

# Licensing Act Sub-Committee

## Agenda

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**Date:** Monday, 20th November, 2017  
**Time:** 2.00 pm  
**Venue:** Committee Suite 1, 2 & 3, Westfields, Middlewich Road,  
Sandbach CW11 1HZ

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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.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website.

### **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 a Premises Licence - Suburban Green, 4 Hawthorn Lane, Wilmslow SK9 1AA** (Pages 7 - 64)

To consider an application for a Premises Licence by Lowe's Place Ltd in respect of Suburban Green, 4 Hawthorn Lane, Wilmslow SK9 1AA.

### **THERE ARE NO PART 2 ITEMS**

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For requests for further information

**Contact:** Julie Zientek  
**Tel:** 01270 686466  
**E-Mail:** [julie.zientek@cheshireeast.gov.uk](mailto:julie.zientek@cheshireeast.gov.uk)

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## CHESHIRE EAST COUNCIL

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

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

**Officers at Hearings**

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

**PROCEDURE**

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

<b>1</b>	<b>Chairman</b>	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)
<b>2</b>	<b>Licensing Officer</b>	Will introduce and summarise the application, highlighting areas of contention or dispute.
<b>3</b>	<b>Committee Members</b>	May ask questions of the Licensing Officer
<b>4</b>	<b>Applicant</b>	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	<b>Responsible Authorities</b>  (who have made representations)	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.
6	<b>Other Persons</b>  (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	<b>Committee Members</b>	Each in turn may ask <u>questions</u> of the applicant.
8	<b>Applicant</b>	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	<b>Responsible Authorities</b>	Will make their representations.
10	<b>Applicant</b>	Or his representative or witnesses to ask <u>questions</u> of Responsible Authorities represented at the meeting, by way of clarification.
11	<b>Other Persons</b>  (who have made representations)	May ask <u>questions</u> of the Responsible Authorities represented at the meeting, by way of clarification.  <b>(Note: This is not the point at which they should be stating their objections.)</b>
12	<b>Committee Members</b>	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	<b>Other Persons</b>  (who have made representations)	Those who have objected to the application will be invited <b><u>to make observations on the application</u></b> and present the bases of their objections.
15	<b>Applicant</b>	Or his representative or witnesses may ask <u>questions</u> of the other persons, by way of clarification.
16	<b>Committee Members</b>	May ask <u>questions</u> of the other persons.
17	<b>Chairman</b>	To invite both <b>Responsible Authorities</b> and <b>Other Persons</b> to make their closing addresses.
18	<b>Applicant</b>	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested

		conditions.
19	<b>Committee</b>	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
20	<b>Committee</b>	<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

## REPORT TO: LICENSING ACT SUB-COMMITTEE

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Date of Meeting:	Monday 20 <sup>th</sup> November 2017
Report of:	Jennifer Knight, Licensing Officer
Subject/Title:	Application for a new Premises Licence at Suburban Green 4 Hawthorn Lane, Wilmslow SK9 1AA

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**1.0 Report Summary**

- 1.1 The report provides details of an application for a new Premises Licence, and the proposed operating schedule together with details of relevant representations received in relation to the application.

**2.0 Recommendations**

- 2.1 The Licensing Act Sub-Committee is requested to determine the application for a new Premises Licence by Lowe's Place Ltd, in respect of:

**Suburban Green  
4 Hawthorn Lane, Wilmslow SK9 1AA**

- 2.2 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
- 2.3 Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it considers it desirable to do so. Careful consideration should be given to application and relevant representations in light of the proposed operating schedules.
- 2.4 The Sub-Committee in respect of this application must have regard to the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.
- 2.5 Finally, Members are also reminded that in determining the application in accordance with the Licensing Act 2003, Members must also have regard to:
- The rules of natural justice
  - The provisions of the Human Rights Act 1998

## **3.0 Reasons for Recommendations**

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

## **4.0 Wards Affected**

- 4.1 Wilmslow West and Chorley

## **5.0 Local Ward Members**

Councillor Ellie Brooks  
Councillor Gary Barton

## **6.0 Policy Implications**

- 6.1 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.
- 6.2 Whilst having regard to the general principles within the Statement, Members may wish to consider the following:
- 6.2.1 The representations relate to the Prevention of Crime and Disorder and the Prevention of Public Nuisance Licensing Objectives. The Licensing Authority sets out at paragraphs 7 and 9 respectively, of its Statement of Licensing Policy how it will deal with representations under these objectives. At paragraph 9.1 the Statement of licensing policy confirm that a broad interpretation of what constitutes a public nuisance will be taken
  - 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. Para 9.2
  - The Statement of Licensing Policy has a specific section relating to noise nuisance. This section is reproduced for the benefit of the sub-committee at appendix 3
- 6.3 Members should provide reason(s) for any decision taken and should set out the reasoning where they determine to depart in any way from the Policy or Guidance.

## **7.0 Financial Implications**

- 7.1 Not applicable.



## **8.0 Legal Implications**

- 8.1 In accordance with the provisions of section 18 of the Licensing Act 2003 the Licensing Authority must, having regard to the representations, take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. Section 18(4) provides that the authority may:
- (a) Grant the licence subject to the relevant mandatory conditions and conditions consistent with the operating schedule
  - (b) Modify the application to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives
  - (c) Exclude from the scope of the licence any of the Licensable Activities to which the application relates
  - (d) Refuse to specify a person in the licence as the Premises Supervisor
  - (e) Reject the application.
- 8.2 Members are reminded that should any conditions be added, they should be practical, enforceable and appropriate to promote the Licensing Objectives.
- 8.3 Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1998 to through all of its various functions, and Licensing is one of those functions to do all that it can to prevent Crime and disorder, Anti-social Behaviour, behaviour adversely affecting the environment and re-offending.

## **9.0 Risk Management**

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

## **10.0 Background and Options**

- 10.1 The application was initially received on the 25<sup>th</sup> September 2017. The application is for a Premises Licence under section 17 of the Licensing Act 2003.
- 10.2 The operating schedule indicates that the relevant licensable activities and hours applied for are:

### **Late night refreshment**

**23:00 and 23:30 Sunday to Thursday**

**23:00 and 01:30 Friday and Saturday**

### **Sale and Retail of Alcohol for consumption on and off the premises**

**10:00 and 23:00 Sunday to Thursday**

**10:00 and 01:00 Friday and Saturday**

The application includes a dispersal policy and a smoking and al fresco dining policy

10.4 A copy of the application form is attached as Appendix 1.

10.5 Relevant Representations are attached as Appendix 2.

Responsible Authorities:

10.8 Cheshire Police have not submitted a representation

10.7 Environmental Protection has agreed conditions attached as Appendix 5

Other Persons:

10.6 The Council has received eight objections to the application.

**11.0 Access to Information**

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

Name: Miss Jennifer Knight

Designation: Senior Licensing Officer

Tel No: 01270 686337

Email: Jennifer.knight@cheshireeast.gov.uk

**APPENDICES**

Appendix 1 – Premises Licence Application Form & Plan

Appendix 2 – Objections

Appendix 3 – Relevant parts of Licensing Policy

Appendix 4 – Site plan of premises

Appendix 5 – Environmental Health Conditions



**Cheshire East**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@cheshireeast.gov.uk](mailto:licensing@cheshireeast.gov.uk)  
 Telephone: 0300 123 5015

\* required information

### Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

LOW101/1

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

Lowe's Place Ltd

\* Family name

n/a

\* E-mail

[Redacted]

Main telephone number

[Redacted]

Include country code.

Other telephone number

[Redacted]

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader  
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

Is the applicant's business registered in the UK with Companies House?

☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

10680831

Business name

Lowe's Place Ltd

If the applicant's business is registered, use its registered name.

VAT number

GB

n/a

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company

**Continued from previous page...**

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
- ☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

**Continued from previous page...**Your position in the business Home country 

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

Building number or name Street District City or town County or administrative area Postcode Country **Section 2 of 21****PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address    ☐ OS map reference    ☐ Description
**Postal Address Of Premises**Building number or name Street District City or town County or administrative area Postcode Country **Further Details**Telephone number Non-domestic rateable value of premises (£)



**Section 3 of 21****APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

**Confirm The Following**

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

**Section 4 of 21****NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

*Continued from previous page...*

Private limited company

**Address**

Building number or name

70

Street

Knutsford Road

District

City or town

Wilmslow

County or administrative area

Postcode

SK9 6JD

Country

United Kingdom

**Contact Details**

E-mail

Telephone number

Other telephone number

\* Date of birth

 /  /   
dd mm yyyy

\* Nationality

Documents that demonstrate entitlement to work in the UK

Add another applicant

**Section 5 of 21****OPERATING SCHEDULE**

When do you want the premises licence to start?

 /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end

 /  /   
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Restaurant and bar

*Continued from previous page...*

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

#### Section 6 of 21

##### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

☐ Yes ☒ No

#### Section 7 of 21

##### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

☐ Yes ☒ No

#### Section 8 of 21

##### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

☐ Yes ☒ No

#### Section 9 of 21

##### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

#### Section 10 of 21

##### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

☐ Yes ☒ No

#### Section 11 of 21

##### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

☐ Yes ☒ No

#### Section 12 of 21

##### PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?



Continued from previous page...

**Section 13 of 21****PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes
                    
 ☒ No
**Section 14 of 21****LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

☒ Yes
                    
 ☐ No
**Standard Days And Timings**

MONDAY

Start End Start End 

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start End Start End 

WEDNESDAY

Start End Start End 

THURSDAY

Start End Start End 

FRIDAY

Start End Start End 

SATURDAY

Start End Start End 

SUNDAY

Start End Start End

*Continued from previous page...*

Will the provision of late night refreshment take place indoors or outdoors or both?

☒ Indoors                      ☐ Outdoors                      ☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From the start time on New Year's Eve to the terminal hour for New Year's Day.

On the day that British Summer Time commences, one additional hour to disapply its effect.

## Section 15 of 21

### SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes                      ☐ No

#### Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

Continued from previous page...

## WEDNESDAY

Start 10:00

End 23:00

Start

End

## THURSDAY

Start 10:00

End 23:00

Start

End

## FRIDAY

Start 10:00

End 01:00

Start

End

## SATURDAY

Start 10:00

End 01:00

Start

End

## SUNDAY

Start 10:00

End 23:00

Start

End

Will the sale of alcohol be for consumption:

- ☐ On the premises
 ☐ Off the premises
 ☒ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From the start time on New Year's Eve to the terminal hour for New Year's Day.

On the day that British Summer Time commences, one additional hour to disapply its effect.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

*Continued from previous page...***Name**First name Family name Date of birth  /  / **Enter the contact's address**Building number or name Street District City or town County or administrative area Postcode Country Personal Licence number  
(if known) Issuing licensing authority  
(if known) **PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known) 

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21****ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

n/a



Continued from previous page...

## Section 17 of 21

## HOURS PREMISES ARE OPEN TO THE PUBLIC

## Standard Days And Timings

## MONDAY

Start End Start End 

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

## TUESDAY

Start End Start End 

## WEDNESDAY

Start End Start End 

## THURSDAY

Start End Start End 

## FRIDAY

Start End Start End 

## SATURDAY

Start End Start End 

## SUNDAY

Start End Start End 

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From the start time on New Year's Eve to the terminal hour for New Year's Day.

*Continued from previous page...*

On the day that British Summer Time commences, one additional hour to disapply its effect.

## Section 18 of 21

### LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Please see attached operating schedule and policies.

b) The prevention of crime and disorder

Please see attached operating schedule and policies.

c) Public safety

Please see attached operating schedule and policies.

d) The prevention of public nuisance

Please see attached operating schedule and policies.

e) The protection of children from harm

Please see attached operating schedule and policies.

## Section 19 of 21

### NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

*Continued from previous page...*

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.



*Continued from previous page...*

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

## Section 20 of 21

### NOTES ON REGULATED ENTERTAINMENT



*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.



**Continued from previous page...**

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 21 of 21****PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

190.00

**DECLARATION**

1

**Continued from previous page...**

**1** \* I/we understand 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.

**1** \* Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

**1** \* The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15).

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date

25	/	09	/	2017
dd		mm		yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/cheshire-east/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

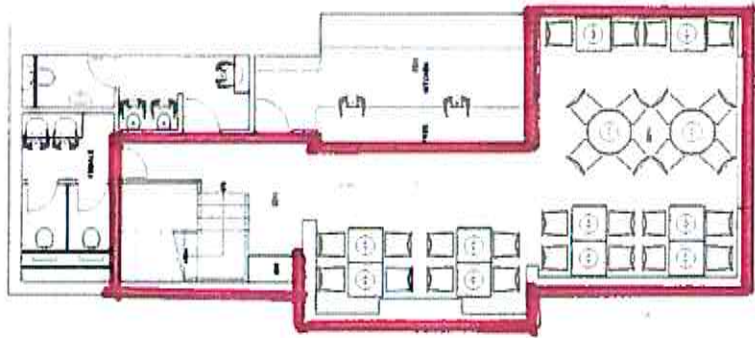
**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**

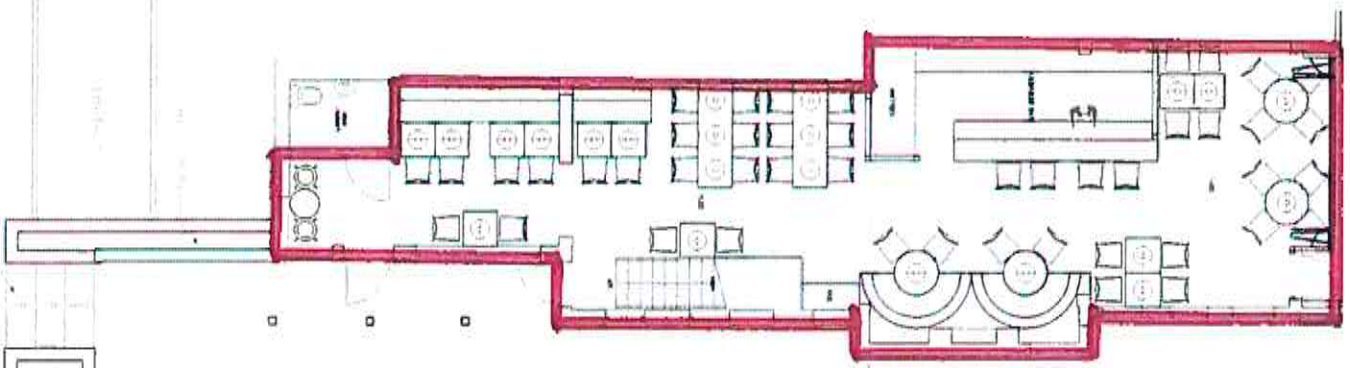


OFFICE USE ONLY	
Applicant reference number	LOW101/1
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

< Previous   1   2   3   4   5   6   7   8   9   10   11   12   13   14   15   16   17   18   19   20   21   Next >



Proposed First Floor Plan



Proposed Ground Floor Plan

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**SUBURBAN GREEN**

**DISPERSAL POLICY**

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The purpose of this Dispersal Policy is to ensure, so far as it is possible, that minimum disturbance or nuisance is caused to our neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour. This will be achieved by exercising pro-active measures towards and at the end of the evening.

By ensuring that this Dispersal Policy document is brought to the attention of Management and Staff we will seek to encourage the efficient, controlled and safe dispersal of our patrons during our closing period.

1. At the end of the evening management and staff will assist with the orderly and gradual dispersal of patrons.
2. Staff Members (including door personnel when employed) will advise patrons to leave the premises quickly and quietly out of respect for our neighbours.
3. Notices will be displayed requesting our customers to leave quietly and in an orderly manner out of consideration to neighbours and their attention will be drawn to these notices by members of staff.
4. We will ensure the removal of all bottles and drinking receptacles from any patron before exiting the premises (this does not apply in the case of consumption in any delineated external drinking area.)
5. We will actively discourage our customers from assembling outside the premises at the end of the evening.

## **OPERATING SCHEDULE**

Staff shall be trained in the requirements of the Licensing Act 2003 with regard to the Licensing Objectives.

### **A) The Prevention of Crime and Disorder**

1. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
5. SIA registered door staff shall be employed at the premises, in accordance with a risk assessment, to be carried out by the DPS. When employed, door staff will wear high visibility armbands.
6. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
  - (i) the number of door staff on duty;
  - (ii) the identity of each member of door staff;
  - (iii) the times the door staff are on duty.
7. Open containers of alcohol shall not be removed from the premises, save for consumption in any external area for use of customers of the premises.
8. Staff will be trained in the laws relating to under age sales, and that training shall be documented and repeated at 6 monthly intervals.
9. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.

### **B) Public Safety**

1. A first aid box will be available at the premises at all times.
2. Regular safety checks shall be carried out by staff.
3. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
4. The premises shall maintain an Incident Log and public liability insurance.

### **C) The Prevention of Public Nuisance**



1. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
3. The exterior of the building shall be cleared of litter at regular intervals.
4. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
5. Doors and windows at the premises are to remain closed after 11pm, save for access and egress.
6. A Dispersal and Smoking Policy will be implemented and adhered to (see attached).
7. The emptying of bins into skips, and refuse collections will not take place between 11pm and 8am.

### **D) The Protection of Children From Harm**

1. A "Challenge 21" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 21. The only acceptable forms of identification shall be photographic driving licences, passports, HM forces cards, or a form of identification with the "PASS" hologram.
2. Staff training will include the Challenge 21 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.
3. Notices advising what forms of ID are acceptable must be displayed.
4. Notices must be displayed in prominent positions indicating that the Challenge 21 policy is in force.



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**SUBURBAN GREEN**  
**SMOKING & AL FRESCO DINING POLICY**

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1. Any outside area used by customers wishing to dine, drink or smoke shall be clearly delineated and covered by the CCTV system which will be installed at the premises.
2. The outside area shall be monitored by staff or door staff regularly at all times it is in use.
3. The area will be cleaned regularly.
4. Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
5. Signs will be displayed in the area requesting customers keep noise to a minimum.
6. Patrons who disregard signage and verbal instructions regarding noise will be asked to move inside and/or leave the premises.
7. Open containers of alcohol shall not be permitted to be taken beyond the boundary of the outside area.

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LOPREMCO



18 October 2017

The Licensing Section  
Cheshire East Council  
Municipal Buildings  
Earle Street  
Crewe  
CW1 2BJ



Premises license for Suburban Green, 4 Hawthorn Lane.  
NOTICE FOR A PREMISES LICENCE: LICENSING ACT 2003

Dear Sir,

We wish to make representation to Cheshire East Council concerning the premises licence application for Suburban Green, 4 Hawthorn Lane, Wilmslow, SK9 1AA, on the grounds of Prevention of Public Nuisance.

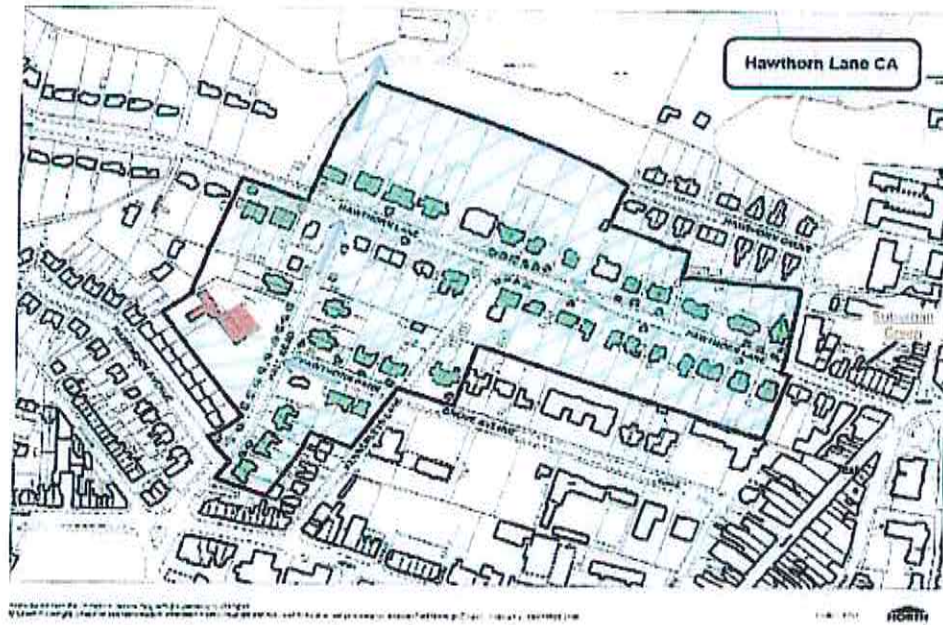
Hawthorn Lane is largely a residential area, (it is also a conservation area), Suburban Green's location is adjacent to the residential area, see attached map. Parking is severely restricted at that end of Hawthorn Lane, the most convenient parking is along Hawthorn Lane within a totally residential area.

Our property, [REDACTED] from Suburban Green. Granting a late night premises license, will inevitably cause a Public Nuisance to the residents of Hawthorn lane, when customers leave the premises. Extending the license to 01.30 am on Friday and Saturday nights we believe is inconsiderate and unacceptable to local residents.

yours faithfully,



8.1: Map 2: Conservation Area Appraisal



Proximity of Suburban Green premises to Hawthorn Lane residential area.





23 October 2017

The Licensing Section  
Cheshire East Council  
Municipal Buildings  
Earle Street  
Crewe  
CW1 2BJ

Premises license for Suburban Green, 4 Hawthorn Lane.  
NOTICE FOR A PREMISES LICENCE: LICENSING ACT 2003

Dear Ms Fallows,

Thank you for your letter outlining your response to the above premises license.

I would like to re-enforce my comments are very far from being based on speculation, we have lived in this house for the last 20 years our concerns are based wholly on experience, living on this street.

Late night disturbances, very loud shouting, bottles and glass beer glasses thrown into our garden regularly, I have had to get out of my bed at 2 am, in order to quell disturbances on at least half a dozen times, on two occasions these were fights which spilled over into our front garden, all very disturbing, plus of course the occasional vomit. Late night premises licenses granted to bars situated on Grove street and surrounding streets directly correlate with these disturbances.

We fail to understand how the above is not deemed to be a public nuisance.

yours faithfully,



**KNIGHT, Jennifer**

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**From:** [REDACTED]  
**Sent:** 23-Oct-2017 11:00  
**To:** LICENSING (Cheshire East)  
**Subject:** Re: [OFFICIAL] Representation regarding a Premises License.

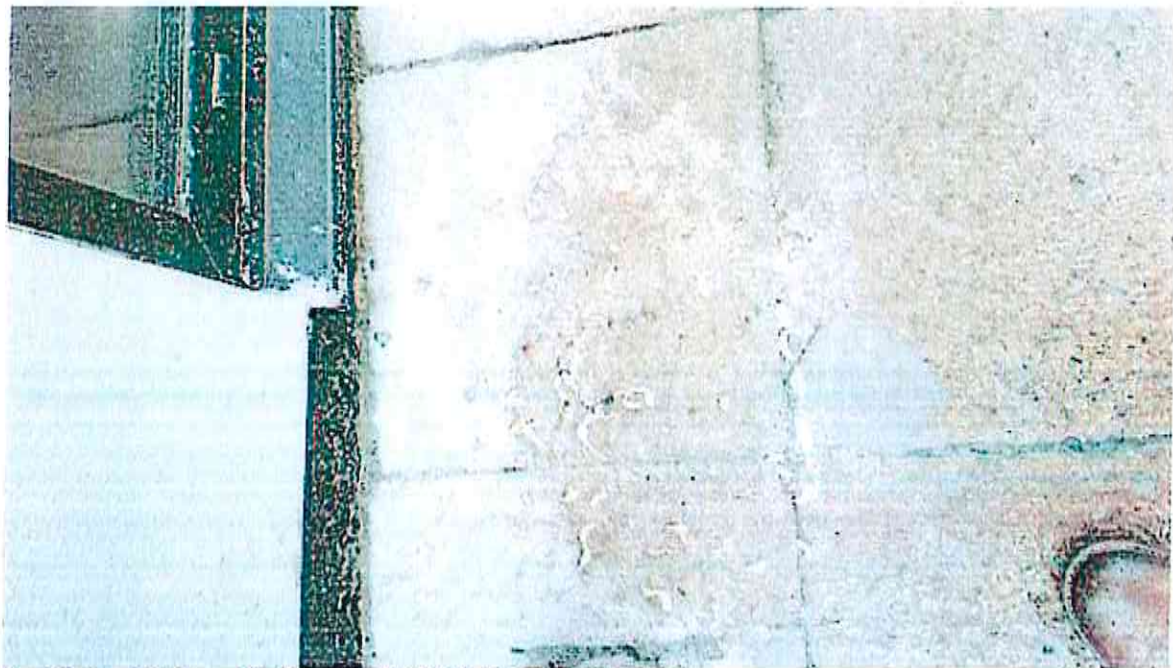
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Ms Knight,

Thank you for forwarding the information,

I have just left my house, this photo was taken this morning on Hawthorn Lane near my house (I have left the geo tag), this vomit has not been cleaned up since the weekend and further demonstrates my arguments are not based on speculation.

Best wishes



On 23 Oct 2017, at 09:53, LICENSING (Cheshire East)  
<[Licensing\\_CE@cheshireeast.gov.uk](mailto:Licensing_CE@cheshireeast.gov.uk)> wrote:

Good Morning,

Thank you for your further information, the application will be heard at the Licensing Act 2003 Sub-Committee, your comments will be sent on to the applicant prior to the Hearing.

I will send you an invite in due course.

If you have any questions please let me know.



Kind Regards,  
*Jennifer Knight*  
Senior Licensing Officer  
Regulatory Services and Health  
People's Directorate  
Municipal Buildings  
Crewe  
CW1 2BJ

T: 0300 123 5015

E: [Licensing@cheshireeast.gov.uk](mailto:Licensing@cheshireeast.gov.uk)

W: <http://www.cheshireeast.gov.uk/business/licensing/licensing.aspx>

✓ Reduce Re-use Recycle ♻️

**From:** [REDACTED]  
**Sent:** 23-Oct-2017 09:44  
**To:** LICENSING (Cheshire East)  
**Subject:** Re: [OFFICIAL] Representation regarding a Premises License.

Good Morning Ms Fallows,

Please find attached further response to your reply dated 20th October

Regards

[REDACTED]

\*\*\*\*\*  
Confidentiality: This email and its contents and any attachments are intended only for the above named. As the email may contain confidential or legally privileged information, if you are not the above named person or responsible for delivery to the above named, or suspect that you are not an intended recipient please delete or destroy the email and any attachments immediately.

Security and Viruses: This note confirms that this email message has been swept for the presence of computer viruses. We cannot accept any responsibility for any damage or loss caused by software viruses.

Monitoring: The Council undertakes monitoring of both incoming and outgoing emails. You should therefore be aware that if you send an email to a person within the Council it may be subject to any monitoring deemed necessary by the organisation from time to time. The views of the author may not necessarily reflect those of the Council.

Access as a public body: The Council may be required to disclose this email (or any response to it) under the Freedom of Information Act, 2000, unless the information in it is covered by one of the exemptions in the Act.

Legal documents: The Council does not accept service of legal documents by email.

\*\*\*\*\*

**FALLOWS, Amanda**

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**From:** LICENSING (Cheshire East)  
**Sent:** 23-Oct-2017 08:09  
**To:** FALLOWS, Amanda  
**Subject:** FW: Suburban Green Licence application  
**Attachments:** 2-Suburban green 13 Hawthorn Lane.docx; IMG\_3285.jpg; IMG\_3282.jpg; IMG\_3283.jpg; IMG\_3284.jpg; IMG\_3286.jpg; 2-Suburban green 13 Hawthorn Lane.docx

**From:** [REDACTED]  
**Sent:** 20-Oct-2017 23:02  
**To:** LICENSING (Cheshire East)  
**Subject:** Suburban Green Licence application

Dear Licensing Section,

Please find attached our letter of objection concerning the License application for Suburban Green, Hawthorn Lane Wilmslow. Also please find attached the photographs of the area to assist the committee in reaching an informed decision.

Kind regards

[REDACTED]





20<sup>th</sup> October 2017

Licensing Section  
Cheshire East Council  
Municipal Buildings  
Earle Street  
Crewe  
CW1 2BJ

**Objection to Premises Licence Application for Suburban Green, Hawthorn Lane, Wilmslow**

Dear Licensing Section,

We wish to make representations to Cheshire East Council concerning the premises Licence application by Lowe's Place/Suburban Green, on the grounds of Prevention of Public Nuisance and Public Safety. We have a greater interest in the application than most members of the public due to the fact we are very close neighbours. We are concerned that a new licensed area would increase noise and disturbance and affect Public Safety.

**Public Nuisance**

Noise and nuisance at and after closing time is a known Public Nuisance problem. Currently this pleasant and agreeable residential area, has a very low noise and nuisance level in the evenings. Before granting this application to sell alcohol 7 days a week, and extend licensing hours to 1.30 a.m., we ask you to consider if this is compatible with the current use of the surrounding area. We believe that the proposed licensing hours are unacceptably late. Please consider the overall impact of the premises' customers passing through this quiet neighbourhood in all hours. Please ensure that residents are not caused to suffer noise, nuisance or antisocial behaviour in the evenings.

**Public Safety**

Symposium, and Revolution are bars in Wilmslow which have already been granted late drinking licenses. They have a constant queue of taxis and groups of smokers outside their front door after 10p.m. They are both situated on restricted speed, one way streets. Suburban Green however, is a situated on very busy Hawthorn Lane with narrow pavements. We are concerned that the extra traffic could create a danger to the public.

Hawthorn Lane is a very busy two-way street with a constant flow of traffic. Because of its situation, very strict parking restrictions have been designated. Parking for the customers of Suburban Green will be a problem. There is no car park nearby but only limited parking on Hawthorn Lane outside residents'

houses. To the left of Suburban Green are hazard zig zag lines indicating prohibited parking. To the right of the bar is a short area with a single yellow line indicating restricted parking. Opposite the bar are double yellow lines outside the Monkey Puzzle Nursery indicating parking is prohibited. When cars are parked on the single yellow line, traffic flow outside the bar is restricted to a single lane, so care must be taken and drivers must watch for cars coming in the opposite direction and prepare to pull over to let them pass.

Please study the attached photographs of Suburban Green on a Friday evening showing the road signs and existing parking restrictions which are clearly being ignored. Currently, it is common practice for people to park illegally on, or partly on the pavement in this area during daytime and at night. Now consider the extra road traffic that the bar will attract, the groups of people smoking and drinking on the pavement that the bar will attract, some cars parked on the single yellow line which creates a restricted single lane flow of traffic on the lane, and somewhere a queue of taxis will be on this lane. Please consider all these issues with a current speed limit of 30 miles per hour! Would it be easier to consider if you could collect your dearest relative safely from this area! We think Suburban Green could provide a great risk to public safety.

The property is not a city centre, or High Street. It is opposite residential property, a nursery and is situated at the beginning of an extensive residential area and Conservation Area of Wilmslow. If you grant this license to the premises to sell alcohol in the proposed hours seven days a week this is bound to have an effect on the area. We respectfully ask you to consider whether this could reduce the amenity and good order of the locality.

In view of the above we urge the Licensing Authority to refuse the application as it is presented.

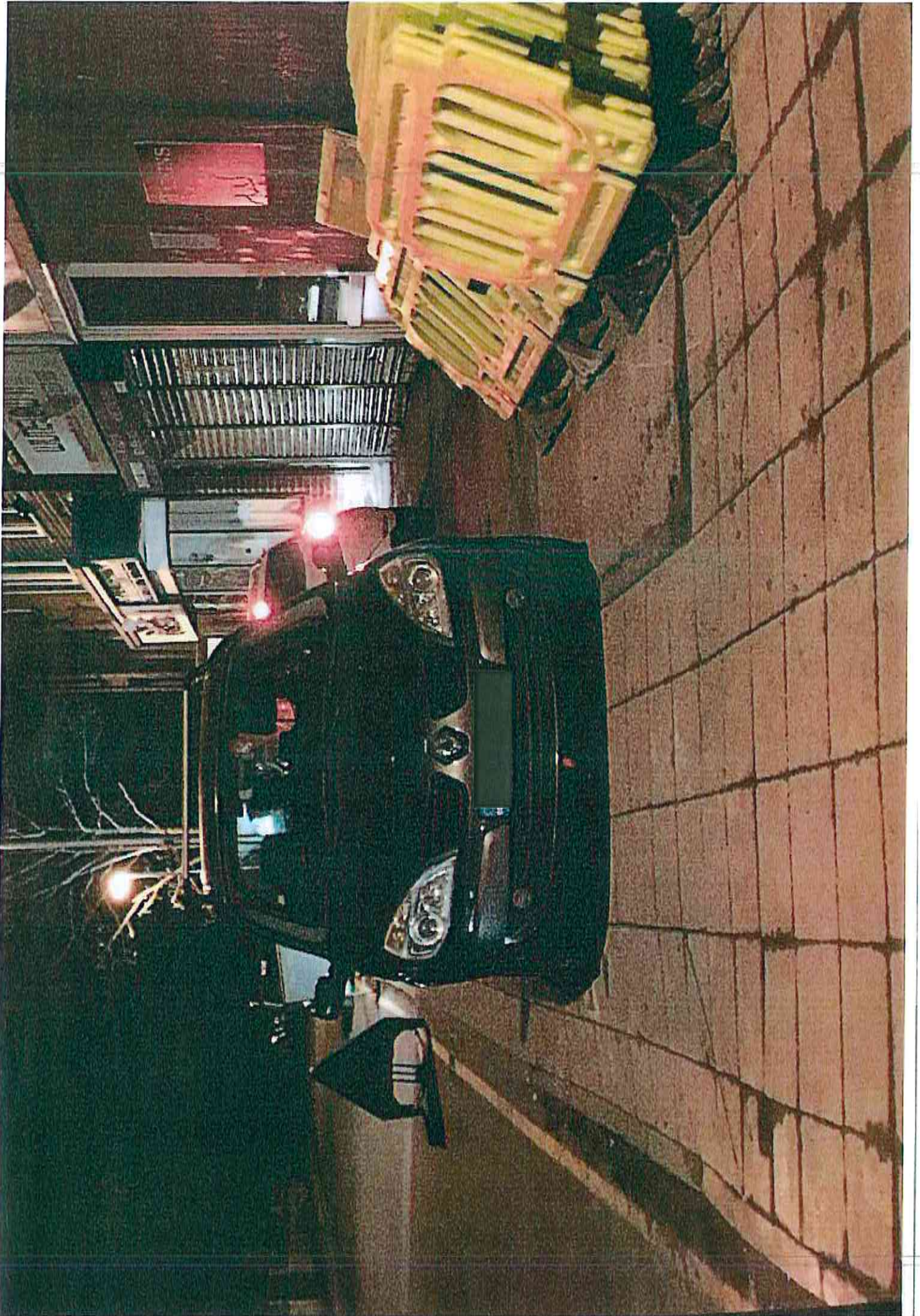
Yours sincerely

A rectangular area of the document has been redacted with a solid black box, obscuring the signature of the sender.





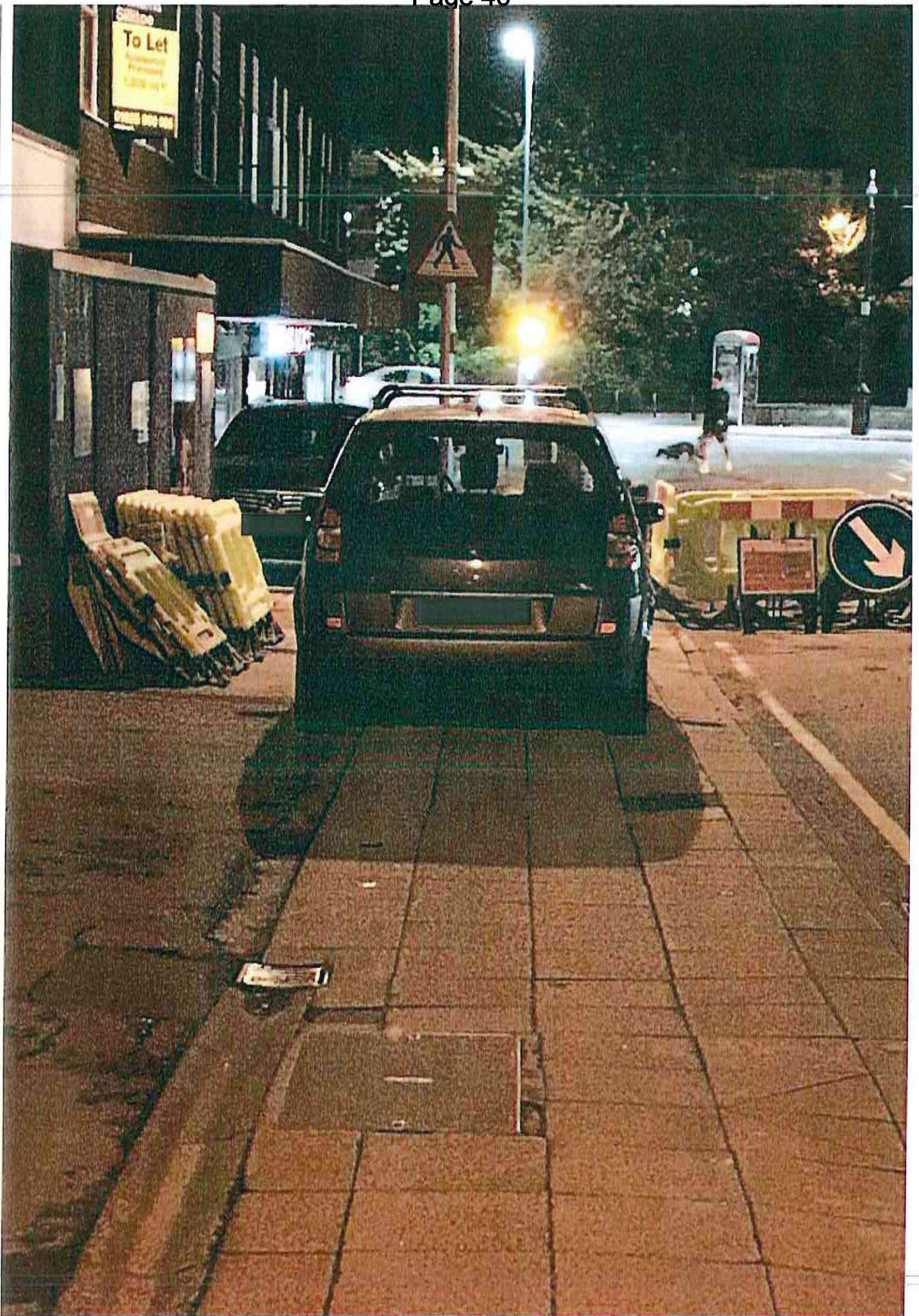




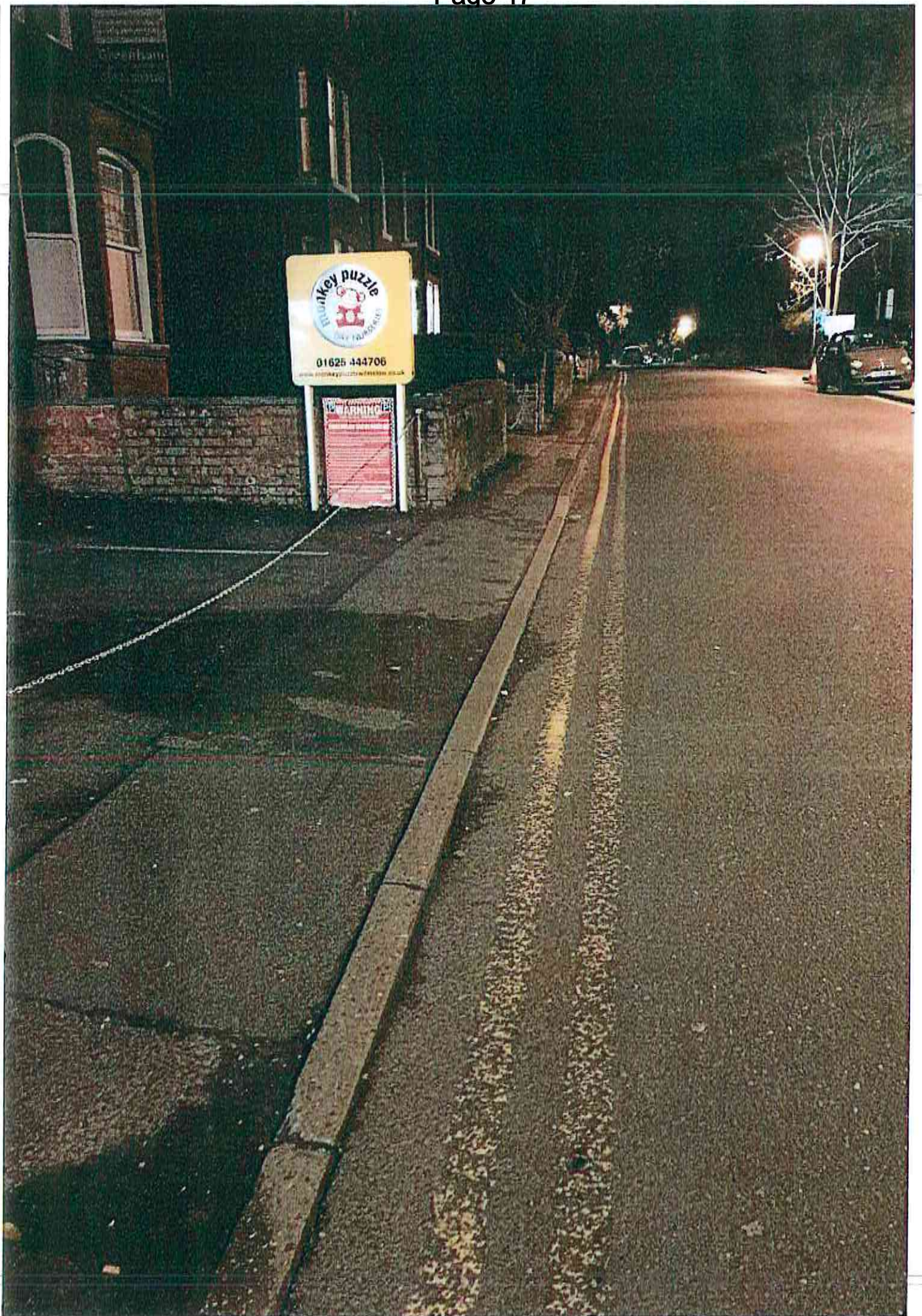
















Amanda Fallows,  
The Licensing Team,  
Cheshire East Council,  
Municipal Buildings,  
Earle Street,  
Crewe,  
CW1 2BJ

**Premises License for Suburban Green, 4 Hawthorn Lane, Wilmslow.**

**NOTICE FOR A PREMISES LICENSE: LICENSING ACT 2003**

Dear Ms Fallows,

Thank you for your letter regarding our objection to the above licensing application.

Far from being based on speculation, the objections that we raise are based on experience of living in Hawthorn Lane and relate directly to some of your departments core objectives, namely the reduction of Public Nuisance and the Prevention of Crime and Disorder. We already experience late night disturbance from noisy individuals leaving town centre restaurants and clubs especially at weekends. In the mornings, we find litter such as bottles and cans in our garden. This is Public Nuisance and is definite, not speculative, as is the Public Disorder that breaks out when loud mouthed arguments and occasional fighting occurs at night. It is certainly a public nuisance, as well as frightening, to be woken in the early hours of Sunday morning by angry people outside your house!

Granting this application, with a weekend license extension until 1.30am in the morning, will make these problems worse and will undermine your licensing departments objectives.

We therefore insist that our original letter of objection to the above application is relevant to Licensing Criteria, and should be submitted to the Licensing Committee for consideration rather than be arbitrarily rejected as speculation.

Yours faithfully



**FALLOWS, Amanda**

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**From:** LICENSING (Cheshire East)  
**Sent:** 23-Oct-2017 08:09  
**To:** FALLOWS, Amanda  
**Subject:** FW: Re : Suburban Green, 4 hawthorn lane, Wilmslow, SK9 1AA

**From:** [REDACTED]  
**Sent:** 22-Oct-2017 22:44  
**To:** LICENSING (Cheshire East)  
**Subject:** Re : Suburban Green, 4 hawthorn lane, Wilmslow, SK9 1AA

Dear Sir/Madam,

RE: Premise Licence for Suburban Green , 4 Hawthorn Lane, Wilmslow, SK9 5DG

We wish to make a representation regarding the application for a late night Licence (after 23.00) on Friday and Saturday at the above premises.

We live at [REDACTED] from No 4.

This proposed development is at the end of a quiet residential road which is a Conservation Area. There are no other late licences on this road.

This would constitute a Public Nuisance for reasons of late night noise, littering, and potential crime.

Ten years ago the adjacent Bank Square had a number of similar premises and had major problems with disorder, fighting, constant Police presence, queuing taxis, and intoxicated punters.

This is on public record.

There is no parking outside No 4 and as the only premises on the road with a late licence to sell alcohol this would be a natural magnet to this otherwise quiet residential area.

I would hope the above is taken into account when considering *weekend* closing hours for No 4.

Yours faithfully,

[REDACTED]



Dear Licensing team,

**Objection to Application for a License at Suburban Green Wilmslow**

I wish to object to a late license being given to Suburban Green, Hawthorn lane Wilmslow.

I am 85 and walk with an aid and have family on Hawthorn lane. This road is always very busy and the pavements are narrow. Just to walk along this lane can be dangerous for me. Often I have to walk in the road because of obstructions or cars parked on the pavement. The addition of a bar without the provision of proper parking can only exacerbate this. My concern is that Public Safety will be affected.

Everybody knows that late night drinking produces a nuisance with noise and behaviour. I am disappointed that you are considering giving a license to an establishment surrounded by a long established residential area. There are bars open till very late in Wilmslow but they are in the centre of the town and are less likely to cause disruption in the evening as they are surrounded by shops.

Also I would like to ask the following:

1. Has planning permission already been granted?
2. If so was there a public consultation notice?
3. How was this license application advertised? We used to be able to rely on the Wilmslow Express paper. Do you rely on the internet to inform the public?
4. I have not and cannot use the internet. How do you ensure I am informed of things like this which affect me?
5. I read a reply from the Licensing team at Cheshire East which says they will not accept a complaint if the points raised were based on speculation. You advise if the license is granted and the premises is undermining licensing objectives, then the public can call for a review.

6. Is it true that if a Council tried to withdraw a license, this may lead to very expensive court costs, because a licensee could argue their Human Rights have been affected?
7. Is it true that if a council tried to withdraw a license, something called Grandfather's Rights could be used to ensure the premises can sell alcohol?
8. Have the Council looked at Hawthorn lane day and night time, assessed the number of cars travelling along, their speed, and their parking on the pavement which affects the residents?
9. Have you considered what a bottleneck of traffic will be caused by the opening of a busy bar in this area? Have you considered the safety of all people using this area?
10. I notice the new bar premises has already been built. Does that mean they have already been given some kind of approval to proceed as a bar?

Informing your residents with clarity and transparency is very important. Public Safety is very important to me.

Yours sincerely

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The Licensing Section  
Cheshire East Council  
Municipal Buildings  
Earle Street  
Crewe  
CW1 2BJ



19 October 2017

Dear Sir/Madam,

I am writing to object to the times of the licence being requested by Suburban Green, 4 Hawthorn Lane, Wilmslow, SK9 1AA. There are a few small businesses right at end of the street towards the town centre, most of which are not licenced. Currently only Barindas restaurant, I believe, has a licence and none have a late licence. A late night venue is not appropriate in this location.

Hawthorn Lane is predominately a residential street of family homes and is very quiet in the evenings especially after 11 pm (We recently moved from there). Granting the long hours of licence requested would bring excessive noise to Hawthorn Lane and also the bad behaviour (shouting, swearing, fighting, urinating, vomiting, littering etc) associated with late opening venues and would be wholly inappropriate in this location. Providing late night refreshment between the hours of 23:00 and 23:30 Sunday to Thursday and between the hours of 23:00 and 01:30 Friday and Saturday will mean that alcoholic drinks purchased beforehand will be able to be drunk after licencing hours.

If granted, similar late night licences would be hard to resist and would change the character of this residential street. Late night venues should be confined to the town centre proper.

Yours sincerely,





Received  
23 OCT 2017  
Cheshire East Council

ROYAL MAIL  
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25 OCT 17  
27:00 PM  
55100247

Royal Mail  
supports  
mental health  
awareness



The Licensing Section  
Cheshire East Council  
Municipal Buildings  
Eagle St.  
Crewe  
CW1 2BJ



**KNIGHT, Jennifer**

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**From:** LICENSING (Cheshire East)  
**Sent:** 23-Oct-2017 16:53  
**To:** KNIGHT, Jennifer  
**Subject:** FW: Premises License for Suburban Green, 4 Hawthorn Lane

**From:** [REDACTED]  
**Sent:** 23-Oct-2017 16:49  
**To:** LICENSING (Cheshire East)  
**Subject:** Premises License for Suburban Green, 4 Hawthorn Lane

Dear Sir

Re: Premises License for Suburban Green, 4 Hawthorn Lane, Wilmslow. SK9 1AA  
Notice for a Premises License: Licensing Act 2003.

We wish to make representation to Cheshire East Council regarding the premises license application for Suburban Green, 4 Hawthorn Lane, Wilmslow SK9 1AA, on the grounds of Prevention of Public Nuisance.

Hawthorn Lane is mainly residential and is within a conservation area. Suburban Green is located close to the residential properties on Hawthorn lane. [REDACTED] sufficiently close to Number 4 to be affected by public nuisance.

The increased number of people leaving this establishment, late at night will cause an increase in public nuisance. We already have experience of this nuisance around 23.00/23.30pm, most Thursday to Saturday nights as the local pubs close and people make their way along Hawthorn Lane.

We regularly have drunken passers-by vomit and urinate in our front drive and make a lot of noise as they sit on our front wall or pass by in groups. We have called the Police on a couple of occasions in the past, to assist with this nuisance.

I have children, one of whom has a bedroom at the front of our house and she is often awoken by late night revellers. This is a source of irritation to us as parents and a source of anxiety to our child, as I am sure you can imagine.

There are many families with young children who have moved into Hawthorn Lane in recent years, who are in a similar position to us.

Granting a late night license would undoubtedly exacerbate these problems and extending the license to 01.30 on Friday & Saturday nights would be wholly inconsiderate and completely unacceptable of the residents of Hawthorn Lane, especially those with young families.

Parking will also be an issue; already there are many cars straddling either side of the lower end of Hawthorn lane of a weekend evening. Further along Hawthorn Lane there is very limited bay parking and this lies within the residential area.

Based on all of the above, we wish to object to the granting of the late night (after 23.00hrs) Premises License for Suburban Green.

Yours sincerely,

[REDACTED]

Sent from [Mail](#) for Windows 10

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**KNIGHT, Jennifer**

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**From:** [REDACTED]  
**Sent:** 23-Oct-2017 16:24  
**To:** LICENSING (Cheshire East)  
**Subject:** Suburban Green, 4 Hawthorn Lane, Wilmslow, SK9 1AA

Dear Sir,

We wish to make a representation to Cheshire East Council re the premises licence application for Suburban Green - address as above, on the grounds of Prevention of Public Nuisance.

[REDACTED], which is mainly a residential area and believe the granting of a late night premises licence to 1.30am on weekends will cause a Public Nuisance as this will create increased traffic, both pedestrian and car traffic, on Hawthorn Lane. [REDACTED] and are exposed to the transit of regular late night pedestrians (approx between 11.00- 12.00pm) in and out of the park on Friday and Saturdays but would suggest the granting of this licence will increase this traffic and also create further late night Public Nuisance as customers leave the restaurant premises between 1.30am to 2.00am. This licence would be inconsiderate for the many local residents of Hawthorn Lane and adjoining roads.

In addition parking is also limited in this neighbourhood and additional late night activity should also be considered as a Public Nuisance.

Yours faithfully

[REDACTED]

**Relevant Sections of Cheshire East Licensing Policy**

**6. Anti-Social Behaviour**

6.1 The Licensing Authority recognises that in addition to the requirements for it to promote the Licensing Objectives, the Council 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.

**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 denser 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 premise 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.

**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.

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Suburban Green



October 30, 2017





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**LICENSING ACT 2003**  
**Environmental Health Consultation**  
**Response**



EP Ref: ELL/054888

Date Received:

3 October 2017

Name of Applicant:

Suburban Green

Address to which application relates:

4 Hawthorn Lane, Wilmslow, Cheshire East, SK9 1AA

Conversion:

☐

Variation:

☐

New:

☒
☐

Approve

☒

Approve with Conditions

☐

Object to Section(s)

**Proposed Conditions**

The following conditions should be applied:

**PREVENTION OF PUBLIC NUISANCE**

In order to protect the interest of local residents and ensure that the licensing objective of public nuisance prevention is upheld:

- No disposal of refuse including bottles outside the premises or deliveries made to the premises between 2100 and 0700.

**INFORMATIVE****Planning Permission**

There are sometimes circumstances where planning conditions have been set which may impact on your activities. If the Planning Permission and the Premises Licence differ; for example where the Planning Authority have set a terminal hour which is earlier than those conditioned by the Premises Licence; you must abide by the earlier time otherwise you leave yourself open to enforcement action.

**Signed:**            **Stephanie Bierwas | Enforcement Officer | Environmental Protection**

**Dated:** 19<sup>th</sup> October 2017

For Enquiries please contact: Stephanie Bierwas  
Direct Dial: [REDACTED]  
Email: [REDACTED]