



**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 13 SEPTEMBER 2005**

APPLICATION TO VARY PREMISES LICENCE

Applicant: Barracuda Pubs and Bars Company Ltd

Ref.No.MBRO/PR0165/19282

Premises: Barracuda, 42 Albert Road, Middlesbrough

Application received: 20 July 2005

Summary of current Licensable Activities:

Sale by retail of alcohol for consumption on and off the premises
Recorded music, live music, performance of dance, making music, dancing,
provision of late night refreshment

Summary of current hours of Licensable Activities:

11.00am – 1.00am Monday to Saturday
12 noon – 12.30am 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 Sunday to Wednesday
10.00am – 2.00am Thursday to Saturday

Premises to remain open to the public for an additional half hour following the end of licensable activities.

Premises to open for licensable activities to show the broadcast of televised international sporting events outside the normal operating hours.

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: 28 July 2005 Evening Gazette

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 Middlesbrough town centre trading with the benefit of a Justices 'On' Licence, Special Hours Certificate and Public Entertainment Licence. These licences have been converted to a Premises Licence as part of this application.

5. The Representations

On 22 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. (see Appendix 2).

On 10 August 2005 a representation was received from Paul MacGregor, Principal Environmental Health Officer, which objects to the application to vary the premises licence on the grounds of public nuisance.(see Appendix 3).

6. The Licensing Policy

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

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 Appendix D
Public Nuisance	Starting at para 7.38 Appendix 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 13 September 2005

For admin use only:

Decision:

Reasons: