



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

APPLICATION TO VARY PREMISES LICENCE

Applicant: Spirit Group Ltd

Ref.No.MBRO/PR0134/019107

Premises: Southern Cross, Dixons Bank, Middlesbrough

Application received: 12 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
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:

As above

Summary of proposed variation to Hours for Licensable Activities:

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

Premises to remain open for licensable activities for one extra hour on stated dates and up to twelve other occasions throughout the year.

Premises to remain open for late night refreshment one hour after other 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: Evening Gazette 21 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 Public Entertainment Licence and Justices 'On' Licence, Childrens Certificate and Supper Hours Certificate. These licences have been converted to a Premises Licence as part of this application.

5. The Representations

On 18 July 2005 a representation was received from Cleveland Police which objects to the application to vary the premises licence on the grounds of the prevention of crime and disorder and the prevention of public nuisance (see Appendix 2).

On 8 August 2005 a representation was received from Linda Cummins, Principal Environmental Health Officer, which objects to the application to vary the premises licence on the grounds of prevention of public nuisance. (see Appendix 3)

On 10 August 2005 a representation was received from Marton West Community Council which objects to the application to vary the premises licence on the grounds of the prevention of public nuisance, the prevention of crime and disorder and public safety. (see Appendix 4)

Between 02 August 2005 and 10 August 2005 numerous representations were received from local residents who object to the application to vary the premises licence on the prevention of public nuisance, the prevention of crime and disorder and public safety. (see Appendix 5)

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)
Crime and Disorder	Pages 17 and 18

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

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: