



**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 14 SEPTEMBER 2005
(Rearranged from 13th September 2005)**

APPLICATION TO VARY PREMISES LICENCE

Applicant: Walter Cook

Ref.No.MBRO/PR0164/019293

Premises: The Garden City, 115 Burlam Road, Middlesbrough

Application received: 19 July 2005

Summary of current Licensable Activities:

Sale by retail of alcohol for consumption on and off the premises
Recorded music

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:
Boxing or wrestling, live music and dancing.

Summary of proposed variation to Hours for Licensable Activities:

11.00am – 1.00am daily.

Premises to remain open for a period of half an hour after the end of other regulated activities.

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
Chief Fire Officer

Planning Manager
Trading Standards Manager

2. Application advertised by the applicant: Herald and Post 27 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. This licence has been converted to a Premises Licence as part of this application.

5. The Representations

On 5 August 2005 a representation was received from J Levitt, a local resident, which objects to the application to vary the premises licence on the grounds 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 the prevention of public nuisance. (see Appendix 3).

On 9 August 2005 a representation was received from Linthorpe Community Council 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 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

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
Crime and Disorder	Starting at para 7.20 Annex D

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 14 September 2005

For admin use only:

Decision:

Reasons: