



**FOR THE CHAIR AND MEMBERS OF  
THE LICENSING SUB-COMMITTEE  
FOR 23 August 2005**

**APPLICATION TO VARY PREMISES LICENCE**

**Applicant:** Spirit Group Ltd

**Ref.No.**MBRO/PR0102/018486

**Premises:** Grenadier, Trimdon Avenue, Acklam, Middlesbrough

**Application received:** 29 June 2005

**Summary of current Licensable Activities:**

Sale by retail of alcohol for consumption on and off the premises  
Recorded music  
Live Music  
Dancing  
Provision of Late Night Refreshment

**Summary of current hours of Licensable Activities:**

11.00am – 11.00pm Monday to Saturday  
12 noon – 10.30pm Sundays

**Summary of proposed variation of Licensable Activities:**

To include the following regulated entertainment:-  
Live/Recorded Music, Dancing, Indoor Sporting Events, Late Night Refreshment

**Summary of proposed variation to Hours for Licensable Activities:**

10.00am – 12 midnight Sunday - Wednesday  
10.00am – 1.00am Thursday – Saturday

Premises to remain open for Late Night Refreshment for an additional hour after the end of other regulated activities.

Premises shall open for the above activities for an extra hour on specified dates throughout the year.

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

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## **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	Environmental Health Manager (Public Safety and Public Nuisance)

## **2. Application advertised by the applicant: 6 July 2005.**

## **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 a Public House in a residential area trading with the benefit of a Justices 'On' Licence and a Public Entertainment Licence. These licences have been converted to a Premises Licence as part of this application.

## **5. The Representations**

On 30 June 2005 a representation was received from Cleveland Police who object to the application to increase the hours on the grounds of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm. (see Appendix 2).

On 25 July 2005 a representation was received from Linda Cummins, Principal Environmental Health Officer which objects to the application to increase the hours on the grounds of public nuisance (see Appendix 3).

On 26 July 2005 a representation was received from Councillor George Rogers, a local resident, who objects to the application to increase hours on the grounds of public nuisance.(see Appendix 4)

## **6. The Licensing Policy**

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

Licensed Premises in residential areas	Page 10 (in particular para 42)
Prevention of nuisance	Pages 10 to 15 (in particular para 38)
Crime and Disorder	Pages 17 and 18
Protection of children from harm	Pages 19 to 22

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.

Crime and Disorder	Starting at para 7.20 Annex D
Public Nuisance	Starting at para 7.38 Annex G
Protection of children from harm	Starting at para 7.47 Annex H

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 and mandatory conditions if applicable.
2. Grant the application subject to the:-
  - removal of conditions
  - alteration of conditions
  - addition of new conditions
  - Mandatory conditions if applicable
3. To reject the whole or part of the application to vary.

Members are reminded that any aggrieved party (i.e. Applicant, Responsible Authority, Interested Party) may appeal any decision of the Licensing Committee to the Magistrates Courts.

Contact Officer: John Hodgson  
Senior Licensing Officer  
Tel. 729693

Ed Chicken  
Head of Community Protection

Date 23 August 2005

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### **For admin use only:**

Decision:

Reasons: