

# Licensing Act Sub-Committee

## Agenda

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**Date:** Tuesday, 16th April, 2024  
**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 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**

1. **Appointment of Chair**

To appoint a Chair for the meeting.

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary interests, other registerable interests, and non-registerable interests in any item on the agenda and for Members to declare if they have pre-determined any item on the agenda.

3. **Application to Vary a Premises Licence – Proper Sound, 6-8 Chestergate, Macclesfield, SK11 6BA (Pages 7 - 80)**

To consider the above application.

**Membership:** Councillors A Heler, J Place and L Smetham

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For requests for further information

**Contact:** Sam Jones  
**Tel:** 01270 686643  
**E-Mail:** samuel.jones@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.



<b>18</b>	<b>Applicant</b>	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested conditions.
<b>19</b>	<b>Committee</b>	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
<b>20</b>	<b>Committee</b>	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.  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.

### **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.

OPEN

## **Licensing Act Sub-Committee**

**16 April 2024**

**Application for a variation to a Premises  
Licence – PROPER SOUND,  
6-8 CHESTERGATE, MACCLESFIELD,  
SK11 6BA**

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**Report of: Peter Skates, Acting Executive Director - Place**  
**Ward(s) Affected: Macclesfield Central**

### **Purpose of Report**

- 1 To allow Members of the Sub-Committee to determine a contested application for the variation of a premises licence made under the Licensing Act 2003 for the following premises:

**Proper Sound, 6-8 Chestergate, Macclesfield, SK11 6BA**

### **Executive Summary**

- 2 The report provides details of an application for a Premises Licence, under section 34 of the Licensing Act 2003, sets out the relevant representations made, and outlines the evidence presented by the parties in relation to the application.

### **RECOMMENDATIONS**

The Licensing Act Sub-Committee is requested to consider the application and any relevant representations and determine what steps, if any, it considers are appropriate to promote the Licensing Objectives.

### **Background**

- 3 On 20<sup>th</sup> February 2024 an application was received by the Licensing Team for the variation of a Premises Licence in respect of a premises known as Proper Sound.

The application was sent for consultation the same day (20<sup>th</sup> February 2024). The last date for representations to be made was 19<sup>th</sup> March 2024. A copy of the full application and plan is attached to this report at **Appendix 1**.

- 4 Licensing records show that a Premises Licence currently exists in relation to Proper Sound. The Premises Licence Number PREM1349 refers, and a copy is attached to this report at **Appendix 2**.
- 5 Licensing records show that, in relation to the current Premises Licence, the application for the same was referred to members of the Council's Licensing Act Sub-Committee for determination following the receipt of representations. A copy of the Decision Notice issued by the Sub-Committee is attached to this report at **Appendix 5**.
- 6 A map of the area in which the premises is located is attached to this report at **Appendix 8**.
- 7 The operating schedule indicates that the relevant licensable activities that will be subject to change if this application is successful are; the supply of alcohol.
- 8 The amended hours applied for are as follows:

Supply of alcohol (for consumption on & off the premises)

Monday to Sunday – 10:00hrs to 23:00hrs

- 9 Licensing records show that a warning letter was sent from the Licensing Authority to the Premises Licence Holder on 7<sup>th</sup> August 2023. This was following a compliance inspection undertaken at the premises, upon receipt of a complaint received via the Environmental Protection Team. The letter, which sets out issues of non-compliance in relation to the conditions attached to the Premises Licence is attached to this report at **Appendix 6**.
- 10 Licensing records show that a Temporary Event Notice was received in respect of an event at the premises planned for 12<sup>th</sup> August 2023. Following receipt of an objection from the Environmental Protection Team, the matter was referred to the Council's Licensing Act Sub-Committee for determination. The Sub-Committee determined that a Counter Notice would be issued in order to promote the Prevention of Public Nuisance licensing objective. A copy of the Counter Notice served upon the applicant is attached to this report at **Appendix 7**.
- 11 Licensing records show that the following Temporary Event Notices have also been received in relation to the premises, for which no objections

were received. No complaints have been received by the Licensing Team in relation to any of these events.

	Date(s) of event	Times for Licensable Activities (Sale of Alcohol)
1.	11/11/23	12:00 – 23:00hrs
2.	16/12/23 – 22/12/23	12:00 – 22:30hrs
3.	17/11/23 – 18/11/23	12:00 – 22:00hrs
4.	24/11/23 – 25/11/23	12:00 – 22:00hrs
5.	1/12/23 – 2/12/23	12:00 – 22:00hrs
6.	8/12/23 – 9/12/23	12:00 – 22:00hrs
7.	22/2/24 – 24/2/24	12:00 – 22:30hrs
8.	28/3/24 – 1/4/24	12:00 – 23:00hrs
9.	5/4/24 – 7/4/24	12:00 – 23:00hrs
10.	12/4/24 – 14/4/24	12:00 – 23:00hrs

## Consultation and Engagement

- 12 Licensing records show that the Public Notice that is required to be displayed at or near the proposed premises in accordance with the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, has been inspected by a Licensing Officer on 26<sup>th</sup> February 2024 and confirmed to be present, and met the requirements under the regulations. The Public Notice has also been duly advertised in the Macclesfield Express, as required.

13 Responsible Authorities:

The Licensing Authority has received representations from the Council's Environmental Protection Team, which includes proposed conditions agreed with the applicant. A copy of the representations are attached to this report at **Appendix 3**.

14 Other Persons:

The Council received representations against the application, from one member of the public and one ward Councillor. A copy of the representations are attached to this report at **Appendix 4**.

## **Reasons for Recommendations**

- 15 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.
- 16 Acting in the capacity of the Licensing Authority, Members must seek to promote the Licensing Objectives and where Members consider that matters have engaged one or more of the Objectives, they may exercise their discretion. The Licensing Objectives are:
- The prevention of crime and disorder
  - Public Safety
  - The prevention of public nuisance
  - The protection of children from harm

## **Other Options Considered**

- 17 No other options have been considered because the process for determining contested applications is set by legislation.

## **Implications and Comments**

### ***Monitoring Officer/Legal***

- 18 The Sub Committee must determine this application in accordance with section 35 of the Licensing Act 2003. To do so otherwise would render its determination unlawful and invalid.
- 19 In accordance with the provisions of section 35 (3)(b) of the Licensing Act 2003 the Licensing Authority Sub Committee must, having regard to the representations, made in this application take such steps (if any) as it considers appropriate for the promotion of the licensing objectives.
- 20 Section 35 (4) provides that the authority may:
- Modify the conditions of the licence
  - Reject the whole or part of the application
- 21 Members are reminded that should any conditions be added or amended, they should be practical, enforceable and appropriate to promote the Licensing Objectives.
- 22 Members may not extend the period for which the licence has effect.

- 23 Members may not vary substantially the premises to which the licence relates.
- 24 Members may vary the premises licence so that it has effect subject to different conditions in respect of different parts of the premises or different licensable activities.
- 25 Members are reminded that they are to determine the variation application before them and cannot change parts of the licence that are not part of the application.
- 26 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 the application and the evidence presented by the parties in relation to the application.
- 27 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 reoffending.
- 28 Members must give reasons for their determination and notice of it must be communicated to the parties to this application. If Members depart from the Statutory Guidance or the Council's Statement of Licensing Policy then their decision notice must set out the reasons for doing so.
- 29 Finally, Members are also reminded that in determining the application, consideration also needs to be given to:
- The rules of natural justice
  - The provisions of the Human Rights Act 1998

### ***Section 151 Officer/Finance***

- 30 There are no financial implications.

### ***Policy***

- 31 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.
- 32 The Licensing Authority must also have due regard to the guidance issued under section 182 of the Licensing Act 2003.

- 33 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.

***Equality, Diversity and Inclusion***

- 34 There are no equality implications.

***Human Resources***

- 35 There are no human resources implications.

***Risk Management***

- 36 The Licensing Sub-Committee will hear representations made on behalf of both the applicant and the 'relevant person' who has submitted their representation and will make a decision on the basis of the evidence presented to it. The Licensing Act 2003 makes provision for appeal to the Magistrates' Court of any decision made by the Licensing Authority

***Rural Communities***

- 37 There are no implications for rural communities.

***Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)***

- 38 There are no implications for children and young people.

***Public Health***

- 39 There are no direct implications for public health.

***Climate Change***

- 40 There are no implications for climate change.

<b>Access to Information</b>	
Contact Officer:	Martin Kilduff, Licensing Enforcement Officer <a href="mailto:Licensing@Cheshireeast.gov.uk">Licensing@Cheshireeast.gov.uk</a> 0300 123 5015
Appendices:	Appendix 1 – Application to vary license (1 of 2) Appendix 1 – Plan of Premises Appendix 2 – Current Premises Licence Appendix 3 - Environmental Protection Representation



	<p>Appendix 4 – Objections from Other Persons</p> <p>Appendix 5 – Decision Notice Re PL application 2021</p> <p>Appendix 6 – Warning Letter 7/8/23</p> <p>Appendix 7 – TEN Counter Notice</p> <p>Appendix 8 – Map of area</p>
Background Papers:	<p><a href="#"><u>Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk)</u></a></p> <p><a href="#"><u>Council’s Statement of Licensing Policy published under section 5 of the Licensing Act 2003</u></a></p> <p><a href="#"><u>Licensing Act 2003</u></a></p> <p><a href="#"><u>The Licensing Act 2003 (Hearings) Regulations 2005</u></a></p>

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**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We       lucie wright      

*(Insert name(s) of applicant)*

**being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below**

<b>Premises licence number</b> prem 1349
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description 6/8 chestergate Macclesfield Sk11 6ba			
Post town	mcclesfield	Postcode	Sk11 6ba

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 15500

**Part 2 – Applicant details**

Daytime contact telephone number		
E-mail address (optional)		
Current postal address if different from premises address		
Post town		Postcode

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☐ Yes    yes    ☐  
No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)    ☐ Yes    ☐ No NO

**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

To serve latter due to daytime footfall decreasing in the town.  
We are a respectable shop/café/bar with a pleasant environment that attracts a nice cliental  
It is in no way a rowdy environment.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

<b>Provision of regulated entertainment (Please see guidance note 3)</b>	<b>Please tick all that apply</b>
a) plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>
e) live music (if ticking yes, fill in box E)	<input type="checkbox"/>
f) recorded music (if ticking yes, fill in box F)	<input type="checkbox"/>
g) performances of dance (if ticking yes, fill in box G)	<input type="checkbox"/>
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	<input type="checkbox"/>

**Provision of late night refreshment** (if ticking yes, fill in box I) ☐

**Supply of alcohol** (if ticking yes, fill in box J) ☐

**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Sat			
Sun			



D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

G

<b>Performances of dance</b> Standard days and timings (please read guidance note 8)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 5)			
Mon						
Tue						
			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)			
Wed						
Thur						
			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)			
Fri						
Sat						
Sun						

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 6)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 6)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	10	2300	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 6)		
Tue	10	2300			
Wed	10	2300			
Thur	10	2300	<b><u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Fri	10	2300			
Sat	10	2300			
Sun	10	2300			

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 10).

not applicable





L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<u><b>State any seasonal variations</b></u> (please read guidance note 6)
Day	Start	Finish	
Mon	0800	2300	
Tue	0800	2300	
Wed	0800	2300	
Thur	0800	2300	<u><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b></u> (please read guidance note 7)
Fri	0800	2300	
Sat	0800	2300	
Sun	0800	2300	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

limited opening hours restricting the business to operate and survive

Please tick as appropriate

- I have enclosed the premises licence y  
☐
- I have enclosed the relevant part of the premises licence y  
☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

continue to serve responsibly and keep a pleasant environment to attract the same cliental we currently have  
Staff training  
Challenge 25  
Cctv

**b) The prevention of crime and disorder**

as above

**c) Public safety**

sensible amounts of people in the shop

**d) The prevention of public nuisance**

continue to operate in a style that attracts good customers.

**e) The protection of children from harm**

challenge 25

## Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or ☐
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☐
- I understand that I must now advertise my application. ☐
- I have enclosed the premises licence or relevant part of it or explanation. ☐
- I understand that if I do not comply with the above requirements my application will be rejected. ☐

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

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	19/01/24
Capacity	70

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent** (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 15)

<b>Post town</b>		<b>Post code</b>	
<b>Telephone number (if any)</b>			

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

### Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. 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:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - 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.
    - 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.
    - 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.
    - 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:
    - 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.
    - 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.
    - 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.
  - 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:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - 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;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  5. For example 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.
  6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  8. Please 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.
  9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  10. Please 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 or the presence of gaming machines.
  11. Please list here steps you will take to promote all four licensing objectives together.

12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

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**Ground Floor**

1 : 100

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## Premises Licence

**Premises Licence Number:**

**PREM1349**

### Part 1 - Premises Details

Postal address of Premises or, if none, ordnance survey map reference or description:	
Proper Sound	
8 Chestergate Macclesfield	
Post Town: Macclesfield	Post Code: SK11 6BA
Telephone Number: 07971 077990	

Where the Licence is time limited, the dates:
Not applicable

Licensable activities authorised by the Licence:
Sale and supply of alcohol

The times the Licence authorises the carrying out of licensable activities:
<b>Sale and supply of alcohol</b> Monday to Sunday 10.00 to 19.30 Each day  Extended to 21:00 on days of seasonal events in Macclesfield Town Centre. Extended to 21:00 for six events in addition to the seasonal events in Macclesfield Town Centre.

The opening hours of the Premises:
Monday to Sunday 09.00 to 23.00 Each day

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

Both On and Off Supplies

**Part 2**

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

Lucie Wright



Tel No: [REDACTED] E-Mail: [REDACTED]

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

N/A

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

Lucie Wright



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

Personal Licence Number: [REDACTED]

Issuing Authority: Warwick

Licence Issued: 25<sup>th</sup> October 2022

A handwritten signature in purple ink, appearing to read 'A Hinton'.

Signed by Amanda Hinton  
On behalf of Cheshire East Borough Council

**Annex 1 - Mandatory Conditions (as applicable)**

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

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

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

**Mandatory condition where the licence authorises the exhibition of films**

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

**Prohibited conditions: plays**

1. In relation to a premises licence which authorises the performance of plays, no condition may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under the licence.
2. But subsection (1) does not prevent a licensing authority imposing, in accordance with section 18(2)(a) or (3)(b), 35(3)(b) or 52(3), any condition which it considers necessary on the grounds of public safety.

**Mandatory condition: Door supervision**

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

- a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- b) be entitled to carry out that activity by virtue of Section 4 of the Private Security Industry Act 2001.

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

**MANDATORY CONDITIONS**

**Condition 1**

1. The responsible person must ensure that staff on relevant premises no not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
  - a) Games or other activities which require or encourage, or are designed to require or encourage individuals to –
    - i. Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - ii. Drink as much alcohol as possible (whether within a time limit or otherwise);

- b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

### **Condition 2**

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

### **Condition 3**

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
  - a) A holographic mark, or
  - b) An ultraviolet feature

### **Condition 4**

The responsible person must ensure that –

- a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
  - i. Beer or cider: ½ pint;
  - ii. Gin, rum, vodka or whisky: 25ml or 35ml; and
  - iii. Still wine in a glass: 125ml;
- b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—

- a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b) 'permitted price' is the price found by applying the formula—

$$P = D + (D \times V)$$

Where —

- i. P is the permitted price,
- ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence—

- i. the holder of the premises licence,
- ii. the designated premises supervisor (if any) in respect of such a licence, or
- iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) 'valued added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 - Conditions consistent with the Operating Schedule**

### **Prevention of Crime and Disorder**

1 - CCTV shall be installed, operated and maintained at all times that the premises is open for licensable activities.

- The system shall record in real time and recordings will be date and time stamped.
- Recordings will be kept for a minimum of 28 days and downloaded footage will be provided free of charge to police or authorised council officers on request, (subject to the Data Protection Act 1998) within 24 hours of any request.
- At all times the premises are open for licensable activity, there will be a person on the premises who can operate the system sufficiently to allow police or authorised council officers to view footage on request

2 -Signage stating that CCTV is in operation at the premises will be clearly displayed at the premises.

3 - There will be a zero tolerance approach to any trouble.

4 - Alcohol will be sold responsibly and not sold to drunk people.

### **Public Safety**

5 - Fire Safety equipment will be on site and this will be checked annually.

6 -Promote a safe environment for public and staff.

7 -Staff will have basic first aid knowledge.

8 - Capacity will be kept in line with staffing levels.

### **Prevention of Public Nuisance**

9 – Music will be kept to moderate background level.

### **Protection of Children from Harm**

10 - The premises shall at all times operate a 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.

11 - 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.

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

13 - 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. Alternatively an electronic point of sale refusals log shall be kept.

14 - 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.

15 - 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.

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

16 - The Premises Licence Holder must keep an incident logbook of complaints made pertaining to noise nuisance in which the DPS or other authorised officer must record the following information in respect of such complaints; the name and address of the complainant, a summary of the incident, the date and time it occurred and the steps taken to resolve it. The incident logbook or relevant entries from it must be made available for inspection to a Licensing Officer or Police Officer upon request within 72 hours.

17 - The Premises Licence Holder must submit an up-to-date and correct floor plan of the premises to the Licensing Authority prior to any licensable activity taking place.

### **Annex 4 – Plans**

## Premises Licence Summary

**Premises Licence Number:**

**PREM1349**

### Premises Details

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

Proper Sound

8 Chestergate  
Macclesfield

Post Town: Macclesfield

Post Code: SK11 6BA

Telephone Number: 07971 077990

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Sale and supply of alcohol

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

**Sale and supply of alcohol**

Monday to Sunday

10.00 to 19.30 Each day

Extended to 21:00 on days of seasonal events in Macclesfield Town Centre.

Extended to 21:00 for six events in addition to the seasonal events in Macclesfield Town Centre.

The opening hours of the Premises:

Monday to Sunday

09.00 to 23.00 Each day

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

Both On and Off Supplies

Name, (registered) address of holder of Premises Licence:

Lucie Wright



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

N/A

Name of designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

Lucie Wright

State whether access to the Premises by children is restricted or prohibited:

Licence Issued: 25<sup>th</sup> October 2022

A handwritten signature in purple ink, appearing to read 'A Hinton'.

Signed by Amanda Hinton  
On behalf of Cheshire East Borough Council

## **Licensing Act 2003 – Premises Licence**

### **Duration of a Premises Licence**

A premises licence has effect until such a time that it is suspended, revoked or surrendered.

### **Duty to notify change of name or address**

The holder of a premises licence must, as soon as is reasonably practicable, notify the relevant licensing authority of any change of name or address.

Where the designated premises supervisor (DPS) under a premises licence is not the holder of the licence, he should notify the licensing authority of a change in name or address as soon as possible. The DPS must also notify the holder of the premises licence.

*Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie£500)*

### **Duty to keep and display licence**

The holder of a premises licence must ensure that the licence or a certified copy of it is kept at the premises in the custody of or under the control of the holder of the licence or a person who works at the premises whom the premises licence holder has nominated in writing. A notice should be prominently displayed at the premises specifying the position of any such nominee.

The premises licence holder has a duty to ensure that a summary of the licence or a certified copy of that summary is prominently displayed at the premises.

*Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)*

### **Duty to produce licence**

A constable or an authorised person may require production of the premises licence for examination. An authorised person must, if requested, produce evidence of his authority to exercise the power.

*Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)*

### **Theft or loss of premises licence**

Where a premises licence or summary is lost, stolen, damaged or destroyed, the holder of the licence may apply to the relevant licensing authority for a copy of the licence or summary. A fee of £10.50 is payable in relation to such an application.

Where an application is made for a replacement licence or summary the licensing authority must issue the holder of the licence with a licence or summary if it is satisfied that –

- (a) the licence or summary has been lost, stolen, damaged or destroyed; and
- (a) where it has been lost or stolen, the holder has reported that loss or theft to the police.

### **Surrender of premises licence**

Where the holder of a premises licence wishes to surrender his/her licence he/she may give the licensing authority a notice to that effect. The notice must be accompanied by the premises licence, or where that is not practicable, by a statement of the reasons for the failure to provide the licence. Where a notice of surrender is given, the premises licence lapses on receipt of the notice by the licensing authority.

### **Death, incapacity, insolvency of licence holder**

A premises licence lapses if the holder of the licence –

- (a) dies,
- (a) becomes mentally incapable (within the meaning of section 13(1) of the Enduring Powers of Attorney Act 1985)
- (b) becomes insolvent,
- (c) is dissolved, or
- (d) if it is a club, ceases to be a recognised club

(subject to provision for re-instatement in certain circumstances).

**Custody of Premises Licence  
Licensing Act 2003 – S.57 (3)(b)**

In accordance with Section 57 (2)(b) of the Licensing Act 2003

I/We ..... being the  
holder(s) of/Director of the company holding

Premises Licence number .....

relating to the premises known as .....

.....

.....

hereby nominate .....

as custodian of the said Premises Licence.

To conform with Section 57 (3)(b) of the Licensing Act 2003 this authorisation is hereby  
displayed.

.....  
Signed

.....  
Position

**S.57 Duty to keep and produce licence**

(2) The holder of the premises licence must secure that the licence or a certified copy of it is kept at the  
premises in the custody or under the control of-

(b) a person who works at the premises and whom the holder of the licence has nominated in writing  
for the purposes of this subsection

(3) The holder of the premises licence must secure that-

(b) a notice specifying the position held at the premises by any person nominated for the purposes of  
subsection (2), are prominently displayed at the premises.

(4) The holder of a premises licence commits an offence if he fails, without reasonable excuse, to comply  
with subsection (2) or (3).

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**From:** PRESTON, Margaret  
**Sent:** 19 March 2024 15:26  
**To:** LICENSING (Cheshire East)  
**Subject:** Proper Sound - Environmental Health Response

**Importance:** High

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

Dear Licensing

This Division has considered the above application for a variation to the premise licence to extend the opening hours of the premises.

This Division has received complaints regarding noise of which have been investigated and have not been substantiated as a statutory nuisance. The main source of amplified music was dj events which as discussed with the licensee were excessive considering the premises is only single glazed with no double door system at either the entry door or the door to the courtyard resulting in noise egress. Since this discussion and where it was agreed that background music would only be played while customers drank the noise complaints regarding music from the premises have improved and we would therefore request that this continues if the extension is granted. This has also been noted by complainants that this aspect has improved.

The main concern is the use of the courtyard for smokers and people to sit out. It is a small courtyard that quite simply acts as a chimney for noise to travel up to the premises above. Therefore, this Division would wish to condition that music in the courtyard is turned off at 7.30pm every day with the courtyard being completely closed to customers by 9pm. I have spoken to Lucie Wright the applicant and this has been agreed.

If you have any questions, then please do not hesitate to contact.

Regards  
Margaret

Margaret Preston | Cheshire East Council  
Senior Enforcement Officer  
Regulatory Services, Delamere House, Delamere Street, Crewe, CW1 2LL  
Mob – [REDACTED]  
[www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk)

Non-Working Day –25<sup>th</sup> March 2024  
Leave –20<sup>th</sup> & 28<sup>th</sup> March to 15<sup>th</sup> April 2024



OFFICIAL

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## Relevant Representations

	Received on	From
	16 <sup>th</sup> March 2024	Objection 1
	<p>Representation (objection) to the Application to vary a premises licence under the Licensing Act 2003 for Proper Sound, 6-8 Chestergate, Macclesfield, SK11 6BA  From XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX (CEC Ward councillor)  I have addressed Licensing Objectives d) and e) at the start of this document, with additional background afterwards.</p> <p><b>Licensing Objective d) Prevention of Public Nuisance</b></p> <p>The current premises licence was granted in 2021. Information provided by the applicant at the time included that alcohol was to be served as an ancillary service to the retail operation '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'; '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.' etc.</p> <p>Soon after the premises licence was granted the unit was operating beyond an ancillary service, causing complaints from the residents living above to myself, Environmental Health/Protection and Planning Enforcement. The courtyard area immediately below the apartment windows was made into a seating and smoking area despite assurances that this would not happen. The courtyard layout is still not included in the premises floor plan. I have included some pictures later in this document to illustrate the usage.</p> <p>The continual noise from voices and music, and smoke fumes, prevents residents in the apartments surrounding the courtyard from opening their windows. It should be noted that the windows are single-glazed due to the building being listed – this applies to the whole building not just the frontage on Chestergate. Noise also permeates from inside the building. A former resident informed me that "The overall situation that Proper Sound brought to that building had a major influence to my decision (to move). The DJ parties, people talking and laughing in the courtyard, our main door always obstructed by tables and customer's buggies. and the overall embarrassment when you were going in and out. It looked like you were under scrutiny all the time."</p> <p>The operating hours are currently limited and should be restricted further in my view to limit the adverse impact on residents. At least one Temporary Event application has been turned down due to objections from Environmental Health. Despite this, residents report that the applicant exceeds the permissible opening hours and advertises them on social media such as Facebook. The noise from the premises disturbs normal activities such as watching TV. I understand from a current resident that they had to approach the police due to the behaviour of the applicant toward them, and that an informal warning was given.</p> <p>The application to vary the licensed hours to 10:00 – 23:00 7 days a week, and opening hours to 08:00 – 23:00 7 days a week shows a total disregard for the residents of this building and their quality of life. The applicant fails to mention the apartments at all despite the Guidance given in the application form:</p> <p>"2. Describe 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises."</p> <p>The application does not in my view meet this licensing objective. The applicant's reasons for applying for extended opening hours do not override the rights of the residents and will further exacerbate the public nuisance that is already happening. There are no similar bars in the proximity of Proper Sound, and neighbouring properties have restricted opening hours.</p>	

There is no indication of capacity increase above the 10 mentioned in the previous premises application in 2021.

**Licensing Objective e) Protection of children from harm**

The apartments include 2-bed units, and are social housing managed by Onward. It is likely that children will live there. It is not in their best interests to live in a noisy environment.

**Background Information 1**

There are 6 social housing apartments immediately above the premises, as shown in the illustration below which is taken from a planning document. The apartments are managed by Onward, and were created many years ago.



The applicant's premises are underlined in green and extend through to the rear of the building. The whole building 4-8 Chestergate is listed. The entrance to the apartments is the door in the centre.

**Background Information 2**

The extract below is from Nub News in November 2021 showing the use of the courtyard area:



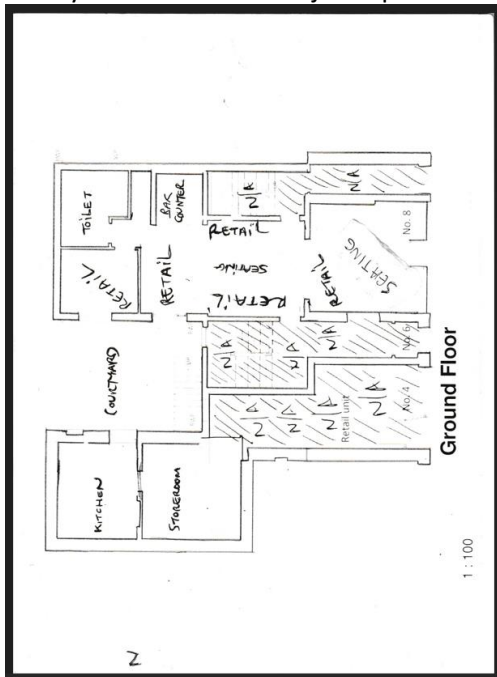
"Macclesfield's Mayor Cllr David Edwardes with the incredible Ian Curtis mural in Proper Sound's courtyard. Cllr Edwardes also serves as the Chair of Cheshire East Council's Licensing Committee, playing a small part in Proper Sounds opening.

It competes with the stunning Ian Curtis mural in the outdoor courtyard as Proper Sound's marquee feature. The tribute to the Joy Division frontman is the first mural in the town dedicated to the ex-Macclesfield musician and civil servant."



### Background Information 3

The plan submitted with the application is not accurate and does not reflect use of the courtyard which has a major impact on residents



[Why Cheshire's Manchester-themed music store is more than just a record shop - Cheshire Live \(cheshire-live.co.uk\)](https://www.cheshire-live.co.uk)

Cheshire Live link 2022 inc photo (below)



 The Ian Curtis mural in the courtyard at Proper Sound.

#### **Background Information 4**

Example of social media link illustrating bar use.

[Proper Sound opens in Macclesfield this weekend | Local News | News | Macclesfield Nub News | by Alex Greensmith](#)

Received on	From
17 <sup>th</sup> March 2024	Objection 2
	<p>Representation (objection) to the Application to vary a premises licence under the Licensing Act 2003 for Proper Sound, 6-8 Chestergate, Macclesfield, SK11 6BA From XXXXXXXXXXXXXXXXXXXXXXXXXX (residential neighbours)</p> <p>I have addressed Licensing Objectives d) and e) at the start of this document, with additional information afterwards.</p> <p>Licensing Objective d) Prevention of Public Nuisance</p> <p>The current premises licence was granted in 2021. Information provided by the applicant at the time included that alcohol was to be served as an ancillary service to the retail operation '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'; '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.' etc.</p> <p>The courtyard has been used as an unofficial smoking area since shortly after the premises opened especially in the warmer weather where people are sat outside smoking and drinking. The premises has become a bar which has been operating since a few months after they opened. Proper Sound have had DJ events, birthday parties and have been operating as mainly a bar. There is proof of this in their adverts on social media and from posters displayed in their shop/ bar window. The applicant herself has admitted that they have been operating as a bar from August 2023 with no planning permission to do so. We are unable to have any of our windows open due to the loud music, conversations and the smoke that comes in. We asked our landlord to provide us with a secondary window to try and counteract the noise a little but that does not work. We are the only ones that have this on one of our windows that back onto the courtyard.</p> <p>We constantly hear music, voices and shouting from both inside the premises and outside. We have been working with Environmental Health on trying to lower the noise which we were told should be background noise. It is very difficult to concentrate on anything or even listen to our own music in our home as it is quite often overpowered by music from Proper Sound. The applicant does not seem to have any regard for the neighbours who live above her. The applicant seems to think as we live in the town centre we should expect this constant noise and disruption from her mini nightclub as she referred to the premises in a local news article.</p>



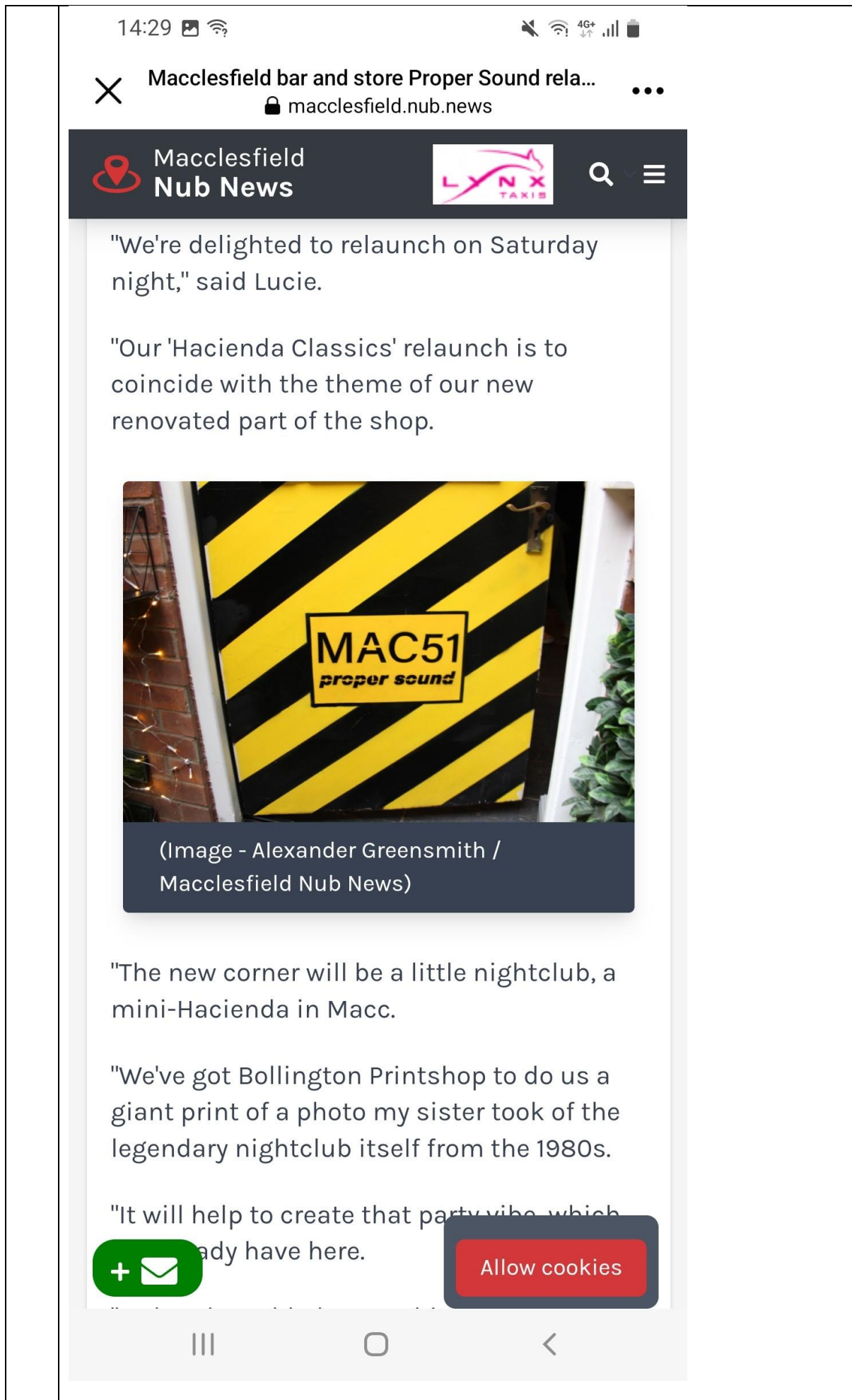
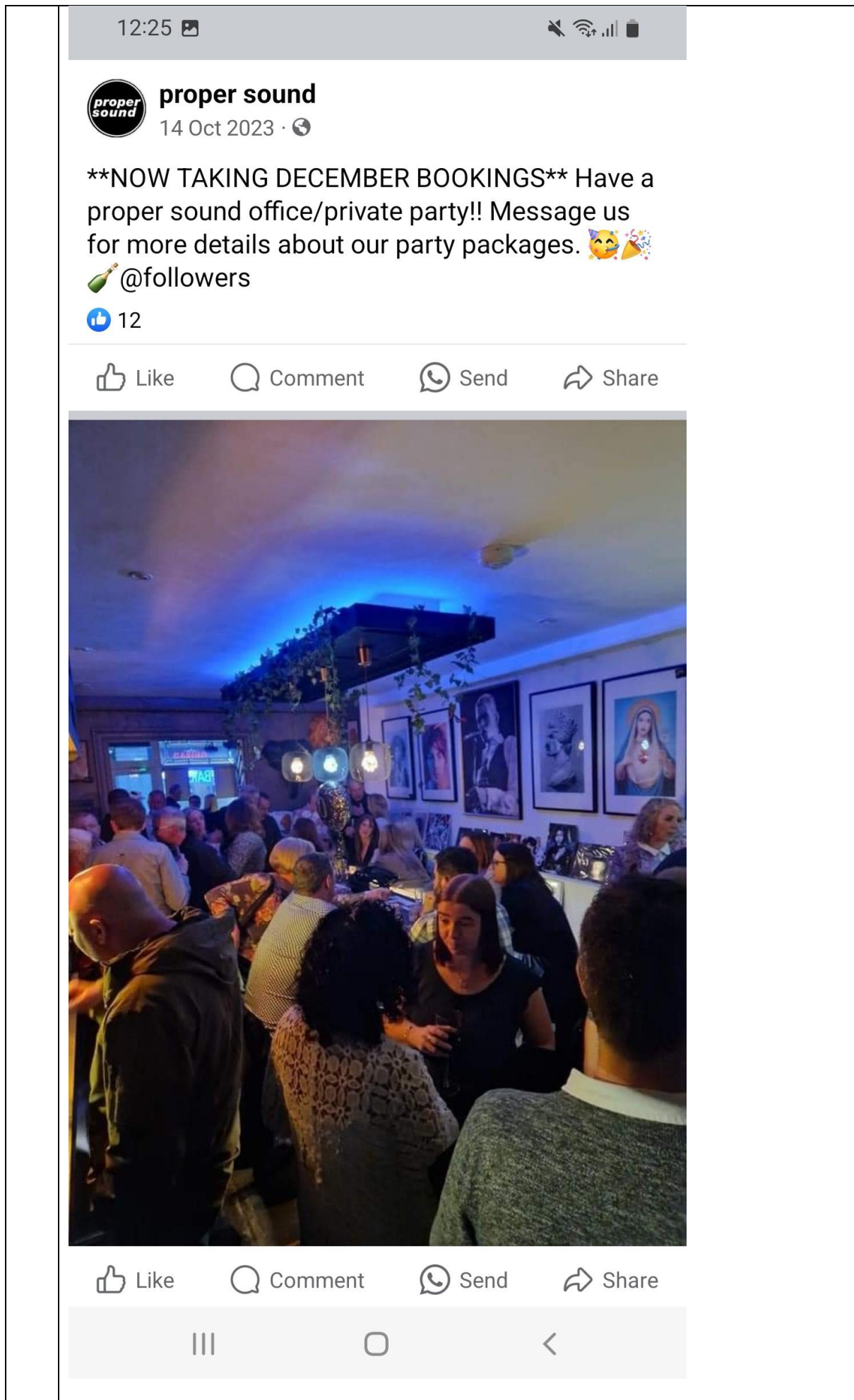


Image off Proper Sounds Facebook page 03/23

The noise and disruption caused us to approach Environmental Health and make a complaint. Shortly after they made contact with the owner of Proper Sound we started to receive unwanted shouting, swearing and abuse from the owner and her daughter. The owner would swear at my husband in the street and went as far as making a complaint to his work which was investigated and the complaint was proved untrue. I also had to receive treatment from my GP at this time as the constant name calling, etc impacted both my physical and mental health while I was also caring for my terminally ill Grandmother. This led us to seek advice from the Police who gave the applicant 'words of advice/ an informal warning' not to have any contact with us or the case would be taken further and become official. We have numerous incident numbers if they are needed. The applicant says that she will continue to attract good cliental however it is herself who has had to have police intervention.

Although local businesses are important so is the health and wellbeing of the six families who live above the shop/ bar. It is already causing a great nuisance to us all. The extended opening and drinking hours just stand to make our lives even harder and cause more nuisance to us. In 2021 we were told that capacity would be no more than 10 however, in recent photographs of the premises there are clearly more than 10 people in there.

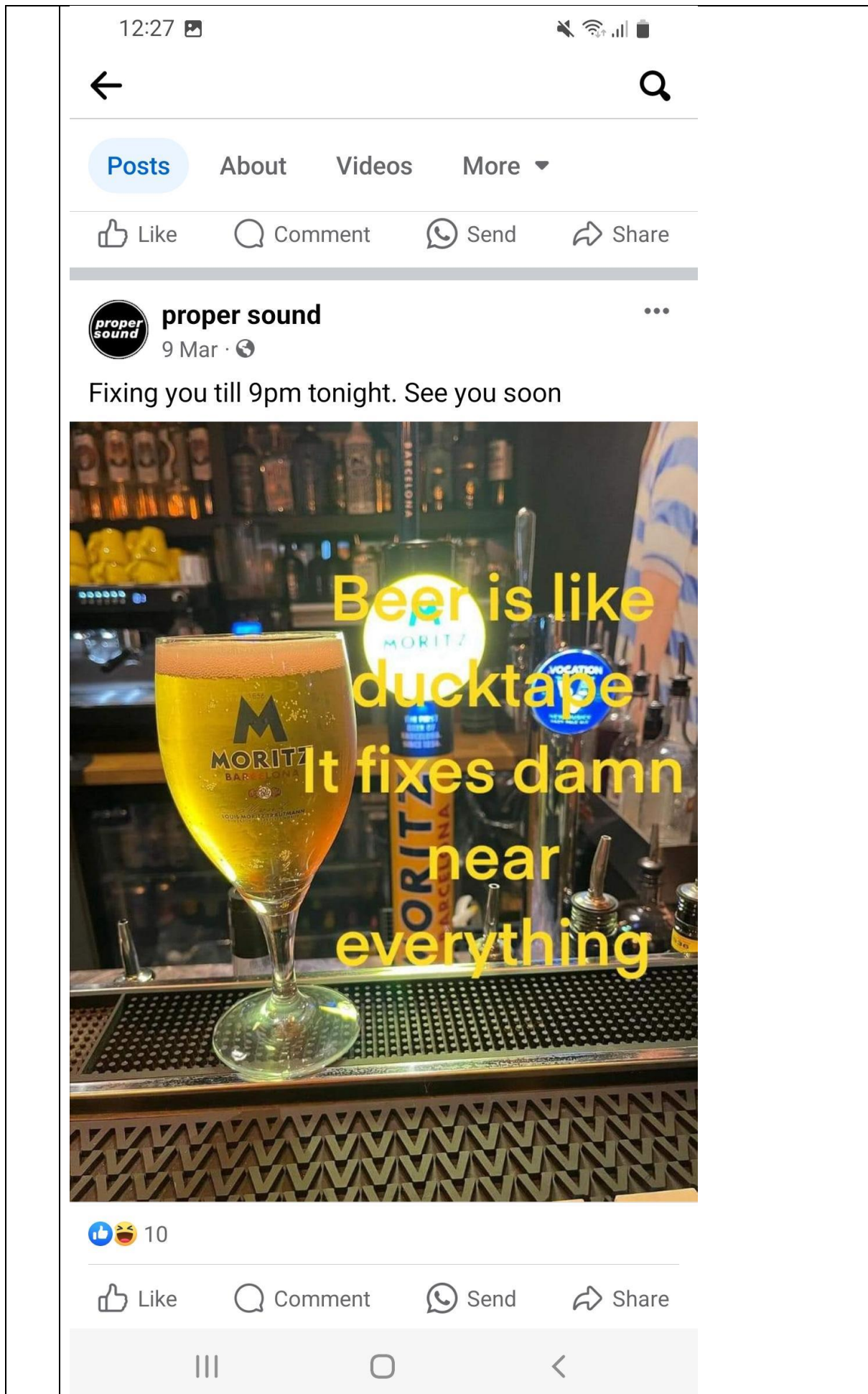




	<p>Image from Proper Sounds Facebook page- more than 10 people in the venue</p> <p>Licensing Objective e) Protection of children from harm</p> <p>The apartments include 2-bed units, and are social housing managed by Onward. It is likely that older children will live here and visit family here. It is not in their best interests to live in a noisy environment. The apartments were converted long before the applicant opened downstairs and residents were told that the shop downstairs would only be used for retail or offices. There are families living here who have their children, grandchildren and nephews staying but this is difficult due to the constant noise.</p> <p>Recently Proper Sound have been opening until at least 9pm on Friday and Saturday nights meaning that it can be up to 10pm before they finally turn off the music and we can start to rest. We understand that they are only able to serve up until 7.30 unless they have a TEN. It is advertised on both their social media and the opening hours are until 9 or 9.30.</p>
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Above images from Proper Sounds Facebook page

I have included my objection to the Planning Department in regards to Proper Sound applying for a change of use to a bar/ cafe. They currently have not had a decision on their change of use.

There are 6 flats above Proper Sound which are not being taken into account by the owner of Proper Sound. Almost all of the tenants work and would be negatively impacted by a bar being below them which is proposing to open from 9am through to 11.30pm. We often hear noise coming from the building and courtyard now and have been working with Environmental Health on this issue.

Proper Sound are currently using the courtyard which all of our windows open up onto. There is constant music which gets louder as the day goes on and would greatly impact our sleep if it was playing until late at night. It's difficult to watch TV or concentrate on anything because the music is often that loud you can clearly hear the song they are playing. Speaking to the owner and her daughter doesn't help as they are not approachable. We can also clearly hear conversations that are taking place in the courtyard. We also believe that the courtyard shouldn't actually be being used at all at the moment as they don't have planning permission to use it.

Proper Sound said that they would not allow smoking in the courtyard but there are often many people smoking out there which impacts the quality of air that is coming into our flats through the windows. We can't actually have our windows open though as the music and talking is just too loud.

Proper Sound were advised that they could need a change of use when they originally applied for planning permission but said they would not need it as they were mostly just a music shop and said people would be getting just one or two drinks as they would do at maybe a hairdressers. This has certainly not been the case and now Proper Sound has clearly become a bar rather than a shop. Proper Sound should have had in their mind that they might need a change of use before it took an enforcement officer to visit. This shows a clear lack of responsibility from the owner and that she has not followed the procedure that she should have done. There should have been an application for change of use a long time ago- the application form says from August 23 however, we believe they were acting as a bar long before that due to the noise we hear and the advertising that Proper Sound do. They would often have a DJ event on.

If Proper Sound have not followed guidelines in the past and were only found out because of an enforcement visit how can you know that they are going to follow the new set of guidelines they will be given. We were told that applicant had run other bars and restaurants so it is hard to believe that she didn't know what the protocol was.

We accept that we live in the town centre and that comes with its own noises and hustle and bustle but there was no bar underneath us when we moved here and if there was we probably wouldn't have moved here. The shop below was empty but we were told that there would only be a shop or offices

there which we would expect being in the town centre. 6 flats were here before any mention of a bar.

Proper Sound is up for sale and it is already listed under the bars and restaurants section on the website. This shows that Proper Sound are acting as they are running a bar before they've even put their change of use application in.

In conclusion, we feel that it would be a bad decision to approve this change of use mainly due to the adverse impact it already has on the families who live above the premises. The place is often open for longer than the hours permitted by the Licence, and the hours applied for in the change of use would make our quality of life even worse than it is now. Please refuse this application.

Regards,

## **DECISION NOTICE**

**PREMISES: 'Proper Sound', 8 Chestergate, Macclesfield, Cheshire, SK11 6BA**  
(‘the Premises’)

### **The Matter for Hearing**

1. At 14.00pm on the 17th June 2021, the Licensing Act Sub-Committee convened remotely and heard an application for a new Premises Licence made pursuant to the Licensing Act 2003 S17.

### **Procedural Matters**

2. The hearing was held in accordance with the Licensing Act Sub-Committee’s published procedure and the Licensing Act 2003 (Hearings) Regulations 2005.
3. Advertising requirements as prescribed by the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 were adhered to.
4. In its consideration of the application, the Sub-Committee took into account:
  - The Secretary of State’s Guidance under the Licensing Act 2003 S182 (April 2018);
  - Cheshire East Borough Council’s Statement of Licensing Policy;
  - the four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) and the steps appropriate to promote them;
  - The oral and written representations made by all parties.

### **Hearing of the Application**

5. The Licensing Act Sub-Committee heard from Mr James King and Ms Lucie Wright (‘the Applicants’) of Proper Sound, 8 Chestergate, Macclesfield, SK11 6BA.
6. The Licensing Act Sub-Committee also heard from Cllr Liz Braithwaite of Macclesfield Central Ward objecting to the application who also spoke on behalf of [REDACTED] and [REDACTED] and also heard from [REDACTED], local residents objecting to the application (‘the Objectors’).

7. It was noted that the Applicants had agreed conditions with Cheshire Constabulary and that there were no objections from Environmental Health.
8. In light of communication via Macclesfield Town Council's official Twitter account regarding the premises the previous day, Cllrs David Edwardes and Alift Harewood declared in the interests of openness and transparency that they are also elected Councillors of Macclesfield Town Council. They did confirm that they had not been consulted prior to the Twitter communication being released, their views had not been pre-determined and that they would proceed to consider the application in accordance with relevant law, policy and members code of conduct.
9. The members of the Sub-Committee also confirmed they had received an e-mail from a local resident but had disregarded it.
10. It was noted that following dialogue with residents the Applicants agreed to reduce the operating hours of the licensable activities so they would finish at 19:30 rather than 23:00.
11. The Applicants explained to the Sub-Committee of the concept of their business, which is intended to be predominantly a retail outlet selling artwork and apparel but with an area to provide refreshment and alcoholic drinks. They also advised it was not their intention to open a late night and excessively noisy venue, it was to create a relaxed atmosphere. The Applicants advised their reasoning behind this was the need to explore additional revenue streams following the impact of the Covid-19 pandemic. The primary purpose of the venue is not sale of alcohol, it was an additional revenue stream akin to a customer at a hairdresser's being served a drink.
12. The Applicants also explained to the Sub-Committee that they felt the concept of their business may have been mis-understood initially. They re-iterated it was not their intention to operate a noisy venue and they also wanted to finish work at a reasonable hour and spend the evening with their family.
13. In response to questions from the Objectors the Applicants confirmed they intended to play music within the operating hours but generally no later than



18:00/18:30pm. They also confirmed that the music was intended to be background music for ambience and although played through an amplifier, would generate low levels of noise.

14. In response to questions from the Objectors the Applicants stated that there had been issues with noise complaints, but these were attributable to general work being carried out on the building and prior to sound proofing and adequate plumbing being installed in the unit rather than being attributable to licensable activities.
15. In response to questions from the Objectors the Applicants confirmed it was their intention to sell alcohol but purely in moderation and not in the manner that may have been initially perceived or feared.
16. In response to questions from the Sub-Committee about the courtyard, the Applicants confirmed they did intend to create an outdoor seating area there but that it would not generate significant noise and would be similar that of a garden in a terraced house. The Applicants confirmed they did not intend to place speakers in the courtyard.
17. In response to questions from the Sub-Committee about the premises generally, the Applicants confirmed that although the seating arrangements had not yet been finalised the capacity of the premises would be approximately 10 people and it was unlikely the outdoor seating area in the courtyard would significantly increase it.
18. The Applicants confirmed that they had installed noise mitigation measures such as concrete slabs, a false ceiling with a raised roof (underneath where they intend to put the kitchen). They also intend to install measures to mitigate the sound emanating from the speakers.
19. Cllr Braithwaite presented her objection to the application to the Sub-Committee. She summarised her detailed written representation and stated that she was objecting to preserve the quality of life for residents which would be impacted detrimentally by the noise nuisance generated by the premises the outside activity and felt that it was unclear what the purpose of the business was.

20. [REDACTED] also presented her objection to the application to the Sub-Committee which centred mainly around her concern about noise nuisance. She stated that her bedroom window directly overlooks the courtyard and that she can hear the noise from there, such as music and even the builders' radio when they were working at the premises.
21. In response to questions from the Sub-Committee, the Objectors confirmed that the prospect of noise nuisance emanating from the premises was their main concern and they remained unsatisfied that sufficient measures were put in place to control it.

### **Determination**

#### **THE DECISION OF THE LICENSING ACT SUB-COMMITTEE WAS AS FOLLOWS:**

22. Having considered the Application and all relevant representations made both in writing and during the hearing and having had due regard to the statutory guidance and the Council's statement of licensing policy, the Sub-Committee has decided to **GRANT** the application for a new Premises Licence at 'Proper Sound', 8 Chestergate, Macclesfield, Cheshire, SK11 6BA.
23. The Sub-Committee granted the new Premises Licence for the following licensable activities and subject to the following operating schedule:

#### **Sale And Supply of Alcohol (inside and outside the premises):**

Monday – Sunday: 10:00 – 19:30  
Extended to 21:00 on days of seasonal events in Macclesfield Town Centre  
Extended to 21:00 for six events in addition to the seasonal events in Macclesfield Town Centre

24. The Sub-Committee granted the licence subject to the conditions agreed by the Applicant and Cheshire Constabulary pursuant to The Licensing Act 2003 S18(4)(a) as well as the following additional conditions;

***'The Premises Licence Holder must keep an incident logbook of complaints made pertaining to noise nuisance in which the DPS or other authorised***

***officer must record the following information in respect of such complaints; the name and address of the complainant, a summary of the incident, the date and time it occurred and the steps taken to resolve it. The incident logbook or relevant entries from it must be made available for inspection to a Licensing Officer or Police Officer upon request within 72 hours.'***

***'The Premises Licence Holder must submit an up-to-date and correct floor plan of the premises to the Licensing Authority prior to any licensable activity taking place'***

### **Reasons for Decision**

25. The Licensing Act Sub-Committee granted a New Premises Licence for the licensable activity of 'Sale and Supply of Alcohol' as that was the only licensable activity applied for.

26. The activities of 'Late Night Refreshment', 'provision of live music' and 'provision of recorded music' are not licensable within the premises' operating hours, including the extended hours applied for and which have been granted. Therefore, the Applicants are permitted to carry out these activities during the premises' operating hours and the Licensing Act-Sub Committee has no legal power to prevent them from doing so.

27. The Sub-Committee found that the main Licensing Objective engaged was prevention of public nuisance. The Sub-Committee considered the concerns raised by the Objectors about the prospect of noise nuisance emanating from the premises but found that the Applicants had put sufficient measures in place which mitigated against the prospect of an unacceptable risk of a public nuisance caused by noise nuisance. Such measures included the instillation of fire regulated concrete slabs between each floor and a false ceiling with a raised roof where the Applicants proposed to place the kitchen.

28. The Sub-Committee also found that the Applicants had gone to reasonable lengths to amend their application following the concerns raised by the residents, notably the amended operating hours.

29. The Sub-Committee found that the intended use of background music for ambience which although not licensable would assist in mitigating the risk of a public nuisance arising out of the activities that were licensable.

30. The Sub-Committee considered that the imposition of the additional conditions described above, were proportionate in ensuring the licensing objective of prevention of public nuisance was upheld.

31. In light of the above and in the circumstances the Licensing Act Sub-Committee were satisfied that the licensing objectives could be upheld in granting the application.

### **Effect of Decision**

32. This decision comes into effect immediately from the date of this Decision Notice.

### **Right of Appeal**

33. The parties are hereby notified that they may appeal against this decision to the Magistrates' Court within 21 days beginning with the date of notification of this decision (as per paragraph 9(2), Schedule 5 Licensing Act 2003).

Lucie Wright



Licensing  
Municipal Buildings  
Earle Street  
Crewe  
CW1 2BJ

0300 123 5015

[www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk)

email: [licensing@cheshireeast.gov.uk](mailto:licensing@cheshireeast.gov.uk)

DATE: 7<sup>th</sup> August 2023

OUR REF: MK1 / 66216  
Please Contact: Martin Kilduff

YOUR REF:

Dear Lucie Wright,

**Re: Proper Sound, 8 Chestergate, Macclesfield, SK11 6BA**  
**Premises Licence No: PREM1349**

I write with reference to the above premises, for which you are the Premise Licence Holder and Designated Premises Supervisor (DPS).

As Premises Licence Holder and / or DPS you have a duty to ensure that the conditions of the Premises Licence are complied with and to uphold the Licensing Objectives.

On Friday 21<sup>st</sup> April 2023 I visited your premises for the purpose of undertaking a licensing compliance inspection. My inspection came after the receipt of a complaint / referral from the Council's Environmental Protection department in regard to complaints received by a member of the public in relation to loud music from the premises causing them a disturbance. During my visit I considered the conditions attached to the Premises Licence and worked through them with you. The following issues of non-compliance were observed.

**Duty to Keep and Display Licence**

Under Section 57(3) of the Licensing Act 2003 The holder of the premises licence must secure that the summary of the licence or a certified copy of that summary is prominently displayed at the premises. At the time of my inspection a summary of the licence was not being displayed, however you did have the licence to hand, and explained that you had recently removed the Premises Licence from the wall behind the bar area to read it.

Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (i.e. £500).

**Premises Licence - Annex 2 – Conditions consistent with the Operating Schedule**

- Under condition 1 of Annex 2, you are obliged to have at the premises a working CCTV system, and to retain recordings for a minimum of 28 days. Such recordings are to be provided free of charge to the police or authorised council officers on request.

At the time of my inspection, it was noted that 2 CCTV cameras were present within your premises. However, you were unable to produce any recordings upon my request, and explained that the system did not record footage, and was only used for real time monitoring. During my inspection, you were able to set the system to record from one camera at a time only onto your mobile telephone memory.

On Monday 24<sup>th</sup> April 2023 you informed me via telephone that you had addressed this issue and had arranged for the CCTV to be save to a cloud-based storage system costing £100 per month, which would retain the footage for a minimum of 28 days are per the condition on your Premises Licence.

- Under condition 13 of Annex 2, you are obliged to operate and maintain an up-to-date Register of Refusals of Sales 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. Alternatively an electronic point of sale refusals log shall be kept.

At the time of my inspection, you did not have a Refusals of Sale Sales of Alcohol register. I provided you with advice in relation to what is expected of you in this regard, and that it should be signed off weekly irrespective of whether any entries have been made that week.

- Under condition 14 of Annex 2, you are obligated to maintain an up-to-date list of persons authorised to sell alcohol, which should be kept on site and made available for inspection at the request of Local Authority Officers and Police.

It is also a requirement under Annex 1 (Mandatory conditions) that every supply of alcohol under your Premises Licence must be made or authorised by a person who holds a personal licence. As DPS / Premises Licence Holder you were unable to produce evidence / records of authorisations permitting members of staff to supply alcohol.

At the time of my inspection, you did not have a list of authorisations, as required.

- Under Condition 15 of Annex 2, you are obliged to have clearly visible signage displayed at the entrance and points of sale indicating that it is illegal to sell alcohol to people under the age of 18.

It was noted during my inspection that you did have such signage next to the bar. However, you did not have any signage at the entrance to the premises, as required.

Operating whist in breach of your conditions of licence is an offence contrary to section 136 of the Licensing Act 2003. Upon summary conviction this offence is dealt with by an unlimited fine and/or 6 months imprisonment. Licensing Officers and/or Environmental Health Officers can also use powers under the Criminal Justice Act 2001 to issue a Closure Notice where the conditions of a licence are not being adhere to.

As discussed, please be aware that where premises are causing problems in connection with the Licensing Objectives, that an application for Review of that licence may be made at any time by any party. Furthermore, independently of the Licensing department, the Council's Environmental Protection department have the power to take their own action in regard to breaches of Environmental Protection legislation.

During my inspection, you were reminded of the times that your Premises Licence authorises the carrying out of licensable activities. Your Premises Licence permits the Sale and Supply of alcohol Monday to Sunday from 10:00hrs to 19:30hrs each day. This is extended to 21:00hrs on days of seasonal events in Macclesfield town centre, and for six events in addition to the seasonal events. It is therefore recommended, and good due diligence, that you retain a record of such occasions when you have utilised this extension, which can be produced upon request.

I will be visiting the Premises again in the near future, and strongly advise you to address the issues described above without delay.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Kilduff', written in a cursive style.

**Martin Kilduff**  
**Licensing Enforcement Officer**

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**Counter Notice  
Licensing Act 2003  
Temporary Events**



**On 27<sup>th</sup> July 2023 the licensing authority received from you a temporary event notice ('the notice') in respect of proposed temporary licensable activities due to take place on 12<sup>th</sup> August 2023 at Proper Sound, 8 Chestergate, Macclesfield, SK11 6BA.**


**The Licensing Authority has received an objection under section 104(2) of the Licensing Act 2003 from the local authority exercising environmental health functions.**

**The Licensing Authority is satisfied, having regard to the evidence and information presented at a hearing of the Licensing Act Sub-Committee on the 9<sup>th</sup> August 2023, that it is appropriate to issue a Counter Notice in respect of these activities in order to promote the Prevention of Public Nuisance licensing objective.**

A copy of this counter notice will be sent to the Chief Officer of Police and the Local Authority exercising environmental health functions for the area in which the premises specified in the temporary event notice you gave is situated.

There is no provision that allows you to appeal this Counter-Notice.

Under section 136 of the Licensing Act 2003 a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine (unlimited), or to both.

<b>Signature</b>	 On behalf of the Licensing Authority
<b>Name of the officer signing</b>	Kim Evans Licensing Team Leader
<b>Date</b>	9 <sup>th</sup> August 2023

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27/3/2024



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