

Licensing Act Sub-Committee

Agenda

Date: Monday, 15th August, 2016
Time: 10.00 am
Venue: West Committee Room - Municipal Buildings, Earle Street,
Crewe, CW1 2BJ

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: White Horse, 22 Pillory Street, Nantwich CW5 5BD** (Pages 45 - 116)

To consider an application for the review of a Premises Licence for the White Horse, 22 Pillory Street, Nantwich CW5 5BD.

THERE ARE NO PART 2 ITEMS

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:	15th August 2016
Report of:	Miss J Knight
Subject/Title:	Application for the review of a Premises Licence White Horse, 22 Pillory St, Nantwich, CW5 5BD

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 Mr N Dodd, a local resident, in respect of:

White Horse
22 Pillory Street
Nantwich
CW5 5BD

- 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 Nantwich South and Stapeley

5.0 Local Ward Members

5.1 Councillor Peter Groves
Councillor Andrew Martin

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 public nuisance objective. The Council's policy deals with these matters at paragraph 9.

6.2.2 Anti-social behaviour, which overlaps with the public nuisance objective, is also addressed within the Statement of Policy 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 30th June 2016 an application for a review of the Premises Licence was submitted by Mr N Dodd a resident of Pillory Street, Nantwich. The grounds for review set out within the review application were the Prevention

of Public Nuisance. A copy of the review application is appended to this report as Appendix 1.

- 10.2 A copy of the Premises Licence setting out the premises licence holder, designated premises supervisor and conditions etc is appended to this report as Appendix 2.
- 10.3 Within the prescribed consultation period in relation to the review, the Licensing Authority has received representations from Responsible Authorities under the Act. Representations have also been received from other person(s) as defined within the legislation.
- 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 Representations were received from the following Responsible Authorities:

- Licensing Authority - appendix 3
- Cheshire Police - appendix 4
- Environmental Health - appendix 5

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

Other Persons:

10.5.2 The Council also received representations from other persons (appendix 6).

11.0 Access to Information

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

Name: Miss J Knight
Designation: Senior Licensing Officer
Email: licensing@cheshireeast.gov.uk

APPENDICES

- Appendix 1 – Review application
- Appendix 2 - Existing Premises Licence and conditions
- Appendix 3 - Licensing Authority Representation
- Appendix 4 - Environmental Health Representation
- Appendix 5 - Cheshire Police Representation
- Appendix 6 - Other Persons Representations
- Appendix 7 - Plan of area

Appendix 1

LCREVIEW

[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 NEIL DODD apply for the review of a
(insert name of applicant)
premises licence under section 51 / apply for the review of a club premises
certificate under section 87 of the Licensing Act 2003 for the premises described
in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description <u>WHITE HORSE PUBLIC HOUSE</u> <u>22 PILLORY STREET</u> <u>NANTWICH</u> <u>CHESHIRE</u>	
Post town <u>NANTWICH</u>	Post code (if known) <u>CW5 5BD</u>

Name of premises licence holder or club holding club premises certificate (if known) <u>DONT KNOW</u>
--

Number of premises licence or club premises certificate (if known) <u>DONT KNOW</u>
--

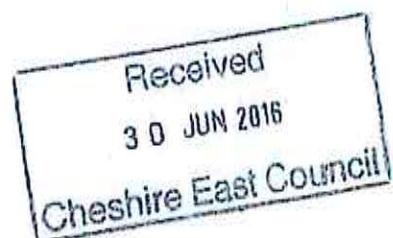
Part 2 - Applicant details

I am

Please tick ✓ yes

1) an interested party (please complete (A) or (B) below)

- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises

☐☒☐☐☐

2) a responsible authority (please complete (C) below) ☐

3) a member of the club to which this application relates
(please complete (A) below) ☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

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

Surname DOOD

First names NEIL JOHN

Please tick ☒ yes

I am 18 years old or over

☒

Current address

Post Town

NANTWICH

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

N/A

Telephone number (if any)

E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address N/A -
Telephone number (if any)
E-mail (optional)

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

Please tick one or more boxes Y

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

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

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

I HAVE LIVED OPPOSITE THE WHITE HORSE PUBLIC HOUSE FOR NEARLY TWO YEARS. THE NOISE NUISANCE CAUSED BY PEOPLE STANDING OUTSIDE IN THE MAIN STREET, MILLARY STREET SEVEN NIGHTS A WEEK SMOKING, LAUGHING, SCREAMING AND SHOUTING UNTIL AFTER 0230 ON WEEK NIGHTS IS NOT ON.

I LIVE IN A CONSERVATION AREA AND CAN NOT HAVE A SATELLITE DISH, DOUBLE GLAZING, YET YOU CAN HAVE ROWDY PEOPLE SMOKING ON THE STREET TILL 0230 IN THE MORNING.

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

I HAVE HAD CHESTEREAST COUNCIL WITH RECORDING EQUIPMENT IN MY FRONT BEDROOM, ALTHOUGH RECORDING EQUIPMENT NOT VERY USER FRIENDLY. I HAVE KEPT OVER 6 MONTHS NOISE NUISANCE DIARY AND COMPLAINED A DOZEN TIMES TO THE COUNCIL ON PARTICULARLY NOISY NIGHTS ALL TO NOT MUCH AIL OR CHANGE. I HAVE ALSO TAKEN PICTURES OF APPROX 25 PEOPLE STOOD OUTSIDE THE WHITE HOUSE AT 015 IN THE MORNING SMOOKING AND MAKING A RACKET.

THE WHITE HOUSE HAS PUT DOWN CEILING IN HOWEVER THE MAIN FRONT DOOR IS A DOUBLE SET WITH ALWAYS ONE SET WEDGED OPEN SO EVERYTIME SOMEONE COMES IN OR GOES OUT THE MUSIC BLARES OUT.

I FIRST APPROACHED CHESTEREAST COUNCIL IN SPRING 2014 BEFORE MOVING INTO MY PROPERTY AND WAS NOT MADE AWARE OF ANY ISSUES OR HISTORY THE PUB HAS. RECENTLY VIEWINGS OF LOCAL PAPER DATING BACK TO 2011 AND 2013 TELL A VERY DIFFERENT STORY.

Have you made an application for review relating to this premises before Please tick Y
yes ☐ N/A

If yes please state the date of that application

Day	Month	Year

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

N/A

Please tick ✓ yes

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

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

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date.....

Capacity

26/6/16

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
As Before	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



PREMISES LICENCE

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

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
White Horse 22 Pillory Street	
Post town	Post code
Nantwich	CW5 5BD
Telephone number	01270 624801

Where the licence is time limited the dates
Not applicable

Licensable activities authorised by the licence
Supply of alcohol
Provision of regulated entertainment
Provision of late-night refreshment

The times the licence authorises the carrying out of licensable activities		
Monday)	see attached tables
Tuesday)	
Wednesday)	
Thursday)	
Friday)	
Saturday)	
Sunday)	

The opening hours of the premises
Monday to Sunday 09.00 to 02.30

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
Sale and supply of alcohol for consumption both on and off the premises

Part 2

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

Spirit Pub Company (Leased) Limited
Westgate Brewery
Bury St Edmunds
Suffolk
IP33 1QT

Tel: 01284 763222

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

5699544

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

Tel:

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

Personal licence number :

Issued by: Cheshire East Borough Council

Licence issued : 26th October 2015

Signed by Amanda Hinton
On behalf of Cheshire East Borough Council

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

Late night refreshment – indoors			
Monday	23:00	to	02:30
Tuesday	23:00	to	02:30
Wednesday	23:00	to	02:30
Thursday	23:00	to	02:30
Friday	23:00	to	02:30
Saturday	23:00	to	02:30
Sunday	23:00	to	02:30

Sale of alcohol			
Monday	10:00	to	02:00
Tuesday	10:00	to	02:00
Wednesday	10:00	to	02:00
Thursday	10:00	to	02:00
Friday	10:00	to	02:00
Saturday	10:00	to	02:00
Sunday	10:00	to	02:00

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

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

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

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

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 do 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 Operating Schedule

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

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

1. No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
2. Refuse such as bottles shall be disposed of from the premises at a time (ie, between 8.00 hours and 20.00 hours) when it is not likely to cause a disturbance to residents in the vicinity of the premises.
3. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.
4. The beer garden/out door drinking area shall be closed to customers by 23.30 hours.
5. The windows and rear door of the premises shall not be kept or held in an open position after 20.00 hours each evening.
6. No glasses or open bottles or vessels shall be taken outside the premises by patrons after 01:00.
7. The number of occasions of significance and charitable events for which the extension of one hour beyond normal licensing hours is granted shall be limited to 10 (ten) per year.
8. Regulated entertainment shall not be provided in the beer garden/out door drinking area/car park except during the currency of the annual Nantwich Jazz Festival and Nantwich Folk Festival.

CONDITION ATTACHED BY MAGISTRATES FOLLOWING APPEAL

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

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

Annex 4 – Conditions attached after a review of the premises

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

Appendix 3

Representation for the review of the Premise Licence for The White Horse, 22 Pillory Street, Nantwich from Tracey Billington Licensing Enforcement Officer (formerly Environmental Health) at Cheshire East Council.

I first started to cover the South area of the Borough (Crewe and Nantwich) of Cheshire East Council with Environmental Health in December 2010. From the beginning of my employment I had heard my colleague Sarah Allwood mention the White Horse and complaints from residents on a regular basis.

I got involved first hand with The White Horse in February 2015 when I was passed a complaint regarding loud music at the premises and customers from the premise shouting in the street, whilst they were stood outside smoking. The complainant was considering submitting an application to review the licence of The White Horse and they contacted me again in March 2015 asking me to undertake a formal investigation. My first action was to visit the premises on the 18th March and make contact with the Designated Premise Supervisor (DPS) a Teracina Slaughter-Hudson. I found Teracina to be approachable and willing to make the small changes I suggested, such as standing the speakers on thick absorbent material, decreasing the volume of the music from midnight onwards and advising the door staff to have better control of the people smoking outside the premises. After the visit I wrote a follow up letter which is attached as Appendix 1.

Licensing were also informed of the complaint and Martin Kilduff from the Licensing Enforcement Team, met with the DPS and a representative from the Premise Licence Holder Company on Monday 13th April 2015. Martin suggested a number of ways to mitigate the noise from the smokers including using the rear beer garden, instead of the street to the front of the premises. Martin followed the visit with an action agreed email which is attached as Appendix 2.

Both the Licensing Section and Environmental Health continued to receive complaints and a joint visit was undertaken by myself and Martin on the 6th July 2015 to the premises. We again met with Teracina who was surprised that the complaints were continuing and she stated that the door staff were 'very good at keeping the smokers quiet'; Teracina went on to say that she would welcome officer visits to witness the noise from the premises.

On the 26th July 2015 at 23.35, myself and Kim Evans from Licensing undertook an officer visit to The White Horse. We approached The White Horse from a side street that lead out onto Pillory Street. Even before we reached Pillory Street we could hear music and people shouting. As we turned the corner into Pillory Street, the noise became considerably louder and it became apparent that it was associated with The White Horse. We stood across the road for a minute and observed the door staff making no attempt to control the shouts from people standing outside the premises smoking. We then went into the premises, the music was on so loud I asked the member of staff that was in charge to ask the DJ to reduce the volume of the music by a half. We went back outside to monitor the noise levels from the reduced volume. A gentleman approached us and informed us he was the owner of the premises and said his name was Todd Woodhouse. Todd was argumentative from the outset of the conversation and appeared to be drunk. As we were talking to him other customers and the door staff became involved in our conversation that was becoming quite heated. It appeared as though the situation could escalate so we made the decision to leave and any further action would be taken from the office. Accounts of the visit by myself and Kim Evans are attached in Appendix 3.

Following the visit I wrote to the DPS of the premises and advised her that we would continue to monitor the premises. I also wrote to the complainant and asked him to keep diary sheets and Kim Evans spoke to the partnership group who were also going to raise her concerns over the premise with the local policing unit. The letter sent to the DPS after the visit is attached in Appendix 4.

Sarah Allwood undertook a visit to the premises on the 29th July 2015 at 23.50 and she said that there were people stood outside the premises smoking but there was no noise from either the smokers or music being played in the premise. Sarah commented that 'it was the quietest I had heard The White Horse for some time'.

I left the Environmental Health Team at the beginning of August and started to work for the Licensing Team in September 2015. In my absence, further complaints were received by Environmental Health and further visits were undertaken by Sarah Allwood of Environmental Health and Kim Evans of the licensing Team. Another meeting with the DPS and Premise Licence Holder was scheduled for the 18th August and further advice was given to the DPS during the meeting on noise control. It was agreed with the Premise Licence Holder that a sound limiter device and double glazing would be fitted to the premises and this was undertaken in September. During this period Environmental Health were still receiving regular complaints about the premises and noise from people standing outside smoking.

On the 17th October 2015, Sarah Allwood received an email from the DPS to say that the sound limiter device had been fitted and would she attend to set a limit for the device. Despite Sarah leaving voicemails to try and arrange a date, the DPS of the premises did not return her calls. As Sarah had had no further contact from the complainant, the complaint was closed on the 11th November 2015.

Sarah received further emails during December 2015 regarding noise from the premises and she advised that she would reopen the complaint and discuss a review of the licence with the complainant once the Christmas and New Year period was over.

No further complaints were received until the complainant returned their diary sheets on the 8th June 2016. The complainant also included a photograph that had been taken on Sunday 5th June at 01.25. The picture showed a number of people standing outside the premises and it looked no different from the scene that Kim Evans and I witnessed on the 26th July 2015, when the noise levels were totally unacceptable. The photograph sent by the complainant is attached as Appendix 5.

As Sarah Allwood was on maternity leave, I arranged to visit the premises on the 20th June 2016 with Margaret Hopley from Environmental Health. The DPS was unavailable so we met with the Duty Manager, Lucy Dickins. The meeting was totally unproductive as Lucy had no idea where the refusals register, details of the bar staff and noise monitoring records were kept. When we queried her with regard to the conditions on the Premise Licence, Lucy had no idea what was required to comply with the conditions detailed on the licence. It was very clear to me that the measures agreed between Martin Kilduff and the Premise Licence Holder following the meeting on the 13th April 2015, had not been upheld and the premises was being run in exactly the same way as it was prior to the involvement of myself and Martin Kilduff in March 2015.

Margaret Hopley and I arranged to meet the DPS at the premises a week later. Prior to the meeting I asked the complainant if they had been disturbed the night before and they said they hadn't heard a thing. When we met with the DPS, I asked what they had done differently and she said that she had been out on the front asking the customers to keep the noise down. I asked about the role of the door staff and it was implied that the door staff have become friends with the customers and either had a lack of control of the customers or don't want to control the noise from the customers due to their relationship. The DPS also stated that Lucy had been working at the premises for 18 months and her lack of knowledge indicates that again the measures agreed by Martin Kilduff with regard to staff training, have not been upheld.

Following the meeting I wrote to The DPS with a request for the supply of CCTV footage from recent dates the complainant identified as being a nuisance, to date the DPS has not acknowledged the email or complied with the request. The email sent to the DPS is attached as Appendix 6.

Despite the measures agreed with the DPS and the Premise Licence Holder to mitigate the noise levels from the premises (not just over the last 12 months but over many years), this premise continues to give rise to complaints from residents. Presently, the premise appears to be very badly managed with the DPS seeming unable to manage the staff under her control; the DPS also pays lip service at meetings held with the council but has not actually implemented any major changes suggested to them, such as changing the door staff.

The owner of the premise Todd Woodhouse, on the one occasion I meet him, was very dismissive of any issues that were raised with him and to my knowledge has never approached the Council to try and resolve the ongoing noise complaints. The former Premise Licence Holder was The Spirit Group and they have been very reactive to suggestions made by the council, however they have now been taken over by Greene King and to date, no one from this company has returned my calls regarding this premise.

I feel that even with a change of management, the culture of this premise is more concerned with profits than neighbours. Measures have been put into place in the past to control the noise levels in the past but the local residents continue to be disturbed as the situation soon slips back to the norm. I feel that the only way to reduce the impact of this premise on the local residents is to reduce the opening hours of the premises from Sunday to Thursday.

The lack of control over the noise levels from The White Horse undermines the Licensing Objective 'the prevention of public nuisance' and it is for this reason that I have produced this representation to support the review of the Premise Licence for The White Horse.

Tracey Billington

Licensing Enforcement Officer

13th July 2016

Appendix 1

Description	Letter to DPS of the White Horse, dated 19 th March 2015
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14th July 2016



Ms Slaughter-Hudson
White Horse
22 Pillory Street
Nantwich
Cheshire East
CW5 5BD

Regulatory Services and Health
Municipal Buildings
Earle Street
Crewe
Cheshire East
CW1 2BJ

DATE: 19th March 2015

OUR REF: N33/018734

Please Contact: Tracey Billington
Direct Dial: 01270 686722
Email: tracey.billington@cheshireeast.gov.uk

Dear Ms Slaughter-Hudson

**ENVIRONMENTAL PROTECTION ACT 1990: SECTION 79 & 80
NOISE NUISANCE ARISING FROM THE WHITE HORSE, 22 PILLORY STREET**

Further to my visit on the 18th March 2015, concerning complaints of noise nuisance arising from the transmission of bass from music being played at the premises and noise from patrons on the pavement smoking and leaving the premises.

May I remind you of the following condition on your premises licence:

1. No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
2. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.

As agreed, can you please ensure that the bass levels are reduced as much as possible at the beginning of the night and the bass continues to reduced from midnight onwards particularly on the speaker to the front of the premises. Ideally this speaker should be mounted on absorbent material such as a thick rubber mat or similar and consideration could be given to a new location for the speaker, so it is moved away from the front of the premises and is rotated so it doesn't face the front windows.

I would be grateful if you could remind your security staff to keep the noise down from people smoking outside the front door and also to ask people to leave the premises quietly.

The complainant has mentioned that they are disturbed more on a Sunday and Tuesday night which are traditionally work nights. Therefore it would be advisable to monitor the noise levels from the premises from different locations on Pillory Street, particularly on these nights, and reduce the volume and bass of the music if you feel the levels are too high.

Appendix 2.

Description

Action agreed email from Martin Kilduff to the DPS of The White Horse

BILLINGTON, Tr

4th July 2016

From:
 Sent: 28-Apr-2015 16:15
 To: 'Michele Phillips';
 Cc: CADMAN, Nikki; HELLON, Richard
 Subject: White Horse, Nantwich - Complaint

Hi Michele,

I write further to our meeting at the White Horse, Nantwich on Monday 13th April 2015 in regards to the complaint received from a neighbouring resident. I was hoping to have returned to the premises last week to follow up and revisit the issues we discussed, however I will now schedule it in for this week instead. As discussed, I will contact the DPS directly to arrange a mutually convenient appointment.

I've summarised below what we discussed during the meeting, which was attended by:

- Martin Kilduff - Licensing Officer – Cheshire East council
- Richard Hellon - Licensing Officer – Cheshire East Council
- Teracina Slaughter-Hudson – DPS, The White Horse
- Michele Phillips – Licensing Executive- Spirit Pub Company
- Jim Lepke – Area Manager – Spirit Pub company

We discussed the details of the complaint received by the Licensing department; and worked through the Premise Licence together to ensure familiarity with the DPS, and addressed the important role of relevant policies and procedures as follows. These are not intended to be comprehensive minutes of the meeting, and are merely attendance notes I made in regards to the main issues we discussed.

Complaint of Cigarette ends discarded in the street:

- Teracina Slaughter-Hudson stated that staff brush the street in front of the premises at the end of each night, and produced a daily check-sheet, on which this task is listed. The check-sheet is marked in bold text "To be completed at the end of the night" however Teracina Slaughter-Hudson stated that it was not actually completed, but acted more of an 'aide memoire' for staff. I therefore advised that this should be completed on each occasion to ensure 'best practice' and good due diligence, and records retained.
- One Cigarette bin is present at the front of the premises, and a further cigarette bin located at the rear of the premises.

Noise complaint:

- Teracina Slaughter-Hudson stated that the windows are not capable of being opened in any event, and that the rear door of the premises is not kept in an open position after 18:00hrs – when a change of shift takes place.
- Attention was drawn to Annex 3 of the Premise Licence, which states (amongst other things) that the beer garden / outdoor drinking area shall be closed to customers by 23:30 hours. However, the "Condition attached by Magistrates Following Appeal" provides the following exception "...for the purpose of the designated smoking area as shown on the attached plan. No more than twenty people may use the area at any one time. The condition is subject to there first being installed, a double door entry system....".
- In relation to the above, Teracina Slaughter-Hudson stated that the single fire-exit door was currently used, however this was only whilst the beer garden/outdoor drinking area was open. As the "Condition attached by Magistrates Following Appeal" was not currently utilised in terms of permitting smokers into the designated smoking area, it was felt that this may consequently result in smokers tending to gather at the

Regards,

Martin Kilduff
Licensing Enforcement Officer
Regulatory Services & Health (Licensing)
2nd Floor, Municipal Buildings
Earle Street
Crewe
CW1 2BJ

Tel: 01270 686258

Email: martin.kilduff@cheshireeast.gov.uk

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

Appendix 3

Description	Accounts of visit from Tracey Billington and Kim Evans
	11th July 2016

STATEMENT OF WITNESS

(C.J Act 1967, s.9; M.C.Act, 1980, ss5A(3)(a) and 5B; Criminal Procedure Rules 2010 r 16)

Statement of (name of witness): Tracey Billington

Age if over 18 enter "over 18": Over 18

Occupation of Witness: Licensing Enforcement Officer

Taken by: Self

Date: 11th July 2016

Time: 16.00

Officer visit to The White Horse last night (26/7/2015) with Kim Evans the Licensing Manager. Arrived on the car park at 23.25 and as we left the car park and walked down towards the White Horse we could clearly hear music and I said 'I hope that's not coming from The White Horse', as we walked around the corner onto Pillory Street it became clear that the music was coming from The White Horse. The music was excessively loud as we walked past the premises and even louder when the front door opened to allow access to the premises. A man came to the door of the premises and stood in the doorway holding the door wide open shouting to a lady across the road again with no intervention from the door staff. As we walked past the venue there were a group of smokers standing to the right of the front door and one doorman, the smokers were talking very loudly to each other, again with no intervention from the doorman. We walked past the premises up to the square to look at another premise and then walked back to The White Horse, as we walked around the bend in

(Signed):.. ..

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

Dated the 11th day of July 2016

(Signed)

Being unable to read the above statement read it to him before he signed it.

I _____ of the _____
Dated the _____ day of _____ 20 _____

(Signed)

PERSONAL DATA SUPPLIED ON THIS FORM MAY BE HELD AND / OR VERIFIED BY REFERENCE TO
INFORMATION ALREADY HELD ON COMPUTER.



Statement Form – Continuation Sheet No: 1.

the road back down to the White Horse the thump of a heavy bass track was clearly evident at a significant distance (100 metres) away from the premises.

We continued to walk past the premises, the group of smokers were still there talking and shouting to each other, and stood under a canopy which is located under the bedroom window of the complainant which is roughly 25 metres down from The White Horse. We could clearly hear the music from the premises at this point and hear the shouts of the smokers. As we walked back up to the venue, one girl shouted from her position against the front wall of The White Horse to a girl across the street and this conversation continued for a few sentences with no intervention from the doorman. We decided to go into the premises to speak with the DPS. On entry I checked that the speaker to the front of the premises wasn't turned on, I had to shout to the lady behind the bar to make myself heard and asked for the DPS, Teracina, but was informed that she wasn't working tonight. We walked towards the rear of the premises and stood in front of the DJ, the music was extremely loud here and the DJ had at least two large speakers side by side, facing to the front of the premises.

We walked through the double door system that leads to the beer garden and it was empty. Kim and I discussed whether to intervene in the noise levels tonight, as we both agreed that the music levels within the premises were extremely loud and needed turning down. Kim was concerned about approaching the staff but as I had previous meetings with the DPS and had also spoke to some of the staff I was confident that we wouldn't be greeted with any animosity. We went back into the venue and I asked the same lady who was in charge in Teracina's absence and she directed me to a gentleman who was also working behind the bar called Dave. I recognised him from my previous

SIGNED: ..

..... DATED the day of July.....2014



Statement Form – Continuation Sheet No: 2.

visits and I introduced myself and told him that we thought the music levels were too high and they needed turning down, the conversation was difficult due to the volume of the music and I found that I had to repeat myself several times. David seemed surprised that I thought the music was too loud and he said he would ask the DJ to turn the volume down. David asked if we had a decibel meter and I said I don't need one I can clearly hear that the music is too loud. When I was talking to David the music was turned up and I said the volume on that track has just been increased, David disagreed that that was the case so I asked him to reduce the volume by half and we would go outside to see what the noise levels in the street were like once this had been done. I also said that there were people shouting outside in the street and the doormen were not intervening and he said he would have a word with them.

Kim and I went outside and stood over the other side of the road listening to the volume of the music. We saw a man flick his cigarette onto the pavement and Kim walked over and asked him to pick the cigarette butt up and dispose of it properly. The man refused and another doorman who was short and bald aggressively asked what our problem was as they sweep up the cigarette butts every night. Another gentleman came up to us and said he was the owner, I introduced myself and went to shake his hand but he turned away and said to Kim 'Why are you picking on the White Horse', Kim explained that we were out following a complaint and she wasn't picking on the White Horse and that she wanted premises to stay open but equally that they needed to be well run and not cause an issue to their neighbours. I said we are here to equally prove or disprove the complaint but unfortunately with what we have witnessed the complaint is valid. I asked him what his name was and he said 'Ed' then 'Todd Woodbridge' he said he didn't think the music was loud and I said 'that's because it

SIGNED:

..... DATED the day of July 2016.



Statement Form – Continuation Sheet No: 3

has been turned down now'. Mr Woodbridge went onto say that he owned a number of clubs and asked how long I had been doing this job, I said I have worked at the council since 2001, Mr Woodbridge murmured some numbers and I clarified this to be 14 years for him. Mr Woodbridge said he had worked in the business for 28 years and I asked him if he thought that made him more qualified than me to make a judgment on whether the noise levels were too high and he said 'No'. A lady walked down the road with very loud shoes on and Mr Woodbridge asked us if we were going to stop her walking down the road and we said we were here to listen to the noise from the music and people standing outside the premises smoking. The owner kept shrugging and being very dismissive of our concerns and the conversation was just going round in circles so Kim said she was more than happy to discuss his concerns during the day and Mr Woodbridge got very confused saying 'What other issues are you looking at now?' Kim and I thought the conversation had run its course and decided to leave, I said I would contact Teracina with regard to our concerns about the venue. We left and walked back to our cars at around midnight.

SIGNED: ...

..... DATED the11..... day of July.....2016.

Visit to the White Horse, Nantwich

At approximately 23:25 on the 26th July 2015 I met Tracey Billington, an Environmental Health Officer, at the Love Lane car park in Nantwich. The purpose of the visit was to ascertain the level of noise nuisance, if any, caused by the White Horse public house. A number of complaints have been received in relation to the music at the premises and people noise primarily on a Sunday night/Monday morning.

As we walked towards the premises from the car park we could very clearly hear music with a heavy base beat. Tracey said to me, 'I hope that's not coming from the White Horse'. As we left the car park passed between two premises and entered Pillory Street we could see that there was a congregation of smokers and one door supervisor outside the premises. The music was loud and became even louder as the doors the premises were opened and closed to let smokes in and out and patrons enter and exit.

We initially walked passed the premises as we also needed to check another licensed premises on the High Street. This premises was closed and the town was generally quite. Outside the premises on the High Street, which is approximately 160 meters down a bending street we could still hear the music from the White Horse. It was not music I am familiar with and it was not singing so I am not able to give any song titles etc.

As the second premises was shut we walked back towards the White Horse. There was still a group of smokers outside the premises and two door supervisors. Both had florescent arm bands containing what looked like SIA licence badges, but we did not check the details.

We stood outside a premises with a canopy as this was near the home of the complainant it was approximately 50 meters from the premises. The music was still clearly audible and was still louder when the doors were open.

The door supervisors had little to no control of the external areas and we witnessed a female who appeared drunk talking very loudly with her friend. The two ladies were separated by a pavement and half the road and were talking loudly with the odd word at shouting level. The door supervisors did not ask them to keep their voices down and took no responsibility for the external area.

Tracey and I decided to enter the premises to speak to the Designated Premises Supervisor. We entered the premises and the taller door supervisor with dark hair opened the door and welcomed us in. Tracey approached the bar and spoke to a female behind the bar who confirmed that the DPS had been at the premises but had since left. She confirmed this with her male colleague. We thanked her and walked around the premises. The noise was incredibly loud and I could not hear anything other than the music. The DJ was at the back of the premises with the speakers pointing towards the windows and door. There was a game of beer pong taking place. There was a side exit to the premises and we went out through the double door system into the rear/side of the premises. The music was still audible and it was at this point that we discussed asking them to turn it down as we both felt it was excessive and liked to be both a public nuisance and statutory nuisance. We spoke to the same female behind the bar she identified the male she spoke to earlier as the person in charge and she asked him to come over. Tracey explained who we were and why we were at the premises. She had to repeat herself several times as he could not hear her above the music. The same female was drinking white wine behind the bar. Tracey explained to him that the music was too loud and would need to be turned down. He looked surprised at this, but agreed to speak to the DJ and have it turned down. He asked if we had a decibel reader and we explained that we did not need one. Tracey said it needed to be turned down by half.

As we left the premises to wait outside to confirm a sufficient reduction in noise, one of the smokers threw their butt on the floor. I asked them to pick it up and was ignored so repeated myself. At this point the shorter, older and balding door supervisor became aggressive towards us asking me what my problem was as they sweep the area each night. I explained that throwing butts was littering and that I would be grateful if it was picked up and placed in a bin. The man who threw the butt picked it up and went inside the premises. I did not see him again.

While we waited outside the premises a male of about 50 years, 5 feet 6in to 7in, with sandy hair approached us and asked us what our problem was. He identified himself as the owner of the premises.

We explained that we had visited the premises following a number of complaints in relation to noise from people outside the premises and music from inside the premises. The gentleman had clearly been drinking as I could smell beer on his breath and his attitude was belligerent, arguing with us over the noise etc. He confident hat he had drunk two pints. We explained that we had a duty to investigate noise complaints and we had come out to prove or disprove the complaint. The conversation was difficult because the gentleman, who gave his name as Todd Woodbridge, would not accept our view of the situation. He seemed more concerned about ladies heels 'clip klop' on the cobbles and wanted to know if we were going to ask her to be quite. We confirmed that our issue was with the excessive noise from music and smokers outside the premises.

He wanted to know why we were picking on him. I explained that we were investigating complaint against his premises and we were not picking on him. I explained that we want well run licenced premises to be open and that we expect licence holders to operate in accordance with their conditions, the licensing objectives, and in harmony with their neighbours. I also explained that we were disappointed that the door supervisors were not in better control of the outside area.

The conversation was not going any where. I explained that I would be quite happy to continue the conversation in the cold light of day. Mr Woodbridge wanted to know how long Tracey had been an EHO and she confirmed since 2001, it took him several seconds to work out how long this was. He stated that he owned premises in Stoke and that he had been in the business for over 20 years. Tracey asked him if he was trying to say that he was more qualified than her to which he replied no. The conversation continued in circles with Mr Woodbridge not accepting that there was an issue and we left.

We returned to our cars at about midnight.

Kim Evans
27/07/2015 16:30

Appendix 4.

Description	Follow on letter after visit
	14 th July 2016



Ms Teracina Slaughter-Hudson
C/O White Horse
22 Pillory Street
Nantwich
Cheshire East
CW5 5BD

Regulatory Services and Health
Municipal Buildings
Earle Street
Crewe
Cheshire East
CW1 2BJ

DATE: 27 July 2015

OUR REF: N33/018734

Please Contact: Tracey Billington
Direct Dial: 01270 686722
Email: tracey.billington@cheshireeast.gov.uk

Dear Ms Slaughter-Hudson

**Environmental Protection Act 1990
Licensing Act 2003**

**Complaints of Statutory Nuisance: People / Behavioural Noise and Music from
White Horse, 22 Pillory Street, Nantwich**

Further to my letter on 19th March 2015 and visits on 18th March 2015 and 6th July 2015 regarding the above; I wish to inform you that an officer visit was carried out on 26th July 2015 by myself and a Licensing Enforcement Officer.

During the visit we witnessed excessively loud music that could clearly be heard up and down Pillory Street, especially when the front door was open, and shouting from people standing outside the premises smoking, to people on the other side of the road with no interaction from the door staff at all. In addition, customers were witnessed throwing their cigarette ends onto the pavement, instead of being asked by the door staff, to use the cigarette disposal unit located by the front door.

I was extremely disappointed to find that despite your assurances that there seemed little control over the volume of the music from the regulated entertainment and no interaction from your door staff to control the noise in the street from your customers.

I would like to take this opportunity to inform you that it is our intention to continue to gather evidence from undertaking officer visits and if we continue to witness noise levels both from inside and outside the premises, at a volume that is likely to disturb nearby residents, then we will be left with no option but to take formal action by either serving notice or submitting an application for the review of the license.

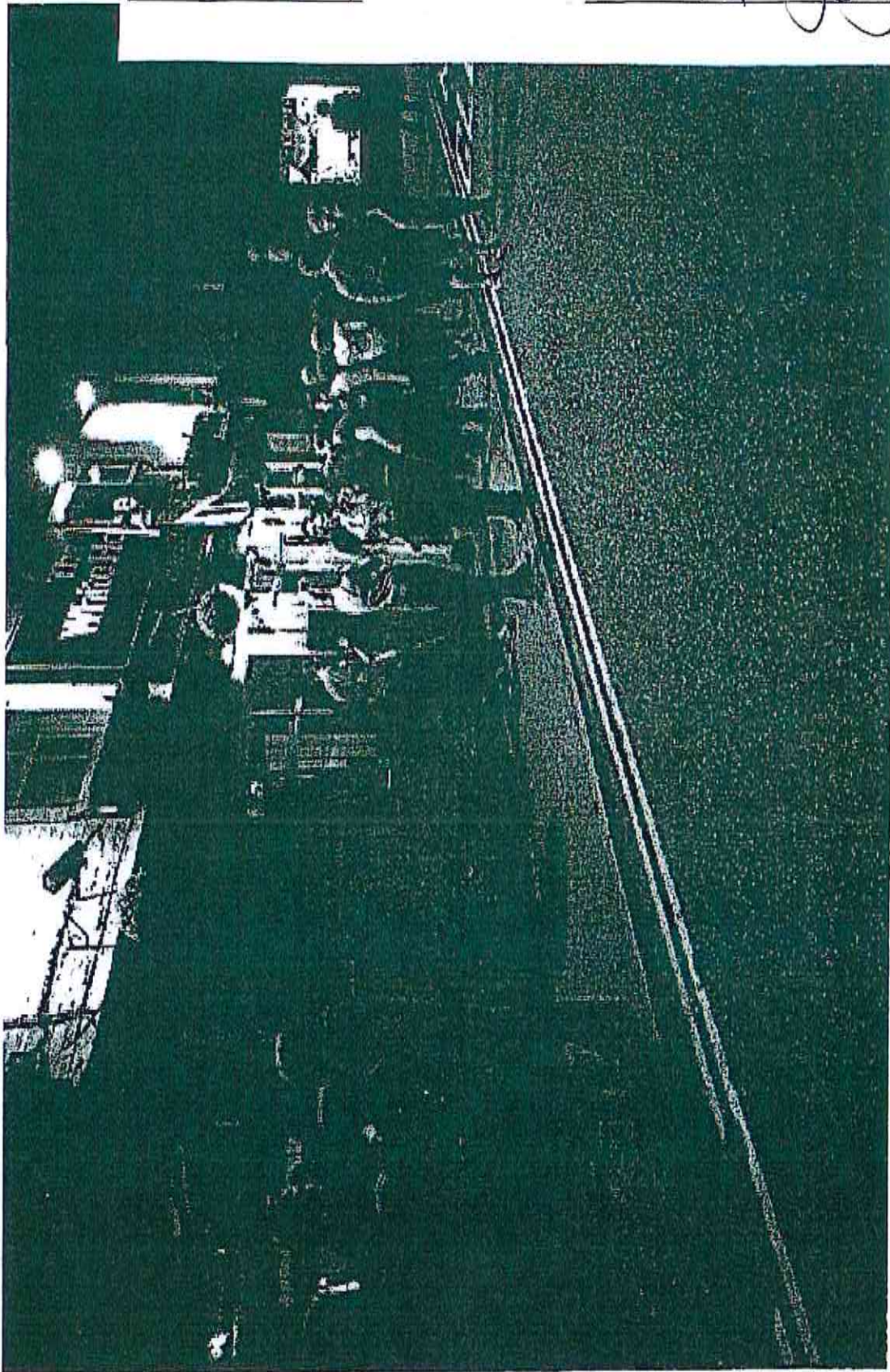
Should you wish to discuss any aspect of the above, please do not hesitate to contact me directly.

Yours sincerely

Appendix 5

Description	Photograph supplied by the complainant
	14 th July 2016

Outside White Horse 0125 Sunday 5th June 2016



Appendix 6.

Description	Email sent to the DPS of The White Horse
	14 th July 2016

BILLINGTON, T

From: BILLINGTON, Tracey
Sent: 29-Jun-2016 11:11
To:
Cc: HOPLEY, Margaret
Subject: The White Horse, Pillory Street, Nantwich

Dear Ms Slaughter-Hudson

I write further to the visit that was undertaken by myself and Margaret Hopley on Monday 27th June 2017, with regard to the noise levels emanating from the premises.

The Premise Licence Holder on the current Premise Licence is detailed as the Spirit Pub Company, who I believe has been taken over by Greene King. I have tried to speak to someone in Licensing at Greene King but to no avail. Can you ask your Area Representative to look into this issue and if necessary the Premise Licence will need transferring to the new Premise Licence Holder.

As discussed during the meeting, I would be grateful if you could supply the following:-

- the CCTV footage for the area in front of the premises on Pillory Street for the following periods:-

00.30 to 02.00 5th June 2016
 00.30 to 02.00 13th June 2016
 00.30 to 02.00 20th June 2016

- The SIA numbers, names and addresses of all the door men that work at The White Horse. As agreed can you ensure that you keep a log on the premises, that includes the SIA numbers, names and addresses of the door staff and that you check the SIA numbers of the door staff employed by yourself at least once a month following the link below <http://rolh.azurewebsites.net/>. Any checks on the door staff need to be recorded on the SIA log that is kept at your premises.

In addition:-

- All staff, especially senior staff, working at the premises need to be aware of the conditions on the Premise Licence and have the ability to instruct other members of staff, such as door staff and DJ, on the control of noise levels from the premises.
- Staff training should be refreshed every 6 months

During the meeting you were advised that Regulatory Service receive noise complaints regarding this premise every year. It is your responsibility to run the premises in such a manner that is not to the detriment of local residents.

Officers from this service will be undertaking visits on an ad hoc basis together with installation of monitoring equipment to determine if noise levels from the premise are causing a nuisance. If this is the case then you will leave us with no option but to take formal action against you.

If you have any queries with regard to the above, please do not hesitate to contact me directly.

Kind regards

Tracey

This page is intentionally left blank

Representation for the review of the Premise Licence for The White Horse, 22 Pillory Street, Nantwich from Margaret Hopley, Senior Enforcement Officer at Cheshire East Council.

I have recently become involved with The White Horse due to Sarah Allwood being on maternity leave. It is a premise that I am certainly aware of due to Sarah's and other officers involvement in investigating complaints over the past couple of years. Up until my involvement over the past few weeks I have provided a chronological sequence of Environmental Health's involvement over the past few years.

Looking back historically complaints have ranged from:

2011 – Amplified music from marquee for events over Christmas and New Year;

April 2012 - Loud music from even within marquee during Easter weekend;

31 December 2012 – Disturbance due to band in marquee;

May 2013 – Excessive music noise from marquee;

August 2013 – Loud music from bands inside the premises;

Following this complaint of music being reported coming from the premises investigative work was undertaken by Sarah Allwood consisting of meetings with the premises and adhoc visits to monitor resulted in the premises installing double glazing, new fire door with absorbent material to aid in reducing the music from the premises.

26th February 2015 – Late night noise from people leaving the premises;

Mr Dodd [Address Redacted] contacted this Division in February 2015 stating that he was being disturbed from people smoking to the front of the pub and leaving the premises. He stated that it was not the people being unreasonable but the sheer volume was due to the amount of people. This would occur throughout the evening up until 2am when they closed.

18th March 2015 – Report from Mr Dodd that Police present at the premises several people outside chatting and shouting but thud of music present.

18th March 2015 – Officer visit made by Tracey Billington, She spoke to the DPS Teracina Slaughter-Hudson; Tracey Billington discussed the speakers in the premises and advised of more suitable mounting in order to reduce the potential noise such as placing them on rubber matting. Advised to reduce the bass on both speakers and to begin to reduce the volume of the music from midnight onwards rather than 1am.

As part of our procedure letters were sent to the premises and the complainant along with diary sheets for the complainant to complete and return.

Running concurrently to our investigation, Licensing were also involved and Martin Kilduff had undertaken a visit to the premises the outcome of which exhibited as Appendix 2 by Tracey Billington to her representative.

Installation of the noise monitoring equipment was undertaken in June 2015 following receipt of diary sheets from Mr Dodd. Unfortunately a misunderstanding regarding the operation of the equipment resulted in no evidence being gathered however another officer visit was undertaken by Tracey Billington.

6th July 2015 – Visit undertaken to the White Horse, DPS Teracina Slaughter-Hudson surprised by the noise complaint, Sunday night busy night as workers from the other premises in Nantwich tend to go out and she felt the door staff are very good at keeping the smokers quiet. DPS welcomed officer visits.

26th July 2015 Officer visit to The White Horse with Kim Evans the Licensing Manager. Arrived on the car park at 23.25 and as we left the car park and walked down towards the White Horse we could clearly hear music and I said 'I hope that's not coming from The White Horse', as we walked around the corner onto Pillory Street it became clear that the music was coming from The White Horse. The music was excessively loud as we walked past the premises and even louder when the front door opened to allow access to the premises. A man came to the door of the premises and stood in the doorway holding the door wide open shouting to a lady across the road again with no intervention from the door staff. As we walked past the venue there were a group of smokers standing to the right of the front door and one doorman, the smokers were talking very loudly to each other, again with no intervention from the doorman. We walked past the premises up to the square to look at another premise and then walked back to The White Horse, as we walked around the bend in the road back down to the White Horse the thump of a heavy bass track was clearly evident at a significant distance (100 metres) away from the premises.

We continued to walk past the premises, the group of smokers were still there talking and shouting to each other, and stood under a canopy which is located under the bedroom window of the complainant which is roughly 25 metres down from The White Horse. We could clearly hear the music from the premises at this point and hear the shouts of the smokers. As we walked back up to the venue, one girl shouted from her position against the front wall of The White Horse to a girl across the street and this conversation continued for a few sentences with no intervention from the doorman. We decided to go into the premises to speak with the DPS. On entry I checked that the speaker to the front of the premises wasn't turned on, I had to shout to the lady behind the bar to make myself heard and asked for the DPS, Teracina, but was informed that she wasn't working tonight. We walked towards the rear of the premises and stood in front of the DJ, the music was extremely loud here and the DJ had at least two large speakers side by side, facing to the front of the premises.

We walked through the double door system that leads to the beer garden and it was empty. Kim and I discussed whether to intervene in the noise levels tonight, as we both agreed that the music levels within the premises were extremely loud and needed turning down. Kim was concerned about approaching the staff but as I had previous meetings with the DPS and had also spoke to some of the staff I was confident that we wouldn't be greeted with any animosity. We went back into the venue and I asked the same lady who was in charge in Teracina's absence and she directed me to a gentleman who was also working behind the bar called Dave. I recognised him from my previous visits and I introduced myself and told him that we thought the music levels were too high and they needed turning down, the conversation was difficult due to the volume of the music and I found that I had to repeat myself several times. David seemed surprised that I thought the music was too loud and he said he would ask the DJ to turn the volume down. David asked if we had a decibel meter and I said I don't need one I can clearly hear that the music is too loud. When I was talking to David the music was turned up and I said the volume on that track has just been increased, David disagreed that that was the case so I asked him to reduce the volume by half and we would go outside to see what the noise levels in the street were like once this had been done. I also said that there were people shouting outside in the street and the doormen were not intervening and he said he would have a word with them.

Kim and I went outside and stood over the other side of the road listening to the volume of the music. We saw a man flick his cigarette onto the pavement and Kim walked over and asked him to pick the cigarette butt up and dispose of it properly. The man refused and another doorman who was short and bald aggressively asked what our problem was as they sweep up the cigarette butts every night. Another gentleman came up to us and said he was the owner, I introduced myself and went to shake his hand but he turned away and said to Kim 'Why are you picking on the White Horse', Kim explained that we were out following a complaint and she wasn't picking on the White Horse and that she wanted premises to stay open but equally that they needed to be well run and not cause an issue to their neighbours. I said we are here to equally prove or disprove the complaint but unfortunately with what we have witnessed the complaint is valid. I asked him what his name was and he said 'Ed' then 'Todd Woodbridge' he said he didn't think the music was loud and I said 'that's because it has been turned down now'. Mr Woodbridge went onto say that he owned a number of clubs and asked how long I had been doing this job, I said I have worked at the council since 2001, Mr Woodbridge murmured some numbers and I clarified this to be 14 years for him. Mr Woodbridge said he had worked in the business for 28 years and I asked him if he thought that made him more qualified than me to make a judgment on whether the noise levels were too high and he said 'No'. A lady walked down the road with very loud shoes on and Mr Woodbridge asked us if we were going to stop her walking down the road and we said we were here to listen to the noise from the music and people standing outside the premises smoking. The owner kept shrugging and being very dismissive of our concerns and the conversation was just going round in circles so Kim said she was more than happy to discuss his concerns during the day and Mr Woodbridge got very confused saying 'What other issues are you looking at now?' Kim and I thought the conversation had run its course and decided to leave, I said I would contact Teracina with regard to our concerns about the venue. We left and walked back to our cars at around midnight.

27th July 2015 – Letter sent the White Horse and the Spirit Group as exhibited by Tracey Billington.

28th July 2015 – Officer visit undertaken by Sarah Allwood: 23:50 Walked to the White Horse from the square and onto Pillory Street, very low level music and only audible off the premise when the front door was open. Walked past the premise further down Pillory Street and there was very little noise. There were approx 8 people outside the premise having a cigarette and there was some noise from these people, but I did not feel it was excessive.

At 00:10 I drove round to Love Lane car park and there was no music audible I then drove onto Pillory Street and parked up past the White Horse and again no music was audible. It was the quietest I had heard the White Horse for some time.

29th July 2015 – Email from the Spirit Pub Company acknowledging recent correspondence.

11th August 2015 – Officer visit undertaken by Sarah Allwood: Walked to the premises around 11.25pm and the music was only audible when you were in front of the building or when the door opened. Not a problem.

18th August 2015 – Officer visit undertaken by Sarah Allwood and Kim Evans: Visited the premises with Kim Evans from Licensing and met Teracina (DPS), Michele Phillips (Spirit) and Jim Lepke (Spirit). Asked what measures they had implemented since Tracey's letter - reduced number of people going out the front to 10 but not at weekends; spoken to door staff about role; placed sand buckets out the front for cigarette ends; take decibel readings from phone app outside once a night at various locations. In terms of entertainment they have an open mic night on the 1st Thurs of each month until about 11.30/12am;

live music on Fridays (rock bands) from about 9.30pm till 11.30pm; Sat and Sun DJ led karaoke from about 10pm until 12.30/1.30am. Bands and karaoke placed in top corner of pub by bar. Terecena normally works Tue, Thur and Sat and alternates Fri, not normally there on a Sun. Spydor are the door staff company which Todd organises - has told them she will only accept staff that know the area and the pub. Advised main issues are music and people noise - gave advice about undertaking more measurements/monitoring, a compressor noise limiter, speaking to door company. Stated we would continue to monitor and this is the last chance or formal action would be taken.

Complaints of noise nuisance from the premises consisting of amplified music and customer noise outside have continued to be received sporadically between August 2015 and December 2015. DPS Teracina Slaughter-Hudson confirmed on the 19th October 2015 that the noise limiter and double glazing had been installed in the premises.

On the 8th June 2016 I received six months worth of diary sheets from Mr Neil Dodd. The diaries indicated that when he was at home he was being disturbed by noise coming from the White Horse consisting of music and rowdy people outside the premises at the front.

Following the submission of the diaries (exhibit MH1) a joint visit was undertaken by Tracey Billington and I on the 20th June 2015 to the White Horse. The DPS was not present, however the manager Lucy Dixon was. We discussed the purpose of the visit regarding people stood outside and the doormen joining in and laughing with the customers. Lucy raised concerns with me due to her lack of knowledge of the content of the premises licence, its requirements and what the general control of the premises should be with regards to controlling noise of customers outside. She was unable to locate records of the doormen which were used at the weekend, the refusals register or monitoring undertaken to check noise levels. Tracey and I did discuss the requirements in detail and advised Lucy that we would be back in a week to see the DPS Teracina Slaughter-Hudson.

A formal letter was sent to the premises on the 21st June 2016 (exhibit MH2) stating the visit we had undertaken and advising of our intended visit on the 27th June 2016.

On the 27th June 2016 Tracey Billington and I revisited The White Horse in order to see the DPS Teracina Slaughter-Hudson and to discuss our concerns directly with her. Prior to the visit Tracey had contacted the complainant who had noted an improvement from the premises in that the customers weren't loud on the Sunday night prior. Tracey queried what had been different this week and Teracina informed us that she had been out on the front monitoring and requesting customers to leave quietly. We questioned as to why this was being undertaken by her when door staff are employed to do this role. It is felt that the doormen who are regulars have now become friendly with the customers and are not controlling the situation.

We discussed with Teracina the need for records to be kept of staff training as we raised our concern over the lack of knowledge which Lucy Dixon (Manager) had, the lack of maintained records doormen, refusals, noise monitoring nothing was presented on either occasion to show what controls were in place and being implemented.

My representation is one which is of chronological information of involvement by other officers, my involvement has only been recent but its history of complaints and concerns is one of common knowledge amongst colleagues as the problems reoccur all the time. The issues raised during my visit in the 20th and 27th June 2016 are the exact same concerns raised by others on multiple occasions. I as an Enforcement Officer am concerned that there is inadequate management as we would wish to see that

a premises can control noise from their premises without being continually reminded and that concern is extended when members of staff at the premises are not aware of the content of the Premises Licence and the conditions which it contains.

Exhibit MH2

**Tess Slaughterhudson
White Horse
22 Pillory Street
Nantwich
Cheshire East
CW5 5BD**

**Regulatory Services and Health
Municipal Buildings
Earle Street
Crewe
Cheshire East
CW1 2BJ**

DATE: 21 June 2016

OUR REF: N71/018734

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

Dear Sir / Madam

**Subject: Environmental Protection Act 1990
Licensing Act 2003
People / Behavioural Noise from White Horse 22 Pillory Street
Nantwich**

This department has received a complaint concerning the excessive volume of amplified music from your premises and also individuals stood outside the front of the premises in a large groups causing excessive noise.

A visit was undertaken to the premises yesterday by Tracey Billington, Licensing Officer and myself. We discussed the matter with the Manager Lucy Dixon who was present and advised for the matters raised to be discussed with you. The main concern was to ensure that the premises do not cause a nuisance to surrounding premises and therefore monitoring needs to be undertaken by the staff to show control is in place and reported accordingly. These are issues which continue to arise and need to be addressed as a matter of urgency with controls which will be implemented and remain in place.

Tracey Billington and I intend to revisit your premises on Monday 27th June 2016 at 2pm to see what controls have been implemented.

For your information, Cheshire East can take action under the Environment Protection Act 1990 where a Statutory Nuisance is established. Should formal action become necessary, consideration would be given to calling in your premises license for review. This could result in the attachment of conditions in order to protect the interest of local residents and ensure that the licensing objective of the prevention of public nuisance is upheld.

The purpose of this letter is to formally request your co-operation in this matter. Please consider whether any of your actions could give rise to a noise nuisance and if so, what action you could do to minimise any noise disturbance from your premises.

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

All other enquiries **0300 123 5500**

www.cheshireeast.gov.uk

Legal proceedings may include the service of an abatement notice on yourself. If you breach such a notice you may be liable to prosecution in a Magistrates' Court. In addition, the Council may seek to undertake a review of your premises licence.

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

Should you require further advice or information, please contact me via my contact details above.

Yours faithfully

Margaret Hopley | Senior Enforcement Officer | Environmental Protection

Enc. Guidance on the Control of Noise from Pubs, Clubs and Licensed Premises

Guidance on the Control of Noise from Pubs, Clubs and Licensed Premises



The Council regularly receives complaints about noise from pubs and clubs.

The majority of noise complaints usually arise where premises are close to residential properties or share adjoining structures. This is because entertainment noise can break out or be transmitted through the structure to the adjoining property, where it can cause problems.

WHAT YOU CAN DO:

The most simple, effective and least costly are:

Consider where the music is being played – can you move it to another room, which is further away from noise sensitive properties or has less windows or openings?

Control the noise at source by reviewing:

- The type of music being played and or reducing the bass content of the music.
- Reviewing the location, direction and number of speakers.
- Play the music at the right volume for your premises!

Informing performers of any noise problems and associated controls and monitor their compliance.

Keep the windows and doors of adjacent rooms, such as toilets and corridors, closed especially if they are next to noise sensitive properties.

Doors should not be opened unnecessarily.

NB for health and safety reasons it is very important to ensure the premises are properly ventilated and that access to emergency exits is not restricted.

Emergency exits should have well sealed acoustic doors, which open in the direction of escape.

Keep speakers inside the premises and do not position them near to openings such as doors, windows or extractors.

Do not deliberately play or direct music outside the premises as a mean of attracting custom.

OTHER MEASURES TO CONSIDER INCLUDE:

Provide sound insulation to emergency exit doors and extractor fans.

Install noise-limiting devices connected to all permanent music and public address equipment and all available mains power sockets within the area of the stage/music equipment. This should be sited away from the entertainers to prevent it from being overridden – it's best to keep it locked away!

Relocation and/or isolation of speakers which are adjacent to wall or ceiling mounted extractors.

Mounting speakers on rubber or similar material to reduce transmission of structure-borne noise.

Consider the need for acoustic windows.

The provision of mechanical ventilation or air conditioning systems that will enable doors and windows to be kept closed – But remember that this plant can also create noise or allow breakout through ductwork and will often need acoustic treatment.

Consider providing Door Staff to control entrances & exits.

Consider the necessity for the provision of sound lobbies (with two sets of self closing doors) for entrances and exits. Where possible the distance between inner and outer doors should be sufficient to ensure

that one door set can naturally close before the next is opened.

The advantage of lobbied doorways are that they are directly under the control of the licensee and provide a calming transitional phase between the potentially noisy interior and quieter external environment.

NOISE FROM CUSTOMERS

Problem or rowdy behaviour can arise as closing time approaches and at the end of the evening. Consideration should be given to the following measures:

If music has been playing, consider reducing the volume and/or playing slower, more mellow music as the evening draws to a close. This can encourage patrons to leave in a less rowdy manner, spread over a longer period so that the peak number leaving and peak noise are reduced.

Door staff should also assist in minimising disturbance by actively managing entrances and exits. Provide guidance to staff on their responsibilities to minimise noise from patrons as they arrive; queue and depart.

Methods to control queuing outside premises and control of congregations of patrons outside premises on departure.

Where noise-sensitive properties overlook the frontage of your premises – consider an alternative exit route to a rear or side street, which may minimise disturbance.

Put signage close to exit doors and in car parks advising that there are residential properties close-by and requesting patrons to leave quickly and quietly.

Arrangements for calling taxis, private hire vehicles etc and possible liaison with dedicated service provider. Steps should be taken to ensure that any such operator, and all drivers, are aware that they should arrive and depart as quietly as possible and should not sound their horns or leave engines idling unnecessarily.

STAFF

In addition to Patrons arriving and leaving the premises it should be remembered that Staff could also cause a disturbance as they are generally leaving later than patrons. It should be ensured that staff who arrive early morning or depart late at night when the business has ceased trading, conduct themselves in such a manner as to avoid causing disturbance to nearby residents.

COMMUNICATION

It is recommended that licensees take a proactive approach to **public relations**. Maintaining open communications with residents can prevent noise complaints. For example if an outdoor event is planned, a letter to local residents advising them of the event, it's finishing time and contact details can be helpful. In situations where there is a history of complaint, it can be useful to hold regular liaison meetings with local residents.

TEMPORARY EVENTS

Temporary events must be covered by a Temporary Event Notice (TEN). For further information and to download a TEN application form, check Cheshire East Council website at: www.cheshireeast.gov.uk (type Temporary event notice in the search box).

FIREWORKS

The use of fireworks is controlled by the Fireworks Regulations 2004. These regulations prohibit the use of fireworks between 23:00 and 07:00, with extensions on certain occasions including until 01:00 on New Year's Eve and midnight on 5 November. These regulations are enforced by the Police.

For further advice or information contact:



0300 123 5015



environmentalprotection@cheshireeast.gov.uk

Regulatory Services & Health | Westfields
Middlewich Road
Sandbach | CW11 1HZ



NUISANCE DIARY

> Your details:

Ref: 018734

Your Name:

Address:

Postcode: Daytime Telephone Number.....

> Details of the neighbour causing the problem:

Name/Trading Name (if known)..... WHITE HORSE PUBLIC HOUSE

Full Address..... PILLORY STREET, NANTWICH.....

Location of the Source of the Problem (e.g. top flat, living room, front bedroom, Security light on garage, etc)

PEOPLE STOOD OUTSIDE ON PAVEMENT SMOKING + THUD OF MUSIC FROM PUB, WHICH CAN STILL BE HEARD.

> Other Information:

How long have you experienced the problem? * SINCE SEPT 2014. * NO CHANGE IN 18 MONTHS.

If you have already complained directly to the neighbour, please give details of how and when you complained, and what was the outcome..... SPOKE TO LANDLORD/

MANAGER / DOWN STAFF / DOWN STAFF.

Do you know if the occupier of the property is Owner/Tenants N/A ,

If they are tenants do you have any information about the owner or agent of the property

N/A

> Description of the Problem (e.g. barking dog, loud music, alarm, bonfire smoke, fumes/ odours, light shining through bedroom window, etc. please give as much useful information as possible)

PEOPLE STOOD OUTSIDE THE PUB ON PILLORY STREET SMOKING WITH PUB DOOR CONSTANTLY OPENING WITH MUSIC BLARING OUT. PEOPLE STOOD OUTSIDE SMOKING, CHATTING, LAUGHING, AND SHOUTING.

PLEASE SEE NOTES OVERLEAF EXPLAINING HOW TO COMPLETE THE DIARY

AND SHOUTING, SCREAMING FROM 2300 TILL 0200 IN THE MORNING MOST NIGHTS OF THE WEEK, ALL IN A CONSERVATION AREA.

IMPORTANT NOTES ON HOW TO COMPLETE YOUR DIARY

1. Please write as clearly as possible.
2. Make a diary entry for every day, including 'no problem' / 'not at home' / 'neighbours away' details.
3. Make accurate notes of the start and finish times of the problem.
4. Give a good description of what the problem is, and comment on how bad it was at the time.
5. Note the name(s) and address(es) of other witness(es) to the problem.
6. If you called the Police to attend an occurrence and you spoke to the attending officers, please confirm if they witnessed the problem you are complaining about. Tell them you are keeping a diary, and obtain the log number for the call. This information may assist any investigation.

Use this space below to continue any comments you wish to make.



DIARY SHEETS FOR WRITTEN RECORD OF NUISANCE

Name: Dodd Address: Ref No: 018734/Tracey Billington
 Alleged Offender: White Horse, 22 Pillory Street, Nantwich, Cheshire East, CW5 5BD

20/11/15 - 10/6/16

Date	Time		Description of nuisance & how you are affected by it	Signature & time record made if different from time witnessed.
	Start	Finish		
20/11/15	NOT HOME			
21/11/15	NOT HOME			
22/11/15	NOT HOME			
23/11/15	NOT HOME			
24/11/15	NOT HOME			
25/11/15	NOT HOME			
26/11/15	NOT HOME			
27/11/15	NOT HOME			
28/11/15	NOT HOME			
29/11/15	NOT HOME			
30/11/15	NOISE 2330 - 0030		THUD OF MUSIC, PEOPLE OUTSIDE PUB SHOPPING.	
1/12/15	NOT HOME			

DIARY SHEETS FOR WRITTEN RECORD OF NUISANCE

Name: Dodd Address:

Ref No: 018734/Tracey Billington

Alleged Offender: White Horse, 22 Pillory Street, Nantwich, Cheshire East, CW5 5BD

Date	Time		Description of nuisance & how you are affected by it	Signature & time record made if different from time witnessed.
	Start	Finish		
2/12/15	2330	0030	Tring at music from pub, people outside smoking, shouting.	
3/12/15	2330	0030		
4/12/15	NOT HOME			
5/12/15	NOT HOME			
6/12/15	NOT HOME			
7/12/15	NOT HOME			
8/12/15	NOT HOME			
9/12/15	NOT HOME			
10/12/15	NOT HOME			
11/12/15	NOT HOME			
12/12/15	NOT HOME			
13/12/15	NOT HOME			
14/12/15	NOT HOME			
15/12/15	NOT HOME			



DIARY SHEETS FOR WRITTEN RECORD OF NUISANCE

Name: Dodd Address: Ref No: 018734/Tracey Billington
 Alleged Offender: White Horse, 22 Pillory Street, Nantwich, Cheshire East, CW5 5BD

Date	Time		Description of nuisance & how you are affected by it	Signature & time record made if different from time witnessed.
	Start	Finish		
16/12/15	NOT HOME			
17/12/15	NOT HOME			
18/12/15	NOT HOME			
19/12/15	NOT HOME			
20/12/15	NOT HOME			
21/12/15	NOT HOME			
22/12/15	NOT HOME			
23/12/15	NOT HOME			
24/12/15	NOT HOME			
25/12/15	NOT HOME			
26/12/15	NOT HOME			
27/12/15	NOT HOME			

DIARY SHEETS FOR WRITTEN RECORD OF NUISANCE

Name: Dodd Address:

Alleged Offender: White Horse, 22 Pillory Street, Nantwich, Cheshire East, CW5 5BD

Ref No: 018734/Tracey Billington

Date	Time		Description of nuisance & how you are affected by it	Signature & time record made if different from time witnessed.
	Start	Finish		
28/12/15	NOT HOME			
29/12/15	NOT HOME			
30/12/15	2330	0100	SCREAMING AND SINGING WITH LARGE CROWD	
			STOOD OUTSIDE BUS, ONE MAN REQUESTED	
			LEAVING (C) THEN POLICE CALLED, SINGERS	
			AND MAN ARRESTED.	
31/12/15	NO ISSUES			
1/1/16	NOT HOME			
2/1/16	NOT HOME			
3/1/16	NOT HOME			
4/1/16	NO ISSUES			
5/1/16	NO ISSUES			
6/1/16	NO ISSUES			
7/1/16	NO ISSUES			
8/1/16	NO ISSUES			

DIARY SHEETS FOR WRITTEN RECORD OF NUISANCE

Name: Dodd Address:

Ref No: 018734/Tracey Billington

Alleged Offender: White Horse, 22 Pillory Street, Nantwich, Cheshire East, CW5 5BD

Date	Time		Description of nuisance & how you are affected by it	Signature & time record made if different from time witnessed.
	Start	Finish		
9/1/16	NO ISSUES			
10/1/16	NO ISSUES			
11/1/16	NO ISSUES			
12/1/16	NOT HOME			
13/1/16	NO ISSUES			
14/1/16	NO ISSUES			
15/1/16	NO ISSUES			
16/1/16	NO ISSUES			
17/1/16	2355	0030	GROUP of 8 PEOPLE OUTSIDE PUB WITH SECURITY	
			STOOD AROUND SCREAMING AND SHOUTING.	
			I CALLED THE PUB 2355 AND EMPLOYEES	
			STRENGTHLY. PEOPLE SOON CLEARED	
			INSIDE THE PUB.	
18/1/16	NO ISSUES			
19/1/16	NO ISSUES			

20/1/16 - 24/1/16 -

DIARY SHEETS FOR WRITTEN RECORD OF NUISANCE

Name: Dodd Address:

Ref No: 018734/Tracey Billington

Alleged Offender: White Horse, 22 Pillory Street, Nantwich, Cheshire East, CW5 5BD

Date	Time		Description of nuisance & how you are affected by it	Signature & time record made if different from time witnessed.
	Start	Finish		
25/1/2016	NUT HOME			
26/1/2016	NUT HOME			
27/1/2016	NUT HOME			
28/1/2016	NUT HOME			
29/1/2016	2330	0200	NOISEY PEOPLE STOOD OUTSIDE WHITE HOUSE SMOKING, SCREAMING, SWEATING. MUSIC BLAMMING OUT TOO.	
30/1/2016	2330	0200	NOISEY PEOPLE STOOD OUTSIDE WHITE HOUSE SMOKING, SCREAMING, SWEATING BLAMMING MUSIC, TAXI DOORS BENE SLAMMED.	
31/1/2016	2330	0200	NOISEY PEOPLE STOOD OUTSIDE WHITE HOUSE SMOKING, SCREAMING, SWEATING, BLAMMING MUSIC TWO DOORS, TAXI DOORS BENE SLAMMED. CAR HORNS SOUNDING.	

1/2/16 - 4/2/16

DIARY SHEETS FOR WRITTEN RECORD OF NUISANCE

Name: Dodd Address:

Alleged Offender: White Horse, 22 Pillory Street, Nantwich, Cheshire East, CW5 5BD

Ref No: 018734/Tracey Billington

Date	Time		Description of nuisance & how you are affected by it	Signature & time record made if different from time witnessed.
	Start	Finish		
4/2/16	no issues			
5/2/16	NOT HOME			
6/2/16	no issues			
7/2/16	no issues			
8/2/16	no issues			
9/2/16	no issues			
10/2/16	no issues			
11/2/16	no issues			
12/2/16	no issues			
13/2/16	2330 VERY NOISY TILL 0200.	0200		
14/2/16	2330	0200	THUD of MUSIC UNTIL 2330 THEN PEOPLE SINGING	
15/2/16	no issues			
16/2/16	no issues			
17/2/16	NOT HOME			
18/2/16	NOT HOME			

DIARY SHEETS FOR WRITTEN RECORD OF NUISANCE

Name: Dodd Address:

Ref No: 018734/Tracey Billington

Alleged Offender: White Horse, 22 Pillary Street, Nantwich, Cheshire East, CW5 5BD

Date	Time		Description of nuisance & how you are affected by it	Signature & time record made if different from time witnessed.
	Start	Finish		
17/2/16	2300	0200	Rowdy people, Trud at music.	
20/2/16	NOT HOME			
21/2/16	0100	0200	Rowdy!	
22/2/16	NOT HOME			
23/2/16	NOT HOME			
24/2/16	NOT HOME			
25/2/16	NOT HOME			
26/2/16	NOT HOME			
27/2/16	2330	0200	USUAL SATURDAY NIGHT VERY ROWDY	
28/2/16	2300	0200	VERY ROWDY SUNDAY NIGHT.	
29/2/16	NOT HOME			
1/3/16	NOT HOME			
2/3/16	NOT HOME			
3/3/16	NO ISSUES			
4/3/16	NOT HOME			

DIARY SHEETS FOR WRITTEN RECORD OF NUISANCE

Name: Dodd Address: Ref No: 018734/Tracey Billington
 Alleged Offender: White Horse, 22 Pillory Street, Nantwich, Cheshire East, CW5 5BD

Date	Time		Description of nuisance & how you are affected by it	Signature & time record made if different from time witnessed.
	Start	Finish		
5/3/16	NOT HOME			
6/3/16	NO ISSUES			
7/3/16	NOT HOME			
8/3/16	NOT HOME			
9/3/16	NOT HOME			
10/3/16	NO ISSUES			
11/3/16	NOT HOME			
12/3/16	NOT HOME			
13/3/16	NOT HOME			
14/3/16	NO ISSUES			
15/3/16	NOT HOME			
16/3/16	NOT HOME			
17/3/16	NOT HOME			
18/3/16	NOT HOME			
19/3/16	NOT HOME			

DIARY SHEETS FOR WRITTEN RECORD OF NUISANCE

Name: Dodd Address:

Ref No: 018734/Tracey Billington

Alleged Offender: White Horse, 22 Pillory Street, Nantwich, Cheshire East, CW5 5BD

Date	Time		Description of nuisance & how you are affected by it	Signature & time record made if different from time witnessed.
	Start	Finish		
20/3/16	NOT HOME			
21/3/16	NOT HOME			
22/3/16	NOT HOME			
23/3/16	NOT HOME			
24/3/16	2330	0200	NEWLY THURSDAY NIGHT.	
25/3/16	NOT HOME			
26/3/16	NO ISSUES			
27/3/16	NOT HOME			
28/3/16	NOT HOME			
29/3/16	NOT HOME			
30/3/16	NOT HOME			
31/3/16	NO ISSUES			
1/4/16	NOT HOME			
2/4/16	NO ISSUES			
3/4/16	NOT HOME			

DIARY SHEETS FOR WRITTEN RECORD OF NUISANCE

Name: Dodd Address: Ref No: 018734/Tracey Billington
 Alleged Offender: White Horse, 22 Pillory Street, Nantwich, Cheshire East, CW5 5BD

Date	Time		Description of nuisance & how you are affected by it	Signature & time record made if different from time witnessed.
	Start	Finish		
4/4/16	NO ISSUES			
5/4/16	NOT HOME			
6/4/16	NOT HOME			
7/4/16	NOT HOME			
8/4/16	NO ISSUES			
9/4/16	NO ISSUES			
10/4/16	NOT HOME			
11/4/16	NOT HOME			
12/4/16	NOT HOME			
13/4/16	NOT HOME			
14/4/16	NO ISSUES			
15/4/16	NO ISSUES			
16/4/16	NOT HOME			
17/4/16	NOT HOME			
18/4/16	NOT HOME			

DIARY SHEETS FOR WRITTEN RECORD OF NUISANCE

Name: Dodd Address: Ref No: 018734/Tracey Billington
 Alleged Offender: White Horse, 22 Pillory Street, Nantwich, Cheshire East, CW5 5BD

Date	Time		Description of nuisance & how you are affected by it	Signature & time record made if different from time witnessed.
	Start	Finish		
19/4/16	NOT HOME			
20/4/16	NOT HOME			
21/4/16	NO ISSUES			
22/4/16	NO ISSUES			
23/4/16	NO ISSUES			
24/4/16	NO ISSUES			
25/4/16	NOT HOME			
26/4/16	NO ISSUES			
27/4/16	NOT HOME			
28/4/16	NO ISSUES			
29/4/16	2300	0200	NOISY 13 MEN, PEOPLE & MUSIC.	
30/4/16	NOT HOME			
1/5/16	NO ISSUES			
2/5/16	2300	0200	Rowdy PEOPLE AND of MUSIC	
3/5/16	2300	0200	Rowdy PEOPLE AND of MUSIC	

DIARY SHEETS FOR WRITTEN RECORD OF NUISANCE

Name: Dodd Address: Ref No: 018734/Tracey Billington
 Alleged Offender: White Horse, 22 Pillory Street, Nantwich, Cheshire East, CW5 5BD

Date	Time		Description of nuisance & how you are affected by it	Signature & time record made if different from time witnessed.
	Start	Finish		
4/5/16	NOT HOME			
5/5/16				
6/5/16				
7/5/16				
8/5/16				
9/5/16				
10/5/16				
11/5/16				
12/5/16				
13/5/16				
14/5/16				
15/5/16				
16/5/16	NOT HOME			
17/5/16	NO ISSUES			
18/5/16	NO ISSUES			

DIARY SHEETS FOR WRITTEN RECORD OF NUISANCE

Name: Dodd Address: Ref No: 018734/Tracey Billington
 Alleged Offender: White Horse, 22 Pillory Street, Nantwich, Cheshire East, CW5 5BD

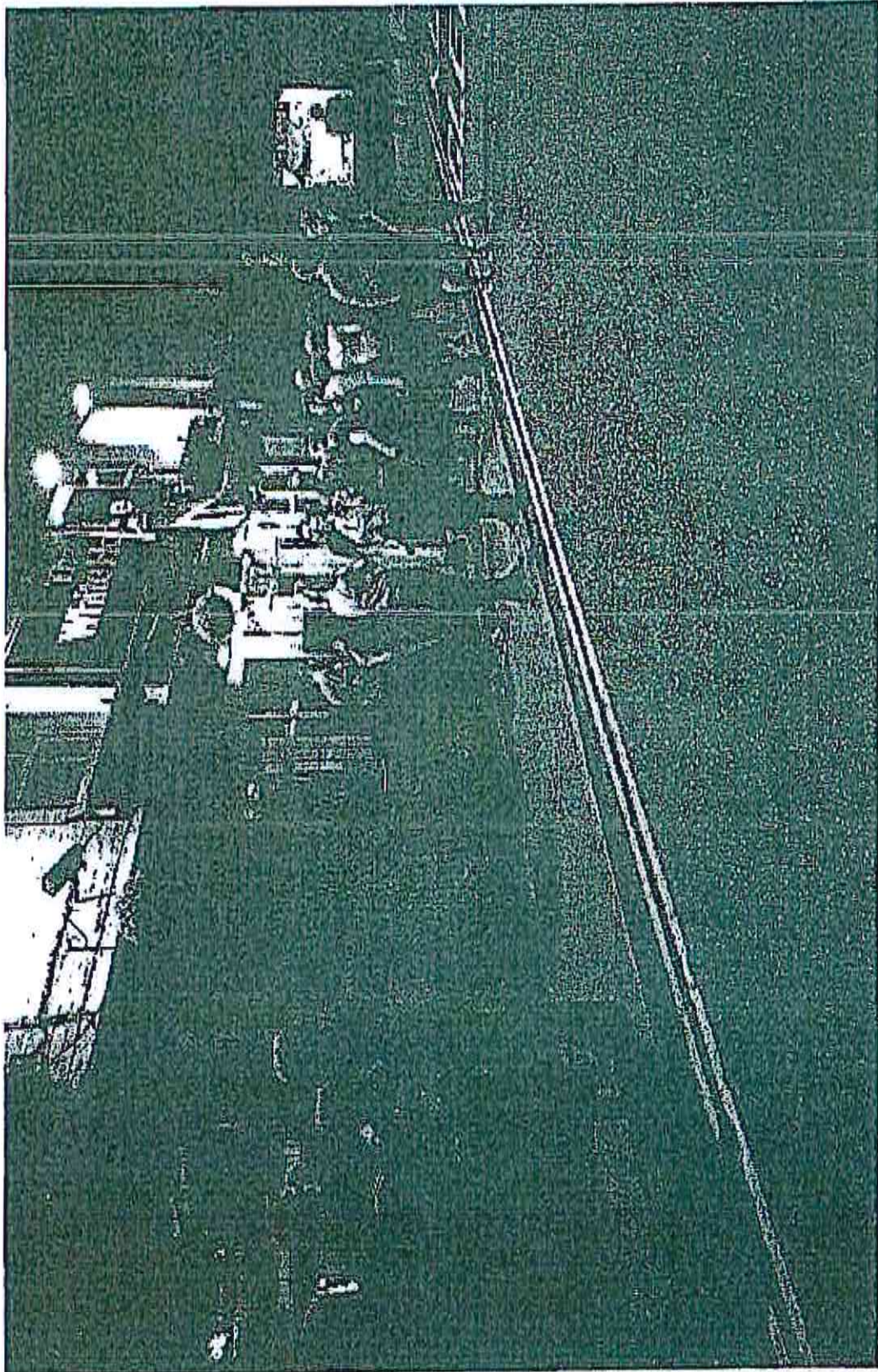
Date	Time		Description of nuisance & how you are affected by it	Signature & time record made if different from time witnessed.
	Start	Finish		
19/5/10	NOT HOME			
20/5/10	NOT HOME			
21/5/10	NOT HOME			
22/5/10	NOT HOME			
23/5/10	NOT HOME			
24/5/10	NOT HOME			
25/5/10	NOT HOME			
26/5/10	NO ISSUES			
27/5/10	NO ISSUES			
28/5/10	NOT HOME			
29/5/10	NOT HOME			
30/5/10	NOT HOME			
31/5/10	NO ISSUES			
1/6/11	NOT HOME			
2/6/11	NO ISSUES			

DIARY SHEETS FOR WRITTEN RECORD OF NUISANCE

Name: Dodd Address: .t Ref No: 018734/Tracey Billington
 Alleged Offender: White Horse, 22 Pillory Street, Nantwich, Cheshire East, CW5 5BD

Date	Time		Description of nuisance & how you are affected by it	Signature & time record made if different from time witnessed.
	Start	Finish		
3/6/16	NO ISSUES			
4/6/16	2330	0200	* VERY NOISY 20 PEOPLE OUTSIDE PUBS ON IN THE MORNING.	
5/6/16	NO ISSUES		UNABLE TO OPEN WINDOWS - NOISE	
7/6/16	NO ISSUES		UNABLE TO OPEN WINDOWS - NOISE	
8/6/16	NOT HOME			
9/6/16	NOT HOME			
10/6/16	NOT HOME			
11/6/16				
12/6/16				
13/6/16				
14/6/16				
15/6/16				
16/6/16				
17/6/16				
18/6/16				

Outside White Horse 0125 Sunday 5th June 2016



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Cheshire East Borough Council

Appendix 5

Representation Form.

Responsible Authority.

POLICE

Your Name	David Smethurst
Job Title	Police Licensing Officer
Postal and email address	Police Office, Middlewich Road, Sandbach, CW11 1HU
Contact telephone number	

Name of the premises you are making a representation about.	White Horse
Address of the premises you are making a representation about.	22 Pillory Street, Nantwich, CW5 5BD.

Which of the four licensing Objectives does your representation relate to? Please state yes or no.	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
The Prevention of harm to children		
To prevent Public Nuisance	Yes	See comments below.
To prevent crime and disorder		
Public Safety		

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	
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COMMENTS:

Cheshire police have recently adopted a structured method for classifying and monitoring licensed premises across our area. Each individual licensed premise now falls into one of three categories and these are Tier 1, Tier 2 or Tier 3. Each premise will be judged on its own individual merit but the issues which may influence which category any individual premises falls into could include the volume of and type of police demand, occurring at or associated with those premises, as well as intelligence and/or information from a variety of sources, which may include other responsible authorities. Other issues which may influence which particular Tier a premise falls into could be those people involved in its operation and management, their experience, conduct and their compliance with regulatory regimes..

The vast majority of premises, probably 95%+, are considered Tier 3 and will normally receive nothing more than routine passing attention from the police.

The White Horse, 22 Pillory Street, Nantwich is currently considered a Tier 3 premises.

Signed: David Smethurst

Date: 13/07/16

Gmail - White Horse

<https://mail.google.com/mail/u/0/?ui=2&ik=2c596d67a5&view=pt&s...>

LCPREMCO



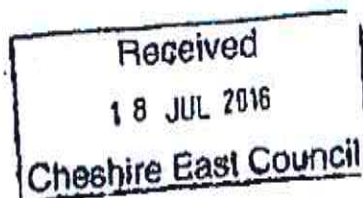
White Horse

2 messages

11 July 2016 at 22:05

To:

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



To whom it may concern,

RE: Noise complaints at The White Horse, Nantwich

I have noticed a complaint has recently been logged against The White Horse, Nantwich & a blue notice has appeared on the premises stating that they are 'undermining the prevention of public nuisance licence' & that 'the premises is causing a nuisance by allowing music to be heard outside the premises & allowing groups of people to congregate outside of the premises into the early hours'.

My husband & I have lived on Hospital Street since 2010 & even though our property backs onto the shops directly across the road from The White Horse, Nantwich have never heard any form of music, talking or general noise coming from the Pub at anytime. The White Horse is always very respectful to all its neighbours by ensuring they close the doors ontime (even early sometimes) ask customers to keep noise to a minimum while outside & hand deliver notices to residents informing them of upcoming events so they are aware of what's happening.

Nantwich is quite a quiet town & the only noises we have ever had issues with over the last 6 years is the many bin lorries that decide to empty the bins between 6:30am & 9am most mornings, the continued scaffolding that gets noisily put up and down on a Sunday before 8am & loud music/ bright disco lights from Aroma Cafe who seem to be holding more & more private; very loud functions rather than being a coffee shop (as advertised) Aroma never notify the residents, ensure there is a bouncer or ask their customers to keep the noise down when outside the premises; they don't even close the door/curtains to reduce noise or disruption to the residents directly around them.

Our front door is situated down an alley way which used to link Hospital Street to Pillory Street; you can still see the entrance to the Pillory Street side of the ally way through a door which is directly situated across the road from The White Horse. Compared to other properties in the area our house is considerably closer than others & we can't even hear The White Horse when they have out door events such as Nantwich Jazz & Blues Festival. I cannot understand how another resident can complain about the 'noise' when there isn't any apart from the day to day noise you would expect to hear when living in such a central town location; most people are aware of this before they move into a property.

If you require any more information please do not hesitate to contact us.

Yours Sincerely

n>

12 July 2016 at 13:07

TEL

Dear Sir/Madam

We have consistently had a problem with the above

- a) Noise from music being played outside predominately , at absurdly high volumes to which we are being told by them that it is at an agreed level of which we very much doubt.
- b) Crowd noise from the pub on Sundays at 2pm in the morning people/ employees just hanging around the corner of Pillory ST where it meets Hospital ST. This is as far as we are aware the only pub that has a licence so late on a Sunday and we would ask you to reduce this to at least midnight to give us the residents some respite.
- c) The attitude of the partner to the general manager is particularly nonchalant.

Yours faithfully

From:
Sent: 23-Jul-2016 19:52
To: LICENSING (Cheshire East)
Subject: White Horse. Pillory Street. Nantwich. Without Prejudice.

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sirs

Further to your feature in the Crewe chronicle dated 20th July 2016, I would very much to offer my opinion on the above for your information.

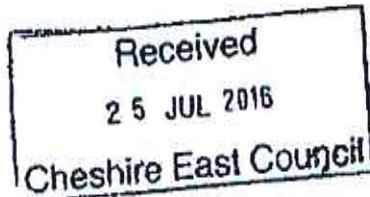
Living in the town centre, in fact, on High Street for the last 7 years, the pub has always been a major bug bear to the local residents with the extremely loud invading music they play particularly on weekends. The number of residents in the town centre is very much multiplying with apartment conversions above retail premises etc, and as is well known, the town has two identitiespeaceful market town during the day and a complete nightmare to live in during an evening. The White Horse plays ridiculously loud music, sets off fireworks late into the evening and when the music does finish, which is never earlier than it should, the folk hanging around then add to the noise pollution.

In my opinion, the music should be restricted completely at the earliest opportunity. The management are not interested in the residents well being at all. I have in fact phoned on many occasions to complain, the phone is never answered...perhaps because it's so loud they cannot hear their own business phone line!!!!

Yours faithfully

Sent from my iPad

LC PREMCO



20 July 2016

Dear Licensing Team

Regarding the review of Premises Licence of the White Horse public house 22 Pillory Street. We have been trading as opposite the White Horse for more than eight years.

We have seen the present landlord and management team develop the White Horse into a thriving and popular business.

The live music played inside the venue has caused us no noise issues, or disturbance and no complaints from our customers.

The perception that people moving along Pillory Street in a noisy manner being White Horse customers may be somewhat misplaced in that we have more than once witnessed people travelling from the direction of the town centre acting in an anti social manner, with shouting and swearing being heard from some distance away, in the early hours of the morning.

In conclusion we believe that this venue is operated to a high standard in a professional manner with the conditions of its Premises Licence.

Yours Faithfully

LCPREMCO

Received

28 JUL 2016

Cheshire East Council

Dear Sir/Madam.

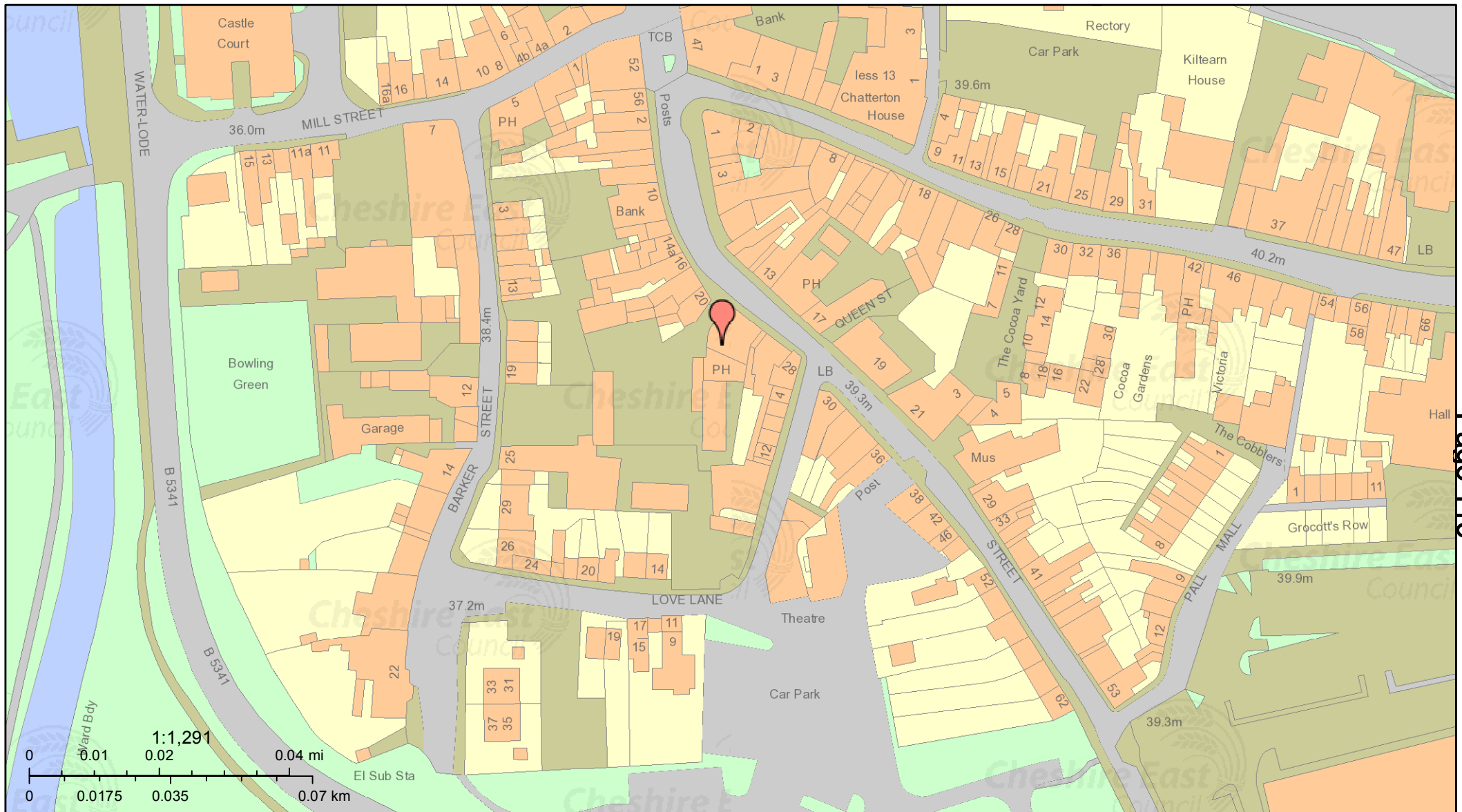
I have lived at the above address for 10 years. I am the Second Closest Resident to the 'Witton House' Pub.

I have found the present Management team to be the most Considerate of all that have run the premises in that period. With regard to late night noise. They have gone over and above what's necessary to cur. down on this with extra external doors and Sound proofing. Living next door to a pub I expect it to be noisy at times, but do not have a problem with the way this is dealt with compared with previous Managers.

Yours Sincerely

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Appendix 7



July 25, 2016

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