

**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 9 AUGUST 2018**

APPLICATION FOR PREMISES LICENCE

Applicant: LBH Bars Limited

Ref.No. OL/18/11

Premises: 38 Stokesley Road, Marton, Middlesbrough, TS7 8DX

Application received: 18 June 2018

Summary of Proposed Licensable Activities:

Sale of alcohol for consumption on the premises, the provision of plays, films, indoor sporting events, boxing or wrestling entertainments, live music, recorded music, performances of a dance & late night refreshment :

8.00am – 1.00am (on the following day) Daily

Hours that premises will be open to the public:

8.00am – 1.30am (on the following day) Daily

In addition, the applicant had requested seasonal variations for the hours for licensable activities to be extended until 3.00am for Bank Holidays, Christmas Eve, New Year's Eve and for events of the NFL Super Bowl

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)	Home Office (Immigration Enforcement)

2. Application advertised by the applicant: Evening Gazette – 23 June 2018

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 formerly operated as a bank. Planning approval was granted on 27 July 2018 in respect of an application for change of use for the premises to become a bar with a single storey rear extension and new shop front. The planning approval includes a condition that the hours of opening/use shall be restricted to between the hours of 8.00am and 11.00pm on Mondays to Sundays, and also that deliveries and collections to the rear of the premises must be kept between the hours of 8.00am and 7.00pm on Mondays to Saturdays, and between the hours of 9.30am and 6.30pm on Sundays. A further condition attached to the planning approval is that collections from the refuse store must be kept between the hours of 8.00am and 7.00pm on Mondays to Saturdays, and between 9.30am and 6.30pm on Sundays. The licensing application has been submitted by Mr Paul Andrew Hynes on behalf of LBH Bars Limited who has described the premises as a small bar/brasserie providing light refreshments and drinks to the local community, and that the premises are owned and will be operated by the same team that owns the Artizan on Roman Road in Linthorpe.

5. The Representations

A total of 27 representations were received from local residents, including the Marton East Ward Councillors Dorothy Davison and Tom Mawston, and the Marton East Community Council objecting to the application with regard to the licensing objectives, particularly in respect of the prevention of crime and disorder, anti-social behaviour and the prevention of public nuisance.

Also in response to the application, concerns were raised, in particular in respect of the proposed hours of operation, by Cleveland Police and the Council's Public Health and Environmental Health Services. However, following discussions with officers from the above responsible authorities, the applicant agreed to amend the application to the effect that licensable activities are now proposed to be carried on between the hours of 11.00am until 11.00pm daily, and any activities taking place from 8.00am will be non-licensable, for example, the provision of food and non-alcoholic beverages only. The applicant has also agreed to withdraw indoor sporting events, boxing or wrestling entertainment and performances of a dance from the application.

Following the above discussions with officers, the applicant has also agreed to a further amendment to include a list of conditions to replace those initially proposed within the application. A list of such conditions agreed by the applicant with the responsible authorities is attached at **Appendix 2**. This list also contains certain additional conditions proposed by

the applicant in relation to the promotion of the licensing objectives for public safety and the prevention of public nuisance.

On the basis of the applicant's amendments to the application as outlined above, the Police and the Council's Public Health and Environmental Health Services have no objections to the grant of a premises licence on these terms. Also, no representations have been received regarding the application from any of the other responsible authorities.

All persons having objected to the application have been contacted and advised of the amendments made by the applicant and also regarding the observations made by the Police and the Council's officers. In response to such information, 11 residents have stated that they are satisfied with the amendments made to the application, and have confirmed the withdrawal of their objection. Copies of the letters submitted by the 16 remaining objectors are attached at **Appendix 3**.

A plan showing the location of the premises along with the surrounding roads is attached at **Appendix 4**.

The applicant's planning consultant has provided a further plan of the premises along with photographs showing the intended internal layout and of the areas outside the premises, copies of which are shown at **Appendix 5**. The premises plan showing the proposed area to be covered by a licence includes a section of pavement measuring one metre beyond the entrance to accommodate outdoor seating for customers. The applicant has also stated that should the application be granted, whilst licensable activities would terminate at 11.00pm, they would be intending to remain open for up to a further 30 minutes to allow sufficient time for customers to finish their drinks/food and vacate the premises.

6. The Licensing Policy

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

Prevention of Crime and Disorder	Page 20
Public Safety	Page 25
Prevention of Public Nuisance	Page 27
Protection of Children from Harm	Page 30

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 Crime and Disorder	Starting at paragraph 2.1
Public Safety	Starting at para 2.7
Prevention of Public Nuisance	Starting at para 2.15
Protection of Children from Harm	Starting at para 2.22

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

8. Members' Options

Members may consider the following options:

1. Grant the application subject to conditions consistent with the operating schedule modified to such extent as considered appropriate for the promotion of the licensing objectives.
2. To refuse to specify a person in the licence as the premises supervisor.
3. To reject the application.

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

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