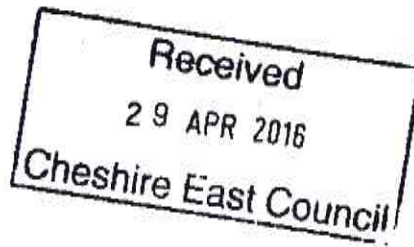
We would urge the Committee to seriously consider the implications of not responding to the concerns raised within this Review.

Guy Kilminster | Corporate Manager Health Improvement & Interim Director Cheshire Pioneer Programme |
 Cheshire East Council | Department of Public Health |
 Westfields | Middlewich Road | Sandbach | CW11 1HZ
 01270 686560 | 07795 617363 | guy.kilminster@cheshireeast.gov.uk

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Mark & Michaela Ellwood
22 Queens Drive
Sandbach
Cheshire
CW11 1BW

27 April 2016



Licensing Team
Municipal Building
Earle Street
Crewe
CW1 2BJ

RE: The Mill Bar and Restaurant, Town Mill, High Street, Sandbach. Cheshire CW11 1AH

Dear Sirs,

We would like to extend my unequivocal support to The Mill Bar and Restaurant during this review.

We have no personal or business relationship with the Mill or its owners. I was made aware of the application for review by Sandbach High school, which would suggest that a local puritan has taken umbrage at the fact that the two local high schools had a sixth form night out at the premises.

My daughter is in the lower sixth and yes is only 17. We were fully informed about this event and she and her friends had a great and trouble free evening. It would be huge shame should it prove impossible to hold these events in future, because the owners were afraid they might lose their licence.

We are surprised that the review application mentions "protection of children from harm", when the licensing Act 2003 appears to specifically exclude 17 year olds as children. But regardless to what the letter of the law might say, these are not children, and they MUST have somewhere where they can learn and grow as young adults in our community. This type of over-reaction (prohibition) has, in the entire history of socially acceptable drugs, always failed miserably and should not be considered now.

I have consulted my daughter and her friends regarding the event that seems to have caused the Mill so many problems and am satisfied as to the following:

1. Any student who turned up drunk was made to wait outside or refused entry. We ourselves saw (from Casa Mia) many students make their way to the Mill from the towns other pubs including the Market Tavern. They did this because the Mill had made the access to alcohol more difficult.
2. On entry to the event the students were required to provide ID. Any old enough to buy alcohol were given a (stamp/ID bracelet) at the door. If you did not have a tattoo you could NOT buy alcohol.
3. There were door staff and security staff moving throughout the venue all evening
4. There was no obvious trouble of any sort all evening within the Mill

I fail to see what more the Mill can have done to take their responsibilities more seriously. They appear to be adhering to the licencing conditions as fully as is realistic in a democratic society. The management appear to have taken all reasonable measure to ensure that the majority of people had an enjoyable and trouble free evening.

While crime and disorder under the influence of alcohol is unacceptable at any time, I am tired of the endless vilification of young people who make a bit of noise while enjoying themselves; and believe we should not be so heavy handed or so puritanical as to turn Sandbach into little better than a grave yard.

I applaud the Mill for allowing the sixth forms to hold this event and would like to know that they should not fear for their business should they do so again.

Yours Sincerely

Mark Ellwood

Michaela Ellwood

Review notices at The Mill Bar and Restaurant

On the 7th April at 17.20 hours a Licensing Officer put up 3 notices outside The Mill Bar and Restaurant, Town Mill, High Street, Sandbach. These notices were Public Notices that informed members of the public that the Premises Licence at the premises was subject to a Review application and invited any representations to be made by the 5th May 2016. The notices were displayed on the front door of the premises, the entrance gate to the premises off the High Street and a lamp post located on the High Street to the left of the entrance to the premises.

The notices were checked on the 12th April and all the notices had been removed and all were replaced on the 12th April at 15.43.

The notices were checked on the 13th April at 07.29 and whilst the notices on the lamp post was still in place the notice on the gates leading to the premises had been removed again. This notice was replaced at 16.15 on the 13th April.

Further notices were replaced on the lamp post and the gate on the 15th April at 16.00 hours.

The notices were replaced again on the 19th April at 15.08 and checked at 07.30 on the 20th April. The notice on the gate had been removed but the notice on the lamp post was still present. They were checked again at 16.00 on the same day and the notice had been removed from the lamp post.

On the 21st April the notices were inspected and one notice was still on the lamppost but was turned so that it could not be seen. The Licensing Officer turn the notice back around.

The notice on the lamp post was replaced at 16.00 hours and the Premise Licence Holder advised by a hand delivered letter that the notices were being monitored by CCTV. CCTV reported to the Licensing Team that at 16.07, the Premise Licence holder's father turned the notice on the lamp post around so it was no longer visible to passers by. CCTV also reported that the Premise licence holder was observed removing a notice from the lamp post on the 25th April 2016 at 17.12 that had been replaced at 16.30 hours the same day.

In short the notices have been replaced a number of times during the 28 day period that the notice was required to be displayed:

Activity	Date and Time
notices displayed (start of advertising period)	7 th April 2016 at 17.20
notices replaced	12 th April 2016 at 15.43
notices replaced (lamp post notice not affected)	13 th April 2016 at 16.15
notices replaced	15 th April 2016 at 15.55
notices replaced	19 th April 2016 at 15.08
notice on lamp post in place	20 th April 2016 at 07.43
notices replaced	20 th April 2016 at 15.59
notices replaced (Lamp post notice turned around)	21 st April 2016 at 12.12
notices replaced	25 th April 2016 at 16.30
notices replaced	27 th April 2016 at 07.40
notices replaced	28 th April 2016 at 08.22
notices replaced	3 rd May 2016 at 07.45

Also during this period notices were places in the Council Offices, Westfields, Sandbach and on the Council website.

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE LICENSING ACT 2003

NOTICE is given that Cheshire East Borough Council has on 7th April 2016 received an application for the review of the premises licence in respect of the premises known as The Mill Bar and Restaurant, Town Mill, High Street, Sandbach, Cheshire East, CW11 1AH.

The grounds for the review application are:

That The Mill is not being managed in a responsible manner, the premises license conditions are not being adhered to. An incident where a man had his jaw broken inside the premises. The presence of under 18 year olds on the premises being served/supplied alcohol.

Thereby undermining the Statutory Licensing Objectives of:

- The prevention of crime and disorder
- The protection of children from harm

Any person wishing to make representation in relation to this application may do so in writing by **5th May 2016** to:

Licensing Team, Municipal Buildings, Earle Street, Crewe, CW1 2BJ

licensing@cheshireeast.gov.uk

A copy of the licensing register, in which the grounds for review are contained, is kept by the Licensing Section of Cheshire East Borough Council and may be viewed at any time during office hours.

It is an offence to knowingly or recklessly to make a false statement in connection with an application and upon summary conviction for the offence a person is liable to be fined.



Mr Jonathan Harry Thomas Jones
The Mill Bar and Restaurant
Ground Floor, Town Mill
High Street
Sandbach
CW11 1AH

Date: 19th April 2016

Our ref:

Licensing Section
Municipal Buildings
Earle Street
Crewe
CW1 2BJ
0300 123 5015
licensing@cheshireeast.gov.uk

Dear Sir

**Re: Application for a Review of a Premises Licence
The Mill Bar and Restaurant, Town Mill, Sandbach**

I refer to an application for the Review of the premises for the above premises made by Cheshire Police on the 7th April 2016.

In accordance with the Licensing Act 2003 and The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 the Council is required to advertise the application. This includes the placing of notices at or near the premises subject of the review for not less than 28 days.

However, notices we are placing at the site are being tampered with and on a number of occasions have been removed. We have been monitoring this via our CCTV department and will be providing this information to the Sub-Committee when they determine the Review application.

To comply with this legislation, I have enclosed a copy of the notice which you must display at your premises where it can be conveniently read by members of the public.

If you have any queries in relation to this matter, please contact me on 01270 686413.

Yours faithfully

Kim Evans
Licensing Team Leader

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Our ref: 07/C3/7541

Your ref:

Date: 6th April 2016



Mr J.H.T. Jones (By Hand)
(Premises Licence Holder)
Mill Bar & Restaurant
Town Mill
High Street
Sandbach
CW11 1AH

*In reply address correspondence to:
David Smethurst, Licensing Officer.
Telephone: 01606 363580*

Re: Urgent CCTV review at The Mill Bar & Restaurant, Sandbach

Dear Mr Jones,

I write further to my last letter dated 29th March 2016 where I sought copies of recorded images from your CCTV system. As a result of that interaction with you it has come to my notice that images which are recorded to your CCTV system are of poor quality, grainy and frankly not fit for purpose. In addition you appear not to be complying with your premises licence conditions in that unedited images are not securely retained for at least 28 days.

It is also questionable if you are complying with a further condition which requires that staff are competent to operate and take copies from the CCTV system and particularly as I was recently given copies of CCTV images which were completely different dates from those I requested.

Your premises licence conditions also require 'A CCTV system will be installed and maintained at the premises to the satisfaction of the Police Licensing Officer' and what is currently in place is far from my satisfaction.

In short I want to review your entire CCTV provision in terms of the number of cameras, the field of view of each camera, the quality of recorded images, the retention period of recorded images and the competence of those staff trained to operate it, in compliance with your premises licence conditions.

Can I therefore ask that you contact me at your earliest convenience and in any event within the next 7 days, i.e. by Wednesday 13th April 2016, to arrange a visit by me.

Yours sincerely

D.G. Smethurst

c.c. Sgt Chamberlain
Sgt Watkins
Pc Cummings

*Licensing Office, Sandbach Police Office
Middlewich Road, Sandbach, CW11 1HU.*

Our ref: 07/C3/7541

Your ref:

Date: 14th April 2016



Mr J.H.T. Jones (By Hand)
(Premises Licence Holder)
Mill Bar & Restaurant
Town Mill
High Street
Sandbach
CW11 1AH

*In reply address correspondence to:
David Smethurst, Licensing Officer.
Telephone: 01606 363580*

Re: CCTV review at The Mill Bar & Restaurant, Sandbach

Dear Mr Jones,

I write with reference to my last letter dated 6th April 2016 and enclose a copy for your reference.

In that letter I hopefully made clear that your CCTV system at The Mill Bar & Restaurant and your operation of it did not comply with conditions on your premises licence, which are potentially offences against section 136 of The Licensing Act 2003. In addition it has undermined a number of criminal investigations, including one recent serious assault, and as a result has undermined the crime and disorder licensing objective. In a nut shell I concluded that it is not fitted, maintained or operated to my satisfaction, a condition of your premise licence, and is not fit for purpose.

In the enclosed letter I, on behalf of the Chief Officer of Police, urgently sought to try and work with you to improve your CCTV system so that it is compliant with your premises licence conditions and is fit for purpose.

As you have not, as I requested, contacted me by yesterday I am afraid that unless you have taken significant steps to put these matters right then every time you offer licensable activities under the authorisation of the premise licence at The Mill Bar & Restaurant you are potentially committing offences against section 136 of The Licensing Act 2003 by not complying with your premise licence CCTV conditions.

It always has been, and still remains, your own personal responsibility to ensure that the operation of The Mill Bar & Restaurant is fully compliant with the various pieces of legislation controlling its activities.

I will pass on, to the local police managers, your refusal to engage with me, as the representative of the Chief Officer of Police, and thereby attempt to promote the licensing objectives. They may well take more than a passing interest in your CCTV system the next time you are open and they visit. A copy of this letter will also be forwarded to the Licensing Authority.

Yours sincerely

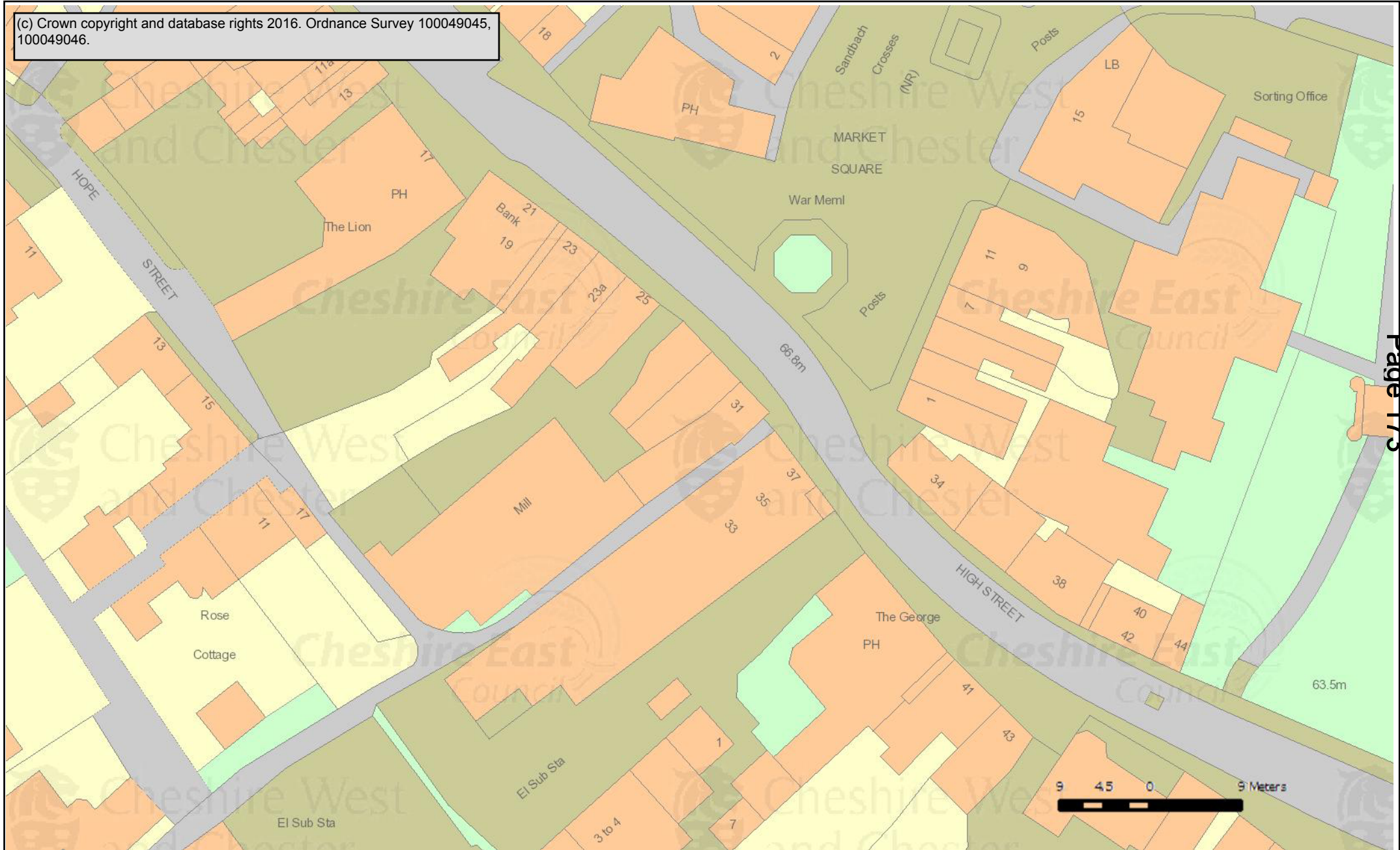
D.G. Smethurst (Police Licensing Officer)

c.c. Sgt Chamberlain
Sgt Watkins
Pc Cummings
Licensing Authority, Cheshire East Borough Council

*Licensing Office, Sandbach Police Office
Middlewich Road, Sandbach, CW11 1HU.*



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