

Licensing Act Sub-Committee

Agenda

Date: Monday, 16th May, 2022
Time: 10.00 am
Venue: The Capesthorpe Room - 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 - 6)

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 new Premises Licence at 98-100 Mill Street, Macclesfield, SK11 6NR** (Pages 7 - 64)

To consider the above application.

Membership: Councillors D Edwardes, A Harewood 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**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.

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)	Those who have objected to the application will be invited <u>to make observations on the application</u> and present the bases of their objections.
15	Applicant	Or his representative or witnesses may ask <u>questions</u> of the other persons, by way of clarification.
16	Committee Members	May ask <u>questions</u> of the other persons.
17	Chairman	To invite both Responsible Authorities and Other Persons to make their closing addresses.

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



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Licensing Act Sub Committee

Date of Meeting: 16th May 2022

Report Title: Application for a new Premises Licence at 98-100 Mill Street, Macclesfield, SK11 6NR

Senior Officer: Paul Bayley –

Director of Neighbourhood & Environmental Services

1. Report Summary

- 1.1. The report provides details of an application for a new 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 new Premises Licence by Ms Tracey Leanne Whitworth, in respect of:

98-100 Mill Street
Macclesfield
SK11 6NR

- 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 application.

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 31st March 2022 an application was received by the Licensing Department for a new Premises Licence in respect of 98-100 Mill Street, Macclesfield, SK11 6NR. The application was then sent for consultation. The last date for representations to be made was 28th April 2022. A copy of the application form is attached to this report at **Appendix 1**.

5.2. An internal plan of the premises provided by the applicant is attached at **Appendix 2**.

5.3. To assist Members, a map of the area in which the premises is located is attached at **Appendix 3**.

5.4. Ms Tracey Leanne Whitworth is to be the Premises Licence Holder.

5.5. Mr David Shane Spruce is to be the Designated Premises Supervisor. He holds a Personal Licence issued by Cheshire East Council.

5.6. The licensable activities and relevant times applied for can be found in the following tables:

5.7. **Sale and supply of alcohol (for consumption on the premises only):**

	Start	End
Monday	12:00	02:00
Tuesday	12:00	02:00
Wednesday	12:00	02:00
Thursday	12:00	02:00
Friday	12:00	02:00
Saturday	12:00	02:00
Sunday	12:00	02:00

5.8. Non-standard times were not applied for.

5.9. The provision of recorded music (amplified and indoors only):

	Start	End
Monday	12:00	02:00
Tuesday	12:00	02:00
Wednesday	12:00	02:00
Thursday	12:00	02:00
Friday	12:00	02:00
Saturday	12:00	02:00
Sunday	12:00	02:00

5.10. Non-standard times for the above: both Christmas Eve and New Years Eve to be extended by one hour to 03:00.

5.11. Provision of anything of a similar description to live music, recorded music or performances of dance (indoors only):

	Start	End

Monday	12:00	02:00
Tuesday	12:00	02:00
Wednesday	12:00	02:00
Thursday	12:00	02:00
Friday	12:00	02:00
Saturday	12:00	02:00
Sunday	12:00	02:00

5.12. The applicant has indicated that the above relates to recorded music and the showing of BT Sport and Sky Sports on televisions. Members should note that the live showing of television is not licensable activity. Non-standard times were not applied for.

5.13. **Provision of late night refreshment (both indoors and outdoors):**

	Start	End
Monday	12:00	02:00
Tuesday	12:00	02:00
Wednesday	12:00	02:00
Thursday	12:00	02:00
Friday	12:00	02:00
Saturday	12:00	02:00
Sunday	12:00	02:00

5.14. Non-standard times for the above: both Christmas Eve and New Years Eve to be extended by one hour to 03:00.

5.15. Two valid notices were inspected at the premises by a Licensing Enforcement Officer on 13th April 2022. The application was also correctly advertised in local newspaper.

5.16. Responsible Authorities:

- 5.16.1. Environmental Protection have approved the application but with Conditions attached. Those Conditions relate to the Licensing Objective 'the prevention of public nuisance' and are as follows:
- 5.16.2. *The use of the beer garden / outside drinking area shall not be used for entertainment*
- 5.16.3. *No music to be played in the outside drinking area.*
- 5.16.4. *All external windows and doors shall be closed whilst entertainment is taking place, except for normal access and egress.*
- 5.16.5. *Regular noise assessments shall be undertaken by a competent person (either the Licensee or Manager) and steps shall be taken to reduce the level of noise where it is likely to cause a disturbance to local residents. The noise assessments shall be undertaken during opening hours of the premises and when entertainment or music is occurring. A written record shall be made of those assessments in a log book, kept for that purpose and shall include; the time and date of the checks, the person making them and the results including any remedial action in order to reduce the level of noise where it is likely to cause a disturbance to local residents.*
- 5.16.6. *Thirty minutes before the end of the time permitted for the provision of entertainment, music levels shall be gradually reduced to a lower volume and temp.*
- 5.16.7. *Door staff must request customers to leave the area quickly and quietly.*
- 5.16.8. *There shall be notices located at the exit(s) requesting that customers leaving the premises do so quietly and with consideration to neighbours.*
- 5.16.9. *There shall be no disposal of bottles outside the premises between the hours of 21.00 and 09.00.*
- 5.16.10. A copy of Environmental Protection's representation is attached at **Appendix 4.**

5.16.11. Cheshire Constabulary have agreed conditions with the applicant. The agreed conditions relate to the Licensing Objectives 'the prevention of harm to children' and 'the prevention of crime and disorder'.

5.16.12. As part of those agreed Conditions the applicant has agreed to amend the hours for the sale and supply of alcohol. This will allow for a 30 minute 'drinking up' time. Therefore, the amended supply of alcohol times agreed are as follows:

1.1. Sale and supply of alcohol (for consumption on the premises only):

	Start	End
Monday	12:00	01:30
Tuesday	12:00	01:30
Wednesday	12:00	01:30
Thursday	12:00	01:30
Friday	12:00	01:30
Saturday	12:00	01:30
Sunday	12:00	01:30

5.16.13. The conditions agreed with Police will replace those offered by the applicant within the application form. They relate to the following areas:

- *Challenge 25*
- *CCTV*
- *Staff Training*
- *SIA Door supervisors*
- *Drug policy*

5.16.14. The opening hours will remain the same as applied for within the application.

5.16.15. All other conditions offered by the applicant within the application form are welcomed by Cheshire Constabulary. A full copy of the agreed conditions are attached at **Appendix 5**.

5.17. Other Persons:

5.17.1. The Council has received two valid objections against the application from members of the public and from the Cheshire East Council ward member. They relate to the Licensing Objectives 'the prevention of crime and disorder', 'the prevention of public nuisance' and 'the protection of children from harm'. Copies of those representations are attached at **Appendices 6 to 9**.

5.17.2. It will be noted that **Appendices 8 & 9** are from the same objector. It will also be noted that **Appendix 9** does not refer to the premises being considered within this Report.

2. Implications of the Recommendations

2.1. Legal Implications

2.1.1. 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.

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

2.1.3. Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1998 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.

2.2. Finance Implications

2.2.1. There are no financial implications.

2.3. Policy Implications

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

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

2.3.3. 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.

2.4. Equality Implications

2.4.1. There are no direct equality implications.

2.5. Human Resources Implications

2.5.1. There are no human resources implications.

2.6. Risk Management Implications

2.6.1. 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.

2.7. Rural Communities Implications

2.7.1. There are no direct implications for rural communities.

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

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

2.9. Public Health Implications

6.10.1 There are no direct implications for public health.

2.10. Climate Change Implications

2.10.1. There are no direct implications for Climate Change.

3. Ward Members Affected

3.1. Councillor Liz Braithwaite

3.2. Councillor Ashley Farrall

4. Consultation & Engagement

4.1. Consultation in respect of submission of an application for a new Premises Licence is prescribed in the Licensing Act 2003 and has been fully complied with.

5. Access to Information

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

6. Contact Information

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

Name: Richard Hellon

Job Title: Licensing Enforcement Officer

Email: Richard.hellon@cheshireeast.gov.uk

Appendix 1 – Application form

Appendix 2 – Plan

Appendix 3 – Map

Appendix 4 – Environmental Protection representation

Appendix 5 – Police representation

Appendix 6 – Member of public objection

Appendix 7 – Member of public objection

Appendix 8 & 9 – Councillor objection

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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

Not Currently In Use

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

Tracy Leanne

* Family name

Whitworth

* 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

Sole Trader

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**

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21**INDIVIDUAL APPLICANT DETAILS****Applicant Name**

Is the name the same as (or similar to) the details 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.

First name

Tracy Leanne

Family name

Whitworth

Is the applicant 18 years of age or older?

- Yes No

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

Street

District

City or town

County or administrative area

Postcode

Country

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

Telephone number

Other telephone number

* Date of birth

* Nationality

Right to work share code

Documents that demonstrate entitlement to work in the UK
Right to work share code if not submitting scanned documents

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /

dd mm yyyy

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

dd mm yyyy

Provide a general description of the premises

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.

Currently an unoccupied unit at present. Would like to put in a bar and kitchen

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

Section 6 of 21**PROVISION OF PLAYS**

[See guidance on regulated entertainment](#)

Will you be providing plays?

Yes No

Section 7 of 21**PROVISION OF FILMS**

[See guidance on regulated entertainment](#)

Will you be providing films?

Yes No

Section 8 of 21**PROVISION OF INDOOR SPORTING EVENTS**

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

Yes No

Section 9 of 21**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

Yes No

Section 10 of 21**PROVISION OF LIVE MUSIC**

[See guidance on regulated entertainment](#)

Will you be providing live music?

Yes No

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

[See guidance on regulated entertainment](#)

Continued from previous page...

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

SUNDAY

Start

End

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.

Amplified indoors

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.

Continued from previous page...

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.

christmas eve and NYE until 03:00

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

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

Continued from previous page...

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Give a description of the type of entertainment that will be provided

recorded music and BT/sky sports TVS

Will this entertainment take place indoors or outdoors or both?

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

- Indoors Outdoors Both

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

State any seasonal variations for entertainment

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

Non-standard timings. Where the premises will be used for entertainment 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.

Section 14 of 21

LATE NIGHT REFRESHMENT

Continued from previous page...

Will you be providing late night refreshment?

- 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

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.

Continued from previous page...

State any seasonal variations

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

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

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

christmas eve and NYE until 3am

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

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

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

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"/>
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"/>
Personal Licence number (if known)	<input type="text" value="PER3683"/>
Issuing licensing authority (if known)	<input type="text" value="Cheshire East"/>

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.

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	<input type="text" value="12:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

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

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

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

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.

Employ an experienced bar manager and recruit a sia registered door firm to work alongside me at the venue and regularly liase with police and licensing. Attend pubwatch and liase with other bars and restaurants in the area.

b) The prevention of crime and disorder

Install CCTV
Have doorstaff on site fridays and saturdays from 22:00
Operate a zero tolerance to drugs policy
Intermittent random searches

c) Public safety

First aid trained staff
Door staff present
Offer drinks caps to all customers to prevent spiking

d) The prevention of public nuisance

Decibel testing to assure legal limits are kept too
Instruct all customers to leave the premises quietly and in an orderly fashion

e) The protection of children from harm

Challenge 25 policy
No one under the age of 18 allowed in the venue after 9pm

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.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 21 of 21**PAYMENT DETAILS**

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

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

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

DECLARATION

Continued from previous page...

* 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

* Capacity

* Date

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

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

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

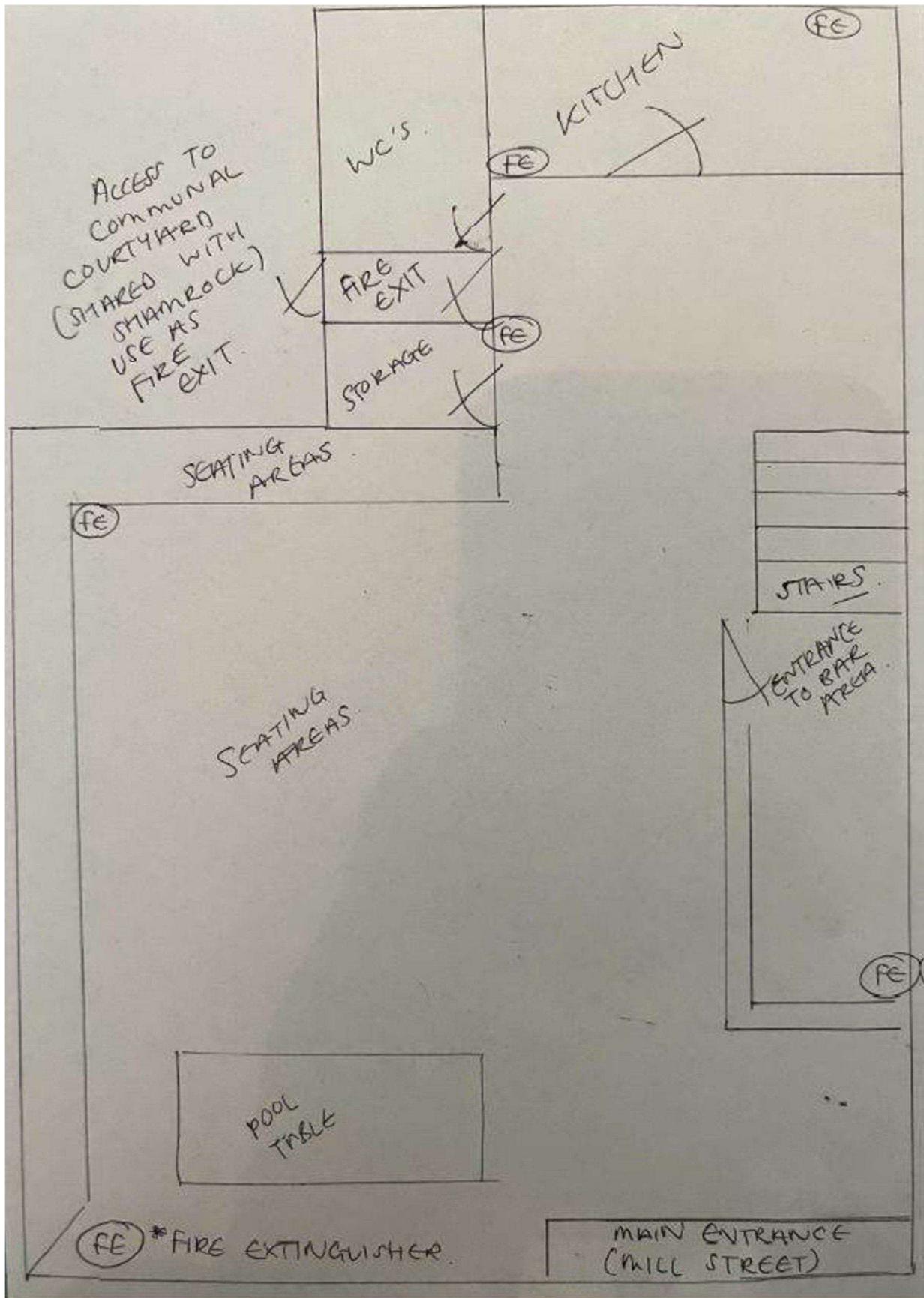
IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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

OFFICE USE ONLY

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

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22/4/2022



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LICENSING ACT 2003
Environmental Health Consultation
Response



Working for a brighter future together

EP Ref: ELL/075279

Date Received: 28 March 2022
 Name of Applicant: Tracey Whitworth
 Address to which application relates: 98-100 Mill Street, Macclesfield, Cheshire East, SK11 6NR

Conversion: Variation: New:

	Approve
x	Approve with Conditions
	Object to Section(s)

LICENSING OBJECTIVE: PREVENTION OF PUBLIC NUISANCE

In order to protect the interest of local residents and to ensure that the licensing objective of public nuisance prevention is upheld: all necessary steps shall be taken to ensure that any noise from the premises shall not be at a level which could cause a noise nuisance at the boundary of the nearest residential premises, therefore, the following conditions are recommended to be attached to a granted premises licence:

- The use of the beer garden / outside drinking area shall not be used for entertainment
- No music to be played in the outside drinking area.
- All external windows and doors shall be closed whilst entertainment is taking place, except for normal access and egress.
- Regular noise assessments shall be undertaken by a competent person (either the Licensee or Manager) and steps shall be taken to reduce the level of noise where it is likely to cause a disturbance to local residents. The noise assessments shall be undertaken during opening hours of the premises and when entertainment or music is occurring. A written record shall be made of those assessments in a log book, kept for that purpose and shall include; the time and date of the checks, the person making them and the results including any remedial action in order to reduce the level of noise where it is likely to cause a disturbance to local residents.
- Thirty minutes before the end of the time permitted for the provision of entertainment, music levels shall be gradually reduced to a lower volume and temp.
- Door staff must request customers to leave the area quickly and quietly.

- There shall be notices located at the exit(s) requesting that customers leaving the premises do so quietly and with consideration to neighbours.
- There shall be no disposal of bottles outside the premises between the hours of 21.00 and 09.00.

Signed: Brenda Lomas, Environmental Protection

Dated: 28 April 2022

Direct Dial:
Email:



Representation Form.

Responsible Authority.

POLICE

Your Name	Kelly Warburton
Job Title	Police Licensing Officer
Postal and email address	Crewe Police Station, Civic Centre, Crewe, CW1 2DW
Contact telephone number	[REDACTED]

Name of the premises you are making a representation about.	
Address of the premises you are making a representation about.	98-100 Mill Street, Macclesfield, SK11 6NN

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 Comments
To prevent Public Nuisance		
To prevent crime and disorder	Yes	See Comments
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:
--	------------

AMENDMENTS:

I have agreed with the applicant to amend the hours for the supply of alcohol. This will allow a 30 minute drinking up time. The amended supply of alcohol times will be as follows;

Monday – Sunday: 12:00 – 01:30

The opening hours will remain the same as applied for on the application.

The below conditions are to replace the conditions offered by the applicant on the application form in relation to the following:

- Challenge 25
- CCTV
- Staff Training
- SIA Door supervisors
- Drug policy

All other conditions offered by the applicant are welcomed.

COMMENTS:

A CCTV system shall be used and shall be designed and installed in accordance with the Cheshire Constabulary's CCTV guidance document called 'CCTV in Licensed Premises – An Operational Requirement'. This system shall be in operation at all times when licensable activities are taking place.

Recorded CCTV images will be maintained and stored for a period of twenty-eight days.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to provide a Police officer or an authorised officer of the licensing authority data or footage upon request. All requests for footage are to be provided within a reasonable time scale.

Designated supervisors will need to demonstrate that their CCTV system complies with their Operational requirements. They will need to be able to demonstrate the following:-

- Recordings are fit for their intended purpose,
- Good quality images are presented to the officer in a format that can be replayed on a standard computer
- The supervisor has an understanding of the equipment/training,
- Management records are kept,
- Maintenance agreements and records are maintained,
- Data Protection principles and signage are in place.

A "Challenge 25" policy shall be operated at the premises at all times.

The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, HM Services Warrant Card or other reliable photo ID (that has been approved for acceptance by the Police or an Officer of the Local Authority)

Publicity materials notifying customers of the operation of the "Challenge 25" scheme shall be displayed 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 documented training programme shall be introduced for all staff in a position to sell, serve or deliver alcohol. A written record for each member of staff shall be kept of the content of such training and shall be made available for inspection at the request of Local Authority Officers and Police.

The DPS or Premises Licence Holder shall conduct regular training reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice. A written record for each member of staff shall be kept of the content of such reviews and shall be made available for inspection at the request of Local Authority Officers and Police.

An incident log/book shall be kept at the premises for at least 12 months, and made available on request to an authorised officer of the licensing authority or the Cheshire Police Licensing Unit.

SIA registered Door Supervisors shall be employed from 21:00 until the close of the premises on both Friday and Saturday, along with Bank Holidays, Christmas Eve and New Year's Eve, to such a number as the management of the premises consider are sufficient to control the entry of persons to the premises and for the keeping of order in the premises when they are used for a licensable activity.

At all other times of operation (Sunday – Thursday), the Premises Licence Holder or Designated Premises Supervisor shall conduct an assessment of the need for door supervisors, taking into account any advice offered by the Police. Where the assessment shows that door supervision is required, supervisors shall be engaged at such times and ratios as are assessed to be necessary.

When such staff are employed:

A written record shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. That record shall contain the following details:-

- The door supervisor's name, date of birth and home address;
- His/her Security Industry Authority licence number;
- The time and date he/she starts and finishes duty;
- The time of any breaks taken whilst on duty;
- Each entry shall be signed by the door supervisor.
- Record of all incidents taking place in the venue

That register shall be available for inspection on demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable.

A strict no Drugs policy will be in place. Anyone caught in possession of illegal drugs shall be reported to the police and substances in their possession shall be given to the police.

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

Signed: K. Warburton

Date: 26/04/2022

From: [REDACTED]
Sent: 05 April 2022 19:59
To: LICENSING (Cheshire East)
Subject: 98-100 Mill Street, Macclesfield SK116NR

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi,

I am writing to object to the application above.

The close proximity is already home to a number of bars [REDACTED]. The pandemic has seen a massive decline in business and turnover [REDACTED] in the area. Another bar in such close proximity will not only take away trade from already struggling yet established businesses it would also see staffing levels have to be cut down if trade decreases any lower. I also feel any more would cause too much anti social activities and violence in the area and police presence. There are people living right next door and the noise pollution to those dwellings would be impossible to police and cause major upset. The police are already aware of the area and I'm sure they would not wish for 100s of people emptying onto the same street intoxicated in the early hours of the morning. There is also the problem of littering and I've also noticed there is no possible smoking area for the customers of this premises if the license is to be granted. Forcing people to stand and gather on one of the busiest Roads in our town.

This as well as being a problem with litter also looks intimidating and unwelcoming to possible customers wanting to request other establishments in the area.

There is no clear yard for the recycled glasses and boxes etc to be collected on a regular basis. Leading to pollution and inevitably vermin.

The area is already over populated for such a small town and cramming another establishment selling alcohol into the late hours is a recipe for disaster in my opinion.

[REDACTED]

If you could take this objection onboard it would be much appreciated, I would also like to be updated with any movements going forward regarding this premises application.

Kind regards

[REDACTED]

--
Sent from a iPhone 7 Plus

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From: [REDACTED]
Sent: 25 April 2022 16:15
To: LICENSING (Cheshire East)
Subject: 98-100 Mill street Macclesfield premises application

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam

I am writing today to object to the application for a premises licence [REDACTED]

My concerns are as follows:

- 1) Fire regulations, as there buildings fire exit is the front door and only a small door at the back which opens onto my smoking area if there were a fire they would then bottle neck my outdoor into the indoor area which would also make my premises at risk and unsafe with over capacity and worse as we close at 1 am the premises would be locked so they would be stuck in the back yard.
- 2) Another bar in such close proximity will take trade away from already struggling business dues to only being open for 2 years most of that shut due to the pandemic.
- 3) As they have no smoking area any customers wanting to smoke will be on the pavement again this stops people or other customer passing them to get to my bar with groups of people blocking the way, littering and increased noise pollution.
- 4) Safety of myself and my staff as I do not live on the premises we lock up around 1 am if there are intoxicated people stood around while we are locking up the bar it is increased safety and will resort in having to have two staff members lock up which costs more money.
- 5) They have no area for waste as a bar I know how much waste is used each night I have a secure area to prevent vermin in an area surrounded by takeaways this is extremely important for health and safety standards.

If you could take this objection onboard it would be much appreciated, I would also like to be updated with an movements going forward regarding this premises application.

Kind regards

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From: [REDACTED]
Sent: 26 April 2022 11:36
To: LICENSING (Cheshire East)
Subject: [OFFICIAL] Representation 98-100 Mill Street Macclesfield
Attachments: 08357194.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing,

I wish to make a representation (objection) on the license application for 98-100 Mill Street Macclesfield SK11 6NR on the grounds that the statutory licensing objectives of Prevention of Public Nuisance and Protection of Children from Harm are not being met. In addition other key aims/objectives as described in the Cheshire East Licensing Policy are not being met.

I wrote to CE Planning on April 1st 2022 to enquire whether a COU had been submitted for the premises as there is nothing on the planning website. I have not yet received a response. The last day for submitting a representation is tomorrow so I'm working on the assumption that no COU has been applied for.

This is relevant as COU application 21/1509M for the building next door (102 Mill Street Prior approval of a change of use from licensed betting shop to a bar) was refused. I have attached the Officers Report from that application. The section labelled 'Unacceptable' contains reasons (extract in blue below) which apply to the Licensing objective D **Prevention of Public Nuisance** for 98-100 Mill Street as it is in the same area with the same neighbours.

"As a bar use, noise will be caused from an accumulation of persons who are socially drinking together and the resultant accumulation of raised voices, laughter etc.

The noise will be concentrated into the bar space and will transmit via the party ceiling / floor and possible other routes, such as along wiring / service pipes etc.

In addition to an 'accumulation of people noise' - plant and equipment such as refrigeration plant, beer coolers and an air conditioning system will be essential to the operation of a bar. Refrigeration / cooling units are likely to be located outdoors and will operate on a constant basis. Such noise has high potential to impact the nearest residential flats particularly when apartment windows are in an open position during warm weather conditions.

Care therefore needs to be employed as regards the choice of plant and equipment (quietest model), location of plant and equipment, and possible noise attenuation measures such as acoustic housing around plant and equipment.

There is no information as regards the provision of ventilation to the bar. An accumulation of persons will require cooling and ventilation to be introduced into the bar. If the applicant is reliant on the opening of doors to provide air flow – then this in turn will lead to the escape of noise and will potentially detrimentally affect the residential apartment above the site and also other nearby residential apartments."

This could also impact any children living nearby and the application does not address this in the licensing objective **Protection of Children from Harm** e.g. exposure to strong/foul language

As well as the statutory licensing objectives, additional key objectives/aims as described in the CEC Licensing Policy are not being met by this application including suitability of the premises.

I wish to attend the Licensing Hearing for this application. Look forward to hearing from you.

Best regards [REDACTED]

[REDACTED]

DELEGATED REPORT

Application Number	21/1509M
Proposal	Prior approval of a change of use from licensed betting shop to a bar.
Location	102, MILL STREET, MACCLESFIELD, CHESHIRE, SK11 6NR
LDFC	11-Apr-2021
Expiry Date	14-May-2021
Constraints	MBC Local Plan Borough of Macclesfield Boundary MBC Local Plan Macclesfield Local Plan Boundary MBC Local Plan Boundary of Town Centre MBC Local Plan Secondary Shopping Area

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

Whether prior approval is granted in relation to the specified matters, including amenity impact, external appearance, air traffic / defence impacts and any impact on a protected view.

Description of Site and Surroundings:

The application site relates to the ground floor building located at 102 Mill Street, in Macclesfield town centre. The site is located within a secondary shopping frontage.

Details of Proposal:

The application seeks prior approval for the change of use from licensed betting shop to a bar.

Planning History:

None relevant.

Consultations:

In accordance with Paragraph C.2(1) of the GPDO (as amended), the Local Highway Authority and Environmental Protection were consulted on the application. Their responses are set out below.

Environmental Protection (CEC):
Objections.

Head of Strategic Infrastructure (CEC Highways):

No objections.

Officer Appraisal:

Policy Background:

Permitted Development Rights are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application. Permitted Development Rights are subject to national Conditions and Limitations. Where a Relevant Permitted Development Right is in place, there is no need to apply to the Local Planning Authority for permission to carry out that work.

In a small number of cases, however, it may be necessary to obtain Prior Approval from a Local Planning Authority before carrying out permitted development. Prior approval means that a developer has to seek approval from the Local Planning Authority that specified elements of the development are acceptable before work can proceed. The matters for prior approval vary depending on the type of development and these are set out in full in the relevant Parts in Schedule 2 to the General Permitted Development Order.

A Local Planning Authority cannot consider any other matters when determining a prior approval application.

The statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications. National Planning Policy Guidance advises that this is deliberate, as prior approval is a light-touch process which applies where the principle of the development has already been established. It is important that a Local Planning Authority does not impose unnecessarily onerous requirements on developers and does not seek to replicate the planning application system.

In this instance, the Council cannot consider impacts on privacy, waste management, or living conditions outside of those listed below.

Schedule 2, Part 3, Class O:

This is notification for determination as to whether prior approval is required under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Class O allows the change of use of a building and any land within its curtilage to a use falling within Class C3 (dwelling house) of the schedule of the Use Classes Order from a use falling within Class B1(a) (offices) of that schedule subject to several restrictions/conditions.

Compliance Class O.1, Part 3, Schedule 2 of the GPDO (Limitations):

O.1.	Limitation
(a)	the building is on article 2(5) land; DELETED
Assessment	Not Applicable
(b)	the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order— (i) on 29th May 2013, or (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
Assessment	Complies
(c)	the use of the building falling within Class C3 (dwellinghouses) of that Schedule was begun after 30th May 2016; DELETED
Assessment	Not Applicable
(d)	the site is, or forms part of, a safety hazard area;
Assessment	Complies
(e)	the site is, or forms part of, a military explosives storage area;
Assessment	Complies
(f)	the building is a listed building or is within the curtilage of a listed building; or
Assessment	Complies
(g)	the site is, or contains, a scheduled monument.
Assessment	Complies

Compliance Class O.2(1), Part 3, Schedule 2 of the GPDO (Prior Approval):

Development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required.

It is considered that the prior approval of the Local Planning Authority is not required for the following reasons: -

0.2(01).	Prior Approval
(a)	transport and highway impacts of the development,
Assessment	<p>Acceptable</p> <p>The proposed change of use would not be expected to result in a material change in the volume of traffic generated by the site; therefore, there are no grounds for refusal based on sustainability.</p> <p>The existing pedestrian and vehicular access to the site from Mill Street is acceptable for the proposed use.</p> <p>No off-street parking provision is associated with the existing commercial use and none is proposed with the change of use. This is acceptable, on the basis that parking demand associated with the existing use, which would have been accommodated on-street, is not likely to be materially different to that associated with the proposed use.</p> <p>The commuter peak hour and daily traffic generation associated with the change of use, would not be expected to have a material impact on the safe operation of the adjacent or wider highway network.</p> <p>The Head of Strategic Transport has no objection to the planning application.</p>
(b)	contamination risks on the site,
Assessment	Acceptable
(c)	flooding risks on the site,
Assessment	<p>Acceptable</p> <p>The application site is in Flood Zone 1 where there is a low probability of flooding.</p>
(d)	impacts of noise from commercial premises on the intended occupiers of the development,

Assessment

Unacceptable

The proposal is for the ground floor use as a bar which will operate from midday until 1am on any day of the week.

The noise produced as a former licensed betting shop and the days / hours of use will be far different to the noise produced from the proposed operation of a bar.

The days and hours of use will include sensitive hours during which most persons will expect to be able to sleep within their own home.

Appropriate and effective noise control measures are therefore important considerations to protect the residential amenity of the resident of the flat above the proposed bar and also residents of neighbouring apartments.

The application form has included the following question: -
'Please provide details of any noise impacts and how these will be mitigated': The response is noted as being: 'There is a flat above, but there has always been adequate sound and fire separation which was done in the past'.

There is insufficient information contained within the comment on the application form to determine what works have been undertaken in the past and whether it will be 'adequate' / acceptable for the new bar use.

As a bar use, noise will be caused from an accumulation of persons who are socially drinking together and the resultant accumulation of raised voices, laughter etc.

The noise will be concentrated into the bar space and will transmit via the party ceiling / floor and possible other routes, such as along wiring / service pipes etc.

In addition to an 'accumulation of people noise' - plant and equipment such as refrigeration plant, beer coolers and an air conditioning system will be essential to the operation of a bar. Refrigeration / cooling units are likely to be located outdoors and will operate on a constant basis. Such noise has high potential to impact the nearest residential flats particularly when apartment windows are in an open position during warm weather conditions.

Care therefore needs to be employed as regards the choice of plant and equipment (quietest model), location of plant and equipment, and possible noise attenuation measures such as acoustic housing around plant and equipment.

There is no information as regards the provision of ventilation to the bar. An accumulation of persons will require cooling and ventilation to be introduced into the bar. If the applicant is reliant on the opening of doors to provide air flow – then this in turn will lead to the escape of noise and will potentially detrimentally affect the residential apartment above the site and also other nearby residential apartments.

It is therefore recommended the installation of an effective mechanical ventilation system for the comfort of patrons and to avoid doors and

(e)	the provision of adequate natural light in all habitable rooms of the dwellinghouses.
Assessment	Not applicable

Compliance with Paragraph W, Part 3, Schedule 2 of the GPDO (*Procedure for applications for prior approval*):

The provisions of paragraph W (prior approval) apply in relation to that application.

W.(1).	Procedure for applications for prior approval
(2)	The application must be accompanied by— (a) a written description of the proposed development, which, in relation to development proposed under Class C, M, N or Q of this Part, must include any building or other operations; (b) a plan indicating the site and showing the proposed development; (c) the developer's contact address; (d) the developer's email address if the developer is content to receive communications electronically; and (e) where sub-paragraph (6) requires the Environment Agency(1) to be consulted, a site-specific flood risk assessment, together with any fee required to be paid.
Assessment	2(b), (c) and (d) - Complies. 2(a) and (e) - Not applicable.
(3)	The local planning authority may refuse an application where, in the opinion of the authority— (a) the proposed development does not comply with, or (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.
Assessment	Not applicable.
(4)	Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.
Assessment	Not applicable.
(5)	Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult — (a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road; (b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and (c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.

Assessment	Not applicable.
(6)	Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency(2) where the development is — (a) in an area within Flood Zone 2 or Flood Zone 3; or (b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.
Assessment	Not applicable.
(7)	The local planning authority must notify the consultees referred to in sub-paragraphs (5) and (6) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).
Assessment	Complies.
(8)	The local planning authority must give notice of the proposed development— (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which— (i) describes the proposed development; (iii) provides the address of the proposed development; (v) specifies the date by which representations are to be received by the local planning authority; or (b) by serving a notice in that form on any adjoining owner or occupier.
Assessment	Complies.
(9)	The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include— (a) assessments of impacts or risks; (b) statements setting out how impacts or risks are to be mitigated; or (c) details of proposed building or other operations.
Assessment	Not applicable.
(10)	The local planning authority must, when determining an application – (a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8); (b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012(3), so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and (c) in relation to the contamination risks on the site— (i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990(4), and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012(5), and (iii) if they determine that the site will be contaminated land, refuse to give prior approval.
Assessment	Noted.

(11)	The development must not begin before the occurrence of one of the following— (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required; (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or (c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.
Assessment	Noted.
(12)	The development must be carried out— (a) where prior approval is required, in accordance with the details approved by the local planning authority; (b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1), unless the local planning authority and the developer agree otherwise in writing.
Assessment	Noted.
(13)	The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.
Assessment	Noted.

Compliance Class O.2(2), Part 3, Schedule 2 of the GPDO (Conditions):

Development under Class O is permitted subject to the following conditions:

It is considered that the prior approval of the Local Planning Authority is not required for the following reasons: -

0.2(2).	Conditions
(a)	the development must be completed within a period of 3 years starting with the prior approval date; and
Assessment	Noted. Conditions suggested on the Decision Notice.
(b)	the developer must apply for a determination under sub-paragraph (1) on or before 31st July 2021.
Assessment	Complies. The application was received on 20-May-2021.

For the purposes of Class O, “commercial premises” means any premises normally used for the purpose of any commercial or industrial undertaking which existed on the date of application under paragraph O.2(1), and includes any premises licensed under the Licensing Act 2003 or any other place of public entertainment.

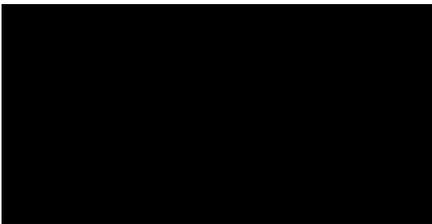
Conclusions:

Whilst the matters subject to prior approval by the LPA are acceptable in all regards, the proposal fails to comply with a limitation and condition which all development under Class 0. Insufficient information has been submitted to show that the proposed change of use would not avoid noise from giving rise to significant adverse impacts on health and quality of life. In this case, the proposed development does not comply with limitations and conditions under paragraph 0.2(01) as identified in the above assessment. Accordingly, the application is recommended for refusal.

Recommendation: **Refuse approval**

Case officer: 

Date: 23-Dec-2021



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