



**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 26 September 2005**

APPLICATION TO VARY PREMISES LICENCE

Applicant: Barracuda Pubs & Bars Limited

Ref.No.MBRO/PR0282

Premises: Yellow Rose, Roman Road, Middlesbrough, TS5 6EN

Application received: 2 August 2005

Summary of current Licensable Activities:

Sale by retail of alcohol for consumption on and off the premises
Recorded music
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:

To include the following regulated entertainment:-
Films, Indoor Sporting Events, Live Music, Dancing

Summary of proposed variation to Hours for Licensable Activities:

10.00am – 12 midnight Daily

Premise to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating times.

Premises to remain open to the public for an additional 30 minutes following the end of licensable activities.

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: Herald & Post 8 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 a residential area. The premises have been trading with the benefit of a Justices 'On' Licence and Childrens Certificate which have been converted to a Premises Licence as part of this application.

5. The Representations

On 10 August 2005 a representation was received from Ken Cummins, Environmental Health Officer which objects to the application to vary the licence on the grounds of public safety (see appendix 2).

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 3).

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 |
| Public Safety | Pages 16 and 17 |

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 |
| Public Safety | Starting at para 7.31 Annex E |

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 26 September 2005

For admin use only:

Decision:

Reasons: