



**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 18 July 2005**

APPLICATION TO VARY PREMISES LICENCE

Applicant: Maria Stevenson

Ref.No.MBRO/PR0018/17998

Premises: Cassidys, 41 – 45 Grange Road, Middlesbrough

Application received: 26 May 2005

Summary of current Licensable Activities:

Sale by retail of alcohol for consumption on and off the premises
Live and Recorded music, performance of dance under the provisions of a Public Entertainment Licence.

Summary of current hours of Licensable Activities:

11.00am – 11.00pm Monday to Wednesday
11.00am – 2.00am Thursday to Saturday
12 noon – 12.30am Sundays including Easter Sunday
12 noon – 2.00am Sundays preceding a Bank Holiday excluding Easter Sunday

Summary of proposed variation of Licensable Activities:

To include the provision of late night refreshment

Summary of proposed variation to Hours for Licensable Activities:

11.00am – 11.00pm Monday and Tuesday
11.00am – 2.00am Wednesday to Friday
11.00am – 3.00am Saturday
12 noon – 1.30am Sundays
11.00am – 1.00am Bank Holiday Mondays
11.00am – 2.00am Christmas Eve and Boxing Day

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 3 June 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 'night club' with 2 floors trading with a Public Entertainment Licence, Justices 'On' Licence and Sec 77 Special Hours 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 Shelly Vickers, Planning Officer which objects to the application to vary the licence on the grounds of public nuisance because the variation in hours sought exceeds the hours permitted under the applicant's Planning permission (see Appendix 2).

On 22 June 2005 a representation was received from Paul MacGregor, Principal Environmental Health Officer which objects to the application to vary the licence on the grounds that additional hours are likely to lead to increased disturbance to people living close to the premises (see Appendix 3).

On 21 June 2005 a representation was received from Paul Emerson, Chair of St. Aidan's Residents Association acting on behalf of himself as a local resident and numerous other local residents. In summary the objections state that an increase in hours would lead to an increase in noise nuisance and anti social behaviour which would have a detrimental effect on the quality of residents lives (see Appendix 4).

6. The Licensing Policy

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

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 July 2005

For admin use only:

Decision:

Reasons: