

**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 25 APRIL 2016**

APPLICATION FOR VARIATION TO PREMISES LICENCE

Applicant: Mrs Shirley Smith

Ref.No. OL/16/07

Premises: 114 Borough Road, Middlesbrough TS1 2ES

Application received: 4 March 2016

Summary of Proposed Licensable Activities:

Live Music 12 noon to 10.30pm Monday to Sunday
Recorded Music 10.00am to 10.30pm Monday to Sunday
Supply of Alcohol 10.00am to 10.30pm Monday to Sunday

The application also includes a request for an extension of the above hours on Christmas Eve and New Year's Eve.

Full details of the application and accompanying operating schedule have been reproduced at Appendix 1.

1. Notification to Responsible Authorities:

The following Responsible Authorities have all received notification of the application:

Chief Constable	Planning Manager
Chief Fire Officer	Trading Standards Manager
Area Child Protection Group	Director of Public Health
Environmental Health Manager (Public Safety and Public Nuisance)	

2. Application advertised by the applicant: Evening Gazette – 12 March 2016

3. Legislation

The Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the four licensing objectives:

- The Prevention of Crime and Disorder

- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

The Licensing Authority must also have regard to its Licensing Policy and any guidance issued by the Secretary of State.

4. Background

The premises consist of property in Borough Road positioned amongst other commercial properties situated close to residential properties. The Applicant proposes to use the property as a bistro.

5. The Representations

On 24 March 2016 a representation was received from Paul J Watson, tenant at 116 Borough Road which objects to the application on the grounds of the prevention of public nuisance. A copy of that representation is attached at Appendix 2.

On 18 March 2016 a representation was received from Nookies Nails Beauty Training, a business next door to the premises which objects to the application on the grounds of the prevention of public nuisance. A copy of that representation is attached at Appendix 3.

On 24 March 2016 a representation was received from Cleveland Police; however that representation was subsequently withdrawn after the Applicant agreed to attach a number of conditions to the application. The conditions agreed with the Police are as follows:

A digital colour CCTV system will be installed and maintained in good working order and correctly date stamped. The system will incorporate sufficient built in hard drive capacity to suit the number of cameras installed whilst complying with Data Protection legislation. The system will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition. Cameras will encompass all ingress and egress from the premises, any outside areas and all internal areas of the premises. There will be a minimum of 31 days recording and the system will be recording whenever licensable activities are occurring. The system will also incorporate a means of transferring images from the hard drive to a format that can be played back on any desktop computer. The digital recorder will have the facility to be password protected to prevent unauthorised access, tampering or deletion of images.

Staff will be trained and retrained every 12 months. The training will include the laws relating to the sale of alcohol to under age persons, persons buying on behalf of under 18's (proxy sales), persons appearing to be under the influence of alcohol and training with regards to Challenge 25. The training records must be signed by both the member of staff trained and the Designated Premises Supervisor. All training records will be kept at the premises and must be made available to the Police and/or a Responsible Authority upon request.

A refusals book must be maintained and used to record all incidents when the premises refuses to sell alcohol to someone. The refusals book must be kept on the premises at all times and must be made available to the Police and/or other Responsible Authorities upon request.

A Challenge 25 policy will be implemented at the premises, with all staff insisting on evidence of proof of age by means of a photo style driving licence, passport or other approved recognised proof of age scheme card from any person who appears to be under

the age of 25 and who is attempting to purchase alcohol. There will be at least one notice/poster in prominent positions inside the premises informing customers that a Challenge 25 policy is in operation.

6. The Licensing Policy

Members are referred to the following relevant sections of the Council's Licensing Policy.

Prevention of Public Nuisance Starting at Page 26

And any other sections of the Policy which Members consider to be relevant.

7. Guidance to the Licensing Act 2003

Members are referred to the following relevant sections of the Guidance.

Prevention of Public Nuisance

And any other sections of the Guidance which Members consider to be relevant.

8. Members' Options

Members may consider the following options:

Grant the application subject to conditions consistent with the operating schedule and mandatory conditions if applicable.

Grant the application subject to the addition of new conditions.

Reject the whole or part of the application.

Members are reminded that any aggrieved party (i.e. Applicant, Responsible Authority, Other Person) may appeal any decision of the Licensing Committee to the Magistrates' Court.

Contact Officer: John Hodgson
 Senior Licensing Officer
 Tel. 728719

For admin use only:

Decision:

Reasons: