

**Application for the review of a premises licence or club
premises certificate under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I JONATHAN MADDOCK

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description BATHS HOTEL 40 GREEN STREET	
Post town MACCLESFIELD	Post code (if known) SK10 1JH

Name of premises licence holder or club holding club premises certificate (if known) MR KIP EVANS
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Number of premises licence or club premises certificate (if known)
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Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

- | | |
|---|-------------------------------------|
| a) a person living in the vicinity of the premises | <input checked="" type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

2) a responsible authority (please complete (C) below)

☐

- 3) a member of the club to which this application relates (please complete (A) ☐ below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr ☒

Mrs ☐

Miss ☐

Ms ☐

Other title
(for example, Rev)

Surname

MADDOCK

First names

JONATHAN

I am 18 years old or over

Please tick yes



**Current postal
address if
different from
premises
address**

38 GREEN STREET

Post town

MACCLESFIELD

Post Code

SK10 1JH

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address
SALLY MADDOCK

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)
Venue unsuitable to hold Live music events

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Please provide as much information as possible to support the application
(please read guidance note 2)

For the last two years we've had an on-going issue with the noise generated by the Baths Hotel both from live music events and general people noise. As such we've liaised on several occasions with the environmental health department at Cheshire East Council.

Following our first complaint Mr Evans said that he'd soundproof the two rooms of his premises that adjoin ours. This reduced the level of people noise in the back room, however the soundproofing has not had much impact on the level of disruption within the front room.

When live amplified music acts perform at the premises, the soundproofing is insufficient to handle the level of noise generated. Amplified bass guitar and drums literally thump through the walls.

Mr Evans has made claims that these amplified acts were not part of his plans going forward and that he'd rather concentrate on acoustic-type acts playing instead. He also said he'd inform us when such a live act was to play and that any amplification would be monitored and capped. None of this has materialised

Mr Evans has said that we should let him know when the music is too loud, which is not only his acknowledgment that the music does become too loud, but something which we've done 2 or 3 occasions when the sound level has become past the point of tolerance, but it's something that we feel we shouldn't have to do. It should be monitored as such that Mr Evans keeps the noise to a reasonable level, so such a complaint needn't arise.

We feel we've been reasonable with Mr Evans and don't complain about everything. If so we'd be picking up the phone every time someone is being loud outside our bedroom window or complain about the state of the street from customers smoking outside, or complain when there are people in the premises being rowdy and loud and that we can hear word for word what they're saying.

Some of these things are consequences of living next door to a back-street pub, something we considered when we purchased the property, however we didn't realise that we'd be living next-door to a regular live music venue.

The previous landlord had live music on very occasionally and would always let us know in advance if this was the case, giving us the option to plan ahead and choose not to stay in our property on that particular night if we felt the music was going to be too loud. Having no notice from Mr Evans of when the live music is to be performed leaves us in a difficult position. We put our 2 year old son down to bed, only for him to be woken up 30 mins later by the music, this leaves us with a very stressful situation which could be avoided by simple communication of dates of when music is to be played.

We've tried to reach a satisfactory conclusion and feel we've been reasonable with Mr Evans, but the lack of communication and a disregard for how disruptive the music is, has left us with this option of going down a more formal route.

We appreciate the steps Mr Evans took in soundproofing the two rooms and also reducing the frequency of the live acts, we do not have any desire to harm his business, but feel that the establishment is unsuitable as a live music venue.

APPENDIX - 1

Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

6 Complaints regarding noise disturbance made to East Cheshire Environmental Health Dept since beginning of 2010 to present day.

APPENDIX - 1

Please tick yes

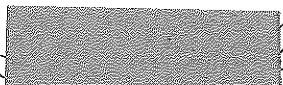
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☐
- I understand that if I do not comply with the above requirements my application will be rejected ☒

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

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

 2.

Date

07.12.2011

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Premises Licence Summary

Premises Licence Number:

PR/0394

Premises Details

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

The Baths Hotel
40 Green Street
Macclesfield
Cheshire

Post Town: Macclesfield

Post Code: SK10 1JH

Telephone Number: 01625 423234

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Live Music
Recorded Music
Sale and supply of alcohol
Late night refreshment

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

Live Music (to take place indoors)

Monday to Sunday 10:00 till 23:00

Recorded Music (to take place indoors)

Monday to Wednesday 10:00 till 23:00

Thursday to Saturday 10:00 till 24:00

Sunday 12:00 till 23:00

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May bank holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for Easter bank holiday weekend.

A further additional hour every Christmas Eve.

From the end of permitted hours on New Years Eve to the commencement of permitted hours on New Years Day.

Sale and supply of alcohol

Monday to Wednesday 10:00 till 23:00

Thursday to Saturday 10:00 till 24:00

Sunday 12:00 till 23:00

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May bank holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for Easter bank holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

From the end of permitted hours on New Years Eve to the commencement of permitted hours on New Years Day.

Late night refreshment (to take place indoors)

Monday to Saturday 23.00 till 23.30

From the end of permitted hours on New Years Eve to 05.00 on New Years Day.

The opening hours of the Premises:

Monday to Wednesday 10:00 till 23:30

Thursday to Saturday 10:00 till 00:30

Sunday 12:00 till 23:30

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May bank holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for Easter bank holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

From the end of permitted hours on New Years Eve to the commencement of permitted hours on New Years Day

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

For consumption either on or off the premises

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

Blue Pub Company Limited
40 Green Street
Macclesfield
Cheshire

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

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

Mr Kip William Lewis Evans

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

There shall be no unaccompanied children at the premises.

There shall be no children at the premises after 20.00 hours

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the premises licence.
- (2) He resides in the premises, but is not employed there.
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals



Signed by Mr A Potts
On behalf of Cheshire East Borough Council



Licensing Act 2003 – Premises Licence

Duration of a Premises Licence

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

Duty to notify change of name or address

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

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

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

Duty to keep and display licence

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

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

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

Duty to produce licence

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

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

Theft or loss of premises licence

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

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

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

Surrender of premises licence

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

Death, Incapacity, Insolvency of licence holder

A premises licence lapses if the holder of the licence –

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

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

Annex 1 - Mandatory Conditions

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

Annex 2 - Conditions consistent with the Operating Schedule

Prevention of Crime and Disorder

1. There shall be good external lighting on all aspects of the premises.
2. There shall be a CCTV system in use at the premises.
3. There shall be regular checks of the toilets at the premises.
4. There shall be drug awareness signage in place at the premises.
5. There shall be a proof of age scheme in operation at the premises.
6. There shall be drink drive posters in place at the premises.
7. There shall be plastic glassware available at the premises.
8. There shall be no happy hour promotions in operation at the premises.
9. The management shall control behaviour and noise levels at the premises.

Public Safety

10. There shall be electrical and gas certificates in place for the premises.
11. There shall be a health and safety policy in place at the premises.
12. There shall be a health and hygiene certificate for the premises.
13. There shall be a smoking policy in operation at the premises.
14. There shall be fire fighting equipment at the premises
15. There shall be emergency lighting and illuminated exit signage at the premises.
16. There shall be management controlled door entry and exit during busy periods at the premises.
17. There shall be a qualified first aider at the premises.
18. There shall be an accident book in place at the premises.

Prevention of Public Nuisance

19. There shall be a clean air extractor at the premises.
20. There shall be managed customer departure from the premises.
21. All music levels at the premises shall be under management control.
22. All windows shall be closed and all entrances have lobbies with doors to reduce noise emissions from the premises.
23. There shall be signage to respect local residents and leave quietly on display at the premises.
24. There shall be toughened glassware and plastic glasses in use at the premises.
25. There shall be sufficient staff numbers at the premises at all times.

Protection of Children from Harm

26. There shall be no unaccompanied children at the premises.
27. There shall be no children at the premises after 20.00 hours.
28. There shall be a seating area away from gaming machines or cigarette machines.
29. There shall be a smoking policy in operation at the premises.

General – All Licensing Objectives

30. There shall be a 30 minute "Drinking Up" time will allow appropriate dispersal use of lavatories etc.
31. Where there is provided in the Premises an entertainment for children, or an entertainment at which the majority of the persons attending are children, then, if the number of children attending the entertainment exceeds one hundred, it shall be the duty of the person providing the entertainment to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate, and to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and to take all other reasonable precautions for the safety of the children
32. Where the occupier of the Premises permits, for hire or reward, the Premises to be used for the purpose of an entertainment, he shall take all reasonable steps to secure the observance of the provisions of condition (31) above
33. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
 - (1) He is the child of the holder of the premises licence.
 - (2) He resides in the premises, but is not employed there.
 - (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

APPENDIX - 2

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals

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

None

Annex 4 – Plans

Please see attached

CADMAN, Nikki

From: LOMAS, Brenda
Sent: 05 January 2012 15:52
To: CADMAN, Nikki
Subject: Baths Hotel, 40 Green Street, Macclesfield - Application for a review of the premises licence

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Dear Nikki

Please see my comments below on behalf of the Public Protection & Health Service (formerly known as the Environmental Health Service)

This Service has had involvement with the Baths Hotel since mid 2009 which coincided with Mr Evans taking over the public house. Prior to that time, no complaints had been lodged to this Service regarding the Baths Hotel.

The Baths Hotel is positioned at the end of a row of terraced residential properties and is surrounded on both sides and to the rear by residential properties. The front of the pub faces onto an open area of land. The location is within a quiet part of Macclesfield and therefore the general background level of noise in the area is low - which will have an impact on the degree of externally generated noise heard by local residents.

Initial complaint from residents of Canal Street related to noise from the use of the rear yard area / beer garden by patrons including late in the evening and also to smoke and smell of smoke nuisance being caused from the operation of an outdoor wood burning pizza oven. The smoke / smell nuisance was confirmed as causing a problem to neighbouring residents and was subsequently resolved by Mr Evans who voluntarily ducted the pizza oven through the internal kitchen / chimney of the pub.

Complaints regarding noise from 'people noise' being caused from patrons whilst outdoors within the beer garden were discussed with Mr Evans on a number of occasions by officers from this Service and confirmatory correspondence was sent including letters dated 14th July and 20th August 2009. In line with advice provided to other public houses with outdoor beer gardens near to residential properties in the Macclesfield area, this Service recommended to Mr Evans that the use of the outdoor beer garden for drinking purposes should preferably cease at 9pm in the evenings to allow some respite to neighbours and to minimise noise and disturbance during later hours when residents may wish to enjoy some relaxation time within their homes / retire to bed / sleep. Mr Evans advised that he wished for the use of the beer garden to continue until 10.30pm.

From experience with similar situations, this Service recognises that an accumulation of people noise - or even one noisy individual can result in disturbance and noise nuisance being caused to nearby residents if supervision and management controls are not adequately employed. Due to the location of the Baths Hotel beer garden in terms of proximity to neighbouring residential properties, the potential for such noise and disturbance to occur and to cause disturbance to nearby residents is high.

This Service obtained evidence to confirm that the complaints of noise nuisance from 'people noise' in the beer garden were justified by means of sound recording equipment being placed in a complainant's house. Mr Evans and his business partner were invited to listen to the recordings on 26th August 2009 and were informed that due to the degree of noise, that the situation should be effectively managed. If complaints continued to be received regarding the noise from the beer garden, then this Service would have no alternative but to obtain further evidence and to enforce a 9pm termination time by means of a condition of a Noise Abatement Notice if a Statutory Noise Nuisance was confirmed. Correspondence dated 21st September 2009 was subsequently received from Mr Evans which confirmed that he wished to use the beer garden until 10.30pm and also confirmed that his plans for the Baths Hotel included the hiring of local bands to perform indoors.

In December 2009, Mrs Maddock of 38 Green Street, Macclesfield lodged an initial complaint that since the summer, she had suffered a number of incidents of internally generated noise from the Baths Hotel. The Baths Hotel shares a party wall with Mr & Mrs Maddock's property. The pub has a small 'front room' and a larger open plan rear room. Both rooms structurally adjoin 38 Green Street and have some level difference in terms of the first floor rooms of each of the properties.

APPENDIX 3

The complaint related to noise from 'people noise' within the pub i.e. general conversations, laughter, raised voices and 'raucous' noise at times etc, both recorded and live music and a television within the pub on which football matches etc were screened for the enjoyment of patrons. Mrs Maddock advised that she had tried to resolve the problems directly with Mr Evans - in particular a request to be pre-notified of events - but she had found the direct approach to be unfortunately unsuccessful. The problem of music related to both live and recorded music - the latter of which could continue until 2am. The live music could be clearly heard within her home - to the degree of hearing the words to the songs. Correspondence dated 16th December 2009 was sent to The Baths Hotel by this Service with recommendations for management controls, volume control of all music and to inform neighbours of events.

Additional complaint was lodged by the Mrs Maddock in February 2010. The noise from the Baths Hotel seemed particularly intrusive from the rear room of the pub. The complaint related to the fact that the noise affected the downstairs rooms but also appeared to travel up the party wall and affect the bedrooms of the property. The level of intrusion was described as materially affecting the use and enjoyment of their property in terms of being unable to watch their own television, enjoy quiet activities such as reading / conversation in comfort or sleep within their own bedroom and that there was no escape from the noise within their home. Other issues related to noise from patrons whilst smoking on the pavement under the bedroom windows, noise from the rolling / changing of beer barrels in the cellar at sensitive hours and noise from patrons as they departed the premises in terms of loud behavioural noise.

Over the period of the complaints, a number of Temporary Event Notices have resulted in entertainment until 2am at The Baths Hotel for such events as Chinese New Year, birthday parties etc.

In order to assess the degree of noise of which Mr & Mrs Maddock complained, this Service's noise monitoring system (tape recorder and sound level meter) were installed within a bedroom of Mr & Mrs Maddock's property from 12th February until 15th February 2010. The tape clearly recorded noise from 'people noise' including the identification of words used by certain patrons. The recordings also included live entertainment of amplified singers, amplified guitar and a piano. The level of the noise was very intrusive within 38 Green Street including the songs and even the words to the songs being clearly distinguishable. It was my opinion that the level and the character of the noise would cause a statutory nuisance to the complainants and would prevent sleep until all had ceased. Mr Evans subsequently advised that the last patrons had left the pub at 1.30am.

I had a pre-arranged meeting with Mr Kip Evans on 17th February 2010 to discuss the complaints relating to the beer garden noise and took the opportunity to take the sound monitoring equipment to the meeting and to play the recorded noise. The meeting was also attended by Mr Evan's business partner. Following my playing the tape recording, both Mr Evans and his partner accepted that the level of noise was unacceptable. As part of the discussions towards noise control at the Baths Hotel, Mr Evans advised that he would discuss / control noise levels of entertainers, consider no amplification for future live music i.e. acoustic instruments only, control the volume of the in house recorded music system, investigate sound insulation measures to the party structure and control noise from patrons whilst inside and outside the premises. I recommended that professional advice was sought if consideration was to be given to sound insulation work to the party structure due to the difficulties of controlling sound transmission. I also advised that musical entertainment should be terminated at a reasonable hour. Mr Evans and his partner advised that they hoped to attract an early trade of 6pm to 8pm, during which an elderly man was to be employed to play the piano as entertainment and could then finish at 11pm which appeared to be a favourable proposal to restrict noise to early hours and not to employ excessively loud amplified instruments. During my visit, I witnessed the television as being attached to the party wall and advised that particular consideration should be employed in terms of the volume controls and the issues of noise from patrons whilst watching football matches and also noise from patrons whilst in the beer garden, smoking at the front and when leaving the premises. Correspondence dated 22nd February 2010 was subsequently sent to Mr Evans to confirm the issues and the details of the discussion.

Further similar noise problems was alleged to have been caused to Mr & Mrs Maddock over the weekend of 20th / 21st March resulted in my writing a further letter dated 30th March to Mr Evans to advise of the continuance of complaint and to enquire when the sound insulation work would be completed. The correspondence also confirmed that whilst Mr Evans' intention to sound proof the rear room, the noise was transmitting via the whole of the party wall and therefore it was highly likely that the front room of the pub would also require sound insulation treatment. Mr Evans was advised that due to the sharing of the party wall, it was still likely that volume controls would need to be employed when playing amplified music in addition to any sound insulation work.

Mr Evans telephoned myself on 9th April 2010 to advise that due to the cost, their intention was to initially sound proof the rear room only and then ascertain the success of the work prior to the possibility of addressing the front room of the pub.

Mr Evans subsequently voluntarily undertook noise insulation work to the rear room of the Baths Hotel / party structure which involved employing the services of a professional consultant. I understood from subsequent

conversation on 19th May with Mr Evans, that problems were encountered in terms of incompatible levels of the first floor - the bedroom of 38 Green Street being half way down the pub's rear room wall. The work involved the cutting off of the end of joists in the cellar in conjunction with the erection of a new cellar wall, rubber flooring and other noise control work. Following completion of the work, tests were undertaken by Mr Evans and his consultant and Mr Evans advised myself in a phone call that the tests appeared to have shown an overall improvement.

(Complaint relating to incidents of alleged excessive noise from both inside the pub and outside in the beer garden and noise from smokers on the street during unsocial hours causing sleep disturbance continued to be lodged in May, June & July.)

Unfortunately further complaint was lodged by Mr & Mrs Maddock on 28th June 2010 alleging that internally generated noise from music and patron noise continued to cause problems. The complainant advised that there had been some improvement at the rear of the house but considered that the benefits of the sound insulation work to the rear room were being overridden by the lack of sound insulation to the front room of the pub. It was further alleged that live music was continuing to be played up to approximately midnight (- which was beyond the 11pm termination time which is a condition of the Premises Licence.) I wrote to Mr Evans in letters dated 26th May and 15th July 2010 to request further consideration and consistent employment of management controls to minimise excessive noise.

This services' noise monitoring equipment was re-installed at 38 Green Street on 16th July to ascertain the level of noise following the sound insulation work. The recording identified problems from amplified bass guitar, the bass beat of the music, accumulation of patrons 'people' noise and drum noise. The recording terminated at 12.18am and it was my opinion that the noise continued to be a problem and would prevent sleep. I had no response to my letters to Mr Evans and contacted Mrs Maddock to enquire if Mr Evans had advised her when the promised sound insulation to the front room was being undertaken. In August, Mr Evans had advised Mrs Maddock that work to complete the sound proofing of the front room would be completed in the next couple of weeks.

Mrs Maddock then contacted me in October 2010 to advise that the sound insulation work had not been done. She had not had any contact from Mr Evans and had continued to be subjected to people noise both inside and outside the premises, live music had continued every other Saturday night, and loud noise from patrons leaving during early morning hours continued. In general the noise was continuing to materially interfere with the use and enjoyment of her property including the disturbance and prevention of sleep.

On 10th November, I wrote again to Mr Evans to advise that complaint continued and to contact myself to inform me of his intention in terms of noise control from the pub. Mr Evans' business partner subsequently rang to advise that sound proofing had been installed to the front room by themselves and workmen rather than the employment of an acoustic consultant due to the costs involved.

Mrs Maddock contacted me on 21st November to advise that they had been trying to address the problem by ringing the pub when problems of noise were being caused and to request an improvement but that such neighbourly communication had failed to achieve a positive result. I wrote again on 23rd November to confirm that even with sound proofing to the party structure, the volume levels of any music would still require to be tightly controlled - due to the adjoining nature of the premises to the complainant's property and that volume levels of live music were more problematical to control than volume levels of recorded music. I advised that due to the continuance of complaint, this Service was obliged to undertake a further investigation since the installation of the sound insulation to the party wall. I received no response to my letter.

The noise monitoring equipment was installed at 38 Green Street on Friday 25th November and recorded incidents of live music on Sat 26th including drums, bass beat, guitar(s) and amplified voice. Patrons were heard to cheer, applaud. The final recording of the live music / band ceased at 11.41pm. The volume of the music was loud and intrusive within the complainant's home but was noticeably reduced in volume at 11pm to a more reasonable level. Although the band was still audible, such action proved that the volume could be significantly controlled. In my opinion the noise constituted a statutory noise nuisance.

On 21st December, I again wrote to Mr Evans to advise of the outcome of the monitoring and to inform him that the noise from the live band was very loud and intrusive within the complainant's home and that the noise from patrons continues to also be audible. I requested written confirmation of his intentions within 14 days from the date of the letter. I have not received a response to date.

Conclusive Comments

In all complaints of noise nuisance, this Service strives to resolve an amicable resolve by working with both the complainant and the person being complained about to achieve a compromise which would best suit the overall situation. All situations have individual differences and regard is taken to the specific circumstances. The above details would display that this Service has provided advice, afforded time for noise insulation work and a number of

opportunities to Mr Evans to effectively and consistently control noise from the Baths Hotel. Unfortunately, monitoring of the noise within 38 Green Street has realised that little improvement has been achieved since the onset of the complaint. Other specific difficulties in this case which have been encountered by this Service in successfully addressing the complaint have been due to the sporadic nature of the noise incidents, the fact that Mr Evans voluntarily offered to install sound proofing and the fact that sufficient time had to be allowed for such work to be completed and to ascertain if that action had resolved the problems, the wishes of the complainant to try to resolve problems directly with Mr Evans over periods of time and the subsequent lack of communication / response to letters and enquiries made by this Service to Mr Evans.

The recent installation of noise recording equipment has confirmed that live amplified music continues to cause problems of noise nuisance at 38 Green Street and the recordings would indicate that noise insulation work to the party structure has not effectively addressed the transference of sound - including 'people noise'. Unless management controls are effectively employed, then noise from recorded music is also likely to cause problems. It is acknowledged that it is difficult to control noise from 'people noise' (patrons) but evident from the recordings that such levels of noise tends to increase as the evenings progress - possibly due to an associated increase in the consumption of alcohol. Noise from the Baths Hotel continues into sensitive hours when residents expect to be able to sleep within their homes.

regards

Brenda

Brenda Lomas

Enforcement Officer

Cheshire East Council

Public Protection and Health

Town Hall, Market Place

Macclesfield

SK10 1EA

Tel: 01625 383817

Email: brenda.lomas@cheshireeast.gov.uk

N32/ Mrs B Lomas / 275227

Date Received by Investigating Officer:

NOISE DIARY

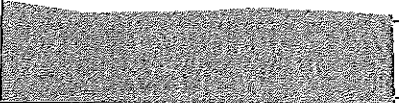
Your Details: Mr & Mrs Maddock, 38 Green Street, Macclesfield, Cheshire SK10 1JH

Alleged Offender: Baths Hotel, 40 Green Street, Macclesfield, Cheshire, SK10 1JH

Day / Date	Start Time	Finish Time	Nature of occurrence and source of noise	What effect did this have on you / your household
EXAMPLE Monday 13/3/11	8:30 p.m.	11:30 p.m.	Loud music from Flat 6	Unable to read or watch television, unable to sleep
Sat 22/10/11	8.30pm	11pm	Loud live music	Informed Mr Evans by telephone that too loud, invited him round - he came when live music had stopped & recorded music was playing he stated bass of stereo was too loud and he would turn it down. The bass of the stereo was no where near as loud as the live music.
"	11pm	11.30pm	Recorded music bass heavy	
29/10/11	8.45pm	11am	Loud live music	Mr Evan had told us when he came round last weekend that this was planned. We had invited him round to hear noise level - he didn't come
19/11/11	8am	8.45pm	Loud live music (German Oompah band)	Was able to record the music on a mobile phone whilst sat in my kitchen when rang Baths was informed Mr Evan's was away - they did stop live music after phone call
26/11/11	Can't remember it is documented on the matron sheet	10.45pm	Live music	Audible over TV. Song lyrics & tune clear Recorded on matron

Day / Date	Start Time	Finish Time	Nature of occurrence and source of noise	What effect did this have on you / your household
EXAMPLE Monday 13/3/11	8:30 p.m.	11:30 p.m.	Loud music from Flat 6	Unable to read or watch television, unable to sleep
20/12/11	8.35pm	10.15pm	Loud music - live	Audible over TV. Mr Evans wrote to us to say band on & that the only amplification would be their voices & piano he forgot to mention the guitar & drums & keyboard!
21/12/11	10.55pm	11.30pm	Fight outside pub	3 police cars were eventually called shouting & swearing outside our window
28/12/11	7.30pm	10.30pm	People noise	Voices, laughter & general people noise clearly audible over TV.
29/12/11	9pm	11.10pm	People noise	Same as above people voices clearly audible over TV
29/12/11	11.30pm	11.35pm	Banging	This happens fairly frequently sounds like some banging a nail into the wall!

I confirm that this is a correct and accurate record of the above nuisance witnessed.

SIGNED		PRINT NAME	SALLY MADDOCK
DATE	6-1-12		

Licensing Section

Cheshire East Council

Middlewich Road

Sandbach

CW11 1HZ

1st January 2012

Dear Sir's

We write in connection with the notice on the Baths Hotel Green Street, Macclesfield, Cheshire, put on by yourselves.

Since the present owners took over the Baths Hotel our lives have been effected considerably. We would like to outline our day to day problems with the point below:

1. Noise From The Rear Yard

We could when the previous owners had the property sleep with our bedroom windows open and night time was quiet. Now however it is impossible to have air into our bedrooms at night due to noise from the back yard of the pub until 10.30 pm then transferring to:-

2. Noise From The Front Of The Building On Green Street

ie: people talking loud, swearing, arguing, fighting,(please refer to incident on the 21st December incident number 1136 recorded with police crime number CC11362368) whilst allegedly smoking. I have a small dog which I have to take out at night and it can be quite threatening to have to face a large crowd of people with anti social language.

3. Urinating

We have had men urinating in front of our houses rather than go back into the pub to use the facilities there.

4. Vomit

We have had to clear vomit from our doorstep because it suddenly appeared after a person from the pub used his mobile phone in the entry to our yard (which goes under my house at 29 Canal Street) to make a phone call.

5. Noise From Taxis And Cars

Later on each night taxis and cars picking people up from the pub, car doors banging, people shouting when they get in them, make it impossible to sleep before the early hours. We both have to be up for six am each day to maintain our full time jobs.

CONT.../...

1st January 20126. Windows

Pub windows left open adding to noise late at night.

7. Glass

There is a lot of glass from smashed bottles around the green and up the streets which has never been before the pub got so rowdy and anti-social for neighbours.

8. Club Culture

This was a quiet family run pub before Mr Evans took over. He claims that is running it as a local family pub now. This clearly is not the case as closest neighbours are inconvenienced by its presence in the form it is. Most of his clientele arrive in cars and taxis and treat it like a local club. He is trying to run the Baths Hotel as a place which would be more in keeping with the middle of the town and very late licensing hours, and is obviously attracting large volumes of people to what should be and always used to be a quiet residential area.

To Sum Up

We are professional people who work all week. When we want to relax at weekends or in the evening we are subject to constant noise from the outside. Often when it is at it's worst it feels like people are in our living room.

People who come visiting ourselves cannot believe what we have to endure and feel very sorry for us. Our area is now becoming more and more an embarrassment to us.

We feel that keeping Mr Evans to shorter licensing hours would be more in keeping with this residential area ie: 1. Last Orders Earlier might help with the noise issue. 2. Closing the back yard at 9pm rather than 10.30pm might again keep the noise down from the back yard.

In Closure

This public house The Baths Hotel is a nuisance and has been since Mr Evans took over some two years plus ago. Our well being has been compromised. The pub at its worst makes us feel stressed and it has a detrimental effect on our day to day lives through sleep deprivation and anxiety.

To Whoever Reads Our Concerns

We hope that you look at these objections favourably to at least regain back a little of the nice quiet tidy residential area we once had.

Yours Faithfully



Cheshire CC WebGIS

