

# **Licensing Act Sub-Committee**

## **Supplementary Agenda**

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**Date:** Thursday, 17th June, 2021  
**Time:** 2.00 pm  
**Venue:** Council Chamber - Town Hall, Macclesfield, SK10 1EA

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3. **Application for a Premises Licence at Proper Sound, 8 Chestergate, Macclesfield, Cheshire, SK11 6BA** (Pages 3 - 24)

To consider the above application.

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8 Chestergate  
Macclesfield  
Cheshire  
SK116BA

### Background.

Lucie has held her personal license for 15 years, it was initially taken when she set up a Tea Rooms in Warwick, Thomas Oken Tea Rooms. At this time she also held a premise license for this business and ran it for 6 years before selling it on. The Tea Rooms served mulled wine and local ales to compliment the menu. Lucie regularly sold mulled wine at the town's Victorian fair and ran 4 stalls at these events alongside Stratfords weekly christmas market in December. She also applied and ran successful temporary events at this time.

A few years later She held a premise license for The Town Cow (15 Church Street, Macclesfield) and ran this responsibly for 6 years before selling the business. No issues ever arose with staff training and policies in place.

She has set up 2 standing start businesses with different concepts well received and sold them on as a going concern.

She was also an Air stewardess for 10 years prior to having the Tea Rooms. During this time she served alcohol daily in the skies and had to handle drunk passengers and the refusal to sell them any alcohol. The night time Ibizas were particularly testing for this. The responsible sale of alcohol is something well practised and safety was paramount at all times.

Lucie also grew up living above restaurants and has been brought up in the industry. Her father Philip Wright ran Topos restaurant (15 Church Street) in Macclesfield for 30 years and her mother ran a restaurant in Ludlow, Shropshire for 15 years. She grew up living in the town center above 15 church street and knows what it's like to live in a lively place as expected within a town center.

Both businesses owned by Lucie over her 12 years were run professionally and responsibly and in accordance with the premise suitability. They were always community benefits and both sat well in the business community.

No problems were ever evident through the efficient standards and training of staff in understanding the responsibilities and license objectives.

James has had a career change recently from 20 years in the motor trade working his way up the ladder through various customer facing roles both at Audi and Volkswagen culminating in a Business manager role dealing with both staff and customers daily. He intends to apply for a personal license himself this year.

Concept explained further.

We appreciate that there must have been an initial shock with regards to the hours applied for. It was a little naive on our side to not appreciate that the residents would not appreciate that when we applied for the license we just went across the board to cover any eventualities and save us revisiting for variations in the future.

We are sorry for this error and hope we can settle their concerns going forward. We also took for granted that the premises were in a pedestrianised zone A and did not anticipate any objections.

The shop space will very much be a retail zone, We want to feature art and apparel associated with the local north west music scene that Macclesfield has a deep heritage link with.

We have added on a small space for people to come in and enjoy the space and chat. A sociable place to grab a coffee and hopefully a beer. The idea is that nobody will sit for hours eating and drinking more of an offering to enhance the environment. Much like a visit to the hairdressers where you get a drink.

The seating capacity inside will be around 10 and we do not plan on letting people stand around drinking. Some of the art etc will be high end and we don't want it being compromised or hinder any shoppers wanting to browse.

We want to create a chilled space, that is all.

It was also apparent within our business plan that to solely rely on retail would not be financially viable. Therefore the add on of the food and drink will be crucial to sustainability. Macclesfield culture has a lot to offer and we feel it would be a great asset to the town and bring the community and business community together and sit well within its area.

The idea that it will be a noisy music filled venue is not what we want to create, just a celebration and appreciation.

We want to work with Cheshire East and their "Hi to the High Street campaign"

A copy of a letter we sent to the residents

Dear Residents of chestergate,

Sorry for the delay in this but we had to get clarification if we were allowed to write directly to you.

We want to introduce ourselves and hopefully set your minds at rest.

We are a local family from Macclesfield James and Lucie ,we have 2 teenage girls. James went to school in Buxton and Lucie went to Tytherington. We have previously had a business in Macclesfield, The Town Cow. This was sold a few years ago as we no longer wanted to work the evenings. This is still the case now.

Lucie has also had another business of a traditional tea room in warwickshire before moving back to the area.

James has a background of sales and lost his job in the first Lockdown which is why we have arrived at the decision to open up Proper sound.

We would like to set your minds at rest on the concept. It will very much be a relaxed

environment and predominantly a retail unit selling vinyl, art, clothing and apparel. There is the add on of a place to grab a coffee, beer and nibble. Relying solely on retail would not be financially viable.

The seating capacity we will have is about 10 seats. We do not want crowds of people standing around in the shop like it's a bar. Once the seats are full then we will turn people away for the food side.

We plan to open Monday to Saturday 10 until 6 (7 on nice evenings)

We would look at Sundays as a possibility but feel the footfall is not currently there. Of course we will open to coincide with town events and the treacle market.

To clear up any licence worries. We applied for the licence hours across the board to cover any town events or one off events we might do. This saves the time and expense of applying for a variation.

We will not be plying people with alcohol nor opening late. The stock in the shop would also be at risk if this was the environment. The stock will be good quality items.

Over the next few days we will be releasing to the public a taster of our concept and this will also be sent to you.

We have sent a revised proposal to the licensing department suggesting the hours

10:00am until 19:30pm mon to Sunday

10:00am until 21:00pm when there is a event in town

We would also like to ask for a provision of up to 6 events a year that we might put on within similar hours.

We would be grateful for your opinion on this, if you feel it is something that you might find acceptable please let us know.

There has been a mention of us having a kitchen in an objection, again we would like to put your mind at rest that this will be very minimal light cooking and not on a full on cafe scale. It would not sit within the concept.

It would also be over the nail bar.

Fire hazards have been brought in when the building was converted each floor got fireproof protection.

Waste disposal, This will be minimal and kept in the cellar in a hygienic manner then disposed of weekly via Henshaws. This system is in place on Church st as a good comparison. Bags are left out the night before a collection which takes place around 8am.

We really want to work together with you to listen to your concerns and set your minds at rest. Please contact us on [jkvwmacc@gmail.com](mailto:jkvwmacc@gmail.com)

Regards

James and Lucie

Notes on flats

Flat 1 - first floor Aimee Ainsworth (objection)

Flat 2 - first floor Christian Jacobson (pro)

Flat 3 - second floor, no one has come forward either way.

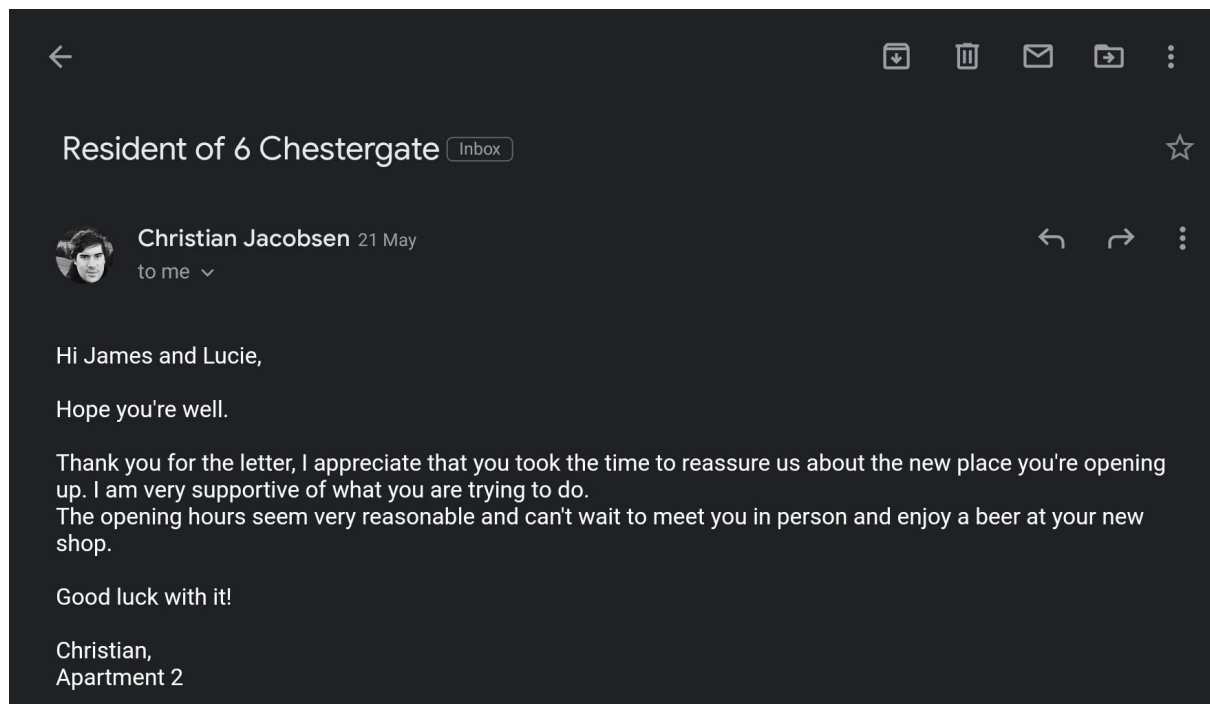
Flat 4 - second floor Heidi de Bott (objection)

Flat 5 - third floor Gemma Shaw (objection)

Flat 6 - third floor Nicolletta Cavriani (objection)

The majority of residents are on the top 2 floors and removed from any internal noise .

### A copy of an email received from a resident ,flat 2



Mr Jacobson, the resident, is pleased with us opening. This flat is directly above the shop at the back.

### Variation

We are yet to hear back any opinions on our variation.

### Gemma Shaw objection

Miss Shaw's objections seem to be based on noise and antisocial behaviour. We will cover this in a specific section .

She mentions potential drunks. We won't accept and have a zero tolerance approach to the sale of alcohol to already drunk people. We reiterate the primary function is retail.

**Aimee Ainswoth/Howard** (same person married and maiden name)

The courtyard Mrs Ainsworth refers to is similar to that that you would get in a typical terraced house in Macclesfield. Sometimes these are communal but in this case not. If they were to live in a terrace or any semi detached they would still experience the same level of noise or activity that is undertaken in a garden, Family BBQ's, general gatherings and garden chatter. There would not however be the knowledge that these noises would cease at 7.30pm as would be the case for our variation hours.

We also note that they get the everyday noise that comes from living in a pedestrianised zone already. There is no difference to our courtyard, except again this will cease at 7.30pm. The courtyard is actually already bustling in the day as the car park behind is busy and the conversations and car sounds carry down.

Out front it is unpredictable and out of any control. The street during the day and night has a certain buzz that a normal household does not. We feel that a certain life choice is made when moving into a town center home.

Bins, we are more than happy to put them away on arrival to the shop before opening as they are emptied early to tie in with the pedestrianised impact. This would benefit all parties and keep the area safe for the public.

Mrs Ainsworth mentions the unit was empty when they moved in. I need to point out it was always intended as a retail unit and was converted with this in mind. It was not converted to a flat with the others. It should have been taken into account when accessing the flat on viewing that this unit could at any time become a business and as it was empty there was no guarantee what this unit would become.

Coffee Traders a vibrant cafe is one side and a nail bar the other. Gas town is opposite along with a casino and betfred. We do not agree that the building is the wrong location for our business and feel it sits well within the mix.

Mr Ainsworth walks frequently up the street and is greeted as passing by the staff at Betfred and other shops. He has a good rapport with the businesses.

### Nicoletta Cavriani

Regarding the pictures attached to this objection, we are not sure what is being pointed out. When the building was converted it was done so by Onward housing and alongside the planning stipulations. It was intentionally converted as a retail unit. The shop frontage is listed.

The area she mentions to the left of the picture is communal and that would include ourselves as tenants. It would not be used by our customers at any time other than a possible fire exit.

The area to the right is a concrete purpose built fire stairwell and the only access required by us would be to access our water/electricity meters or to put away the residents' bins for them as this is also their bin area. The areas highlighted will be used for intended purpose only and no activity will hinder them. Right of way is for both parties in relevant circumstances.

Our Landlord is also the landlord for Onward Housing, not a private landlord as she states.

They are surprised that the tenants are objecting to the unit being let for the purpose it was intended and their agreed conversion with Onward.

James and Lucie are very environmentally minded and are great ambassadors for recycling. Littering is a bug bear in today's society. We are already picking up litter that is an evident problem on Chestergate.









Miss Cavriani mentions fighting through crowds to enter the building, it is one of the towns busiest streets in the day and it will be no different to the normal pedestrian flow.

#### **Cllr Braithwaite.**

Unfortunately Cllr Braithwaite seems to be looking at plans that are not correct for the building. I think they may have been first submissions before suggested amendments in the process.

The courtyard mentioned is solely for the use of the retail unit. The residents bin area is at the bottom of the fire stairwell and an area we don't need to access other than to check our water/electricity meters.

No change of use is required since the government band changes to assist the high street. The only part of number 8 that is now listed is the front of the shop as most features were lost in the 1980's conversion.

Fire safety will be covered further on as it's a raised concern for most residents.

We have not altered any internal doors and again refer to the plans Cllr Braithwaite is referring to are incorrect. These 2 doors were removed in the conversion to contain the shop unit from the communal areas.

The mention of no 10 Chestergates conditions has perplexed us as we can not find any mention of this and have checked with the solicitor who assigned our lease and the Landlord. No 10 (Coffee Traders) has a premise license.

No noise will arise from our waste control and it will not be kept in the courtyard. It will be properly contained in the cellar until the weekly collection from Henshaws. Lucie is well

practised in commercial waste handling from her previous business. We consider efficient waste, recycling and pest control important in the running of a business and are very conscious of the environmental impact if not done correctly.

We have made the decision to make the shop a no smoking zone and will not allow smoking in the courtyard or when seated on the tables in front of the shop.

### Heidi de Botte

Miss De Botte focuses initially on the hours requested. Again we appreciate that it has understandably been misinterpreted on why we applied for the maximum hours. The variation reduces the hours she highlights and will not be the impact in antisocial noise levels she imagines.

Miss De Botte speaks of feeling unsafe in the area already. We feel that the shop will only assist in promoting a safe environment when it is not empty and rotting away. It will not attract homeless or drug users to sleep in the doorway once in use. There are also many cameras in the zone and as agreed with the police we will install our own CCTV. We intend to open a respectable well run business to enhance the town.

She mentions our lack of respect regarding planning and her right to object. We initially rang planning and spoke with what it turns out was a planning call center not actual planning. This frustratingly caused initial confusion over the listed building consent and the change in usage laws not leading us down a planning route. On meeting the conservation officer in May he said it's a common misconception. He was happy the work undertaken was not detrimental to the building. It was a lift shaft made of breeze blocks that were removed. Unfortunately as previously mentioned the building lost its listed features in the 80's. We hope to be reviving some features with our shop fit.

No planning is required, only listed building consent.

### Mediation

We have approached various people to try and set up a mediation meeting between ourselves and the residents. We have signed a 6 year lease and do not want to have a negative relationship with the residents. We really want to work together to resolve any issues and tackle any concerns they might have once we open. We hope to be able to be approachable and that be reciprocated.

Once we are open we hope they come to love the shop and be as excited as we are to be sharing this space with the town we all love and live in.

Onward housing have indicated that they might be able to set up the mediation.

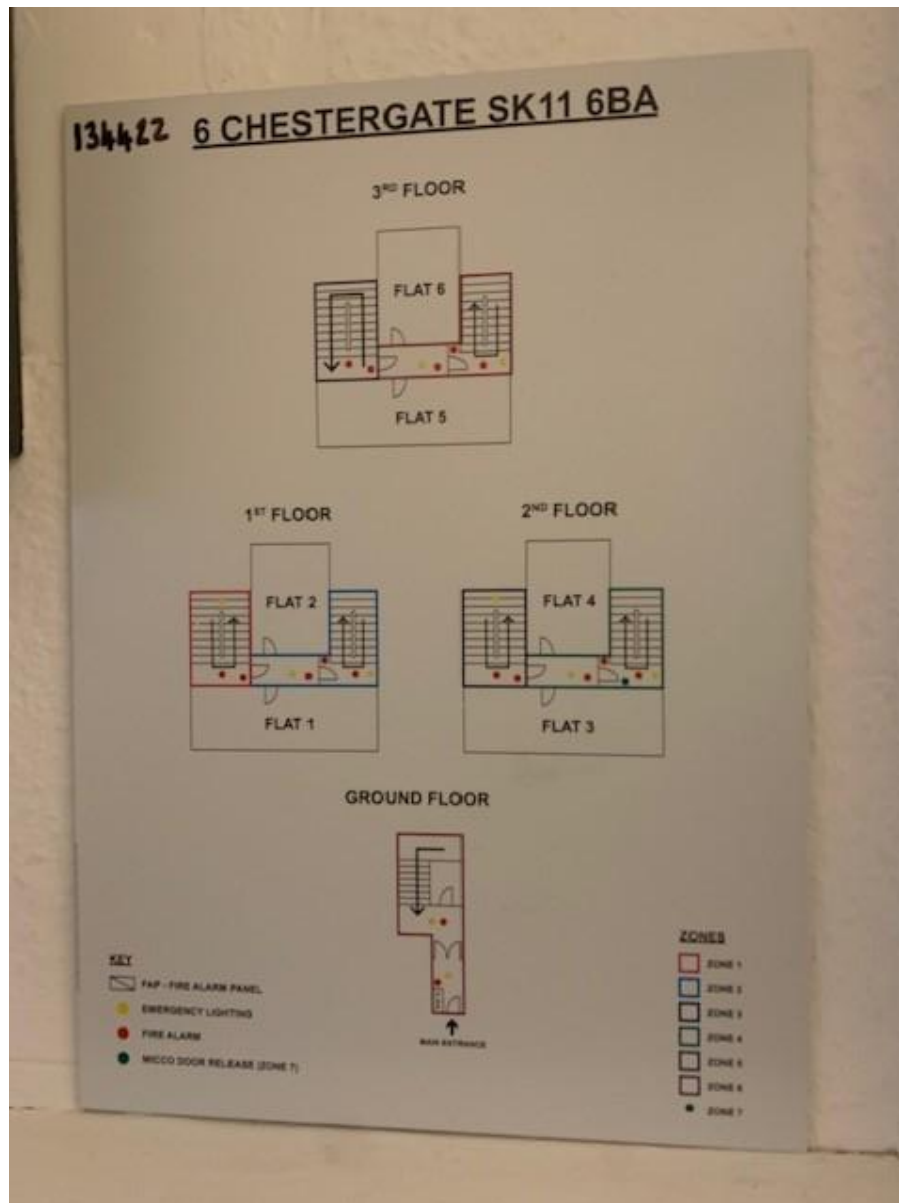
### Fire Safety and sound proofing

When the flats were converted it was stipulated that they must be sound proofed and fire proofed. This work was carried out to a high safety and acoustic standard. Fire regulated Concrete slabs have been placed between each floor that provide protection for both fire and sound barriers.

It was noted by the Fire safety inspector on his visit and he commented it would take an hour of a fire burning to be noticed by the flats above. Plenty of protection for our smoke detectors to be effective.

He was also happy with the exits and distance required to access those exits quickly and safely and we have the added bonus of the exit via our courtyard to the communal entrance. The flats also have the protection of a concrete fire standard stairwell that also serves as a purpose built exit.

There is also a very comprehensive alarm system and zoned fire alarm installed in the building. This is located in the communal entrance and we attach the plan.



Both fire and sound were considered in the planning and conversion for the flats to take into account the 2 uses of residential and retail.

We will operate a no smoking policy.

### Controls and Prevention

The prevention of crime and disorder.

Public safety

The prevention of public nuisance

The protection of children from harm

We wish to promote a safe environment for staff ,customers and the public.

Security in and around the premises is a key aspect of maintaining the prevention of crime and disorder, we have discussed with the Police the measures we will undertake to ensure this is adhered to.

A CCTV system will be installed in line with recommendations that will deter and enable us to monitor and control both theft and antisocial behaviour should it arise.

Signage and trained staff will monitor the system.

Challenge 25 policy will be enforced .

The premises shall at all times operate the Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years without having first provided identification.

Only a valid British driver's licence showing a photograph of the person, a valid passport or proof of age card showing the 'Pass' hologram are to be accepted as identification. Military ID Cards can also be accepted.

Notices and/or posters advertising the Challenge 25 policy shall be placed in prominent positions at the premises.

The Designated Premises Supervisor or Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal which shall be made available for inspection by Local Authority Officers and the Police.

The DPS or other responsible person shall check and sign the register once a week.

A list of persons authorised to sell alcohol shall be kept on site and made available for inspection at the request of Local Authority Officers and Police.

Clearly visible signage is to be displayed at the entrances and at points of sale indicating it is illegal to sell alcohol to people under the age of 18.

Competent, confident trained staff, managers and DPS

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Zero tolerance approach to any drunken or anti-social behaviour.

Responsible sale of alcohol where any visibly drunk people will be politely refused.

No smoking policy on the premises.

Yours faithfully,

James King & Lucie Wright

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8 Chestergate, Macclesfield,  
Cheshire SK116BA



***making life proper...***





8 Chestergate, Macclesfield,  
Cheshire SK116BA



## ***introducing proper sound...***

Macclesfield's next exciting new venture.

During the first lockdown my circumstances changed with my career and I decided to take a big leap and set up on my own... ***proper sound was born.***

Growing up in the North West and having a passion for music, collecting vinyl and soaking up all the artistic talent that exists. With many musical connections to the area such as Joy Division / New Order / Doves / Virgin Mary's, to name a few, as well as where these artists take you in terms of the world stage musically and artistically I wanted to really embrace all this culture and create a base for people to appreciate their love of these things in a welcoming and relaxed surrounding.

The property we have chosen was also very much key in our decision and concept. Its location and original features create a great space to help rejuvenate the town whilst complimenting the product range we want to sell. We really want to utilise the character of the building and breathe life back into the architecture.

We want to create a space to come together and appreciate music, music related art and clothing/apparel.

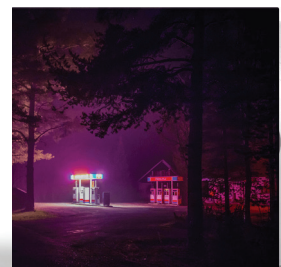
There will be the opportunity to sit and relax, grab a coffee or a beer and a nibble... along with our awesome giant '***proper cookies***'.

We are looking to stock some exciting clothing brands that fit in with the musical and artistic vibe of the shop.

Music and culture is food for the soul and we are so excited to be creating this space to share with Macclesfield and the surrounding area.

*James King*

## ***making life proper...***











***proper*  
cookies**

**HOOKY**

**cookie**











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