

Licensing Act Sub-Committee

Agenda

Date: Tuesday, 16th April, 2024
Time: 2.00 pm
Venue: Committee Suite 1,2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and in the report.

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

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

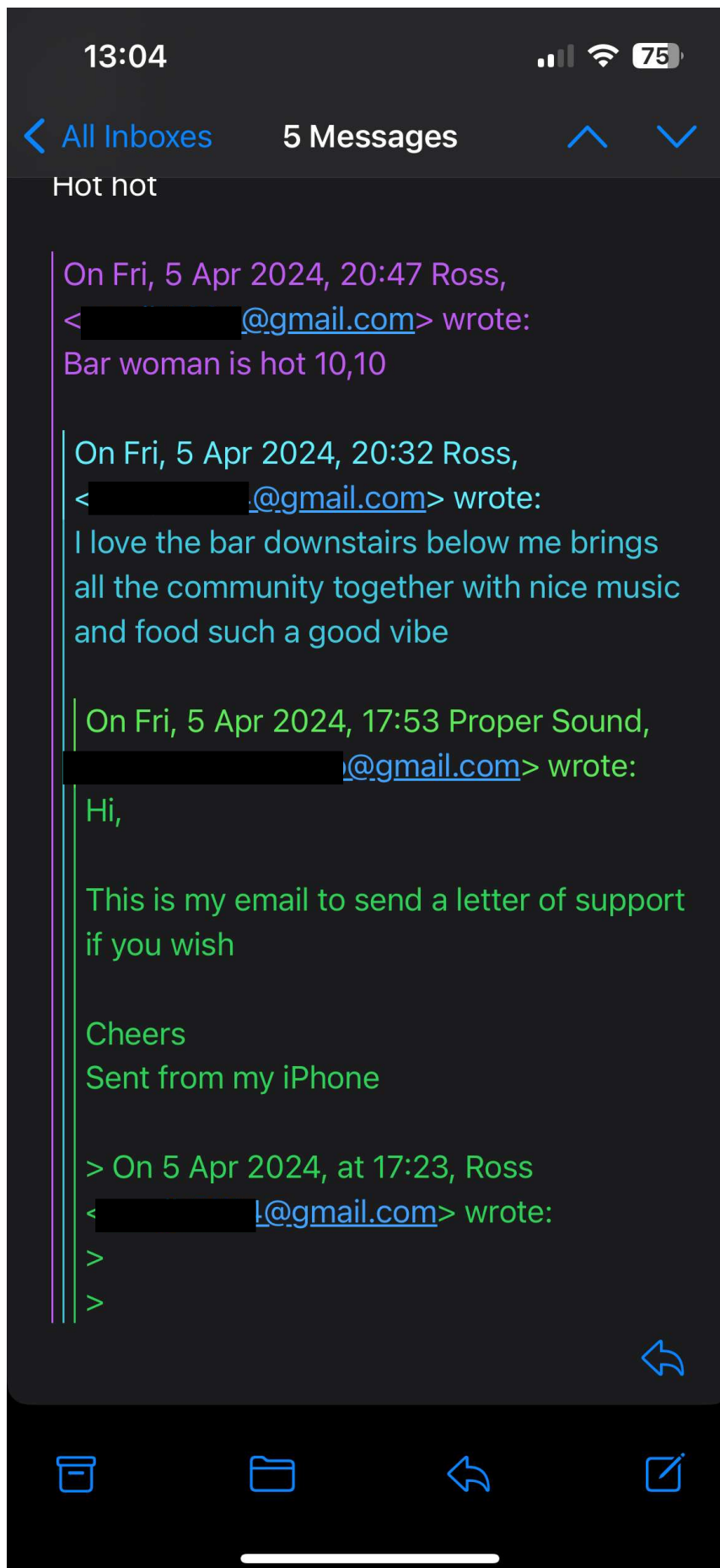
3. **Application to Vary a Premises Licence – Proper Sound, 6-8 Chestergate, Macclesfield, SK11 6BA** (Pages 3 - 12)

Membership: Councillors A Heler, J Place and L Smetham

For requests for further information

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proper sound

SHHH...!

Please respect the residents
by keeping sound levels down.



The courtyard closes at 930pm
Thanks

12 April 2024

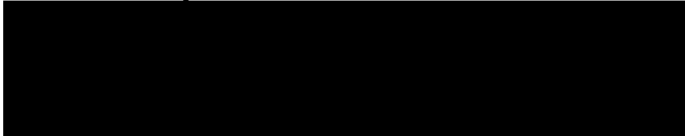
Whom It May Concern

My name is Sara Mihranian and I am a Neighbourhood Specialist with Onward Homes. Onward Homes currently lease the building at 6 Chestergate Macclesfield SK11 6BA which comprises 6 apartments and is adjacent to the business, Proper Sounds.

I recently had contact with Ms Lucie Wright, the proprietor of Proper Sounds, following reports from one of our residents of noise nuisance coming from Proper Sounds. We arranged to meet at Proper Sounds to discuss this matter further and try to resolve this matter. This meeting took place on 17 January 2024. I advised Ms Wright that in response to the report of noise nuisance allegedly being caused by Proper Sounds, reported by one of our customers at 6 Chestergate, Onward Homes had contacted all the residents at 6 Chestergate to find out if other residents were being affected by the alleged noise nuisance. All those who responded advised that they were not being affected by the alleged noise nuisance. Ms Wright and myself discussed the town centre location and that there will be a certain level of noise in that type of location. Ms Wright confirmed the days and times that the business is open and the approximate numbers of people that visit Proper Sounds during those hours. I advised Ms Wright that Onward Homes will continue to monitor the situation and if any complaints are made by our residents, will advise Ms Wright of these and work together to come to a resolution.

I can advise that to date, Onward have only received noise nuisance complaints from one resident at 6 Chestergate regarding Proper Sounds, with the last of these complaints received in November 2023. No further noise complaints have been received since then.

Yours faithfully



Sara Mihranian
Neighbourhood Specialist
Onward Homes

Renaissance Court
2 Christie Way
Manchester M21 7QY

onward.co.uk

Onward is a trading name of:

- Onward Group Limited, a community benefit society registration no. 31216R Registered Provider of Social Housing No. 4649.
- Onward Homes Limited, a charitable community benefit society registration no. 17186R Registered Provider of Social Housing No. LH0250
- Hyndburn Homes Repairs Limited (trading as Onward Repairs), a company limited by guarantee registered in England 03538264

Registered office for all entities: 2 Christie Way, Manchester M21 7QY

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We are an independent family run business who have invested heavily into the town. When we picked the venue for our concept we did not anticipate any of these problems as it's as town centre as you can get, sitting amongst other similar businesses in the town many of which open late and some considerably later than ourselves, including a 24/7 casino directly opposite us.

I (Lucie) a single mother run the business with occasional ad hoc staff. I manage all stock and the paperwork. I arrange all the events and work collaboratively with other local independent's where possible.

My application is a modest one, and only requested until 2300. It is not my intention to open daily its just in place should an event or situation require me to be able to operate. I have been requesting Tens until 2300 but have not always operated that late. If I have had a successful day I often choose to finish. My work/life balance is always at the forefront of my mind and simply generating enough to keep viable.

My Background is hospitality. I come from a family of restaurateurs and grew up in the industry. My father Philip Wright ran Topos on Church street for 40 years before I took it over as the Town Cow which I went on to sell prior to lockdown.

In 2005 I set up a licensed tea rooms in Warwick from a standing start and sold it on after 6 successful years. It won various south Warwickshire and Coventry awards whilst I owned it and is still a thriving business today and a great asset to Warwick's town and heritage.

Prior to this my background was in the airline industry. As Head of Cabin Crew I was in charge of passenger safety and the handling of responsible alcohol sales. I encountered many challenging situations where I had to sensitively manage passengers who thought they could get drunk on an airline. I did this with confidence and satisfactory outcomes.

I strongly feel I am a confident operator with a proven background. I operate a zero tolerance attitude to trouble in Proper Sound, and in the 2 and a half years it has been open, we have not experienced any trouble from disruptive behaviour due to excessive drinking or anything else.

Proper Sound is what's classed as a concept store and it is a trending and popular retro style. Similar businesses are popping up across the country as people seek different ways of socialising other than public houses and coffee shops. We offer a relaxed place for like minded people to come together through a love of art and music. We are a shop selling music and art and quirky gifts and clothing where you can also enjoy the cafe / bar. We are trying to inject some fun and social activities to the community such as a painting/music events and keeping all music genres alive such as northern soul. We are proud how we bring the community together across all age groups.

Proper sound is bringing something positive and different to the high street. New customers who step inside openly exclaim how much they love it. There is so much opportunity to develop the concept which will bring joy and nostalgia. We hope to be able to so so with this variation allowing events.

We also heavily link to the heritage of the towns music history and are directly involved in a tour and draw to the Ian Curtis connection bringing tourists from all over the world.

Macclesfield has so much more potential to utilise this for its good and that of the whole town and business/footfall.

We work with a local tour guide Trevor Stokes and The Manchester music tour which travels from the city to incorporate us.

Our retail side is also a positive draw to the high street and if people pop in to buy things they can't get anywhere else around other businesses will benefit.

We applied for the variation as the daytime trade has dropped off massively. Since Marks and Spencer's left the high street the footfall has decreased dramatically. There is also a lot of competition in regard to coffee options in town. Our daytime retail and coffee business is only sustainable on its own around the xmas period.

An example of a normal days trade without our later opening is an average of £40 between 12 and 5 We make our money in the evenings and on Saturdays but even our Saturday trade is quiet until around 3pm. We have no choice but to look for innovative ways to keep our concept alive and give our Macclesfield customers what they say they want. This involves putting on various yet occasional events of different music genres. Macclesfield is a place that is thriving in the evenings and we sit well amongst many unique business in town.

We have had to simply evolve from our original application where we wanted to offer that little bit more to the experience of a drink similar to the hairdresser experience. The people of Macclesfield have embraced our unique combination and the demand has naturally taken us the way of a later offering. It is still done in a tasteful and responsible manner.

Simply put if we do not evolve, the business will not survive and another empty unit will appear. I will also lose my livelihood and investment of funds and I am not sure how at my age I could return from it. It is a great concern for me. Proper sound works and has so much more potential and it's all there to be done.

The representations seem to be seeking to prove me unreliable. I hope I have proved otherwise.

We have lodged our planning in line with the changes we want and need to do. Our capacity is around 60 and 12 in the courtyard

Proper sound has become popular since we opened and the figures we used originally in our application are no longer serving us. We aren't able to survive under the original planning and the variation applied for is necessary for us to evolve and thrive. Without it we will be forced to fold.

Proper Sound is situated in the prime pedestrianised zone of town a few steps away from the town hall. Chestergate is a narrow street with rows of 3 storey terraced buildings.

There are 6 licensed premises on the first stretch before its split by Churchill way.

All other premises have later licenses than us. The Bate Hall often holds live band events that can be heard as far down as the town hall. There is a steady stream of merry people into the night coming out of the various bars and from the otherside of Chestergate where people leave the picturedrome and head to the other bars like Five Clouds in the market place and The Castle in addition to the newly licensed bar that sits where Poundland used to be.

It is also important to point out that a new bar (button warehouse) across from the Bate Hall has applied for a license until 23.45 . It is of a considerable size and there are flats above and surrounding all of these venues. The flats above Proper Sound will have the same impact from these.

Bate hall 11 till 11

Button warehouse 12 till 1145

All things nice 8 till 23.00

Gas Town

Five clouds 2 till 12am

RG beer vault 1 till 10pm

Panadero lounge 9 am till 12am

Suberban green9 am till 11pm

The swan 12pm to 3am

Our variation is in keeping with all these surrounding venues with some in very close proximity.

Onward Housing have been working directly with us contrary to Councillor Braithwaite representation saying I have not. I attach the email detailing the report.

Our clientele is very broad regarding age we attract families, teenagers, 20 to 30 years olds and middle aged to retired people. We have a lovely customer type and one that's just

looking to enjoy the culture and soak up the pleasant ambience we create. We have never experienced any trouble or inappropriate behaviour.

As Councillor Braithwaite has pointed out in her documents, Councillor Edwards has been a customer along with other local councillors and the Labour Candidate Tim Rocha.

I am asking you to consider the current climate and the way my business need to move with that climate to survive. The extension of hours is not unreasonable and they support the licensing objectives.

The planning issues and misunderstandings raised in the representations are not appropriate to this forum . Plus there are no objections from planning as a responsible authority as they know I am applying for the appropriate permission.

Tens

Following the Tens refusal in August I met with Margret Preston from environmental health, when we discussed various issues and worked together to find a solution. We agreed on her allowing TENS over the Xmas period to trial and see how things went following discussions. These dry runs have been successful as mentioned in the EHO representation.

We have also been successful since in all our ten submissions since. Xmas.Over Easter we had a couple of events with DJs and monitored sound closely and a resident from flat 2 let us access his flat to check the sound travelling. He was in fact in and watching tv at the time of the event

I will submit a brief email of support from him.

During these events we carried out the new courtyard policy and feel confident this new measure will be beneficial to all.

I notice in the representations we are being accused of operating out of licensing hours. At no stage have we done this. All licensable activities are within our tens or allowed operating events.

List of TENS all approved since August and no issues or complaints.

2023

11/11/ 23 12pm till 2330

17/11to 18/11/23 12 till 2200

24/11 to 25/11/23 12 till 2200

01/12 to 2/12/23 12 till 2200

08/12 to 09/12/23 12 till 2200

16/12/23 to 22/12/23 12pm till 2230

2024

22/02/ to 24/02/24 12 till 2230

28/3 to 1/4/24 12 till 2300

05/04 to 07/04/24 12 till 2300

12/04 to 14/04/24 12 till 2300

These TENS have operated as a dry run for the license I am seeking today.

Dates Under license till 9pm

13/01 Town event

20/01 Town event (local councillor was a customer)

17/2

02/03

9/3

16/3

23/3

Since the August TENS objected to by the EHO over the sound concerns we have removed 2 speakers from the set up and put the DJ at the back of the venue or the speakers. We have worked with residents and the EHO to monitor this and applied changes whilst operating the TENS following.

We have also introduced our courtyard policy.

Subsequent TENS have not been objected to and the residents have raised no more complaint since November.

We hope to continue our DJ events as we have during our TENS and will continue to find ways to improve the set up taking into account all feedback.

Responsible attitudes to the licensing objectives were applied at all times and strictly adhered too.

I have tried to communicate with councillor Braithwaite on various occasions to discuss her representations. Regrettably she advised she did not wish to do so, I am surprised by this refusal given I am a constituent and a business owner. I am of the understanding that partnership working with authorities and Councillors is expected with licensing issues. Cllr Braithwaite has made no attempt to understand my position or application. It's a very disappointing approach from a public servant. As a result the representation only conveys a fraction of the relevant information and some is factually incorrect.

Crime and disorder

I am surprised that the resident has brought up the complaints to the police in their objection. An incomplete account provided in the representation pertains to personal matters that Cllr Braithwaite is perhaps not fully advised on. My own mental health has been greatly impacted by the conduct of this resident and he too has been visited by the police at his workplace and warned about his conduct. I am prepared to elaborate further about this if it helps my case and background as to perhaps why this resident is so strongly objecting to my business.

I believe it is a distraction and should not be pertinent to this legal test other than to suggest the objection is personal and not appropriate.

it is irrelevant/allegations and a distraction and should not be pertinent to today's legal test

No objection has been raised by the police .

Child Protection

There are no objections from the licensing authority or child safe guarding

Public Nuisance

Issues have been picked up by the EHO but no children will be housed at the location as confirmed from onward housing in my pack.

Noise levels will be continuously monitored especially during the later hours.

The courtyard is similar to the set up of a terraced house. It holds around 12 people. The courtyard policy that we have bought in following liaison with the EHO is working and all customers are respectful of this .

The policy reflects the EHO representation and proposals and has been in practice for 3 weeks .

Our premises license plan shows the appropriate plan of the courtyard.

One resident's complaint does not constitute as a public nuisance.

I hope all of the above helps conclude and demonstrate to the committee my proposals for the extended hours and how I will manage them and that they will not be undermining the licensing objectives.

I have worked with the responsible authorities and Onward housing/residents and responded to their communications. The misunderstandings over the warning letter in April 23 were quickly remedied within 24 hours.

This application was put in simply to survive a climate where it is not viable to continue trading without. This past week we took £60 On Thursday, Friday £40 until 6pm where the evening trade rescued the day and Saturday was very similar. These figures are a great weight on my mind and impacting on my health. I have spent the last year trying to overcome all the issues and its taken my focus away from making positive changes in my business.

Without the variation the business will fold and generate another empty unit in the town centre. I invite the committee to consider this when they weigh up the evidence they have heard today.

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