

Lucie Wright



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DATE: 7th August 2023 OUR REF: MK1 / 66216 YOUR REF:
Please Contact: Martin Kilduff

Dear Lucie Wright,

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

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

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

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

Duty to Keep and Display Licence

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

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

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

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

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

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

- Under condition 13 of Annex 2, you are obliged to operate and maintain an up-to-date Register of Refusals of Sales of Alcohol, indicating the date, time and reason for refusal which shall be made available for inspection by Local Authority Officers and the Police. The DPS or other responsible person shall check and sign the register once a week. Alternatively an electronic point of sale refusals log shall be kept.

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

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

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

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

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

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

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

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

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

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

Yours sincerely



Martin Kilduff
Licensing Enforcement Officer