



**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 30 JANUARY 2006**

APPLICATION TO VARY PREMISES LICENCE

Applicant: The Lincoln Group Limited

Ref.No.MBRO/PR0083

Premises: Hotel Baltimore, 250 Marton Road, Middlesbrough, TS4 2EZ

Application received: 13 December 2005

Summary of current Licensable Activities:

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

Summary of current hours of Licensable Activities:

Sale of Alcohol	11.00am – 11.00pm	Monday to Saturday	}	Bar
	12noon – 10.30pm	Sundays		
	11.00am – 1.00am	Monday to Saturday		Lounge
Live music, Recorded music, Dancing	11.00am – 1.00am	Monday to Saturday		Lounge

Summary of proposed variation of Licensable Activities:

To include the following regulated entertainment:-
Films

Summary of proposed variation to Hours for Licensable Activities:

Sale of Alcohol	11.00am – 1.00am	Monday to Sunday	Bar & Lounge
Live music, Recorded music, Dancing	11.00am – 1.00am	Monday to Sunday	Bar & Lounge

There is also a request to remove the conditions previously imposed by the Special Hours Certificate (under Licensing Act 1964) , that the sale of alcohol in the lounge is ancillary to music, dancing and substantial refreshment.

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 14 December 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 Hotel with 31 Bedrooms, Restaurant and Bar which currently holds a Premises Licence for the licensable activities/hours detailed above.

5. The Representations

On 9 January 2006 a representation was received from Cleveland Police, who object to the application on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm (see Appendix 2).

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
Protection of children from harm	Pages 19 to 22

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.

Prevention of crime and disorder	Starting at para 7.20 Annex D
Public safety	Starting at para 7.31 Annex E
Prevention of nuisance	Starting at para 7.38 Annex G
Protection of children from harm	Starting at para 7.47 Annex H

8. Members' Options

Members may consider the following options:

1. Grant the application subject to conditions consistent with the operating schedule.
2. Grant the application subject to the:-
 - removal of conditions
 - alteration of conditions
 - addition of new conditions
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 30 January 2006

For admin use only:

Decision:

Reasons: