

MIDDLESBROUGH COUNCIL

AGENDA ITEM

COMMITTEE REPORT

LICENSING COMMITTEE

2 AUGUST 2012

REPORT OF THE ASSISTANT DIRECTOR OF COMMUNITY PROTECTION

APPLICATION TO VARY A PREMISES LICENCE

Applicant: Amber Taverns

Ref.No. PR/0328

Premises: Last Orders, Zetland Road, Middlesbrough, TS1 1EE

Application received: 7 June 2012

Summary of current Licensable Activities:

Films, live music, recorded music, performances of dance, activity like music/dance, facility for making music and dancing – Sunday to Wednesday 10am to 2am, Thursday to Saturday 10am to 2.45am

Sale of alcohol – Sunday to Wednesday 10am to 2am, Thursday to Saturday 10am to 2.30am

Summary of proposed Licensable Activities:

To extend the terminal hour for the sale of alcohol and the provision of regulated entertainment on Thursdays to 3.00am and Fridays and Saturdays until 3.30am and to allow an additional hour on Christmas Eve, Boxing Day, the Thursday preceding Good Friday, the Friday, Saturday and Sunday of each bank holiday weekend, St Georges and St Patricks Day.

On 7 June 2012 the application to extend the hours for the sale of alcohol and the provision of regulated entertainment on Thursdays was withdrawn by Amber Taverns.

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	Director of Public Health
Environmental Health Manager	
(Public Safety and Public Nuisance)	

2. Application advertised by the applicant: Evening Gazette 14 June 2012

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 located on Zetland Road, Middlesbrough within the town centre and cumulative impact zone. There are residential properties situated in Zetland Road close to the premises. A plan of the area is attached at Appendix 2.

Prior to the introduction of the Licensing Act 2003 the premises had the benefit of a Justices 'On' Licence and a Public Entertainment Licence. These licences were converted into a Premises Licence on 25 August 2005 to permit the sale of alcohol and regulated entertainment from the premises between 11am and midnight Monday to Wednesday, 11am to 2am Thursday to Saturday, 12 noon to 2.30am Sunday and 12 noon to 2am on Sundays preceding a bank holiday.

On 18 January 2006 this licence was transferred to Amber Taverns. On 6 March 2006 an application to vary this licence was granted. This application was to reduce the hours for the sale of alcohol and the provision of regulated entertainment from the premises to 10am to midnight on Mondays to Saturdays and 12 noon to midnight on Sundays and to remove a condition on the licence requiring an entry charge on certain days.

On 27 November 2007 a further application to vary the premises licence was granted. This licence extended the hours for licensable activities to 2am on Fridays, Saturdays and Sundays. On 26 May 2008 these hours were extended further to include Monday to Thursday.

On 30 March 2011 these hours were extended further and permit the current activities. A copy of the existing Premises Licence is attached at Appendix 3.

On 28 July 2011 an application was received to extend the licensable hours until 3am on Thursday to Saturday, however following a representation from Cleveland Police this application was withdrawn prior to the hearing.

The current Designated Premises Supervisor has been in place since 3 May 2006.

5. The Representations

On 29 June 2012 a representation was received from Cleveland Police objecting 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. A copy of this representation is attached at Appendix 4.

On 2 July 2012 a letter was sent to Cleveland Police offering to amend the application to vary the hours for the sale of alcohol from 3.30am on Fridays and Saturdays to 3am and for Thursday to remain at 2.30am. A copy of this letter is attached at Appendix 5.

6. The Licensing Policy

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

Prevention of Crime and Disorder	Pages 32 to 42
Public Safety	Pages 30 and 31
Prevention of Public Nuisance	Pages 23 to 29
Protection of Children from Harm	Pages 43 to 47

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 paragraph 2.1
Public Safety	Starting at paragraph 2.17
Prevention of Public Nuisance	Starting at paragraph 2.33
Protection of Children from Harm	Starting at paragraph 2.41

And any other sections of the Guidance which Members consider to be relevant.

7. 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 addition of new conditions.
3. To modify the conditions of the licence.
4. Reject the whole or part of the application.

Members are reminded that any aggrieved party (i.e. Applicant, Responsible Authority,) may appeal any decision of the Licensing Committee to the Magistrates' Court.

Contact Officer: Sarah Morris
Senior Licensing Officer
Tel. 728716

Ed Chicken
Head of Community Protection
Date: 2 August 2012

For admin use only:

Decision:

Reasons: