



**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 1 July 2005**

APPLICATION TO VARY PREMISES LICENCE

Applicant: Wolverhampton & Dudley Breweries

Ref.No.MBRO/PR0002/17931

Premises: Lingfield Farm, Parkway Court, Coulby Newham, Middlesbrough

Application received: 11 May 2005

Current Licensable Activities:

Sale by retail of alcohol for consumption on and off the premises
Recorded music (without benefit of Public Entertainment Licence)

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 all forms of regulated entertainment with the exception of dancing
To include the provision of late night refreshment

Summary of proposed variation to Hours for Licensable Activities to :

10.00am – 12midnight Monday to Thursday
10.00am – 1.00am Friday and Saturday
11.00am – 12midnight

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 18 May 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 with substantial food trade, trading without a Public Entertainment Licence. The premises previously held a Justices 'On' Licence and a Children's Certificate issued pursuant to the Licensing Act 1964. These licences have been converted to a Premises Licence as part of this application.

5. The Representations

On 25 May 2005 a representation was received from Cleveland Police (see Appendix 2).

Following a meeting between the Applicant, his legal representative and representatives from Cleveland Police agreement was reached regarding all points raised in the representation with the exception of point 3. The Applicant has subsequently amended his application to reflect this (see Appendix 3). Therefore the matter listed at point 3 (of Appendix 2) requires consideration by Members.

On 7 June 2005 a representation was received from Coulby Newham Community Council which objects to the proposed increase in hours on the grounds of anti social behaviour and disturbance to local residents, in particular residents of nearby residential homes for the elderly (see Appendix 4).

On 8 June 2005 a representation was received from Councillor P Thompson acting as a local resident himself and on behalf of 3 other local residents. In summary Councillor Thompson objects to the increase in hours citing issues of anti social behaviour (see Appendix 5).

On 6 June 2005 a representation was received from Paul MacGregor, Principal Environmental Health Officer which objected to the application to vary the licence on the grounds of noise disturbance (see Appendix 6).

Following a meeting between the Applicant, his legal representative and representatives from Environmental Protection Noise Team Police agreement was reached regarding all points raised in the representation with the exception of point 6 and 7. The Applicant has subsequently amended his application to reflect this (see Appendix 3). Therefore only those matters listed at point 6 and 7 (of Appendix 6) requires consideration by Members.

6. The Licensing Policy

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

Crime and Disorder
Prevention of nuisance

Pages 17 and 18
Page 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 Appendix D
Public Nuisance	Starting at para 7.38 Appendix G

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

9. 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 July 2005

For admin use only:

Decision:

Reasons: