

Licensing Act Sub-Committee

Agenda

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

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 (Pages 3 - 8)

1. **Appointment of Chairman**

To appoint a Chairman for the meeting.

2. **Declarations of Interest**

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

3. **Application for a Premises Licence at Proper Sound, 8 Chestergate, Macclesfield, Cheshire, SK11 6BA** (Pages 9 - 54)

To consider the above application.

THERE ARE NO PART TWO ITEMS.

Membership: Councillors D Edwardes, S Pochin and L Smetham

For requests for further information

Contact: Helen Davies
Tel: 01270 685705
E-Mail: helen.davies@cheshireeast.gov.uk

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CHESHIRE EAST COUNCIL**Procedure for Hearings – Licensing Act 2003
COVID-19**

This procedure has been drawn up to take account of the restrictions placed on the Country by the Government in its response to the COVID-19 pandemic and the Council's move towards the holding of virtual meetings.

As a Licensing Authority we are conscious that all Hearings of this nature must be run in accordance with the rules of natural justice and that any modifications to the format of the hearing should not undermine the requirements to hold a fair hearing.

It is the Council's intention to run the Hearing as close a possible to our procedure for Hearings set out in our Statement of Licensing Policy. However, it will be necessary to make a number of specific alterations.

The Council does not intend to hold any Hearings just on the pre Hearing papers (eg applications and written representations). The Council considers that a Licensing determination based solely on written material and without the opportunity for amplification, clarification, and questions does not best serve the decision-making process.

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.

Platform

The Council will use Microsoft Teams for all Hearings. This platform can be accessed on a landline, mobile, laptop or tablet. The Democratic Services Officers will ensure that the meeting is set up within the Microsoft Teams platform. All parties to the Hearing will received the Notice of Hearing required by the regulations and an email invitation with specific joining instructions for Microsoft Teams.

Web Casting

All Council meetings are web cast through the Council's website. This will continue to be the case during any lockdown period and will allow members of the public to listen to proceedings from their own home.

Connectivity Test

The Council will require Members, officers, and all parties to the Hearing to be available for a connectivity test 30 minutes before the start of the Hearing. This is to ensure that any issues can be identified and overcome before the start of the meeting. Notes on how this test will be conducted will be sent directly to parties.

Technical Issues

If during the course of the meeting, the Chairman determines any technical issues (for example, parties dropping out of the meeting or parties being unable to hear or follow proceedings etc) are compromising the integrity of the Hearing, the Chairman will have discretion to adjourn the matter to later date. The test the Chairman will use when considering any adjournment is what is best in the public interest (including the right of all parties to have a fair hearing). Any adjournment will either be to a date when technical issues can be overcome or to a date when a full hearing with all parties physically present can be held.

Etiquette

In order to maximise effectiveness of the Hearing all parties should:

- Identify themselves at the start of the Hearing when asked to do so by the Chairman
- Put their webcam and microphone on mute all times other than when addressing the Committee
- Indicate that you want to speak by using the chat function
- Only address the Committee when called to do so by the Chairman

Committee Reports

The Committee report and all relevant information will be posted on the Council's website at least 7 days prior to the Hearing. A link to the documents will be provided with the Notice of Hearing. The Committee report pack will be paginated and all parties should refer to this pack rather than their own bundles.

Late Evidence

Parties should submit any evidence for consideration of the Committee prior to the drawing up of the Committee agenda packs. This will mean that all information in containing in one paginated bundle that can be referred to by the parties (referencing pages numbers).

Evidence submitted on the day of the hearing can only be included when all parties to the hearing agree. It will ultimately be for the members of the Committee to decide if late evidence is accepted.

Decisions

In accordance with Hearings Regulations the Committee will make a determination at the end of the Hearing and the decision will be given within 5 working days. Some decisions are required to be given at the end of the Hearing, in this case the public meeting will resume once Members have deliberated and formed their decision.

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 and will draw up the decision notice.
- **The Licensing Officer** will introduce the matter and outline the application; the officer will also answer any questions Members may have.

PROCEDURE

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

1	Chairman	The Chairman will: (i) call the matter to be considered (ii) call for any declarations of interest (iii) ask all parties to introduce themselves (iv) summarise the procedure to be followed at the hearing (v) will consider any request made by a party for another person to appear at the hearing (v) will advise the parties of any maximum period of time in which it has to present its case (if a maximum is imposed this shall be equal for all parties)
2	Licensing Officer	Will introduce and summarise the application, highlighting areas of contention or dispute.
3	Committee Members	May ask questions of the Licensing Officer
4	Applicant	Will present his/her case, calling witnesses, as appropriate. <i>(If necessary, applicant will produce any notices required by law. Legal Adviser will draw attention to this if required.)</i>
5	Responsible Authorities (who have made representations)	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.

6	Other Persons (who have made representations)	To be invited to ask <u>questions</u> of the applicant, by way of clarification. <i>It is normal practice for a spokesperson only to speak on behalf of a group of residents.</i>
7	Committee Members	Each in turn may ask <u>questions</u> of the applicant.
8	Applicant	May make a <u>statement</u> or ask his witnesses to clarify any matters which he feels are unclear, or may have been misunderstood.
9	Responsible Authorities	Will make their representations.
10	Applicant	Or his representative or witnesses to ask <u>questions</u> of Responsible Authorities represented at the meeting, by way of clarification.
11	Other Persons (who have made representations)	May ask <u>questions</u> of the Responsible Authorities represented at the meeting, by way of clarification. (Note: This is not the point at which they should be stating their objections.)
12	Committee Members	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	Other Persons (who have made representations)	The local residents who are objecting to the application will be invited <u>to make observations on the application</u> and present the bases of their objections.
14	Applicant	Or his representative or witnesses may ask <u>questions</u> of the Local Residents, by way of clarification.
15	Committee Members	May ask <u>questions</u> of the Local Residents.
16	Chairman	To invite both Responsible Authorities and Local Residents to make their closing addresses.
17	Applicant	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested conditions.
18	Close of Public Meeting	When the Chairman determines that all relevant information has been heard and no further matters are to be discussed, the public meeting will end. All parties to the hearing (including

		Licensing Officers and Responsible Authorities) will be excluded from the platform.
18	Committee	<p><u>Will retire</u> to consider the application. They will be accompanied by their Legal Advisor and the Democratic Services Officer. This means that the Members of the Committee can determine the matter in private session. And can take the opportunity to seek legal advice.</p> <p>Members will give their decision with 5 working days by the issuing of a decision notice.</p>

Notes

1. The Committee can exclude members of the press and public from participation in a Hearing; 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 be excluded from 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 Chairman 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 will provide its decision in writing



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Version
Number:

Key Decision Y/N

Date First
Published: >

Licensing Act Sub Committee

Date of Meeting: 17th June 2021

Report Title: Application for a Premises Licence at Proper Sound, 8
Chestergate, Macclesfield, Cheshire, SK11 6BA

Senior Officer: Frank Jordan - Executive Director Places

1. Report Summary

- 1.1. The report provides details of an application for a Premises Licence, under section 17 of the Licensing Act 2003 and outlines the evidence presented by the parties in relation to the new grant application.

2. Recommendations

- 2.1. The Licensing Act Sub-Committee is requested to determine the application for a Premises Licence by James King, in respect of:

Proper Sound
8 Chestergate
Macclesfield
Cheshire
SK11 6BA

- 2.2. 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.
- 2.3. 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:

- a) The prevention of crime and disorder
- b) Public Safety
- c) The prevention of public nuisance
- d) The protection of children from harm

2.4. 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 review.

2.5. Finally, Members are also reminded that in determining the application, consideration also needs to be given to:

- a) The rules of natural justice;
- b) The provisions of the Human Rights Act 1998.

3. Reasons for Recommendations

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

4. Other Options Considered

4.1. Not applicable.

5. Background

5.1. On 23rd April 2021 an application was received by the Licensing Department for the grant of a Premises Licence in respect of Proper Sound. The application was sent for consultation on 23rd April 2021 with the last date for representations to be made by 21st May 2021. A copy of the full application is attached to this report at **Appendix 1**.

5.2. A map of the area in which the premises is located is attached to this report at **Appendix 4**.

5.3. The operating schedule indicates that the relevant licensable activities applied for are:

- Provision of live music (indoors and outdoors)
- Provision of recorded music (indoors)
- Provision of Late Night Refreshment (indoors and outdoors)

- Supply of alcohol (for consumption on and off the premises)

5.4. The hours applied for are as followed:

- Provision of live music (indoors and outdoors)
Monday to Sunday - 12:00 to 23:00
- Provision of recorded music (indoors)
Monday to Sunday - 09:00 to 23:00
- Provision of late night refreshment (indoors and outdoors)
Monday to Sunday – 09:00 to 23:00
- Supply of alcohol (for consumption on and off the premises)
Monday to Sunday - 10:00 to 23:00

5.5. Since the submission of the application, the applicant has submitted a revision to the application as follows:

- Provision of live music (indoors and outdoors)
Monday to Sunday - 10:00 to 19:30
- Provision of recorded music (indoors)
Monday to Sunday - 10:00 to 19:30
- Provision of late night refreshment (indoors and outdoors)
Monday to Sunday – 10:00 to 19:30
- Supply of alcohol (for consumption on and off the premises)
Monday to Sunday - 10:00 to 19:30
- The provision of one-off events tied into all the seasonal events in the town and open till 21:00hrs for all licensable activities
- The provision of six (6) one off events in addition to the seasonal town events and open till 21:00hrs.

5.6. Responsible Authorities:

5.6.1. The Licensing Team have not received representation from any of the responsible authorities save for Cheshire Police. On 21st May 2021 the Licensing Team received an email from Cheshire Police confirming they

had entered into dialogue with the applicant during the consultation period and that their proposed conditions had been expressly agreed by the applicant. The proposed conditions, and the applicant's agreement are set out in **Appendix 3**.

5.7. Other Persons:

5.7.1. The Council has received 6 representations against the application which are set out at **Appendix 2**.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. In accordance with the provisions of section 18 of the Licensing Act 2003 the Licensing Authority must, having regard to the representations, take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. Section 18(4) provides that the authority may:

- a) Grant the licence subject to conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the authority considers appropriate for the promotion of the licensing objectives and any mandatory conditions that must be included on the licence in accordance with the Licensing Act 2003;
- b) Exclude from the scope of the licence any of the Licensable Activities to which the application relates;
- c) Refuse to specify a person in the licence as the Premises Supervisor;
- d) Reject the application.

6.1.2. Members are reminded that should any conditions be added, they should be practical, enforceable and appropriate to promote the Licensing Objectives.

6.1.3. Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1998 to through all of its various functions, and Licensing is one of those functions to do all that it can to prevent Crime and disorder, Anti-social Behaviour, behaviour adversely affecting the environment and re-offending.

6.2. Finance Implications

6.2.1. There are no financial implications.

6.3. Policy Implications

6.3.1. The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.

6.3.2. The Licensing Authority must also have due regard to the guidance issued under section 182 of the Licensing Act 2003.

6.3.3. Members should provide reason(s) for any decision taken and should set out the reasoning where they determine to depart in any way from the Policy or Guidance.

6.4. Equality Implications

6.4.1. There are no direct equality implications.

6.5. Human Resources Implications

6.5.1. There are no human resources implications.

6.6. Risk Management Implications

6.6.1. 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.

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People/Cared for Children

6.8.1. There are no direct implications for children and young people.

6.9. Public Health Implications

6.10.1 There are no direct implications for public health.

6.10. Climate Change Implications

6.10.1. There are no direct implications for Climate Change.

7. Ward Members Affected

- 7.1. Macclesfield Central – Councilor Liz Braithwaite
- 7.2. Macclesfield Central – Councilor Ashley Farrall

8. Consultation & Engagement

- 8.1. Consultation in respect of submitting an application for a Premises Licence application is prescribed in the Licensing Act 2003 and has been fully complied with.

9. Access to Information

- 9.1. The background papers relating to this report can be made available by contacting the report writer.

10. Contact Information

- 10.1. Any questions relating to this report should be directed to the following officer:

Name: Amanda Andrews

Job Title: Licensing Enforcement Officer

Email: amanda.andrews@cheshireeast.gov.uk

Appendix 1 – Application and plan

Appendix 2 – Representations submitted from Other Persons

Appendix 3 – Police representation and agreed consultation

Appendix 4 – Map of area

From: Gemma Shaw

Sent: 28 April 2021 10:44

To: LICENSING (Cheshire East) <Licensing_CE@cheshireeast.gov.uk>

Subject: Oppose

To whom this may concern.

As a tenant at the neighbouring housing to the empty shop, having a bar playing music day and night isn't really an option for some of us whom work nights and sleep in the day, not only is it below our bedrooms. It's also a menace with potential drunks. I'm all for a rejuvenated Macclesfield but just not at the expense of our homes, 6 flats will oppose Many thanks Gemma shaw Apartment 6 chestergate

Sent from my iPhone

From: Aimee Howard
Sent: 26 April 2021 17:42
To: LICENSING (Cheshire East) <Licensing_CE@cheshireeast.gov.uk>
Subject: License Objection

Hi,

I am writing to you in regards to the application for 8 Chestergate, Macclesfield, Cheshire, SK11 6BA.

I would like to object to this going ahead as there are 6 residential flats directly above where they are proposing to play music every day from 12 until 11. Most residents in the flats work full time hours and it would be unfair to have music playing directly below us all and in the courtyard where all of our bedrooms back onto. This would have a detrimental effect on our standard of living and would have a negative impact on all of our work lives. Also, as there are 6 flats it means that we weekly put out 6 wheelie bins in front of where this bar would be. I can't imagine them being happy with that. The flats are rented to us all from Onward Housing Association.

We understand that we live in the town centre and bars are around us but when we all moved into these flats there were no plans to do anything with the shop directly below us. The thought of all of the noise and people walking literally outside our bedroom window while I try and sleep for work is making me anxious already and impacting on my mental health. There are also people in the building who have children and grandchildren staying with them. It's not fair on the child to have live music and probably loud people outside their bedroom window. I feel we would have to move to a different house if this application went ahead.

I don't want to be a party proper and I wish this business good luck but I don't feel this building is the right location for it.

Regards

Aimee Ainsworth

From: Aimee Howard <aimee_howard4@hotmail.com>
Sent: 28 April 2021 18:53
To: LICENSING (Cheshire East) <Licensing_CE@cheshireeast.gov.uk>
Subject: Objection

Hello

I would like to object to the license application for number 8 Chestergate, Macclesfield, Cheshire, SK11 6BA as I believe it will be a public nuisance.

The main issue will be noise. The premises is below and around 6 residential properties which will be badly effected by the noise and the general noise of people coming and going will be harmful to the quality of life of the residents who need to rest after work rather than listen to the music which this application puts forward.

I live at Apartment , Macclesfield, Cheshire and my flat also goes over number Chestergate.

Regards

Aimee Ainsworth

From: nicoletta cavriani

Sent: 27 April 2021 18:35

To: LICENSING (Cheshire East) <Licensing_CE@cheshireeast.gov.uk>

Cc:; Onward Customer Service <>; Gill Dignan <

Subject: Licence request 8, Chestergate Macclesfield SK11 6BA

Dear Licensing department,

I am a tenant of the Housing Association Onward Homes and I live in the apartment in , Chestergate - Macclesfield SK11 6BA.

I have seen a notice in the empty space next door to our building that James King has applied to Cheshire East Council in respect of the premises 8, Chestergate Macclesfield SK11 6BA for the provision of recorded music indoors and outdoors Monday to Friday from 09:00 to 23:00 indoors and outdoors (alcohol supply).

I found appalling that Cheshire East is considering licensing a such type of premise next door to 6 apartments. I am completely against it and I will do all it is in my power to oppose it.

I am a specialist tutor and a CBT psychotherapist and I work remotely from home. I guess that having banging music all day long it would not be good for both my health and work life. I had an open-heart surgery in 2019 and I might need to work from home indefinite.

How can it be acceptable to have music and alcohol serving from 09:00 to 23:00 both indoors and outdoors?

I am surprise that both the owners of the building and the housing association think it is acceptable for tenants to live next door to such business.

I will seek legal advice.

I hope you will reconsider the provision of that license and I look forward to hearing from you

Nicoletta Cavriani MSc

LC PREMCO

Macclesfield, 28th April 2021



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

Application for premises license by Proper Sound, 8 Chestergate, Macclesfield, Cheshire
SK116BA

I am writing to you to make a formal objection to the application made by Proper Sound for premises licence in 8, Chestergate.

I formally object to all the licensable activities applied for

- The Provision of Live Music – Indoors and Outdoors Monday to Sunday 12.00 to 23.00 Each day
- The Provision of Recorded Music - Indoors Monday to Sunday 09.00 to 23.00 Each day
- The Supply of Alcohol – For Consumption both On and Off the Premises Monday to Sunday 10.00 to 23.00 Each day

This empty space is part of our building where 6 apartments with 6 families are living. Also, the storage of that empty space is in the last floor of our same building. So, this premise and our building will have access to communal stairs and communal part of the building. The empty space is just underneath of the apartments on the first floor. This empty space is located between our building main entrance and the emergency door.

The following picture shows where our main entrance is, the fire door exits and the above apartments (highlighted in red). The empty space is circled in orange.



Our building has been refurbished (used to be the County Chamber) and transformed in 6 apartments managed by Onward Homes (former Countour Homes) for a regeneration project in Macclesfield Town Centre. The owners of the building and of the empty space adjacent our building are private.

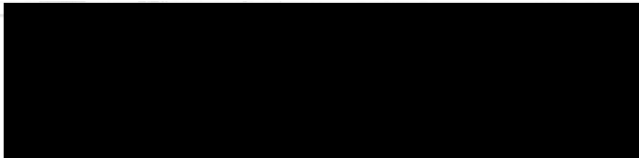
If the licence application were to be approved, I believe the noise pollution would be continuous both indoors and outdoors from 09:00 to 23:00 every day causing unbearable for us to live there. I think that this will cause litter problems, strong language, noise pollution from customers in and around the premise and therefore in our building.

I had an open-heart surgery in May 2019 and since then I have been working from home. This premise will be a detriment to myself and will reduce my quality of life in my own flat and my right to peace and quiet. In addition to that the constant noise will cause issues for myself to continue to work. I will also find very intimidating to go through crowd of people to access the building and my flat.

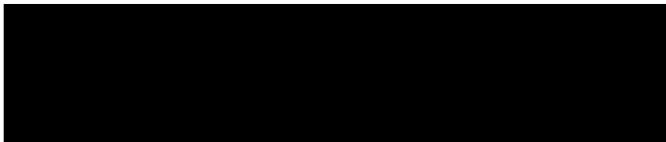
I tend to believe that since there is a residential building just adjacent to the premise no music license should be given.

Among the four main objectives of the Licensing Act 2003 are the prevention of crime and disorder, public safety and the **prevention of public nuisance**, therefore I implore you to reject the license application.

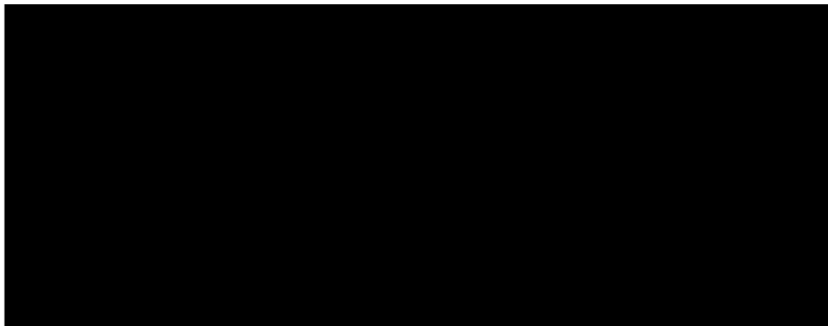
Regards



Nicoletta Cavriani Flat ■ - 6, Chestergate - Macclesfield SK11 6BA



CC:



**Representation (objection) to the Application for a Premises license submitted by Proper Sound 8
Chestergate Macclesfield SK11 6BA**

From: Cllr Liz Braithwaite CEC councillor for Macclesfield Central Ward 10th May 2021

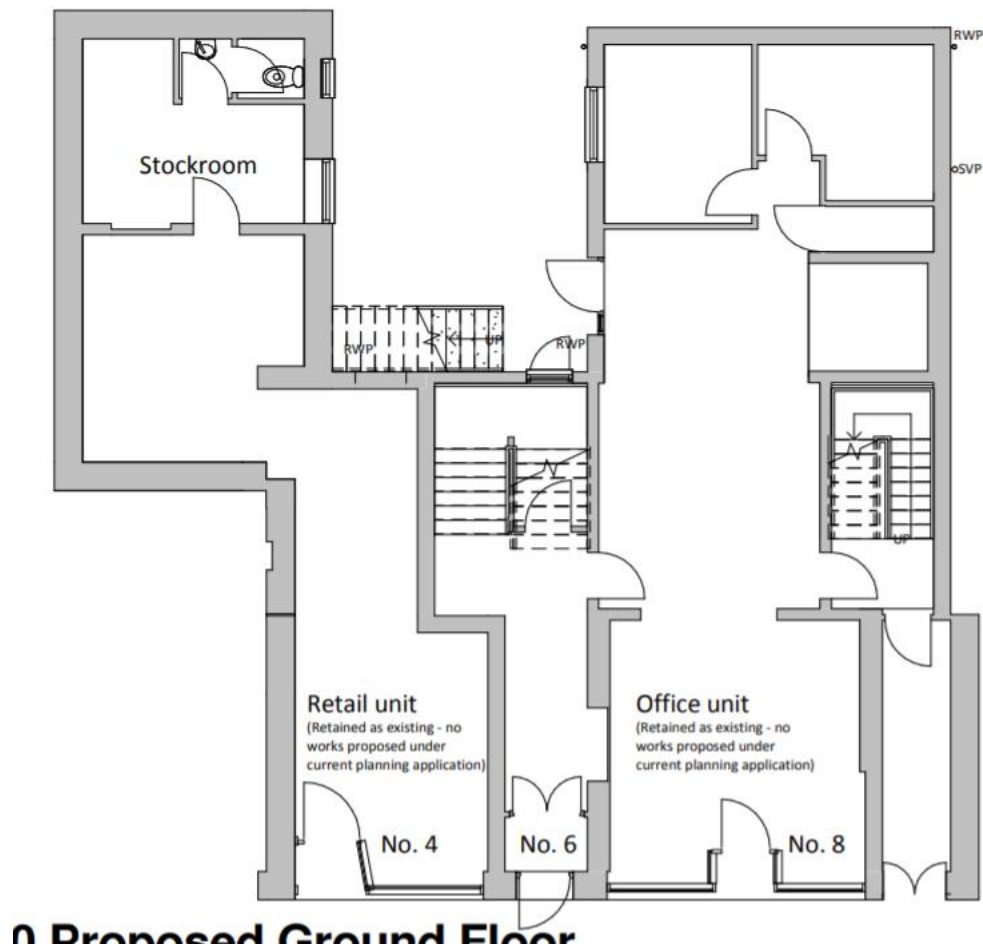
Please note that Section 5 of the licensing application states that the premises is a 'ground floor shop/eatery surrounded by other shops and cafes'. The reason for this objection is that there are also 6 apartments immediately above the premises, as shown in the illustration below which is taken from a planning application document (15/4077M). The applicant's premises are underlined in green. The illustration provided by the applicant shows a rear courtyard area, it should be noted that this is the bin storage area for the apartments. The applicant's premises are currently empty, to the best of my knowledge it has no history of hospitality use.

For background information, nos. 4 – 8 Chestergate comprise a Grade II listed building, and the 1st, 2nd and 3rd floors have been converted to residential accommodation of 3 x 2-bedroom apartments and 3 x 1-bedroomed apartments. All are occupied. On the ground floor Number 4 is a nail bar, Number 6 is the address for the 6 apartments (accessed by the large door in the middle), and the applicants premises Number 8 is currently empty (see photo below taken on 8th May 2021). When permission was granted for the apartment conversion it was noted that the ground floor would remain as A1 retail. I'm not aware of any application for change of use to a bar/eatery. I know that planning use is not a licensing consideration, but as stated earlier the shop is empty and is not currently in use.



I submit that the application does not meet the following licensing objectives and ask that the application is refused:

- **Public safety**
The application mentions fire safety. Having a commercial kitchen may increase the risk of a fire occurring on the premises which would endanger the residents in the apartments above. The applicant's drawing also appears to be missing an internal door that leads to an alternate exit (see illustration below). This could compromise public safety in the event of a fire as the front door is quite narrow, drinking alcohol can impair judgment should the building need to be evacuated, and there is no indication of how many customers could be on the premises at any one time.



- Prevention of public nuisance

The application does not meet this objective at all due to the proximity of the apartments above it and the adverse impact on residential amenity. No.10 Chestergate, next door to the premises, had conditions imposed when it opened as a café which protect the residential amenity of the apartments. Serving alcohol from morning until 23:00 7 days a week will generate noise from customers entering/leaving the premises, as well as from within the premises. It is highly likely that customers will gather outside in warmer weather, and to smoke. As well as generating noise this will make it unpleasant and even intimidating for residents accessing their homes.

Noise will be generated by the kitchen and bar accessing the bins in the courtyard, particularly bottle bins. Clarification is needed around the disposal of commercial waste as it's not clear what space is available or what arrangements would be in place for collection.

The playing of music inside and outside the premises, whether it be live, unamplified or amplified is not acceptable at any time with residents living immediately above. At least one resident works from home and would be severely impacted by noise levels. The adverse impact on residents must be paramount.

In addition to noise nuisance there is a high possibility of cooking odours impacting residential amenity, and possibly odours from commercial bins.

- Protection of children from harm

Any children living in the apartments would be particularly impacted by the issues mentioned above.

21st May 2021

The Licensing Section
Cheshire East Council
Municipal Building
Early Street
Crewe
CW1 2BJ

Heidi Jane de Botte – Tenant: Apartment SK11 6BA	Chestergate, Macclesfield, Cheshire,
---	--------------------------------------

Dear Sir/Madam,

I wish to firmly object to the application from James King for a Premises Licence at the premises known as Proper Sound, 8 Chestergate, Macclesfield, Cheshire, SK11 6BA, for the following;

- The Provision of Live Music – Indoors and Outdoors
Monday to Sunday 12.00 to 23.00 Each day
- The Provision of Recorded Music – Indoors
Monday to Sunday 09.00 to 23.00 Each day
- The supply of alcohol both on and off the premises
Monday to Sunday 10.00 to 23.00 Each day

Please accept this letter as a formal objection with the strongest possible terms.

My objection is based on my concerns according to factors which come under the Licensing Act 2003, and include but are not limited to, Prevention of Public Nuisance, Prevention of Crime and Disorder, and Public Safety.

As a resident of the local town for thirty years, four and half of which I have resided in this building. I am inexplicably appalled at Cheshire East Councils' consideration, and dismissal in the welfare of its residents for this licensing application.

Please see below my objections to the application under the factors stated above:

Prevention of Public Nuisance

- Should the license be accepted, this would have a categorically detrimental effect to all residents including myself, due to the increased level of public nuisance with regards to both live and recorded music, and the sale of alcohol. The proposed license is to be used at the currently empty space

within the ground floor of our building, directly below the 6 dwellings, and the courtyard at the back of the property directly below all 6 bedrooms of the residents living here including myself.

The proposed license would allow for both live, and recorded music to be played 7 days a week, Monday to Sunday, directly below a residential development, not to mention within the same building. I would like to take the opportunity here to highlight what this would mean for us tenants.

This would produce a combination of both live and recorded music being played on an average of **14 HOURS** per day, and **98 HOURS** of music to be played, and noise disturbance **PER WEEK**. In total the residents of this building, 6 families, including myself, would be subjected to an average of **424 HOURS** of noise disturbance **PER MONTH**, totalling an outrageous figure on average of **5096 HOURS** of Live and recorded music being played within our residential building **PER YEAR**.

When Covid 19 was not in existence and businesses ran as usual, I still experienced noise disturbance from other cafes/bars in the centre, but this was mainly an occasional occurrence, and although it greatly impacted my mental health and sleep on those days/nights, it was not on a consistent basis, therefore it did not become intolerable.

However, to have an establishment where live and recorded music would be allowed to be played for 11 hours each day 7 days a week, from morning until night, is of extreme concern to me. I moved into this apartment, knowingly and willingly accepting the fact it is as central to a town centre as it could possibly be. I did not move here naively, and thoroughly acknowledged that living on a town centre high street may not always be the most tranquil spot in town. However, I never once believed that a license of this nature would be considered in a residential building like our own, and this concept is truly harrowing.

- In conjunction with the live and recorded music, the license to supply alcohol both on and off the premises between the hours of 10.00 to 23.00 Each day, 7 days a week, will also cause an increase in the level of public nuisance, inevitably causing an even further negative impact on the residents here, again including myself.
- Due to the nature of the proposed establishment, the chances of public nuisance are extremely likely. I understand that this could be deemed as speculation, however, I would like to express in general terms, that upon consumption of alcohol, it has been scientifically proven that it can have a profound effect on an individuals brain, and therefore, their behaviour. This is an enormous concern of mine, especially as this will have a direct impact on not only my home, and my place of residence, but also my mental health. This will cause a disastrous effect on my life, and everybody else living in the building.

Prevention of Crime and Disorder

Leading on from my previous bullet point under the prevention of nuisance noise. I would now like to talk about how an establishment of this nature being allowed to go ahead would affect myself and the other residents in relation to the prevention of Crime and Disorder.

Over the last four and a half years I have lived in my apartment at Chestergate, I have personally experienced a number of instances where I have not felt the safest, primarily due to the location of the building being in the town centre. I've come across several pub/club brawls, where there have been public displays of alcohol related crime and disorder. I have experienced used and unfinished bottles of alcohol been fly tipped on the communal steps at the entrance to the building, by punters of the local town, and there has been occasions where bottles have been smashed outside of the property I live in. I've witnessed many disorderly events, including drunken fighting, which have taken place in the centre of the town. Due to occurrence of these incidents, it has not made living here intolerable, as they have happened few and far between in each given year.

However, again, to grant permission for a business to offer an alcohol license inside of a residential building no matter of the proposed hours for license to supply it, is of grave concern to me. I do not feel safe at this prospect at all, and I'm deeply concerned by it. After 4 and half years of living here, I do not want to feel unsafe when entering and leaving my home, especially as a single woman, when it is dark. I would feel very vulnerable living here, consistently worrying about the possibility of intoxicated people outside of my front door.

Public Safety / Prevention of Public Nuisance

It has been brought to my attention that the business owners, James King, and Lucie Wright, are going to be making use of the court yard within the building itself, which is located at the back of the property. The court yard is on the ground floor, and is an outside space, directly below my bedroom window, and my living room window. It is also below all of the living room windows for the 3 one bedroom apartments on the back, and ALL of the bedrooms within the building.

I am aware that the court yard is intended for public use, and will also be included under the application for live music outside, as you will see on the application they have applied for. This is of enormous concern to me, and I cannot express my constant distress over this prospect.

I personally suffer from poor mental health, which has become worse as of recent months. I currently spend a lot of my time at home, and I will be looking at taking on working position remotely in the future. My home will not only be my place of living and sleeping, it will also eventually become my place of work also.

If this application for a license to allow both music and alcohol is granted, it will inevitably ruin my life, and the lives of everybody in this building. As mentioned

above, both my living room/kitchen, and my bedroom, is directly above the court yard space. To give permission for these people to use that area as public space is of utmost concern to me, and horrendously distressing.

This would allow them to use it publicly, where chairs and tables would be, a constant noise of people talking/shouting/laughing, live music to be played/recorded music, alcohol to be supplied outdoors and you will also see on the application applied for, and also, people would have the ability to smoke, as it is outdoor space.

I implore Cheshire East Council to PLEASE consider, and realise the extreme detriment this will have on myself, and all residents here at 6 Chestergate. I can only take this opportunity to ask you to put yourselves in my position, in our position as residents of this town, and members of a local community. This would ruin my life on every possible level. To live in my home, in which I have lived for 4 and a half years, where I have been a respectful tenant, and a respectful part of this wonderful town, where I have done my part to both look after and respect the environment, and area I live in, to have this peace and comfort, destroyed by business owners, who are aware of the building and its contents, and do not share the same respect at any slightest point.

I simply could not live here, with constant noise of people, smoke travelling up to my bedroom, living room and kitchen windows. To be consistently disturbed by these factors, alongside live music... it would truly have catastrophic consequences.

A home is to be enjoyed, to live in comfortably, and to be able to sleep well, and relax. Yes of course, there are going to be times on occasion where all is not peaceful, as with any place of residence, but these people are knowingly and willingly applying to destroy our lives 7 days a week, and have no care, thought, or consideration for the residents of the town centre.

I also object, to any use of chairs and tables outside of the shop, as I'm aware this is on the table. I do not wish to have to enter and leave my home, and my front door with people sat right outside of it. I find this deeply distressing and I will be adding this onto the planning objection once it is on the portal and registered.

Final Comments

The business owners, have made us aware that they will also be holding private parties, they will be extending their opening hours on events such as Treacle Market, the Christmas light switch on, and opening events. I firmly object to the license for music and alcohol to be granted for these events also.

I am all for welcoming new businesses to the town centre, the apartments I live in were created to generate more people to the centre, to bring revenue and money to the centre and bring working individuals closer into the local town. However, there is a very fine line when this becomes entwined with the wrong kind of business establishment, especially due to the fact of it being within the very same building the apartments were built in.

I would also like to add, that the same person/people who are applying for this alcohol and music license, have also carried out illegal building work/alterations to a

the same Grade II listed building in which they seek to start their business. The heavy duty and very intense and invasive building works were carried out without a planning application being submitted. They were visited on two occasions by planning enforcement officers and issued with cautions. They have still, to this date, continued to proceed with the building and renovation works. Their planning application has only been submitted last week, and is still not even registered on the portal as it has not been verified just yet. They have done this work, without letting myself or any of the tenants know that they were going to be doing so. Without the planning application, our rights to make comment or objection have been violated, and I have not had the chance to make my comments and objections known before the works were carried out, neither has any of the other tenants in the building.

As you can imagine, our whole building has been in disgust and outrage at their illegal activities, as they were even made aware that it is a criminal offence and they still continued to do so. The works began on Tuesday 11th of May, and have continued up until this date on the 21st of May, with the exception of Saturday and Sunday. With no notice, we have had competent and utter disruption to the building, it has been an extremely distressing and scary time for me. I suffer with severe anxiety, ocd and depression, and this has caused my mental health to deteriorate rapidly. I have been in constant fear for the structural safety of the building and my general well-being.

I understand that this issue is a separate matter in terms of objection, but I wanted to take the opportunity to make you aware, that this objection of mine comes very heavily deep rooted now, from the fact that if this license was granted, it would be granted to irresponsible and disrespectful individuals, and that is again, gravely concerning.

Finally, I object to all revisions should there be any, to the Licensing application for live and recorded music, and the supply of alcohol both on and off the premises.

Please accept this letter, as my formal objection, again, on the strongest possible terms.

Yours sincerely,

Heidi de Botte

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Cheshire East
Application for a premises licence
Licensing Act 2003

For help contact
licensing@cheshireeast.gov.uk
 Telephone: 0300 123 5015

* required information

Section 1 of 21

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

System reference

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

Your reference

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

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

Applicant Business

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

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

Is your business registered outside the UK? ☐ Yes ☒ No

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

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

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

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

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

Premises Address

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

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

Section 3 of 21	
APPLICATION DETAILS	
<p>In what capacity are you applying for the premises licence?</p> <p> <input checked="" type="checkbox"/> An individual or individuals <input type="checkbox"/> A limited company / limited liability partnership <input type="checkbox"/> A partnership (other than limited liability) <input type="checkbox"/> An unincorporated association <input type="checkbox"/> Other (for example a statutory corporation) <input type="checkbox"/> A recognised club <input type="checkbox"/> A charity <input type="checkbox"/> The proprietor of an educational establishment <input type="checkbox"/> A health service body <input type="checkbox"/> A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales <input type="checkbox"/> A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England <input type="checkbox"/> The chief officer of police of a police force in England and Wales </p> <p>Confirm The Following</p> <p> <input checked="" type="checkbox"/> I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities <input type="checkbox"/> I am making the application pursuant to a statutory function <input type="checkbox"/> I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative </p>	
Section 4 of 21	
INDIVIDUAL APPLICANT DETAILS	
<p>Applicant Name</p> <p>Is the name the same as (or similar to) the details given in section one?</p> <p> <input checked="" type="radio"/> Yes <input type="radio"/> No </p> <p> First name <input type="text" value="James"/> </p> <p> Family name <input type="text" value="King"/> </p> <p>Is the applicant 18 years of age or older?</p> <p> <input checked="" type="radio"/> Yes <input type="radio"/> No </p>	

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

*Continued from previous page...***Current Residential Address**

Is the address the same as (or similar to) the address given in section one?

☐ Yes☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text" value="13"/>
Street	<input type="text" value="salop walk"/>
District	<input type="text"/>
City or town	<input type="text" value="macclesfield"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="SK103EH"/>
Country	<input type="text" value="United Kingdom"/>

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text" value="jkwvmacc@gmail.com"/>
Telephone number	<input type="text" value="07971077990"/>
Other telephone number	<input type="text"/>
* Date of birth	<input type="text" value="11"/> / <input type="text" value="06"/> / <input type="text" value="1976"/> dd mm yyyy
* Nationality	<input type="text" value="British"/>
Right to work share code	<input type="text"/>

[Documents that demonstrate entitlement to work in the UK](#)

[Right to work share code if not submitting scanned documents](#)

Section 5 of 21**OPERATING SCHEDULE**

When do you want the premises licence to start? / /
 dd mm yyyy

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

Provide a general description of the premises

Continued from previous page...

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

The premises is a ground floor shop/eatery on a pedestrianized street in Macclesfield Town center. It is surrounded by other shops and cafes.

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

☐ Yes

☒ No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

☐ Yes

☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

☐ Yes

☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

☒ Yes

☐ No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

☐ Indoors

☐ Outdoors

☒ Both

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

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

Music will be a mixture of Unamplified & amplified music

State any seasonal variations for the performance of live music

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

n/a

Continued from previous page...

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

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

n/a

Section 11 of 21**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

☒ Yes

☐ No

Standard Days And Timings**MONDAY**

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start 09:00

End 23:00

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☒ Indoors

 ☐ Outdoors

 ☐ Both

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

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

Music will be amplified

State any seasonal variations for playing recorded music

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

n/a

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

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

n/a

Section 12 of 21**PROVISION OF PERFORMANCES OF DANCE**[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

☐ Yes

 ☒ No
Section 13 of 21**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**[See guidance on regulated entertainment](#)

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

☐ Yes

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

Will you be providing late night refreshment?

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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.

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

☐ Indoors

☐ Outdoors

☒ Both

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

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

Music will be Amplified or Unamplified

State any seasonal variations

Continued from previous page...

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

n/a

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

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

n/a

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

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.

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- ☐ On the premises ☐ Off the premises ☒ Both

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

State any seasonal variations

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

n/a

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

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

n/a

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

Name

First name

Family name

Date of birth / /
dd mm yyyy

*Continued from previous page...***Enter the contact's address**

Building number or name	<input type="text" value="11"/>
Street	<input type="text" value="Loney Street"/>
District	<input type="text"/>
City or town	<input type="text" value="Macclesfield"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="Sk118EP"/>
Country	<input type="text" value="United Kingdom"/>
Personal Licence number (if known)	<input type="text" value="WDCPER00606"/>
Issuing licensing authority (if known)	<input type="text" value="Warwick District Council"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21**ADULT ENTERTAINMENT**

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

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

n/a

Section 17 of 21**HOURS PREMISES ARE OPEN TO THE PUBLIC****Standard Days And Timings**

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

n/a

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

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

n/a

Section 18 of 21

LICENSING OBJECTIVES

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

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

Continued from previous page...

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

we will sell alcohol responsibly and behave in a manor of running a small cafe with a license, promoting a zero tolerance approach to trouble .

b) The prevention of crime and disorder

We will act responsibly and install cctv as a deterrent.

c) Public safety

We will have fire equipment as standard to protect in the event of a fire and have them checked annually.

Promote a safe environment for the public and staff.

Staff to have basic first aid knowledge

Capacity will be kept to a safe sensible level in line with staffing levels

d) The prevention of public nuisance

Music will be kept to a modest enjoyable level. The sale of alcohol to very drunk people will be denied.

our environment is not that of a public house and expect a customer to purchase a couple of drinks only within their visit.

e) The protection of children from harm

No minors will be served and if any doubt ID will be requested

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 21 of 21**PAYMENT DETAILS**

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

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

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

ATTACHMENTS**AUTHORITY POSTAL ADDRESS**

*Continued from previous page...***Address**

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I

* understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or

* her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15).

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

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

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

Add another signatory

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

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

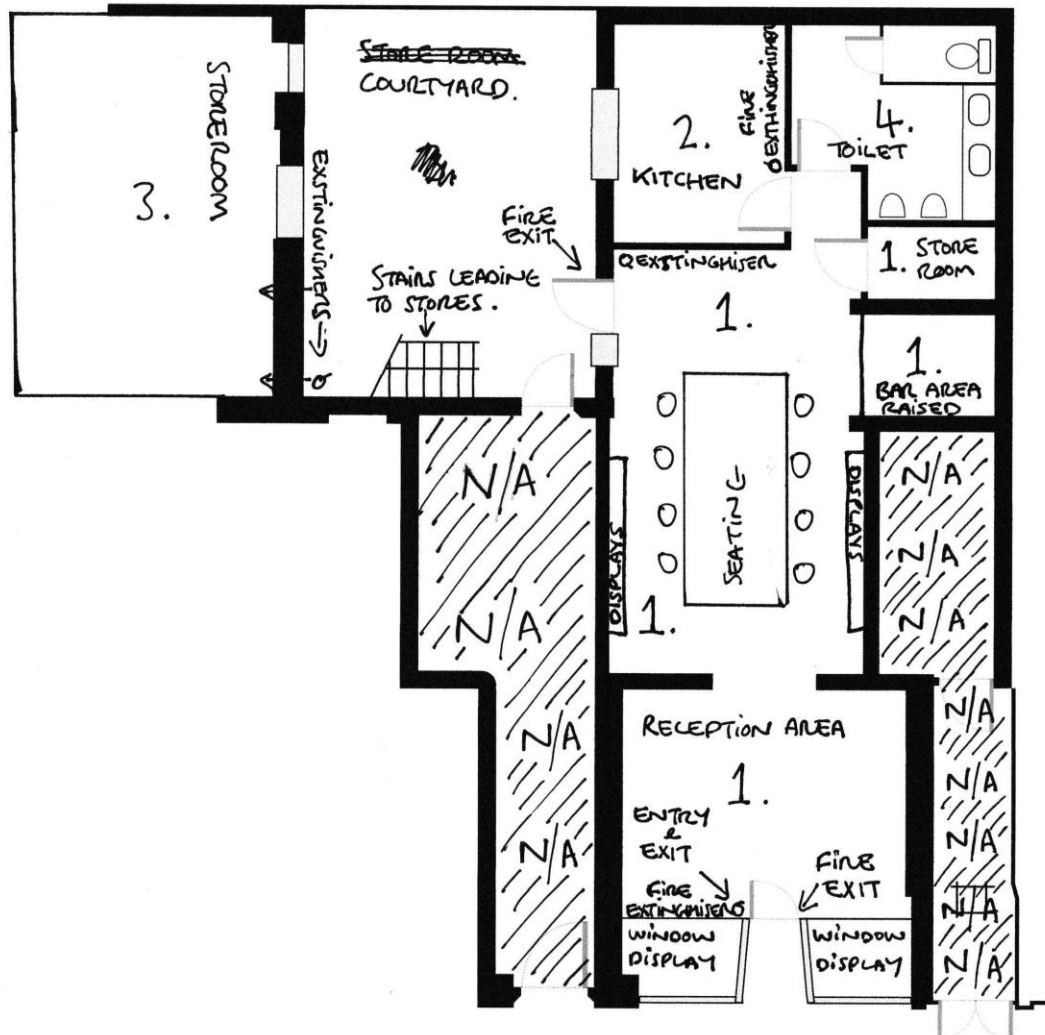
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/cheshire-east/apply-1> to upload this file and continue with your application.

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

Continued from previous page...

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

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



MEASUREMENT
KEY.

1 - 555.5 ft² / 51.61 m²

2 - 88.6 ft² / 8.23 m²

3 - 223.5 ft² / 20.76 m²

4 - 79.7 ft² / 7.40 m²

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CHESHIRE EAST COUNCIL

Representation Form.

Responsible Authority.

POLICE

Your Name	Lesley Halliday
Job Title	Police Licensing Officer
Postal and email address	Warrington Police Station, Charles Stewart House, 55 Museum Street, Warrington, WA1 1NE [REDACTED]
Contact telephone number	[REDACTED]

Name of the premises you are making a representation about.	Proper Sound
Address of the premises you are making a representation about.	8 Chestergate, Macclesfield SK11 6BA

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

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

To further enhance the conditions offered by the applicant on their operating schedule and the following conditions to apply:

Prevention of Crime & Disorder

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, and
- 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

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

Protection of Children from Harm

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.

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

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

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

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

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

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

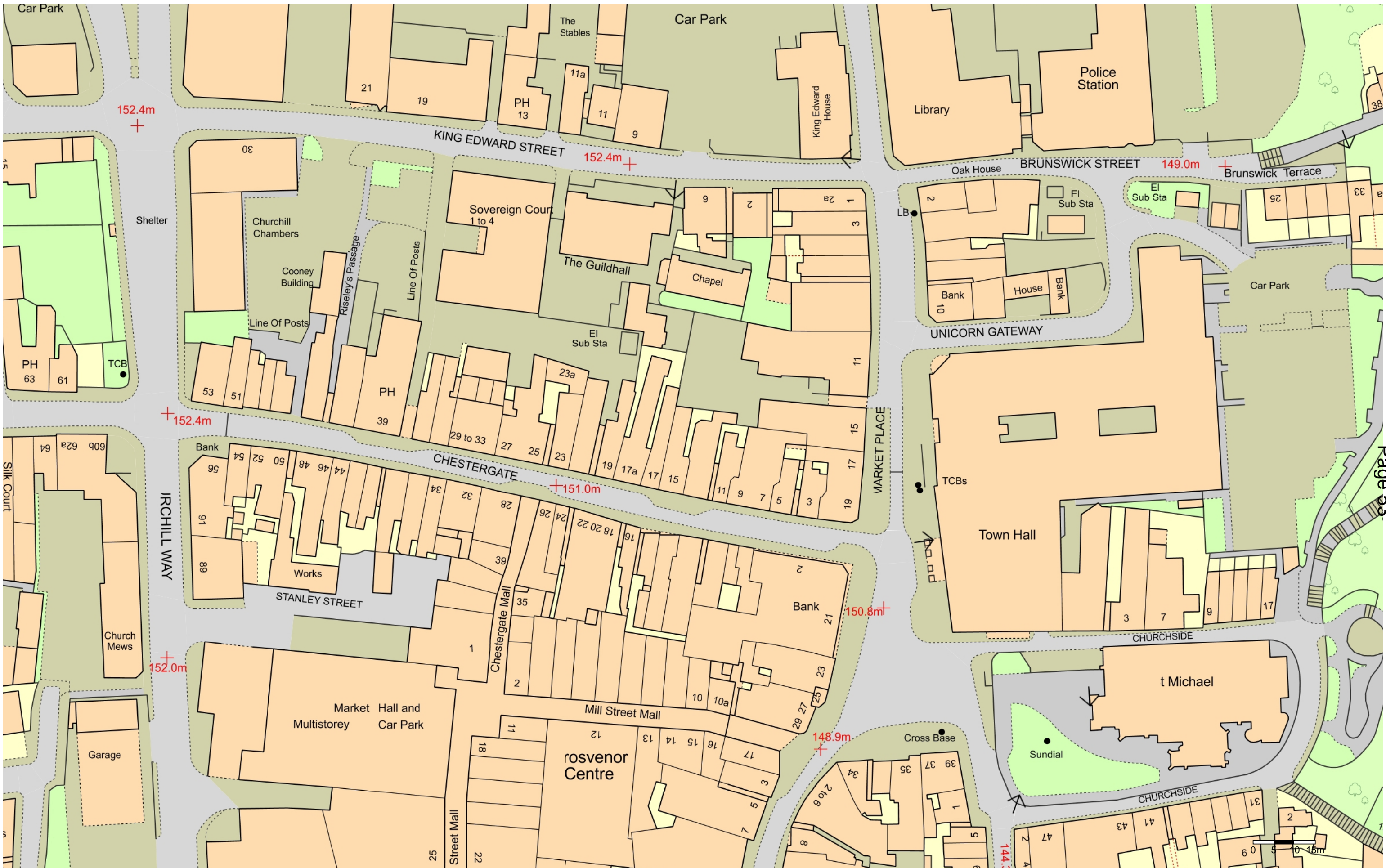
Clearly visible signage is to be displayed at the entrances and at points of sale indicating it is illegal to sell alcohol to people under the age of 18.

All other steps offered are welcome and acceptable to the Police and will assist in promoting all four objectives of the Act.

Signed:

A black rectangular box used to redact the signature of the Designated Premises Supervisor.

Date: 21/05/2021



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