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FOR THE CHAIR AND MEMBERS OF THE LICENSING SUB-COMMITTEE FOR 20 SEPTEMBER 2005

APPLICATION TO VARY PREMISES LICENCE

Applicant: Vincent Anderson Ref.No.MBRO/PR0258/19585

Premises: Café Central Park, 337, Linthorpe Road, Middlesbrough

Application received: 25 July 2005

Summary of current Licensable Activities:

Live music, recorded music, dancing, late night refreshment and sale of alcohol for consumption on the premises.

Summary of current hours of Licensable Activities:

11.00am – 12 midnight Monday to Saturday 12 noon –11.30pm Sunday

Summary of proposed variation of Licensable Activities:

As above

Summary of proposed variation to Hours for Licensable Activities:

11.00am – 12.30 am daily (sale of alcohol) 11.00am – 1.00 am daily (other licensable 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 Planning Manager

Chief Fire Officer Trading Standards Manager

Nuisance)

2. Application advertised by the applicant: Evening Gazette 9 August 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 Restaurant in a residential area trading with the benefit of a Justices Restaurant Licence and Public Entertainment Licence. These licences have been converted to a Premises Licence as part of this application.

5. The Representations

On 17 August 2005 a representation was received from a number of residents at Constantine Court, Linthorpe Road which objects to the application to the application to vary the premises licence on the grounds of the prevention of public nuisance. (see Appendix 2)

On 22 August 2005 a representation was received from the occupier of 1 Constantine Court, Linthorpe Road which objects to the application to vary the premises licence on the grounds of the prevention of public nuisance. (see Appendix 3).

On 22 August 2005 a representation was received from G M Maclure, a resident at Constantine Court, Linthorpe Road which objects to the application to vary the premises licence on the grounds of the prevention of public nuisance. (see Appendix 4).

On 25 August 2005 a representation was received from Councillor Joe Michna, Ward Councillor, acting on behalf of local resident, which objects to the application to vary the premises licence on the grounds of the prevention of public nuisance. (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)

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

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 20 September 2005
For admin use only: Decision:	
Reasons:	