



**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 16 SEPTEMBER 2005**

APPLICATION TO VARY PREMISES LICENCE

Applicants: Denis Lowe and Pauline Lowe

Ref.No.MBRO/PR0071/018336

Premises: The Smithy, 128 Hollowfield, Coulby Newham

Application received: 26 July 2005

Summary of current Licensable Activities:

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

To include the following regulated entertainment:-
Films, indoor sporting events, live music, performance of dance, making music and dancing.

Summary of proposed variation to Hours for Licensable Activities:

11.00am – 11.30pm daily

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

An additional hour on various notable dates throughout the year

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: Not Known.

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 and a Childrens Certificate. These licences have been converted to a Premises Licence as part of this application.

5. The Representations

On 8 June 2005 a representation was received from Cleveland Police who object to the application to increase the hours on the grounds of the prevention of crime and disorder and the protection of children from harm. (see Appendix 2).

On 23 June 2005 a representation was received from Mr & Mrs Dixon, local residents who object to the application to increase the hours on the grounds of noise nuisance.(see Appendix 3).

On 1 July 2005 a representation was received from Mr P Walton and Miss N Gardner, local residents who object to the application to increase the hours on the grounds of noise nuisance and anti social behaviour. (see Appendix 4).

On 1 July 2005 a representation was received from Unique Developers Limited, a Company who are developing residential dwellings in close proximity to the applicant's premises. The Company object to the application to increase the hours on the grounds of noise nuisance and anti social behaviour and state that if the licence is granted they feel that the sale prices of their properties will be affected. (see Appendix 5).

On 4 July 2005 a representation was received from Mr G Codling, a local resident who objects to the application to increase the hours on the grounds of noise nuisance and anti social behaviour. (see Appendix 6).

On 4 July 2005 a representation was received from Coulby Newham Community Council, who object to the application to increase the hours on the grounds of noise nuisance.(see Appendix 7).

On 3 July 2005 a representation was received from Councillor Paul Thompson, a Ward Councillor who objects to the application to increase the hours on the grounds of noise nuisance and possible anti social behaviour. (see Appendix 8).

On 4 July 2004 a representation was received from Paul Macgregor, Principal Environmental Health Officer which objects to the application to vary the licence on the grounds of potential noise nuisance (see Appendix 9).

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 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: Tim Hodgkinson
Principal Licensing Officer
Tel. 729693

Ed Chicken
Head of Community Protection
Date 1 August 2005

For admin use only:

Decision:

Reasons: