

Licensing Act Sub-Committee

Agenda

Date: Wednesday, 14th December, 2016
Time: 1.00 pm
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 Chairman**

To appoint a Chairman for the meeting.

2. **Declarations of Interest**

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

3. **Application to Vary a Premises Licence - Rumba, 27 Pickford Street, Macclesfield SK11 6JD (Pages 7 - 90)**

To consider an application to vary a Premises Licence submitted by Punch Taverns Plc in respect of Rumba, 27 Pickford Street, Macclesfield, Cheshire SK11 6JD.

THERE ARE NO PART 2 ITEMS

For requests for further information

Contact: Julie Zientek
Tel: 01270 686466
E-Mail: julie.zientek@cheshireeast.gov.uk

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CHESHIRE EAST COUNCIL

Procedure for Hearings – Licensing Act 2003**The Licensing Committee**

The full Licensing Committee consists of fifteen elected Members of the Council. From this full Committee will be drawn sub-committees of three members to deal with licensing functions under the Licensing Act 2003. The Chairman and Vice Chairman of the Licensing Committee shall have the discretion to refer a matter up to a hearing of the full Licensing Committee.

Officers at Hearings

- **The Committee Officer** introduces all parties and records the proceedings
- **The Legal Adviser** provides independent advice to the Members on legal matters and procedure.
- **The Licensing Officer** will introduce the matter and outline the application; the officer will also answer any questions Members may have.

PROCEDURE

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

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

5	Responsible Authorities (who have made representations)	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.
6	Other Persons (who have made representations)	To be invited to ask <u>questions</u> of the applicant, by way of clarification. <i>It is normal practice for a spokesperson only to speak on behalf of a group of residents.</i>
7	Committee Members	Each in turn may ask <u>questions</u> of the applicant.
8	Applicant	May make a <u>statement</u> or ask his witnesses to clarify any matters which he feels are unclear, or may have been misunderstood.
9	Responsible Authorities	Will make their representations.
10	Applicant	Or his representative or witnesses to ask <u>questions</u> of Responsible Authorities represented at the meeting, by way of clarification.
11	Other Persons (who have made representations)	May ask <u>questions</u> of the Responsible Authorities represented at the meeting, by way of clarification. (Note: This is not the point at which they should be stating their objections.)
12	Committee Members	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	Other Persons (who have made representations)	Those who have objected to the application will be invited <u>to make observations on the application</u> and present the bases of their objections.
15	Applicant	Or his representative or witnesses may ask <u>questions</u> of the other persons, by way of clarification.
16	Committee Members	May ask <u>questions</u> of the other persons.
17	Chairman	To invite both Responsible Authorities and Other Persons to make their closing addresses.
18	Applicant	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested

		conditions.
19	Committee	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
20	Committee	<p>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.</p> <p>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.</p>

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.

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Wednesday 14th December 2016
Report of:	Jennifer Knight, Licensing Officer
Subject/Title:	Application for Variation to the Premises Licence at Rumba, 27 Pickford Street, Macclesfield, SK11 6JD

1.0 Report Summary

- 1.1 The report provides details of an application for a premises licence for a limited time period, and the proposed operating schedule together with details of relevant representations received in relation to the application.

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to determine the application for a Variation to the Premises Licence by Punch Taverns Plc, in respect of:

**Rumba
27 Pickford Street
Macclesfield
Cheshire
SK11 6JD**

- 2.2 Acting in the capacity of Licensing Authority, Members must seek to promote the Licensing Objectives, and where Members consider matters have engaged one or more of the objectives, they may exercise their discretion. The licensing objectives are:

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

- 2.3 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 application and relevant representations in light of the proposed operating schedules.

- 2.4 The Sub-Committee in respect of this application must have regard to the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.

- 2.5 Finally, Members are also reminded that in determining the application in accordance with the Licensing Act 2003, Members must also have regard to:

- The rules of natural justice

- The provisions of the Human Rights Act 1998

3.0 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.

4.0 Wards Affected

- 4.1 Macclesfield Central

5.0 Local Ward Members

Cllr Beverley Dooley
Cllr Janet Jackson

6.0 Policy Implications

- 6.1 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.
- 6.2 Whilst having regard to the general principles within the Statement, Members may wish to consider the following:
- 6.2.1 The representations relate to the Prevention of Crime and Disorder and the Prevention of Public Nuisance Licensing Objectives. The Licensing Authority sets out at paragraphs 7 and 9 respectively, of its Statement of Licensing Policy how it will deal with representations under these objectives. At paragraph 9.1 the Statement of licensing policy confirm that a broad interpretation of what constitutes a public nuisance will be taken
 - In considering the potential impact of licensed premises on the surrounding locality the Licensing Authority, when in receipt of any Relevant Representations will take into account the type of entertainment activity proposed hours of operation, the capacity of the premises, the character of the areas and the proximity to local residents. Consideration will be given to the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas where there is residential accommodation in the proximity of the premises. Para 9.2
 - The Statement of Licensing Policy has a specific section relating to noise nuisance. This section is reproduced for the benefit of the sub-committee at appendix 3
- 6.3 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.

7.0 Financial Implications

7.1 Not applicable.

8.0 Legal Implications

8.1 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 the relevant mandatory conditions and conditions consistent with the operating schedule
- (b) Modify the application to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives
- (c) Exclude from the scope of the licence any of the Licensable Activities to which the application relates
- (d) Refuse to specify a person in the licence as the Premises Supervisor
- (e) Reject the application.

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

8.3 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.

9.0 Risk Management

9.1 Section 181 and Schedule 5 of the Licensing Act 2003 make provision for appeal to the Magistrates' Court of any decision made by the Licensing Authority.

10.0 Background and Options

10.1 The application was initially received on the 31st October 2016. The application is for the Variation of a Premises Licence under section 34 of the Licensing Act 2003.

10.2 The operating schedule indicates that the relevant licensable activities applied for extension of licensable area are:

- Sale and supply of alcohol
- Live Music
- Recorded Music
- Anything Similar to Music and Dance
- Late Night Refreshment

The proposed variation is also to add a condition to Annex 2.

All Licensable activity will cease outside at 01:00

There will be one member of staff monitoring the outdoor area when licensable activities are taking place

The proposed variation is to amend condition 4 under Annex 2 to read –

There will be no entry to the premises after 02:00

The proposed variation is for the addition of an outside bar increasing the areas for licensable activities, sale of alcohol, late night refreshment and regulated entertainment.

- 10.2 The operating schedule indicates that the relevant licensable activities applied for an extension of hours are for:

Sale and Supply of Alcohol

Provision Regulated Entertainment (as listed below)

Late Night Refreshment

Performance of Dance

- 10.3 The hours applied for are as follows:

Sale and supply of alcohol (for consumption on and off the premises)

11:00 to 02:00 Sunday to Thursday

11:00 to 02.30 Friday to Saturday

Live Music (on and off the premises)

11:00 to 02:00 Sunday to Thursday

11:00 to 02.30 Friday to Saturday

Recorded Music (on and off the premises)

11:00 to 02:00 Sunday to Thursday

11:00 to 02.30 Friday to Saturday

Performance of Dance (on and off the premises)

11:00 to 02:00 Sunday to Thursday

11:00 to 02.30 Friday to Saturday

Anything of a similar description to the above (on and off the premises)

11:00 to 02:00 Sunday to Thursday

11:00 to 02.30 Friday to Saturday

Late Night Refreshment (on and off the premises)

11:00 to 02:00 Sunday to Thursday

11:00 to 02.30 Friday to Saturday

10.4 A copy of the application form is attached as Appendix 1.

10.5 Relevant Representations are attached as Appendix 2.

Responsible Authorities:

10.8 Cheshire Police have advised they have no representations

10.7 Environmental Protection have submitted an objection to the application

Other Persons:

10.6 The Council has received 19 written objections to the application

10.6.1 The Council has received 19 valid written objections some of which have made reference to Brenda Lomas who is the Environmental Health Enforcement Officer. The Council has also received a petition with 75 names from local residents and business'. Copies of the representations are attached as Appendix 2 of this report.

10.7 Mr Martin Holmes is the director from a company that is responsible for Rumba, he has written to the objector Pure Yoga Cheshire; although he is not the applicant members may wish to consider his proposals when making a decision.

A copy of his e-mail is available at Annex 7

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Miss Jennifer Knight

Designation: Senior Licensing Officer

Tel No: 01270 686337

Email: Jennifer.knight@cheshireeast.gov.uk

APPENDICES

Appendix 1 – Premises Licence Application Form, Existing and Proposed plan

Appendix 2 – Objections and Petition

Appendix 3 – Relevant parts of Licensing Policy

Appendix 4 – Environmental Health Objection

Appendix 5 – Premises Licence Summary

Appendix 6 – Site plan of premises

Appendix 7 – Correspondence from the Director of Rumba

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RECEIVED

31 OCT 2016 Application to vary a premises licence under the Licensing Act 2003

CEC LICENSING 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.

We Punch Taverns Plc

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number
PR/0496

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Rumba 27 Pickford Street			
Post town	Macclesfield	Postcode	SK11 6JD
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£18,500	

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	Jubilee House Second Avenue Burton upon Trent		
Post town	Staffordshire	Postcode	DE14 2WF

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

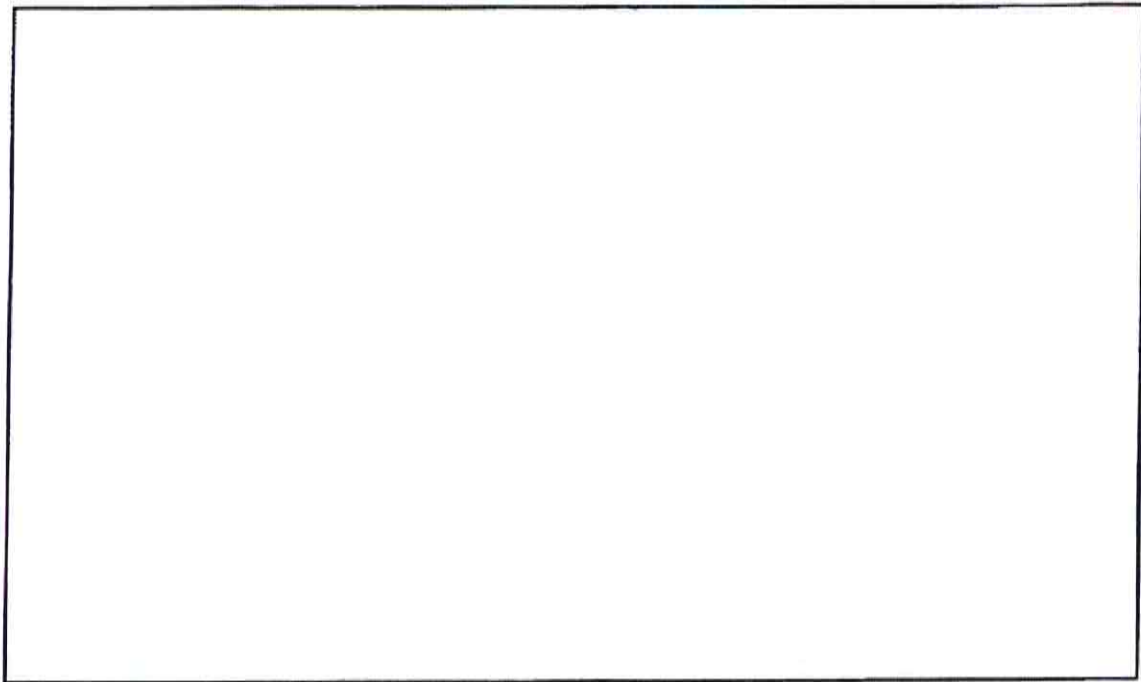
☐ No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY	

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see guidance note 1) ☐ Yes ☒ No

<p>Please describe briefly the nature of the proposed variation (Please see guidance note 2)</p> <p>This is an application to make a number of changes to the premises licence as follows:</p> <p>1. Layout</p> <p>This application seeks to change the layout of the premises in accordance with the submitted plan. The main change is the addition of the outdoor bar increasing the areas for licensable activities (sale of alcohol, late night refreshment and regulated entertainment).</p> <p>2. Conditions</p> <p>As a result of the above, the application seeks to add the following conditions to Annex 2 of the premises licence:</p> <ul style="list-style-type: none"> - "The licensable activities will cease outside at 01:00h". - "There will be at least one member of staff monitoring the outdoor area when licensable activities are taking place". <p>The application also seeks to amend condition 4 under Annex 2 to read:</p> <ul style="list-style-type: none"> - "There will be no entry to the premises after 02:00h". <p>3. Hours</p> <p>This application also seeks to extend all licensable hours until 02:30h on a Friday and Saturday only.</p> <p>All other hours and conditions are to remain unaltered.</p>



If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- | | |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I) ☐

Supply of alcohol (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) As per the current licence permission Please note that licensable activities will cease outdoors at 01:00h as per the condition offered above.		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5) As per the current licence permission		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) As per the current licence permission		
	11:00				
Sat		02:30			
	11:00				
Sun		02:30			

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4) As per the current licence permission Please note that licensable activities will cease outdoors at 01:00h as per the condition offered above.		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5) As per the current licence permission		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) As per the current licence permission		
	11:00				
Sat		02:30			
	11:00				
Sun		02:30			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4) As per the current licence permission		
Tue					
			Please note that licensable activities will cease outdoors at 01:00h as per the condition offered above.		
Wed			State any seasonal variations for the performance of dance (please read guidance note 5) As per the current licence permission		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6) As per the current licence permission		
	11:00				
Sat		02:30			
	11:00				
Sun		02:30			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing As per the current licence permission		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4) As per the current licence permission		
Wed			Please note that licensable activities will cease outdoors at 01:00h as per the condition offered above.		
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5) As per the current licence permission		
Fri	11:00				
Sat	11:00	02:30	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6) As per the current licence permission		
Sun		02:30			

I

Late night refreshment Standard days and timings (please read guidance note 7)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4) As per the current licence permission Please note that licensable activities will cease outdoors at 01:00h as per the condition offered above.		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) As per the current licence permission		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) As per the current licence permission		
	11:00				
Sat		02:30			
	11:00				
Sun		02:30			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5) As per the current licence permission Please note that licensable activities will cease outdoors at 01:00h as per the condition offered above.		
Mon					
Tue					
Wed					
Thur					
Fri	11:00				
Sat	11:00	02:30			
Sun		02:30	<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6) As per the current licence permission		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

None

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence



If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

As per the current premises licence conditions.

b) The prevention of crime and disorder

As per the current premises licence conditions.

c) Public safety

As per the current premises licence conditions.

d) The prevention of public nuisance

As per the current premises licence conditions save for the amendments proposed below:

- "The licensable activities will cease outside at 01:00h".
- "There will be at least one member of staff monitoring the outdoor area when licensable activities are taking place".

e) The protection of children from harm

As per the current premises licence conditions.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
 I have not made or enclosed payment of the fee because this application has been made
 in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others
 where applicable. ☒
 - I understand that I must now advertise my application. ☒
 - I have enclosed the premises licence or relevant part of it or explanation. ☒
 - I understand that if I do not comply with the above requirements my application will be
 rejected. ☒

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 5 – Signatures (please read guidance note 11)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other
 duly authorised agent (please read guidance note 12). If signing on behalf of the applicant,
 please state in what capacity.**

Signature	
Date	31.10.2016
Capacity	Solicitor to applicant

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises
 licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note
 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

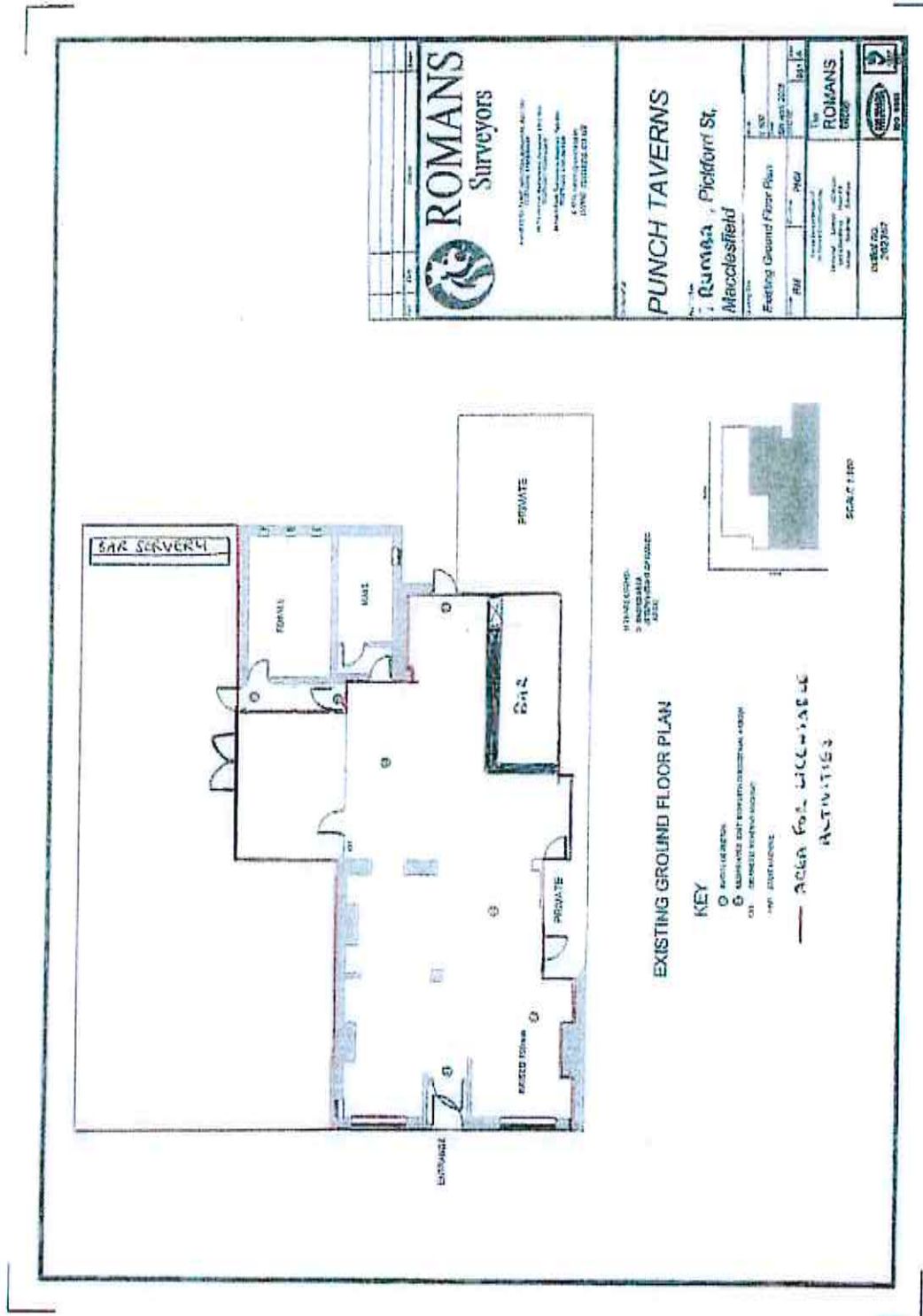
**Contact name (where not previously given) and address for correspondence associated with
 this application (please read guidance note 14)**

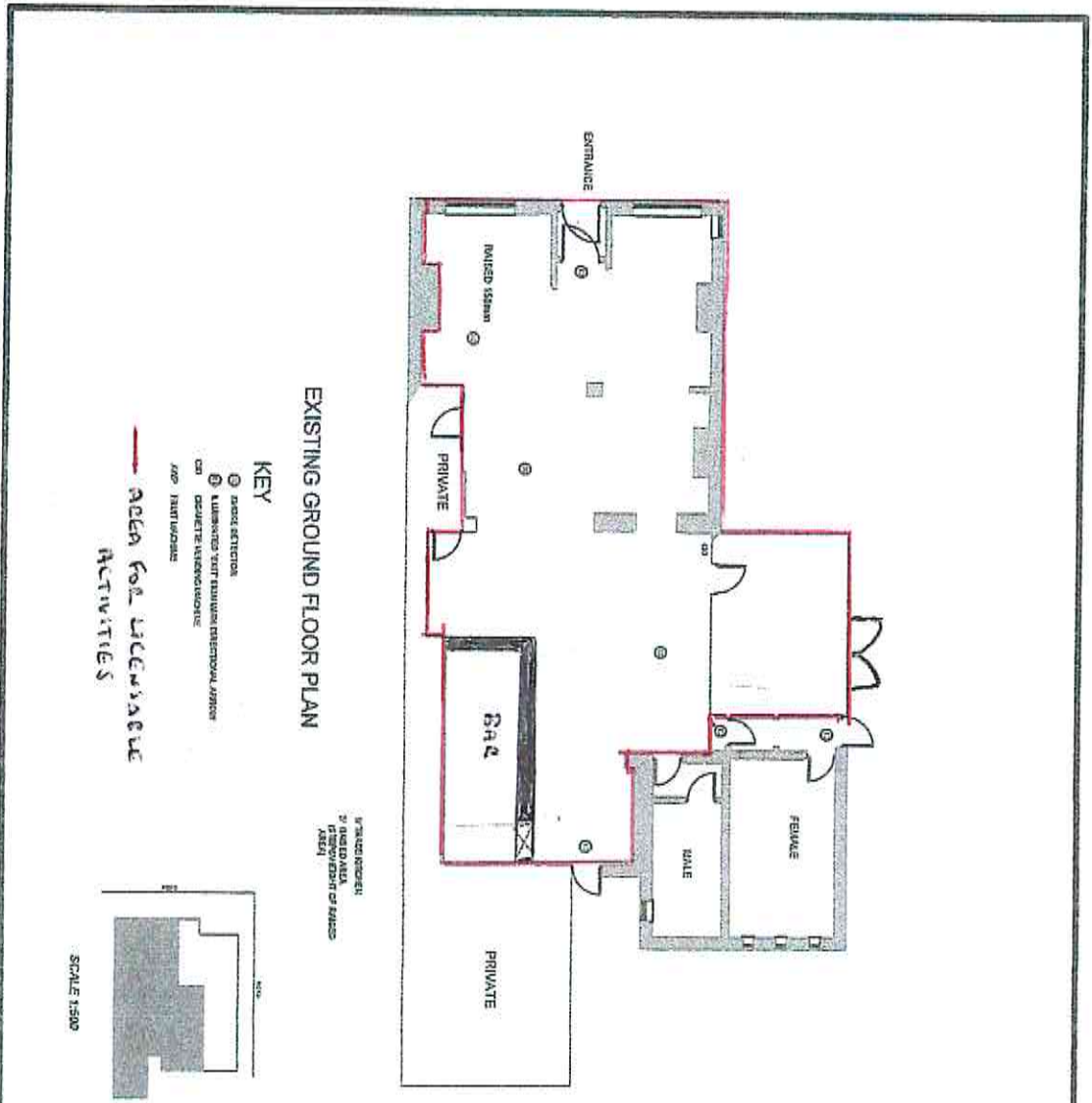
Rachel Kelly
 TLT Solicitors
 One Redcliff Street

Post town	Bristol	Post code	BS1 6TP
-----------	---------	-----------	---------

Telephone number (if any)	
---------------------------	--

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



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OBJECTION 1

KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 07-Nov-2016 08:15
To:
Subject: FW: Rumba licence

Follow Up Flag: Follow up
Flag Status: Flagged

From:
Sent: 04-Nov-2016 17:36
To: LICENSING (Cheshire East)
Subject: Rumba licence

Dear Sir/madam

I am writing in regards to the notice of application by Punch taverns plc in respect to the Rumba 27 Pickford st, Macclesfield SK116JD

My own business is situated opposite the Rumba outside area on Charlotte St, 'Pure Yoga Cheshire', a two storey yoga centre.

When the Rumba first opened, the music from their outside speakers devastated my business as the sound travels straight into my building making it impossible to teach. I realise we are in town and a residential area so we are used to some degree of noise, however the loud sound of music played outside of our Windows was ruining my classes and business which I've built up over five years.

I contacted The Environmental health and Brenda Lomas assessed the situation and dealt with the matter so there was a cessation of outside speaker noise.

I am very concerned as the change in liscence states there will be a bar and entertainment outside. This will destroy my business. There are 7 people who work at the studios, we cater for all people, including some very ill people (cancer patients) as well as expectant mothers. Not only would the noise (as has been dealt with before by environment health) be a problem, it is also intimidating for our customers to approach the area with loud booming music and the sounds of people drinking. I think an outside bar would exacerbate the noise, disturbance and incidents of drunkenness (The Rumba has a happy hour 5-8) we are open most nights untill 9 most days of the week.

yours faithfully

Sent from my Samsung Galaxy Note III - powered by Three

OBJECTION 2.

KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 07-Nov-2016 08:17
To:
Subject: FW: Previous email

Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----

From:
Sent: 05-Nov-2016 08:41
To: LICENSING (Cheshire East)
Subject: Previous email

>> Please respond to the email below at this address, not the laird one, I used my work email in error and meant to send it from my personal address. This is a personal email and does not represent the views of any other person/company.

>>
 >>

>> Sent: 04 November 2016 16:36
 >> To: 'licensing@cheshireeast.gov.uk<<mailto:licensing@cheshireeast.gov.uk>>'
 >> Subject:

>> Dear Sir/madam

>> I am writing in regards to the notice of application by Punch
 >> taverns plc in respect to the Rumba 27 Pickford st, Macclesfield
 >> SK116JD

>> two storey yoga centre opposite the bar.
 >> Pure Yoga is to me, and many others, a refuge and a second home, a
 >> place where we can relax and enjoy some peace.

>> I am very concerned that the proposed licence for Rumba states there
 >> will be a bar and entertainment outside. Not only would the noise (as
 >> has been dealt with before by environment health) be a problem, it is
 >> also intimidating for customers to approach the area with loud
 >> booming music bad language. It would be impossible to teach, have the
 >> window open, or foster an atmosphere of calm. Although this is a town
 >> centre venue and a certain amount of noise is to be expected, this
 >> would be a direct infringement on an established business and quite
 >> possibly put them out of business altogether.

>> I believe that the balance of all the public should be taken in to account.
 >> There is only one yoga studio in Macclesfield, there are innumerable
 >> loud bars and areas of shouting. What kind of town do we want

- >> Macclesfield to be? People travel to come to the studio such is its
- >> reputation, with respect, I doubt people would travel to Rumba (a franchise pub).
- >>
- >> Please let us keep this oasis of calm in our precious town.
- >>

>>

OBJECTION 3

KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 07-Nov-2016 08:27
To:
Subject: FW: Application by Punch Tavern @ Rumba, Macclesfield

Follow Up Flag: Follow up
Flag Status: Flagged

From:
Sent: 06-Nov-2016 16:21
To: LICENSING (Cheshire East)
Subject: Application by Punch Tavern @ Rumba, Macclesfield

Dear Sir/madam

I am writing concerning the notice of application by Punch taverns plc in respect to Rumba (27 Pickford Street, Macclesfield SK116JD). I see that the intention is for there to be a bar and outside entertainment which I object to in this instance.

I am a yoga teacher at Pure Yoga Cheshire which is opposite Rumba on Charlotte Street. The studio has developed into a haven of wellbeing and offers people from all walks of life an opportunity to restore and renew with yoga classes, meditation classes, sound 'baths' and dedicated workshops.

A venue in such proximity which plays loud music outside, and undoubtedly will lead to increased noise from revellers, will inevitably disrupt the classes which run every day, some days until around 9pm.

We are used to running classes with the everyday 'street' noise that is part of being located in a town, but the prospect of outside entertainment will potentially present an insurmountable challenge for the yoga students who so value this space.

I sincerely hope that the application is rejected.

Regards

Sent from Mali for Windows 10

OBJECTION 4

KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 07-Nov-2016 08:27
To:
Subject: FW: Application by Punch Taverns Plc re Rumba Bar in Macclesfield

Follow Up Flag: Follow up
Flag Status: Flagged

From:
Sent: 06-Nov-2016 16:26
To: LICENSING (Cheshire East)
Subject: Application by Punch Taverns Plc re Rumba Bar in Macclesfield

Dear Sir/Madam

I am writing regarding the notice of application by Punch taverns plc to open a licenced outside bar with entertainment at the Rumba Bar, 27 Pickford Street, Macclesfield SK11 6JD.

I am a teacher at Pure Yoga on Charlotte Street which is opposite the bar. This is the only dedicated yoga studio in Macclesfield and over the last few years has established a strong reputation and a loyal group of regular attendees, as well as attracting new members on an on-going basis. The studio was established long before the Rumba Bar was opened.

I am concerned that if this application is granted it will mean that our classes will be disrupted by the noise of the music/entertainment as well as those drinking outside. This will have a massive negative impact on the studio and risk its ongoing viability. Given this is the only studio of its kind in the vicinity I think it is important to support its ongoing success and ensure the residents of Macclesfield and nearby villages continue to have access to a yoga studio locally. An amenity such as Pure Yoga studio enhances what Macclesfield has to offer to its residents in terms of both physical and mental well-being. There are plenty of bars and entertainment venues in Macclesfield already. I am therefore opposed to what is being proposed. A possible compromise might be to restrict the outside bar to weekends only and/or do it from 9pm onwards.

Regards

OBJECTION 5

KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 08-Nov-2016 09:28
To:
Subject: FW: The Rumba Bar, Macclesfield
Importance: High
Follow Up Flag: Follow up
Flag Status: Flagged

From:
Sent: 08-Nov-2016 09:26
To: LICENSING (Cheshire East)
Subject: The Rumba Bar, Macclesfield
Importance: High

dear Sir/Madam

I am emailing with regards to the The Rumba Bar in Macclesfield. I am aware that the bar has applied for a licence to play music outside the premises from the afternoon into the evening.

I currently teach Pilates/yoga classes in the building just opposite the Bar. Should the license be approved it would really damage my business as while I teach Pilates/Yoga to my clients, I would constantly have this loud background music. I am aware that there are few other businesses next to mine who have already expressed a concern about this, feeling that the music would be detrimental to their business too.

I am therefore emailing asking to reject the licence to The Rumba Bar to play music outside their premises.

I am looking forward to hearing from you

kind regards

[Redacted signature]

[Redacted contact information]

OBJECTION 6

KNIGHT, Jennifer

From: [REDACTED]
Sent: 08-Nov-2016 14:41
To: LICENSING (Cheshire East)
Subject: Punch Taverns application RUMBA Pickford St

Dear Sir,

I am totally opposed to an outside licence for the Rumba bar.

[REDACTED] is opposite the outside area in question, we are the closest business to the Bar in question. I have tenants in my building who will be affected by the noise which will be created. We have yoga classes, fitness classes and pilates classes.

We have people who use the [REDACTED] up to 10pm in the evening.

As far as I can see the people at Rumba have no consideration for any neighbours.

When they opened, they played very loud music and we thought it was a one off, but it isn't. Loud music can be heard most nights.

They have not had permission to put up the large fence around the back area and they have not had permission to put up the marquee which went up last week.

I'm sure you need planning permission before you erect both of these items.

They just don't care about anybody else and think they can do what they want.

Why should other people's lives be affected just because of the greed of the owners of the Rumba bar.

There are 4 other businesses in this building which could be affected at some point.

Please don't let this happen, surely Loud music and booze won't encourage families to come into our area of Town.

Kind regards

[REDACTED]

OBJECTION 7

KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 09-Nov-2016 08:14
To: KNIGHT, Jennifer
Subject: FW: Rumba 27 Pickford Street SK11 6JD

Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----

From: [REDACTED]
Sent: 08-Nov-2016 19:19
To: LICENSING (Cheshire East)
Subject: Rumba 27 Pickford Street SK11 6JD

To whom it may concern

I am writing to oppose the notice of application by Punch Taverns Plc in respect to the Rumba 27 Pickford street Macclesfield SK11 6JB.

They don't have any noise insulation for the outdoor area and this already is a nuisance to me at present, Friday & Saturday nights I can understand but during the week it's getting ridiculous. The music indoors is not a problem to me as I don't hear it but the outside music is unacceptable. I have already complained to Rumba bar directly on several occasions due to music noise outside on weekday evenings.

Many thanks,

[REDACTED]

Sent from my iPhone

OBJECTION 8

KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 09-Nov-2016 15:34
To: KNIGHT, Jennifer
Subject: FW: Application by Punch taverns plc in respect to the Rumba 27 Pickford st, Macclesfield SK116JD
Attachments: Rumba bar.jpg
Importance: High

-----Original Message-----

From:
Sent: 09-Nov-2016 15:33
To: LICENSING (Cheshire East)
Subject: Application by Punch taverns plc in respect to the Rumba 27 Pickford st, Macclesfield SK116JD
Importance: High

Dear Sir/Madam,

we write in reference to the above application by Punch taverns plc in respect to the Rumba Bar, 27 Pickford st, Macclesfield SK116JD to make a public nuisance licencing objective.

We have been open since May 2012 (almost 5 years) and have built up a business which caters for a huge range of clientele. We are not a gym, we don't play music, and we only teach yoga - which is a holistic discipline very well known for its effects on health, wellbeing and relaxation. As well as general yoga classes we cater for the terminally ill (offering special relaxation and soothing events), as well as Pregnancy Yoga, yoga sessions for a local addiction rehabilitation project (R.O.A.R <http://www.reachoutandrecover.org/>), and also organising fundraising yoga events for Teenage Cancer trust (www.teenagecancertrust.org). We have been told time and time again that we are a haven or refuge away from busy life, something much needed in this age. We are the only studio that offers this kind services in the whole Macclesfield area.

We chose our location carefully, being situated between 2 car parks, with parking available at the front of our building after 6 pm, as well as being close to the train and bus stations in Macclesfield. There has always been a club opposite our building, but the noise was contained inside their building and was never a problem to us. We share our street with an art studio (next door), carpet shop, furniture shop, pie shop as well as residents.

Rumba Bar opened on 1st of July and on the week before this date we contacted Environmental Health because the bar was holding private functions (at the same time as training staff) and the noise from the music and microphone speaking in their outside area was so loud as to make impossible for us to operate our business. The noise from outside speakers and people shouting was such a disturbance that it was impossible for the people present in our classes to hear the instructions from the teacher, let alone relax!

The environmental health (Brenda Lomas) intervened upon this and the music outside stopped before their opening night - though the outside drinking remained, and to this day it's often roudy, raucous and loud.

Recently Rumba Bar has erected a huge double marquee which offers no sound insulation, and they have began to play music outside in the early evening, which even at moderate volume, still penetrates our building and create stress and ruins the experience of our clientele. Last Wednesday, there was a drunken altercation outside our

building with people arguing and swearing. We kept an eye on the situation, and noted that Rumba management never intervened. We were close to call the police, but finally the people involved wandered off.

Rumba Bar seems to offer nightclub type activities in the early evening, such as happy hours, two for 1 cocktails and drinking games. Looking at their facebook page <https://www.facebook.com/rumbamacc/?fref=ts> you get an idea of the targeted clientele, for example last week's advertisement posts include "Let's get drunk, It's cocktail time" and "Sunday Fun Day - 2 for 1 Cocktail - stay Tiki As F**k!!". As you can see the nature of the Rumba Bar is not as a traditional pub or nightclub, as they clearly encourage early evening irresponsible drinking which adds to the noise and it also intimidates regular passers by. Also their outside area is promoted as the main feature and not just a smoking area, as it shows from their social media posts (see their facebook page again <https://www.facebook.com/rumbamacc/?fref=ts>)

It is not an exaggeration to say that if Rumba can play music outside, even at a low level, the noise of the music and people shouting over the music will destroy our business, our livelihoods, and also a unique and much loved feature of Macclesfield.

Please could you advise us upon the date and venue of the hearing as we want to be present to represent our business and clientele. Our clientele have expressed their dismay and would like to be heard so we have opened a petition for them to sign, which we will send via post nearer to the deadline (27th of November)

Please find attached the picture of the Rumba Bar outside area taken from our street, showing their newly erected double marquee and extended fence, both of which we have been informed they didn't have planning permission for.

Yours sincerely,

OBJECTION 9

KNIGHT, Jennifer

From:
Sent: 09-Nov-2016 19:20
To: LICENSING (Cheshire East)
Subject: Licence application 27 Pickford Street

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir/madam

I am writing in regards to the notice of application by Punch taverns plc in respect to the Rumba 27 Pickford st, Macclesfield SK11 6JD

I am both a participant and teacher at the PureYoga studio situated opposite the Rumba outside area on Charlotte St. The yoga centre is a very important facility for many people and I myself travel from Whaley Bridge to classes as there is no comparable centre in a wide area.

I understand that when the Rumba first opened, the music from their outside speakers was very disruptive. Following a complaint to Environmental Health this matter was dealt with and outside speaker noise stopped.

I am very concerned as the change in licence states there will be a bar and

entertainment outside. The yoga centre offers support for many local residents and visitors, including a number of people with physical and mental health issues. There is also a wide age range including middle age and older people. Yoga offers a unique mix of physical exercise and relaxation which is beneficial both as recreation and therapy. The proximity of a pub with noise and alcohol consumption would completely undermine this provision. The yoga centre is open until 9pm most evenings and I cannot see why there is a need for yet another venue offering music and drink in the afternoon or early evening. I respect the fact that the centre of a town will be busy and have some noise, however there must be room for a diversity of opportunity meeting the needs of all residents, particularly older age groups who can feel excluded from town centre living.

Yours faithfully

OBJECTION 10

KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 10-Nov-2016 10:19
To: KNIGHT, Jennifer
Subject: FW: Punch Taverns, Rumba, Pickford St Licence application

From:
Sent: 10-Nov-2016 10:11
To: LICENSING (Cheshire East)
Subject: Punch Taverns, Rumba, Pickford St Licence application

I represent a number of businesses and Landlords who operate on or around Pickford St, Macclesfield and have been made aware of the application for an extended licence made by Punch Taverns for their Rumba Bar operation.

A 5pm commencement music licence seems wholly inappropriate for the outside area of the bar. The effect on the properties around the area would be extremely detrimental to their value, use and desirability. It would restrict evening time use of a number of the businesses and make one of the businesses in particular pretty much unviable.

Whilst writing I also question the 'temporary' marquee that has been erected in the yard of Rumba – I assume that this does not come under a permitted development and therefore either needs planning permission or should be removed within 28 days (which have elapsed). I have searched the planning portal and cannot find an application for the structure.

I trust that you will keep this in mind when considering the licence application.

I would be more than happy to discuss the points raised above so please do not hesitate to contact me.

Regards

OBJECTION 11

KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 14-Nov-2016 09:07
To: KNIGHT, Jennifer
Subject: FW: Rumba 27 Pickford st, Macclesfield SK116JD poposedLicence change

Follow Up Flag: Follow up
Flag Status: Flagged

From: [REDACTED]
Sent: 14-Nov-2016 09:03
To: LICENSING (Cheshire East)
Subject: Rumba 27 Pickford st, Macclesfield SK116JD poposedLicence change

Dear Sir/madam

I am writing with regard to the notice of application by Punch taverns plc in respect to the Rumba 27 Pickford St, Macclesfield SK116JD

I teach [REDACTED] at PureYoga on Charlotte Street opposite the Rumba Bar outside area.

When the Rumba first opened, it was not possible to teach Chi Kung at PureYoga due to the volume of music from outside speakers.

Environmental health and Brenda Lomas were contacted at that time, assessed the situation and dealt with the matter leading to a cessation of outside speaker noise.

A proposed change in the licence states there will be a bar and entertainment outside and this will potentially devastate classes at PureYoga (which has been running successfully for the past 5 years).

With this level of potential noise pollution I can't see how it will be possible for PureYoga to continue operating.

On another note - will it really be to the advantage of Macclesfield to have this level of noise pollution and potential drunkenness as a permanent feature for visitors as well as the occupants of such an historic town?

Yours sincerely
[REDACTED]

OBJECTION 12

KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 11-Nov-2016 13:36
To: KNIGHT, Jennifer
Subject: FW: Punch Taverns application re Rumba 27 Pickford St, Macclesfield

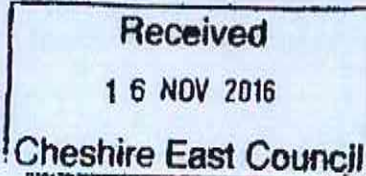
From: [REDACTED]
Sent: 11-Nov-2016 13:34
To: LICENSING (Cheshire East)
Subject: Re: Punch Taverns application re Rumba 27 Pickford St, Macclesfield

I have received a notification that there is a licencing application in respect of the above. I live at [REDACTED] Street and I have lived there for several years.

They are applying for a music licence late from Wednesday to Sunday inclusive . The outside area is only a marquee without noise insulation. I work shifts and have to go out for work at 6 am so the prospect of being kept awake is not very appealing. The late opening hours may lead to disorder, drunkenness and anti- social behaviour. It will create public nuisance in the form of noise from music, litter and light pollution.

OBJECTION 13
LCREMVA

The Licensing Section,
Cheshire East Council,
Municipal Building,
Earle Street,
Crewe,
CW12 2BJ.



10th November 2016.

FAO: Licensing Department.

To Whom It May Concern,

Re: The Rumba Bar, 27, Pickford Street, Macclesfield, Cheshire.

Licensing application: Variation to the premises licence to allow outdoor bar area.

As a local retail business situated near to Rumba Bar, I write to you to in objection to the above proposed licensing change application.

If the outside bar is allowed, there is nothing to stop loud music / live music to be played from 5pm Wednesday through to Sunday (current opening hours) with no respect to the surrounding shops, offices and home owners.

May I point out that the outside area is only a marquee with no sound insulation at all, and I also question as to whether it has actually got planning permission for. Because it is only a marquee any outside music played will be heard directly by everyone who works or lives close by all year round, causing disruption to all businesses and home owners, particularly in the summer months.

We do not want to have to hear loud music whilst we are still working and dealing with our customers.

Surely, this must also have environmental health implications too particularly for the residents living close by.

I do hope that you take this letter into consideration when viewing the application.

Yours faithfully,

OBJECTION 14

KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 18-Nov-2016 12:08
To: KNIGHT, Jennifer
Subject: FW: Notice of application by punch taverns plc in respect to the Rumba Bar, 27 Pickford Street, Macclesfield, Sk11 6JD

Follow Up Flag: Follow up
Flag Status: Flagged

From: [REDACTED]
Sent: 18-Nov-2016 12:05
To: LICENSING (Cheshire East)
Subject: Notice of application by punch taverns plc in respect to the Rumba Bar, 27 Pickford Street, Macclesfield, Sk11 6JD

Dear Sir/Madam,

I would like to register my opposition to the application by Punch Taverns plc in respect to the Rumba Bar, 27 Pickford Street, Macclesfield, Sk11 6JD.

I am a resident of nearby [REDACTED] and as such I am very concerned about the increase in noise pollution (and anti-social behaviour) that would result from the proposals for "the addition of the outdoor bar increasing the areas for licensable activities (sale of alcohol, late night refreshment and regulated entertainment)".

As well as businesses close by, there are a number of residential properties which would be significantly detrimentally affected. Moreover, the existing facilities include a large bar area sufficient for the size of premises.

Kind regards

Email: [REDACTED]
Office: [REDACTED]
Fax: [REDACTED]



 Please consider the environment - do you really need to print this email?

This email and any attachments (where applicable) are for the addressee only and may be confidential, and may be the subject of legal and/or professional privilege.

If you are not the intended recipient, any disclosure, copying, distribution or other action taken in reliance of the information contained in this e-mail is strictly prohibited.

If you have received this email in error, please contact the sender immediately.

OBJECTION IS

KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 21-Nov-2016 09:43
To: KNIGHT, Jennifer
Subject: FW: Rumba, 27 Pickford Street, Macclesfield, CW1 3AW

From: [REDACTED]
Sent: 21-Nov-2016 09:41
To: LICENSING (Cheshire East)
Subject: Rumba, 27 Pickford Street, Macclesfield, CW1 3AW

Re: The notice of application by Punch Taverns plc in respect to Rumba, 27 Pickford Street, Macclesfield SK11 6JD

I have a small art studio/gallery on Charlotte Street and I would like to voice my concern at the application of Rumba to extend licensable activities, particularly the disruption caused by an outside bar and the playing of loud music.

I feel this would be detrimental to the businesses and residents in the immediate area, particularly in our interaction with the public.

Yours

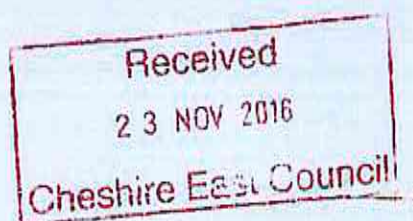
[REDACTED]

J.C. PREMCO

OBJECTION 16

21st November 2016

Cheshire East Borough Council
Licensing Authority at Municipal Building
Earle Street
Crewe
Cheshire
CW1 2BJ



To Whom it May Concern,

We are writing to register our objection to the application for a premises licence by Rumba, 27 Pickford Street, Macclesfield, Cheshire, SK11 6JD.

Our objection is relating to the main change, namely, the addition of the outdoor bar, increasing the areas for licensable activities (sale of alcohol, late night refreshment and regulated entertainment). And in addition the conditions being added to Annex 2 of the premises licence.

According to Google Maps Rumba, 27 Pickford Street, Macclesfield is 90 yards away from where we live at Macclesfield. We are currently able to hear the noise generated by this business, particularly on Friday and Saturday nights. Our concerns are that their premises licence potentially could be varied to include the addition of an outdoor bar including regulated entertainment. Given our close proximity to the premises it is likely that this addition will cause us harassment, alarm and distress as detailed in the Crime and Disorder Act 1998's definition of anti-social behaviour. In addition to this it is our understanding that the licensee/s have an obligation to promote the four licensing objectives to ensure that there is no overall harm to the public good. As 'outdoor' would suggest absolutely no sound insulation it has to be assumed that the points we have raised above would breach the Anti-Social Behaviour Act 2003/2014 and the Human Rights Act 1998.

We appreciate that although this is a residential area, there are businesses also frequenting this vicinity and we respect and promote the co-existence of both. We have always supported local businesses in the town and would always encourage buying locally, improving the local economy and strengthening communities. We hope that our concerns, specifically relating to the outdoor licensable activities, are taken seriously and that consideration is given on the impact of our right to live peacefully in our home, ensuring that we are not subjected to any unreasonable behaviour, or action that interferes with the quiet enjoyment of our home, or which adversely affects our quality of life or that of any other resident or businesses within the local community, by anything which could be considered as anti-social.

We remain confident in the councils abilities to take all points raised in relation to this matter but in view of the above, we would urge the Licensing Authority to refuse the application.

Thank you for your consideration with regards to this matter.

Kindest Regards,

OBJECTION 17

KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 24-Nov-2016 08:10
To: KNIGHT, Jennifer
Subject: FW: Rumba, 27 Pickford Street, Macclesfield, SK11 6JD,,

Follow Up Flag: Follow up
Flag Status: Flagged

From:
Sent: 23-Nov-2016 20:48
To: LICENSING (Cheshire East)
Subject: Re: Rumba, 27 Pickford Street, Macclesfield, SK11 6JD,,

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

23rd November 2016

Dear Sir or Madam,

Re: Rumba, 27 Pickford Street, Macclesfield, SK11 6JD

I am writing to express my concern and opposition to the submitted application from Punch Taverns Ltd to variation to the premises licence under the Licensing Act 2003 at the above licensed premises.

I am a 'sharing occupant' of a _____ some 50 yards or so from 'Rumba',
on _____. I am particularly concerned that allowing for outdoor live music etc will have a
detrimental effect on the general environs of the quiet back-water of this particular area of Macclesfield. I
fear it will not be possible to work, reflectively, in the studio, especially during evenings, because of the
inevitable noise which will arise from Rumba.

I am also especially concerned over the impact that outdoor live music etc will have on my nearest
neighbour on Charlotte Street, namely 'Pure Yoga Cheshire', where quiet and tranquil sessions are
conducted most evenings of the week. My neighbour fears greatly that noise from Rumba will have a
catastrophic impact on his classes. And I share his concerns.

In anticipation of your kind attention.

Yours faithfully,

Cheshire East Borough Council
Licensing Authority at Municipal Building
Earle Street
Crewe
CW1 2BJ S

Dear Sir/Madam

I am writing with regard to the notice of application by Punch Taverns plc in respect to Rumba, 27 Pickford Street, Macclesfield, SK116JD.

I am a teacher and a student at 'Pure Yoga Cheshire', a two storey yoga centre which is situated opposite the Rumba outside area on Charlotte St, Macclesfield.

When Rumba first opened, the music from their outside speakers caused unreasonable/excessive levels of noise pollution which had a major impact on the ability to deliver effective yoga classes which require a relatively quiet environment in order for students to enjoy the true benefits of yoga practice. I also attend the studio as a student and have had first hand experience of the negative impact of excessive noise on my yoga practice.

I believe that contacted the Environmental
Health Department about the level of noise pollution. This was subsequently assessed and the use of outside speakers by Rumba ceased.

The current application for a change in licence of Rumba, states that there will be a bar and entertainment outside. This will destroy the business which employs seven local people plus visiting teachers and provides yoga and therapies for people with a range of needs e.g cancer patients, expectant mothers.

The provision of outside drinking and music space and associated noise and disturbance would have significant negative impact on the staff and students of Pure Yoga Cheshire. The business has been existence for approximately 5 years and has continued to thrive and prosper. It offers classes and workshops 7 days per week, including evenings and attracts visiting teachers and students from around the country.

I feel very strongly that granting a license to Rumba for outside use would be in conflict with the best interests of Pure Yoga Cheshire and therefore request that you do not grant the application.

Yours faithfully

LCPREMCO
OBJECTION 19

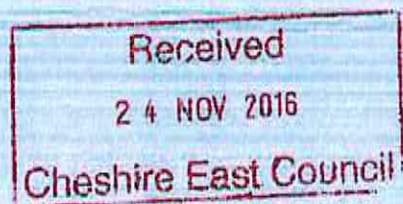
Saturday 19th November 2016

**RE: The notice of application by Punch taverns plc in respect to the Rumba 27
Pickford st, Macclesfield, SK116JD**

Dear Sir/Madam,

I have been issued a letter regarding the pending change in licensing for the Rumba Bar in Pickford Street, Macclesfield. I am writing to register the fact that I oppose these changes on the grounds of excessive noise until late hours on the days that they are open, from the new outside area of the bar. I believe it will cause an issue for me, working Monday – Friday daytimes in a full time job as a result of the music playing loudly during late evenings all year around.

Yours Faithfully,



LCPREMCO

Macclesfield 23rd of November 2016

To: Cheshire East Licencing Department

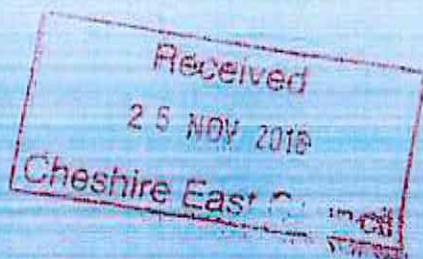
From:

Dear Sir/Madam,

Please find enclosed a petition of objection to the changes in licencing at Rumba Bar, 27 Pickford Street, Macclesfield SK11 6JD, signed by some of our customers.

We hope this representation of our clients, gives some idea of the negative impact even low played music will have on our business and the wellbeing of our customers.

Kind regards,



Macclesfield, 8th of November 2016

Pure Yoga Cheshire, 29 Charlotte Street, Macclesfield, SK11 6JB

Dear Pure Yoga studio visitor,

The Rumba Bar – situated just opposite our doors - is applying for a change in licencing to allow them to play music and entertainment in their outside area from 5 pm until late from Wednesday to Sunday included (they are only closed on Monday and Tuesday). Their outside area is only a ^{at}marquee with any noise insulation.

This will cause very high levels of noise and all year round disruption, causing extreme disturbance to our yoga classes and making it impossible to continue to share the practice and what we feel is a wonderful addition to this town.

If you are opposed to this, please sign the petition below.

You can also apply by email or letter to the Cheshire East licensing department either by email, or by letter – to be received by the 27th of November:

Email licensing@cheshireeast.gov.uk

Postal address: Cheshire East Borough Council, Licensing Authority at Municipal Building, Earle, Street, Crewe, CW1 2BJ S

Please mention the notice of application by Punch taverns plc in respect to the Rumba 27 Pickford st, Macclesfield SK116JD

Feel free to share with anybody who you feel might be affected by this.

Name	
1	LORRAINE VESPIGNI
2	KARIN MUELLER
3	KAY TOMKINSON
4	J Jouannet
6	L. J. Dew
6	J. Dew
7	Kelly Cox
8	Adam Peel
9	Lisa Anderson
10	Rebecca Morris
11	Vanda Aghp
12	K. Hopkinson
12	DAVID RYAN
14	RACCO MUNDI

	NAME	
15	Julia Higham	
16	Arvor Skelton	
17	Julie Skelton	
18	Lois Burrow	
19	Carol Curling	
20	DENISE WHITTAKER	
21	SHIRLEY BRADLEY	
22	MIKE SUTTON.	
23	JULIA DILLIE	
24	DUNCAN DICKIE	
25	AUDREY WILSON	
26	Wendy Purdon	
27	Rona Winterson	
28	LINA MORRISSEY	
29	Jane Johnson	
30	Jane Hallam	
.	EVE TAYLOR	
.	SEAN WHITE	
.	Kathy Ashton	
.	Kelvin Baker	
.	CHARLOTTE CAMP	
.	Gill Leicester	
.	Simon Bill	
.	Jana Spavkova	2
.	Natasha Hawksworth	
40	Helen Glen	
.	Nicola Stewart	
.	Mike Fawcett	
.	Scarlet Fairhurst	
.	Brenda Jones	1
.	JANET DEAN	1
.	Bob Barnes	4
.	Nicola Lenth	7
.	Laura Maguire	7
.	NICHOLA STREET	5
50	JULIETTE PETRIE	2
.	Gemma Small	16

[illegible]

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Appendix 3

Relevant Extracts from Cheshire East Council's Licensing Policy

Noise and Vibration

9.3 In order to enforce the provisions of the Environmental Protection Act 1990 (which relate to noise nuisance) the Police, Environmental Health Officers and Licensing Officers will liaise to ensure that adequate control measures are properly used to protect the local environment. Any action taken will be conducted in accordance with relevant enforcement policies

9.4 Consideration will be given to whether the operating schedule contains adequate measures to prevent noise and vibration, generated from within the premises, outside it, or from an open site, that may cause disturbance. Stricter conditions will be considered on premises in areas that have denser residential accommodation or have residential accommodation close to them. Noise includes music and human voices. Measures in the Operating Schedule may include installation of soundproofing, air conditioning, acoustic lobbies, sound limitation devices or locking doors at specified hours. If the proposed operating schedule fails to address noise nuisance issues, the Environmental Health Department may request that an independent acoustic report is conducted. Environmental Health may use any recommendations from such a report to propose amendments to the Operating Schedule or suggest conditions for the consideration of any (Sub) Committee.

9.5 Applicants will be expected to have included measures in their Operating Schedules that make adequate provision to:

- Restrict the generation of any noise within the premises and from activities associated with the premises in the vicinity, or from an open air site
- Limit the escape of any noise from the premises or open air site
- Restrict any noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping
- Minimise and control any noise from customers arriving and departing from the premises

9.6 The Licensing Authority will not impose conditions on licensed premises that cannot be directly controlled, or on matters not related to the vicinity of the premises.

9.7 If it is considered that any noise emanating from within the curtilage of a licensed premise is causing a public nuisance, under the provisions of the Anti-Social Behaviour Act 2003, an Authorised Officer can require its immediate closure for a period of up to 24 hours. It should be noted that the 'test' is a lesser one than that required to determine a Statutory Noise Nuisance and the statutory defence of 'best practicable means' is not available.

Eating, Drinking and Smoking Outside Premises

9.8 The Licensing Authority will take the following into consideration:

- Whether people standing or sitting outside are likely to cause obstruction or other nuisance
- Whether premises are under or near residential accommodation
- The hours of sale of alcohol in open containers or food for consumption outside the premises
- Measures to make sure that customers move away from outside premises when such sales cease
- Measures to collect drinking vessels and crockery, cutlery and litter
- The extent and location of areas proposed to be set aside for the consumption of food and alcoholic drink for smoking
- Whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink (whether supplied by the premises or not), between certain hours or at all times.

Other Environmental Impacts

9.9 Consideration will be given to whether Operating Schedules contain adequate measures to prevent:

- Litter, smells, fumes, dust, tobacco or other smoke, or other emissions
 - Street fouling
 - Light pollution
 - Congestion of the pavement or roadway, impeding reasonable access arising from the proposed licensable activity that may cause nuisance to people in the vicinity.
-
- 9.10 If the sale of alcohol in open containers or food for consumption outside the premises has been proposed, the following considerations are relevant:
 - Whether measures would be undertaken to prevent nuisance caused by the storage, handling and collection of refuse and recyclable materials
 - Whether late night premises are likely to generate litter and whether the sale of take-away food is proposed and the measures planned to prevent littering in the vicinity and to clear up any litter that occurs
 - The steps proposed to prevent queuing or, if some queuing is inevitable, to divert queues away from residential properties and entrances to neighbouring premises, and to manage the queue to prevent disturbance and obstruction
 - The steps taken to prevent disturbance by patrons arriving at or leaving the premises
 - The steps taken to ensure staff leave the premises quietly
 - The arrangements made or proposed for parking by patrons and the effect of parking on local residents
 - Whether taxis and private hire vehicles serving the premises are likely to disturb local residents
 - Whether routes to and from the premises on foot or by car or service or delivery vehicles pass residential premises
 - Whether other measures to prevent nuisance such as the use of CCTV or the employment of SIA registered door supervisors are necessary
 - The measures proposed to prevent the consumption or supply of illegal drugs, including any search procedures
 - The likelihood of any violence, public disorder or policing problem arising if a licence were to be granted
 - If the applicant has previously held a licence within the Cheshire East area, the details of any enforcement action arising from that premises
 - Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.

KNIGHT, Jennifer

From: ROSCOE, Hamish
Sent: 25-Nov-2016 13:33
To: LICENSING (Cheshire East)
Cc: KNIGHT, Jennifer;
Subject: Rumba 27 pickford street Macclesfield. Refusal of variation.
Attachments: RE: Rumba - Macclesfield - SK11 6JD - Management Plan [TLT-TLT.FID3846640]; RUMBA photo 3.jpg; Rumba Photo 4.jpg; RUMBA photo 1.jpg; Rumba photo 2.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

Rumba
27 Pickford Street
Macclesfield
SK11 6JD

Ref PR/0496

Variation Application- licensable activities
Outside use
Outside bar
Extending timings

Public Protection and Health Dept (Environmental Health) consultation comments.

Refusal of variation on the licensing objective Public Nuisance (noise)

Comment and observation.

Having sort advice from the licensing department – people noise and noise from the activities of the premises are a material licensing consideration.

This refusal is on the basis that a workable and timely agreement has not been achieved with the applicants licensing solicitors despite discussions having taken place, this being the last working afternoon before the Sunday 27/11 deadline.

This premises has a complaint history that we have addressed with the premises, this stems from noisy use of the outside area without licensing permission during the summer. It is not uncommon for other members of the community to suffer without official complaint especially if they are aware of others complaining. This contact may have also been a material reason for the variation application to regularise that actual uses ?

A pre licensing application meeting was held on site but the matter of outside entertainment was not raised.

Following the application and the full extent of the variation was apparent an assessment of the site was made from the street by another officer. It was clear that the area was very mixed use of licenced, commercial and residential uses, that are in close proximity as is often the case close to the town centre.

It was also clear that the outside area had been developed with significant fencing and roof structures. This was notified to the councils planning enforcement team.

Please see the attached photographs for reference.

A subsequent meeting was arranged by a planning enforcement officer and a joint meeting was held on site with the planning enforcement officer, Environmental health together with the operators Chris Parsons and Martin Holmes.

At this meeting it was apparent that they didn't want or ask for the licensable entertainment use outside and also agreed that an earlier curfew was acceptable. Many issues were addressed some of which are not directly related to licensing but more around confidence in management thus advice was given. Eg structure erected without seeking planning opinion, use of the area with bar without licensing permissions, fire safety of the wooden structure and unidentified fire escapes, using the area for smoking contrary to the health act 2006- which we hope have been addressed in the mean time.

However, as the licence is a Punch tavern licence it was clear that an agreement couldn't be wholly achieved despite the local feedback. Thus negotiations were had with the licence holders legal representatives.

Despite some agreement (no outside entertainment) a complete settlement was not achievable in time (please note the time and date of this email as we have left it as late as possible before submission). In that outside speakers will be retained for background music and a volume set.

However setting a volume may be problematic and the perceived sound from an empty area and one full of people can be very different (louder without the absorption effect of people) thus difficult to say at any one time if its background music or entertainment ?

It also became clear from neighbours of Rumba that the wider community has interest and issues with the licence variation.

Thus at this late stage we do not feel it possible to negotiate a settlement that may exclude interested parties in this review process.

It is clear that the licence holder wishes to use the outside area into the more sensitive times (even in a town centre)of the early hours of the morning.

Whilst we accept that the night-time economy plays a part in a vibrant town centre we do not feel that this should be at the detriment of the wider community.

Internal activities where noise etc can be attenuated to an acceptable level is we feel the way forward in such circumstances. But the proposal for the outside use that encourages significant patron use is of concern regarding noise.

However, this variation of the outside use is beyond what can be reasonably mitigated into the early hours of the morning's. This is more apparent during the summer when it can be expected that residents would have their windows open at night.

People do not have a volume control and we accept that people whilst individually may not be acting in a way to cause concern for the management the "group" noise could be such that the accumulative affect is an unreasonable noise and the only real control is a curfew.

Whilst we understand that planning is not a material licensing consideration, we feel that it must be addressed here as the operators have by their own admission erected the structure as a noise barrier. This structure may not be permitted development and could become subject of enforcement action and /or removal. Thus we are not comfortable in placing possible noise mitigation via the licensing system of a possibly illegal structure.

The marquee roof does not provide any significant acoustic barrier effect, it only enables and encourages this outside use, together with the fixed seating, built in bar area, heating, lighting, speakers etc.

Many of the dwellings in the area are at a higher level being flats, apartments and bedsits etc above local retail and other commercial street front businesses, thus above any significant barrier affect afforded by the fence.

Thus due to the fact that we have received noise complaints about the external use, that we have not been able to reach a timely agreement with the applicant, that the operators and the licence holder appear to have different aspirations of the use of the premises and, as we understand it, additional members of the community are taking the opportunity to comment when it is possible they haven't made complaints directly to this department, we feel that we must object in the time frames open to us. That a committee hearing will air all the community issues that we are not a party to and make their decision.

Refusal on the Grounds of Public Nuisance (noise)

We have been advised that the licensing officer will share this objection with all necessary parties.

Hamish Roscoe
BSc(HONS), MCIEH,AMIOA
Senior Enforcement Officer

postal communication to:-

Cheshire East Council
Hamish Roscoe
Regulatory Services and Health
People Directorate
(Macclesfield Town Hall)

C/O Municipal Buildings
Earle Street
CREWE
CW1 2BJ

this email is intended for the named recipients :-To, Cc and Bcc only and remains confidential

KNIGHT, Jennifer

From: ROSCOE, Hamish
Sent: 23-Nov-2016 12:10
To: 'Rachel Kelly'
Subject: RE: Rumba - Macclesfield - SK11 6JD - Management Plan [TLT-TLT.FID3846640]
Attachments: Rumba - Garden Protocol CEC 23.11.16.docx

Hi Rachel

Thank you for this document.

I have made some comments for your consideration.

As you know our concern is the noise issues this outside areas raises for the wider community both music and people.

This people and entertainment noise affecting both local businesses and nearby residents needs robust controls and we cannot rule out justified complaint even if a noise management plan is agreed.

It was disappointing to hear that you would not go along with a lesser use time as we had discussed with Chris Parsons and Martin Holmes

The operators whom were more than willing to amend the timings.

I have asked that you reconsider this in the document notes, I believe that an earlier curfew time for the outside uses will allay the community fears of the noise disturbance as have been experienced.

Please note that any licensing discussions are on the basis of the current structures on site

Should our planning enforcement team deem that these structures are not allowable then the outside use as a whole may need to be revisited in licencing terms

I look forward to your observations on my suggestions.

Non Licensing observations for your consideration

Provided for wider advice as I am sure you are aware Environmental Health professionals cover many aspects of public health, safety licencing planning etc

I am aware that the structures – fencing and roofing are being considered by our planning enforcement team.

Please also note that allowing smoking in this outside area as it is at the moment may be contrary to the Health Act 2006 as the area is not a 50% open smoking shelter may even be deemed a part of the enclosed building. Even the unroofed area by the steps to the front is not 50% open as it only lacks a roof, thus your clients may wish to consider this aspect

Your clients will also need to consider the fire escapes from this area that one door to the rear by the external bar was in effect a hidden door in the fencing without signage.

The materials used and the use of this outside area should form part of the premises fire risk assessment.(RRO2005)

I look forward to hearing from you in the near future

regards

Hamish Roscoe
BSc(HONS), MCIEH, AMIOA
Senior Enforcement Officer

postal communication to:-

Cheshire East Council
Hamish Roscoe
Regulatory Services and Health
People Directorate
(Macclesfield Town Hall)

C/O Municipal Buildings
Earle Street
CREWE
CW1 2BJ

this email is intended for the named recipients :-To, Cc and Bcc only and remains confidential

From: Rachel Kelly
Sent: 23-Nov-2016 09:02
To: ROSCOE, Hamish
Subject: Rumba - Macclesfield - SK11 6JD - Management Plan [TLT-TLT.FID3846640]

Dear Hamish,

Further to our telephone conversation last week, please find attached the garden/noise management plan for the above premises.

I trust this is satisfactory, bearing in mind the fact that no regulated activities will take place outdoors but we welcome any comments.

If you have any questions, please do not hesitate to get in touch.

Kind regards,

Rachel

Rachel Kelly
Legal Assistant
for TLT LLP

www.TLTsolicitors.com

Legal Week Best Legal Advisers research - tell us what you think

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Rumba Macclesfield

GARDEN PROTOCOL

Amended November 2016

Comment [HR1]: The area is not a garden thus please consider "external areas" and change this reference within the document

THE INSTRUCTIONS CONTAINED IN THIS NOTE ARE EFFECTIVE IMMEDIATELY AND MUST BE FOLLOWED

OUR SINGLE OBJECTIVE IS TO REDUCE THE NOISE IMPACT FROM OUR GARDEN ON OUR NEIGHBOURS

Operational Management

- The Duty Manager will at all times be responsible for the proper supervision of the Garden.
- Each evening the Duty Manager will appoint one single person to supervise the garden ('garden supervisor') from 10pm.
- The Garden Supervisor will be primarily responsible for keeping the Garden area tidy of glass, crockery etc.
- The Garden Supervisor will be responsible for ensuring noise is kept to a reasonable level.
- Any customer who is shouting, singing loudly, causing a high level of noise or behaving in an unreasonable manner that is deemed by the duty manager/garden supervisor likely to cause offence or disturbance to other patrons or neighbours should be asked politely to stop.
- Those customers should be reminded that as a courtesy to our neighbours, noise must be kept to a reasonable level.
- If the customers persist, the Duty Manager should be informed.
- The Duty Manager should again ask the customer, as a courtesy to our neighbours to reduce the noise to a reasonable level OR THEY WILL BE ASKED TO LEAVE THE GARDEN.
- If they continue to make noise, they will be required to leave the garden.
- Where we have Door Security, the Door Supervisor should make a patrol of the Garden every 20 mins or more often if the Garden is busy. The Door Supervisor will not however, replace the Garden Supervisor, but will be there to assist.
- The Door Supervisor on the Garden Protocol should be fully briefed from the Duty Manager at the start of the evening.
- Any clearing down of the garden must be carried out within an hour of the garden closing to customers. Once the garden closes to customers, no one except staff is permitted to enter the garden. Once the hour is up, no one, including staff must enter the garden, the doors must be locked and lights must be switched off. Deep cleaning of the garden must be carried out the following morning.
- It should be remembered that bottles and glasses make a very loud noise in an empty Garden. Glass collection will be carried out on a regular basis with a special effort from 11pm.
- No bottle tipping into bulk containers shall take place outside after 21.00 or before 08.30
- Should we receive any complaint, a full note should be kept in the Incident Book noting time of complaint, person's name/telephone/address, the details of the complaint and what action, if required, was taken as a result.

Comment [HR2]: Please amend all "should" to "shall" within the document to make it enforceable

Comment [HR3]: Suggested addition

Comment [HR4]: Of customer incidents eg manager actions (see above) as well as complaints. The log book shall be available to police and /or local authority officers during opening hours.

Comment [HR5]: Please consider an earlier termination time for the external areas due to the close proximity of residential dwellings eg midnight.

Garden Closure

- 

- The Garden will be emptied of its patrons 15 minutes after the bar closes.
- Clean down of the garden must commence between the hours of 01:15h and 02:15h

Speakers

Speakers in the garden will be used for background music only. This means music played at such a level that customers do not have to raise their voices over it to have a normal conversation.

The volume is to be set by the DPS or a member of the management team, and the volume control secured so that it cannot be tampered with or increased by other members of staff.

Any complaints about music from the garden to be investigated and where necessary the volume further reduced to ensure that the levels remain background and therefore by definition cannot be a disturbance to any neighbours.

Comment [HR6]: And recorded in the log book

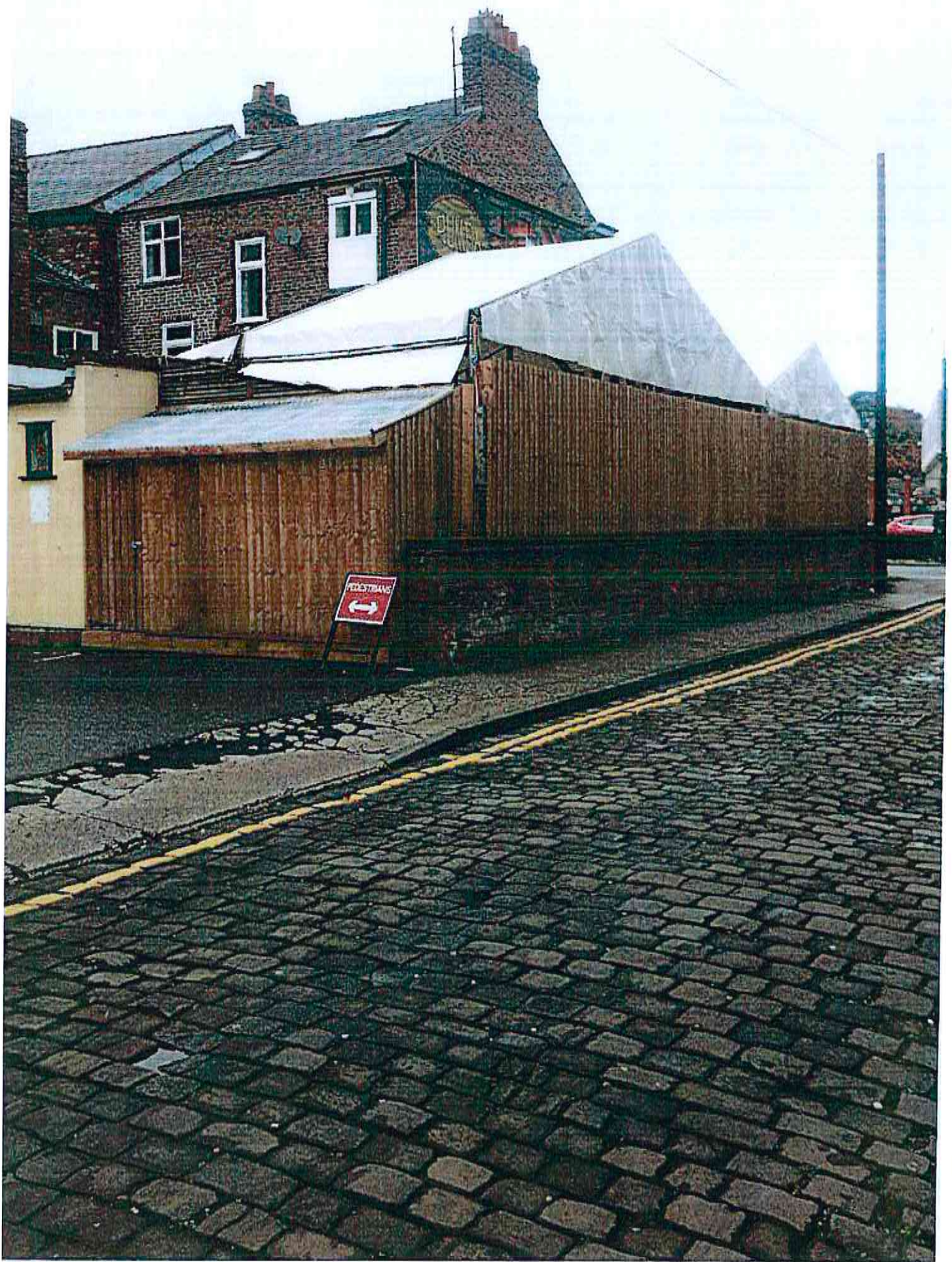
Signage

Signs will be placed at the entrance to the garden reminding customers using the garden to respect the rights of neighbours to not be disturbed and informing them that management reserve the right to ask individuals/ groups to come inside if they believe they are likely to be disturbing neighbours.

Comment [HR7]: Unless you are suggesting background is inaudible there is always the possibility for disturbance

REMEMBER, WE WOULD LIKE OUR CUSTOMERS TO ENJOY OUR GARDEN THROUGHOUT THE YEAR, BUT IT MUST NOT BE AT THE EXPENSE OF OUR NEIGHBOURS









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Premises Licence Summary

Premises Licence Number:

PR/0496

Premises Details

Postal address of Premises or, if none, ordnance survey map reference or description:	
Rumba Bar	
27 Pickford Street Macclesfield Cheshire	
Post Town: Macclesfield	Post Code: SK11 6JD
Telephone Number: 01625 668869	

Where the Licence is time limited, the dates:
Not applicable.

Licensable activities authorised by the Licence:
Live Music Recorded Music Performance of Dance Sale and supply of alcohol Anything of similar description to live music, recorded music and dance Provision of facilities for making music Provision of facilities for dancing Provision of facilities to entertain similar to music and dance Late Night Refreshment

The time the Licence authorises the carrying out of licensable activities:
Live Music (to take place indoors) Monday to Sunday 11.00 to 02.00 Recorded Music (to take place indoors) Monday to Sunday 10.00 to 02.30 Performance of Dance (to take place indoors) Monday to Sunday 11.00 to 02.00 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 Sunday 11.00 to 02.00

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

Anything of similar description to live music, recorded music and dance (to take place indoors)

Monday to Sunday 11.00 to 02.00

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

Provision of facilities for making music (to take place indoors)

Monday to Sunday 11.00 to 02.00

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

Provision of facilities for dancing (to take place indoors)

Monday to Sunday 11.00 to 02.00

Provision of facilities to entertain similar to music and dance (to take place indoors)

Monday to Sunday 11.00 to 02.00

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)

Sunday to Thursday 23.00 to 02.00

Friday and Saturday 23.00 to 02.30

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 Sunday 10.00 to 03.00

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 both on and off the premises.

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

Punch Taverns PLC
Jubilee House
Second Avenue
Burton upon Trent
Staffs
DE14 2WF

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

03752645

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

Peter Billingsley

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

No.

Licence issued on : 18th August 2016

Signed by  on behalf of
Cheshire East Borough Council

Annex 1 - Mandatory Conditions (as applicable)

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.

Where a Village Hall is exempt from needing DPS under s.19 Licensing Act 2003

Every supply of alcohol under the premises licence must be made or authorised by the Management Committee.

Mandatory condition where the licence authorises the exhibition of films

The admission of children to the exhibition of any film must be restricted in accordance with section 20 of the Licensing Act 2003. Admission of children must be restricted in accordance with any recommendation made by the British Board of Film Classification or the Licensing Authority.

Prohibited conditions: plays

1. In relation to a premises licence which authorises the performance of plays, no condition may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under the licence.
2. But subsection (1) does not prevent a licensing authority imposing, in accordance with section 18(2)(a) or (3)(b), 35(3)(b) or 52(3), any condition which it considers necessary on the grounds of public safety.

Mandatory condition: Door supervision

Each individual engaged in security activities at the premises must either:

- a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- b) be entitled to carry out that activity by virtue of Section 4 of the Private Security Industry Act 2001.

LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS)(AMENDMENT) ORDER 2014

MANDATORY CONDITIONS

Condition 1

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
 - a) Games or other activities which require or encourage, or are designed to require or encourage individuals to –
 - i. Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. Drink as much alcohol as possible (whether within a time limit or otherwise);

b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Condition 2

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Condition 3

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

a) A holographic mark, or

b) An ultraviolet feature

Condition 4

The responsible person must ensure that –

a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

i. Beer or cider: ½ pint;

ii. Gin, rum, vodka or whisky: 25ml or 35ml; and

iii. Still wine in a glass: 125ml;

b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—

- a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b) 'permitted price' is the price found by applying the formula—

$$P = D + (D \times V)$$

Where —

- i. P is the permitted price,
- ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence—

- i. the holder of the premises licence,
- ii. the designated premises supervisor (if any) in respect of such a licence, or
- iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) 'valued added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the Operating Schedule

Prevention of Crime and Disorder

1. There shall be a CCTV system in operation at the premises.

Prevention of Public Nuisance

2. There shall be a Customer Awareness Scheme in operation at the premises.

CONDITIONS TRANSFERRED FROM PUBLIC ENTERTAINMENT LICENCE

AVOIDANCE OF NUISANCE

1 Noise

- 1.1 The Licence Holder/Designated Premises Supervisor or responsible person nominated by him in charge of the Premises shall ensure that any noise emanating from the Premises is such as not to cause annoyance to residents in the locality.
- 1.2 The Licence Holder/Designated Premises Supervisor or responsible person nominated by him in charge of the Premises shall ensure that the Premises, including the car park, are vacated quietly within thirty minutes of the terminal hour of the Licence, and that proper supervision of all persons leaving the car park and otherwise leaving the Premises is provided. Conspicuous notices shall be positioned at all exits from the Premises requesting patrons to make the minimum amount of noise on leaving.
- 1.3 No noise generated by any entertainment at the Premises shall be for such periods of time and such levels of intensity so as to render liable to damage the hearing of persons attending the entertainment.

ADDITIONAL CONDITIONS

- 2 SIA registered Door Staff shall be employed at the premises on Friday & Saturday nights at the ratio of 1 per 100 occupancy from 2100hours to closure and on any other day when 'special events' may take place at the premises organised in conjunction with the Designated Premises Supervisor.
- 3 A Closed Circuit Television and Recording System shall be kept and maintained on the premises to the satisfaction of the Police. All CCTV tapes shall be kept for a period of 31 days and be made available to the Police for evidential purposes.
- 4 No entry is allowed in the premises after 01.00.
- 5 The maximum capacity of the premises shall not exceed 150 persons.
- 6 The Designated Premises Supervisor or, in his/her absence a nominated deputy shall attend Macclesfield Pub Watch meetings.

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

1. Doors and windows shall remain closed, except for access and egress purposes, after 24.00 when regulated entertainment is taking place.

Annex 4 - Plans

See attached.

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CORRES.
APPENDIX 7**KNIGHT, Jennifer**

From: LICENSING (Cheshire East)
Sent: 24-Nov-2016 08:08
To: KNIGHT, Jennifer
Subject: FW: Rumba Macclesfield

Follow Up Flag: Follow up
Flag Status: Flagged

From: [REDACTED]
Sent: 23-Nov-2016 17:51
To: [REDACTED]
Cc: LICENSING (Cheshire East); Chris Carsons
Subject: Rumba Macclesfield

Hi [REDACTED]

My name is Martin Holmes, I m a director of the company that runs Rumba on Pickford Street (I met you on our opening night in the summer).

The reason for my email is to put your mind at rest regarding the current licence application that Punch Taverns have made on our behalf. Unfortunately, due to the constrictions of our tenancy, we are unable to enter applications ourselves and must go through Punch initially, who in turn use a national law firm to lodge the application. At some point during this process, the application has become ambiguous in terms of our proposed usage of the outside area, and so I would like to make the following points:

- We **do not** plan to use the outside area for any live music events, DJ events, or anything other than the background music to the level at which Brenda Lomas and yourself found acceptable.
- We have instructed the law firm to amend the application to explicitly state this.
- We are happy to enter into an agreement with you which would see **no music at all** played through the outside speakers whilst your classes are in session, which I believe to be up to 9pm
- We can amend the application to state that the proposed small outside bar will only be used **after 10 pm on Fridays and Saturdays, bank holiday Sundays and New Year's Eve**, this will again avoid any disruption to your classes.

We operate 3 other licensed businesses, and have a good reputation locally, and so I apologise if this process has caused you any distress, but it was never our intention to use the outside area for anything other than a relaxed drinking space. We do appreciate the sensitive nature of aspects of your business, and we are committed to developing a harmonious relationship with all of the local businesses, hence the points outlined above.

I am more than happy to meet you over a coffee to discuss this, and give you the assurances you need in person. There may be further ways in which we can make our operation more sympathetic to your business, for example we do not empty glass and bottles in to bins at night time to avoid unnecessary noise in the early hours, however this may cause you a disturbance in the afternoons, and so we are happy ensure this only happens in between your sessions.

Please feel free to call me on the number below at any time.

Kind regards

Martin Holmes