

Licensing Act Sub-Committee

Agenda

Date: Tuesday, 12th July, 2022
Time: 10.00 am
Venue: Committee Suite 1,2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

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

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

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

1. **Appointment of Chair**

To appoint a Chair for the meeting.

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary 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-Suburban Green, 88-90 Chestergate, Macclesfield, SK11 6DU (Pages 7 - 56)**

To consider the above application.

Membership: Councillors D Edwardes, A Harewood and L Smetham

For requests for further information

Contact: Sarah Baxter

Tel: 01270 686462

E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies

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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: 12th July 2022

Report Title: Application for a new Premises Licence at:
Suburban Green, 88-90 Chestergate, Macclesfield, SK11 6DU

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 application.

2. Recommendations

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

Suburban Green
88-90 Chestergate
Macclesfield
SK11 6DU

- 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

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- 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 18th May 2022 an application was received by the Licensing Department for a new Premises Licence in respect of Suburban Green, 88-90 Chestergate, Macclesfield, SK11 6DU. The application was then sent for consultation. The last date for representations to be made was 15th June 2022.

5.2. A copy of the application form is attached to this report at **Appendix 1**.

5.3. Accompanying the application form were further supporting documents; a Dispersal Policy is attached at **Appendix 2**; an Operating Schedule is attached at **Appendix 3**; a Smoking Policy is attached at **Appendix 4**.

5.4. A plan of the premises has been provided by the applicant; a copy of that plan is attached at **Appendix 5**.

5.5. To assist Members, a locational map of the area is attached to this report at **Appendix 6**.

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

- Provision of live music;
- Provision of recorded music;
- Provision of late night refreshment;
- Supply of alcohol

5.7. The hours applied for can be found in the following tables:

5.8. **Provision of live music** (indoors only):

| | Start | End |
|-----------|-------|-------|
| Monday | 08:00 | 23:00 |
| Tuesday | 08:00 | 23:00 |
| Wednesday | 08:00 | 23:00 |
| Thursday | 08:00 | 23:00 |
| Friday | 08:00 | 00:00 |
| Saturday | 08:00 | 00:00 |
| Sunday | 08:00 | 23:00 |

5.9. Non-standard times applied for: From the start time on New Year's Eve to the terminal hour for New Year's Day.

5.10. **Provision of recorded music** (indoors only):

| | Start | End |
|-----------|-------|-------|
| Monday | 08:00 | 23:00 |
| Tuesday | 08:00 | 23:00 |
| Wednesday | 08:00 | 23:00 |
| Thursday | 08:00 | 23:00 |
| Friday | 08:00 | 00:00 |
| Saturday | 08:00 | 00:00 |
| Sunday | 08:00 | 23:00 |

5.11. Non-standard times applied for: From the start time on New Year's Eve to the terminal hour for New Year's Day.

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

| | Start | End |
|-----------|-------|-------|
| Monday | 23:00 | 23:30 |
| Tuesday | 23:00 | 23:30 |
| Wednesday | 23:00 | 23:30 |
| Thursday | 23:00 | 23:30 |
| Friday | 23:00 | 00:30 |
| Saturday | 23:00 | 00:30 |
| Sunday | 23:00 | 23:30 |

5.13. Non-standard times applied for: From the start time on New Year's Eve to the terminal hour for New Year's Day.

5.14. **Supply of Alcohol** (for consumption both on and off the premises):

| | Start | End |
|-----------|-------|-------|
| Monday | 08:00 | 23:00 |
| Tuesday | 08:00 | 23:00 |
| Wednesday | 08:00 | 23:00 |
| Thursday | 08:00 | 23:00 |
| Friday | 08:00 | 00:00 |
| Saturday | 08:00 | 00:00 |
| Sunday | 08:00 | 23:00 |

5.15. Non-standard times applied for: From the start time on New Year's Eve to the terminal hour for New Year's Day.

5.16. **Opening hours:**

| | Open | Close |
|-----------|-------|-------|
| Monday | 08:00 | 23:30 |
| Tuesday | 08:00 | 23:30 |
| Wednesday | 08:00 | 23:30 |
| Thursday | 08:00 | 23:30 |
| Friday | 08:00 | 00:30 |
| Saturday | 08:00 | 00:30 |
| Sunday | 08:00 | 23:30 |

5.17. Non-standard times applied for: From the start time on New Year's Eve to the terminal hour for New Year's Day.

5.18. The application was advertised as required within a newspaper circulating in the local area on 25th May 2022. In addition, a valid Statutory Notice was inspected at the premises by a Licensing Enforcement Officer on 30th May 2022.

5.19. Responsible Authorities:

5.19.1. Cheshire Constabulary had no objections to the application.

5.19.2. An objection was initially received from Environmental Protection based upon the Licensing Objective 'Prevention of Public Nuisance'. However, that objection was subsequently withdrawn following an agreement being reached with the applicant. The points proposed by the applicant and agreed upon by Environmental Protection are as follows:

- *We have applied for licensable activities to take place Sunday to Thursday 08:00 until 23:00 and Friday and Saturday 08:00 until midnight. We would like those hours to remain so that if the later hours are permitted by planning, my client will have the correct hours on both the licensing and planning. My client is aware that the lesser hours out of planning and licensing should be adhered to and so even if these hours are granted now, they cannot and will not be traded unless and until planning has been permitted.*
- *We are happy to withdraw the provision for live and recorded music and play background music only*
- *We are happy to amend the emptying of waste into refuse bins outdoors to 09:00 and 19:00 as per the planning condition*
- *Remove the condition in respect of windows and doors being open until 23:00 – air conditioning has been fitted and therefore we are happy for the windows and doors to be closed at all times safe for access and egress*
- *There is no proposal to use any external area save for any smokers.*

5.19.3. A copy of the email correspondence agreeing the above is attached at **Appendix 7**.

5.20. Other Persons:

5.20.1. An objection was received from a Cheshire East Council Ward Member. That objection relates to the Licensing Objectives 'Prevention of Public Nuisance' and 'Protection of Children from Harm'. A copy of

the representation (an email and a supporting document) is attached to this report at both **Appendix 8** and **Appendix 9**.

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. Cllr Liz Braithwaite

7.2. Cllr Ashley Farrall

8. Consultation & Engagement

- 8.1. 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.

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: Richard Hellon
Job Title: Licensing Enforcement Officer
Email: Richard.hellon@cheshireeast.gov.uk

Appendix 1 – Application form

Appendix 2 – Dispersal Policy

Appendix 3 – Operating Schedule

Appendix 4 – Smoking Policy

Appendix 5 – Plan of Premises

Appendix 6 – Locational Map

Appendix 7 – Email correspondence between applicant and Environmental Protection

Appendix 8 – Ward Member Objection email

Appendix 9 – Ward Member Objection document

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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 the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ 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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? ☒ Yes ☐ No

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

Registration number

Business name

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent 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:

- ☒ An agent that is a business or organisation, including a sole trader
- ☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

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

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

Registration number

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.

Agent Registered Address

Address registered with Companies House.

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**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Private limited company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

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

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

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.

Continued from previous page...

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

MONDAY

Start

End

Start

End

TUESDAY

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...

WEDNESDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="08:00"/> | End | <input type="text" value="23:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

THURSDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="08:00"/> | End | <input type="text" value="23:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

FRIDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="08:00"/> | End | <input type="text" value="00:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

SATURDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="08:00"/> | End | <input type="text" value="00:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

SUNDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="08:00"/> | End | <input type="text" value="23:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

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.

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.

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.

From the start time on New Year's Eve to the terminal hour for New Year's Day.

Continued from previous page...

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

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.

Continued from previous page...

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.

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.

From the start time on New Year's Eve to the terminal hour for New Year's Day.

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?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

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...**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 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.

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.

Continued from previous page...

From the start time on New Year's Eve to the terminal hour for New Year's Day.

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.

TUESDAYStart 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 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.

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 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.

From the start time on New Year's Eve to the terminal hour for New Year's Day.

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

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

Continued from previous page...

- ☐ 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.

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 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.

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.

From the start time on New Year's Eve to the terminal hour for New Year's Day.

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)

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

Please see attached operating schedule and policies.

b) The prevention of crime and disorder

Please see attached operating schedule and policies.

c) Public safety

Please see attached operating schedule and policies.

Continued from previous page...

d) The prevention of public nuisance

Please see attached operating schedule and policies.

e) The protection of children from harm

Please see attached operating schedule and policies.

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 / /
 dd mm yyyy

[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.

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" value="CHE318/1"/> |
| 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"/> |
| <div>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 Next ></div> | |

SUBURBAN GREEN**DISPERSAL POLICY**

The purpose of this Dispersal Policy is to ensure, so far as it is possible, that minimum disturbance or nuisance is caused to our neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour. This will be achieved by exercising pro-active measures towards and at the end of the evening.

By ensuring that this Dispersal Policy document is brought to the attention of Management and Staff we will seek to encourage the efficient, controlled and safe dispersal of our patrons during our closing period.

1. At the end of the evening management and staff will assist with the orderly and gradual dispersal of patrons.
2. Staff Members (including door personnel when employed) will advise patrons to leave the premises quickly and quietly out of respect for our neighbours.
3. Notices will be displayed requesting our customers to leave quietly and in an orderly manner out of consideration to neighbours and their attention will be drawn to these notices by members of staff.
4. We will ensure the removal of all bottles and drinking receptacles from any patron before exiting the premises (this does not apply in the case of consumption in any delineated external drinking area.)
5. We will actively discourage our customers from assembling outside the premises at the end of the evening.

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OPERATING SCHEDULE**A) The Prevention of Crime and Disorder**

1. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
5. SIA registered door staff shall be employed at the premises, in accordance with a risk assessment, to be carried out by the DPS. When employed, door staff will wear high visibility armbands.
6. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
 - (i) the number of door staff on duty;
 - (ii) the identity of each member of door staff;
 - (iii) the times the door staff are on duty.
7. Open containers of alcohol shall not be removed from the premises, save for consumption in any external area for use of customers of the premises.
8. Staff will be trained in the requirements of the Licensing Act 2003 and laws relating to under age sales and the sale of alcohol to intoxicated persons, and that training shall be documented and repeated at 6 monthly intervals.
9. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.

B) Public Safety

1. A first aid box will be available at the premises at all times.
2. Regular safety checks shall be carried out by staff.
3. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
4. The premises shall maintain an Incident Log and public liability insurance.

C) The Prevention of Public Nuisance

1. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.

2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
3. The exterior of the building shall be cleared of litter at regular intervals.
4. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
5. Doors and windows at the premises are to remain closed after 11pm, save for access and egress.
6. A Dispersal and Smoking Policy will be implemented and adhered to (see attached).
7. The emptying of bins into skips, and refuse collections will not take place between 11pm and 8am.

D) The Protection of Children From Harm

1. A "Challenge 25" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of identification shall be photographic driving licences, passports, HM forces cards, or a form of identification with the "PASS" hologram.
2. Staff training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.
3. Notices advising what forms of ID are acceptable must be displayed.
4. Notices must be displayed in prominent positions indicating that the Challenge 25 policy is in force.

SUBURBAN GREEN
SMOKING & AL FRESCO DINING POLICY

1. Any outside area used by customers wishing to dine, drink or smoke shall be clearly delineated and covered by the CCTV system which will be installed at the premises.
2. The outside area shall be monitored by staff or door staff (when employed) regularly at all times it is in use.
3. The area will be cleaned regularly.
4. Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
5. Signs will be displayed in the area requesting customers keep noise to a minimum.
6. Patrons who disregard signage and verbal instructions regarding noise will be asked to move inside and/or leave the premises.
7. Open containers of alcohol shall not be permitted to be taken beyond the boundary of the outside area.

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24/6/2022



Appendix 6

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1:1600

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HELLON, Richard

From: LICENSING (Cheshire East)
Sent: 16-Jun-2022 14:23
To: [REDACTED] HELLON, Richard
Subject: [OFFICIAL] FW: Suburban Green, 88-90 Chestergate, Macclesfield - objection (CHE318/1)

From: LOMAS, Brenda [REDACTED]
Sent: 16 June 2022 14:11
To: [REDACTED]
Cc: LICENSING (Cheshire East) <Licensing_CE@cheshireeast.gov.uk>
Subject: RE: Suburban Green, 88-90 Chestergate, Macclesfield - objection (CHE318/1)

Hello [REDACTED]

Thank you for your re-consideration of the premise licence application for Suburban Green.

I would confirm that I am in agreement with your listed agreements - and that, accordingly – I would be happy to withdraw my objection to the premise licence application.

Kind regards

Brenda

Brenda Lomas | Cheshire East Council
Enforcement Officer, Public Protection & Health, Regulatory Services,
Town Hall, Market Place, Macclesfield.
c/o Municipal Buildings, Earle Street, Crewe, CW1 2BJ
Tel – [REDACTED]
Mobile telephone number – [REDACTED]
Non working day is Friday
www.cheshireeast.gov.uk



From: [REDACTED]
Sent: 16 June 2022 13:47
To: LOMAS, Brenda [REDACTED]
Cc: LICENSING (Cheshire East) <Licensing_CE@cheshireeast.gov.uk>
Subject: RE: Suburban Green, 88-90 Chestergate, Macclesfield - objection (CHE318/1)

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 Brenda,

In respect of the objection received in relation to the premises licence application for [88-90 Chestergate, Macclesfield](#), I have discussed with my client and can confirm the following:

- We have applied for licensable activities to take place Sunday to Thursday 08:00 until 23:00 and Friday and Saturday 08:00 until midnight. We would like those hours to remain so that if the later hours are permitted by planning, my client will have the correct hours on both the licensing and planning. My client is aware that the lesser hours out of planning and licensing should be adhered to and so even if these hours are granted now, they cannot and will not be traded unless and until planning has been permitted.
- We are happy to withdraw the provision for live and recorded music and play background music only
- We are happy to amend the emptying of waste into refuse bins outdoors to 09:00 and 19:00 as per the planning condition
- Remove the condition in respect of windows and doors being open until 23:00 – air conditioning has been fitted and therefore we are happy for the windows and doors to be closed at all times safe for access and egress
- There is no proposal to use any external area save for any smokers.

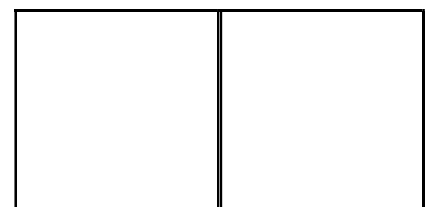
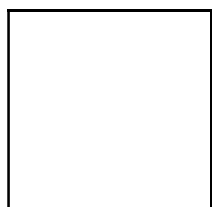
Would you please confirm that based on the above agreements that this satisfies your concerns and would be happy to withdraw your objection?

Kind regards

[Redacted]

[Redacted]
Specialist Licensing Paralegal Q.Inst.Pa
Licensing
For and on behalf of Kuit Steinart Levy LLP
Dept:
Fax: [Redacted]
Ddi: [Redacted]

tel: [Redacted]
3
E [Redacted]



Team accolades

Privacy:

We care about your privacy. You can read our privacy policy [here](#) which provides information about what we do with your personal data and the rights you have in relation to your personal data.

HELLON, Richard

From: LICENSING (Cheshire East)
Sent: 15-Jun-2022 12:42
To: [REDACTED]
Subject: FW: [OFFICIAL] Representation Suburban Green (aka Chestergate Green) Macclesfield
Attachments: 08390696 suburban green.pdf
Importance: High
Follow Up Flag: Follow up
Flag Status: Completed

From: [REDACTED]
Sent: 15 June 2022 12:40
To: LICENSING (Cheshire East) <Licensing_CE@cheshireeast.gov.uk>
Subject: [OFFICIAL] Representation Suburban Green (aka Chestergate Green) Macclesfield
Importance: High

Dear Licensing,

I wish to submit a representation (objection) re. the Licensing application made by Suburban Green 88-90 Chestergate, Macclesfield SK11 6DU for

- Live Music, Recorded Music and Supply of Alcohol Sunday to Thursday 08:00 – 23:00, Friday and Saturday 08:00 – 00:00
- Late Night Refreshment Sunday to Thursday 23:00 – 23:30, Friday and Saturday 23:00 – 00:30

I have several concerns, mainly around Licensing Objectives d) Prevention of Public Nuisance and e) Protection of Children from Harm.

I note that in the License application Section 5 the premises are described as a restaurant and bar. It omits to say that it is the ground floor of a hotel (BoHotel) with rooms directly above, which I believe is relevant to the Licensing Objectives.

While I understand that Planning Applications are not a consideration for Licensing, it should be noted that there is an open application for Variation of Condition 8 (Opening Hours) for this property 22/1180M. The hours applied for are fewer than those in the Licensing application, and do not mention additional hours at New Year. It is relevant to Licensing Objective d) Prevention of Public Nuisance as Environmental Protection has recommended refusal - "Reason: high potential for noise to affect the residential amenity / quality of life of residents of nearby dwellings". I have attached a file containing the full report as it supports my objection.

The applicant has supplied what appears to be a generic 'operating schedule' document in support of the application that does not match the conditions imposed when planning was granted for the premises, therefore not meeting the Prevention of Public Nuisance objective, including (but not restricted to) the example below.

Planning condition 9 states that the owner is allowed to empty noise generative items into bins only between the hours of 09:00 – 19:00 on any day, yet the applicant's operating schedule Section C para 7 states "The emptying of bins into skips, and refuse collections will not take place between 11pm and 8am." This is an hour earlier and 4 hours later than permitted.

There is a section in the same schedule on al-fresco dining and smoking which isn't, as far as I can see, part of the application. If there is an intention to use any outside area then again, this would have an adverse impact on nearby residents.

In my view any documentation supplied by the applicant should pertain solely to the premises in the application.

The Dispersal policy seems to imply that there will be a level of disturbance to neighbours which is not reassuring – “The purpose of this Dispersal Policy is to ensure, so far as it is possible, that minimum disturbance or nuisance is caused to our neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour.”

Although not a primary licensing objective, suitability of premises is required to be taken into account. The close proximity of residential properties and the protection of amenity is of particular relevance to my objection.

In summary, the hours applied for are excessive and will adversely impact residents of neighbouring properties and potentially guests of the hotel, including children, and do not meet Licensing Objectives d) and e). I ask that this application be refused. I wish to attend any hearing.

Best regards, [REDACTED]

[REDACTED]



Working for a brighter future together

| INTERNAL CONSULTATION RESPONSE | |
|--|---|
| <p align="center">Regulatory Services and Health Cheshire East Council Tel: 0300 123 5015 / E-mail: environmentalprotection@cheshireeast.gov.uk</p> | |
| SITE LOCATION | 88-90 Chestergate, Macclesfield, SK11 6DU |
| APPLICATION No.: | 22/1180M |
| PROPOSAL: | Variation of Condition 8 (Opening Hours) on 21/1500M - Change of use to hotel accommodation with cafe bar, restaurant and kitchen |
| TO: | Cheshire East Planning |
| PLANNING OFFICER: | |
| DATE: | 9 th May 2022 |
| OUR REF: | 075397 |

Regulatory Services and Health has considered this application and would make the following comments with regards to **AMENITY**, **AIR QUALITY** and **CONTAMINATED LAND**. The recommendations are intended to provide sufficient information to guide planning officers to adequately word conditions. Where the planning officer considers that the recommendations should be substantially altered, or not included in the decision notice, it is requested that he/she discusses the matter with the relevant officer in this Service.

REFUSAL RECOMMENDED - Reason: high potential for noise to affect the residential amenity/ quality of life of residents of nearby dwellings

AMENITY / NOISE / QUALITY OF LIFE COMMENTS

Brenda Lomas

I would refer to comments made by this Service to the previous application, namely 21/1500M, in relating to concerns regarding potential noise impact to nearby residents from the proposed use of the premises as a café bar / restaurant. At that time, this Service considered that there is high potential for noise to be caused in the locality from the operational noise of plant and equipment associated with the use of a commercial kitchen – but also from patron noise i.e. ‘accumulation of people noise’ - if appropriate noise mitigation measures were not employed. Patron noise may be caused if windows / doors of the café/bar/restaurant were opened for ventilation/ cooling purposes and also when departing from the premises at sensitive times. Those concerns remain valid in terms of this application to vary condition 8 of 21/1500M and to extend the hours of use.

As part of the original application, the applicant employed the services of Peak Acoustics - acoustic consultant, who assessed the likely impact of operational noise from the proposed use to the nearest residential dwellings. The report assessed the impact of the noise up to a maximum termination time of 23.00 hours as being the days and times of use of the café / bar stated within

the application 21/1500M. i.e. Monday to Friday 08.00 hours to 22.00 hours, Saturday 08.00 hours to 23.00 hours and Sundays, 08.00 hours to 18.00 hours

The sensitivity of the site in terms of the necessity to employ effective and appropriate noise control measures to operate during the application days/hours of was confirmed within the acoustic report including details of the close proximity of dwellings.

The application to vary condition 8 of approved 21/1500M seeks to extend the opening hours to Sunday to Thursday 08.00 hours to 23.00 hours and Friday and Saturday 08.00 hours to 00.00 hours.

It was deemed that as part of a 'best practice' method of noise control - and to protect the residential amenity of nearby residents - the days / hours of use of the café bar were required to be reasonable. (Most persons expect to be able to sleep from late evening hours onwards and to enjoy undisturbed sleep.) The assessment was undertaken with the view that the premises would close at a maximum termination time of 23.00 hours and that no amplified music would be played in the premises.

The same Peak Acoustic Assessment report is attached to this application – 22/1180M. The noise assessment incorporated BS4142:2014 which is a recognised standard for the assessment of noise from a commercial business where it may impact upon residential dwellings. The stipulated daytime hours of the British Standard is 07.00 hours to 23.00 hours. This time period was used as part of the assessment calculation i.e. as it was deemed that the premises would not be open after 23.00 hours. It should be noted that in addition to the protection of nearby residents, the acoustic report recommended that reasonable days/hours of opening hours would be necessary as a means of protecting those persons who would be staying in the hotel rooms within the application building.

The acoustic assessment identified that noise attenuation would be required to the operational noise of the kitchen extract system in order to protect the nearest residents. The report further recommended the installation of an air conditioning system inside the café/bar/restaurant for the comfort of patrons – as a measure to negate the likelihood of the opening of doors and windows of the premises. The report further stated that there should be no amplified music played at any time.

The acoustic consultant stated within the report, that it had not been possible to take any measurements of air conditioning units as such plant was not at the site at the time. The report clearly stipulated that the operational noise levels of such units would have to be controlled / restricted to minimise potential adverse noise impacts to residents - and the report provided an appropriate noise rating dB level which should not be exceeded in terms of the operational noise of selected condenser units. Condition 11 of 21/1500M was imposed to ensure that operational noise from external air conditioning equipment was appropriately controlled.

In terms of this application, i.e. 22/1180M, this Service has noted the applicant's comments in terms of a 'commercial' comparison with similar eating / socialising venues nearby in the town centre location – such as the Picturedrome on Chestergate. This Service would take this opportunity to point out that the opening hours of The Picturedrome are currently 09.00 hours to 22.00 hours Tuesday to Saturday and 09.00 hours to 18.00 hours on a Sunday. The approved hours for 88-90 Chestergate as a bar/café/restaurant are therefore considered to be very reasonable as a comparison.

This service would express a concern as regards the application detailing that the nearest gardens to dwellings are 24 metres in distance from the application premises - and therefore that noise should not be an issue – in spite of the details provided in the acoustic report. Bedroom and other house windows of the nearest dwellings are much closer to the site with the result that there is high potential for noise impact to be caused inside the dwellings. Residents should be able to have house windows open for normal ventilation purposes – particularly in the warmer weather months. Intrusive noise has high potential to result in the inability of getting to sleep and sleep disturbance

being caused.

It is understood from the application that the use of the premises as a cafe/bar has not as yet commenced. This Authority would require confirmation as regards whether air conditioning units have been installed, and if so, whether the operational noise levels of external condensers meet the noise rating levels stipulated in the Peak Acoustic report.

As the BS4142:2014 standard has a night time level of 23.00 hours to 07.00 hours – then a further acoustic report would be necessary for an application which wishes a change of time to beyond 23.00 hours.

For the aforementioned reasons, this Service therefore recommends a refusal of this application on the grounds of potential noise, loss of residential amenity and the protection of the quality of life of nearby residents.

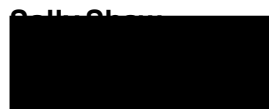
Reason: In accordance with paragraph 185a of the National Planning Policy Framework to avoid noise from giving rise to significant adverse impacts on health, quality of life and amenity

AIR QUALITY COMMENTS



No Comments

CONTAMINATED LAND COMMENTS



Email: [Redacted]
Email: [Redacted]
Email: [Redacted]

No comments

This section has used all reasonable endeavours to recommend the most appropriate measures regarding potential contamination risks. However, this recommendation should not be taken to imply that the land is safe or otherwise suitable for this or any other development.

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