



**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 27 September 2005**

APPLICATION TO VARY PREMISES LICENCE

Applicant: Paul Daniel Worthy

Ref.No.MBRO/PR0323

Premises: Mohans (formerly Scruffy Murphys), 29 – 41 Bedford Street, Middlesbrough,
TS1 6LL

Application received: 5 August 2005

Summary of current Licensable Activities:

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

None

Summary of proposed variation to Hours for Licensable Activities:

11.00am – 12 midnight	Daily (Sale of Alcohol)
11.00am – 11.00pm	Monday to Saturday } (All other licensable activities)
12 noon – 10.30pm	Sundays }

Premises to remain open to the public until 12.30am.
Hours for all licensable activities to be extended until 12.30am on all Public and Bank Holidays
(including Friday to Monday inclusive of a Bank Holiday weekend).

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 12 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 an established public house situated in Middlesbrough Town Centre trading with the benefit of a Justices 'On' Licence and Public Entertainment Licence. These licences have been converted to a Premises Licence as part of this application.

5. The Representations

On 16 August 2005 a representation was received from Cleveland Police which objects to the application to vary the hours on the grounds of the prevention of crime and disorder and the prevention of public nuisance (see Appendix 2).

6. The Licensing Policy

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

Crime and Disorder	Pages 17 and 18
Prevention of nuisance	Pages 10 to 15

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: Tim Hodgkinson
Principal Licensing Officer
Tel. 729693

Ed Chicken
Head of Community Protection
Date 27 September 2005

For admin use only:

Decision:

Reasons: