



**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 6 September 2005**

APPLICATION TO VARY PREMISES LICENCE

Applicant: Nestway Ltd

Ref.No.MBRO/PR0151/019256

Premises: The Fountain, High Street, Ormesby, Middlesbrough

Application received: 13 July 2005

Summary of current Licensable Activities:

Sale by retail of alcohol for consumption on and off the premises
Live, Recorded music, dancing under the provisions of a Public Entertainment Licence

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:

As above plus :-
Films and indoor sporting events.

Summary of proposed variation to Hours for Licensable Activities:

10.00am – 12 midnight Monday to Sunday

Premises to open for half an hour after licensable activities cease.

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	Environmental Health Manager (Public Safety and Public Nuisance)

2. Application advertised by the applicant: Herald and Post 20 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 trading with the benefit of a Justices 'On' Licence and Public Entertainment Licence. These licences have been converted to a Premises Licence as part of this application.

5. The Representations

On 27 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 noise nuisance (see Appendix 2).

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, para 42
Prevention of nuisance	Pages 10 to 15 (in particular para 38)

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.

Public Nuisance	Starting at para 7.38 Annex G
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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 6 September 2005

For admin use only:

Decision:

Reasons: