

CHESHIRE EAST COUNCIL

LICENSING COMMITTEE

Date of meeting	10th September 2009
Report of:	Vilma Robson Licensing Officer
Title:	Review of Premise Licence The Music Box, 12 Mill Street, Congleton. CW12 1AB

1.0 Purpose of Report

- 1.1 The purpose of the report is to provide details of an application for the review of a Premise Licence under section 51 of the Licensing Act 2003 (**appendix A**). It outlines the current licence authorisations together with the evidence presented by the parties in relation to the review.

2.0 Decision Required

- 2.1 The Licensing Committee is requested to:
- 2.1.1 consider the review application and any relevant representations received; and
- 2.1.2 determine what steps, if any it considers are necessary for the promotion of the licensing objectives.

3.0 Financial Implications for Transition Costs

- 3.1 None

4.0 Financial Implications 2009/10 and beyond

- 4.1 None

5.0 Legal Implications

- 5.1 Where application for a review under section 51 is made, the Licensing Authority must hold a hearing within 20 working days to consider the application and any relevant representations received.

Section 52 of the Licensing Act 2003 provides that before determining the application, the authority must hold a hearing to consider it and any relevant representations.

The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

- a) to modify the conditions of the licence;
- b) to exclude a licensable activity from the scope of the licence;
- c) to remove the designated premises supervisor;
- d) to suspend the licence for a period not exceeding three months;
- e) to revoke the licence;

6.0 Risk Assessment

- 6.1 The Environmental Health made an application for review under section 51 of the Licensing Act 2003 on the grounds of the prevention of crime and disorder and the prevention of public nuisance. The Committee is requested to consider what steps (if any) are required to prevent future harm to the licensing objectives. (**Appendix A**)

Appendix A1 contains supporting evidence for the application for review, which is referred to in the application.

7.0 Background and Options

Background

- 7.1 The Music Box (formerly known as The Lion and Bell) applied in 2005 to convert their existing licence to a premises licence under the Licensing Act 2003.
- 7.2 The licence authorises the following club activities:

Supply of Alcohol
Exhibition of a film
Performance of a play
Indoor sporting events
Performance of live music
Performance of recorded music
Dancing
Making music
Provision of facilities for dancing

The times the certificate authorises the carrying out of those activities are:

Monday to Wednesday	11:00 – 23:00
Thursday	11:00 – 00:00
Friday & Saturday	11:00 – 01:00
Sunday	12.00 - 22.30

Friday, Saturday, Sunday and Monday of Bank Holiday weekends, Christmas Eve and Boxing Day until 01:00

The beginning of New Years Eve to the end of New Years Day.

A copy of the licence is attached to the report (**Appendix B**)

- 7.3 The premise licence holder is Enterprise Inns Plc of 3 Monspath Hall Road, Shirley Solihull. B90 4SJ. The designated premises supervisor (DPS) is Mr Lee Sean Hulme.

The premise first came to the attention of the Environmental Health team on 9th January 2009. Following the receipt of two independent noise complaints, the standard (Environmental Health) procedure was implemented; the complainants were requested to complete diary sheets for monitoring purposes. The Premise Licence holder and DPS were both notified of the complaints.

Since that time, the premises are continuing to regularly allow entertainment noise to emanate from the building, in particular, live bands. This is despite a Section 80 Abatement Notice being served upon the premises under the provisions of the Environmental Protection Act 1990. (**Appendix C**)

Appendix C1 contains additional documents relating to the Section 80 Abatement Notice.

- 7.4 Within the prescribed consultation period in relation to the review, the council received no further letters of representation from members of the public or responsible authorities.
- 7.5 In reviewing the Premises licence and making its decision, the Licensing Committee must have regard to representations made by the Premises Licence holder and any representations received from responsible authorities or interested parties. The Committee is required to take such steps (if any) as it considers necessary for the promotion of the licensing objectives, including a decision as to whether any such steps incorporate the interim measure imposed on the Premises Licence.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 Not Applicable

9.0 Reasons for Recommendation

- 9.1 The Committee is required, by virtue of section 88 of the Licensing Act 2003, to determine the review application made under section 51.

For further information:

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Background Documents:
None