



**FOR THE CHAIR AND MEMBERS OF  
THE LICENSING SUB-COMMITTEE  
FOR 30 SEPTEMBER 2005**

**APPLICATION TO VARY PREMISES LICENCE**

**Ref.No.MBRO/PR0347/**

**Applicants:** Thomas Lowe

**Premises:** Thorntree Hotel, The Greenway, Middlesbrough

**Application received:** 6 August 2005

**Summary of current Licensable Activities:**

Sale by retail of alcohol for consumption on and off the premises  
Recorded music and late night refreshment

**Summary of current hours of Licensable Activities:**

11.00am – 11.00pm Monday to Saturday  
12noon –10.30pm Sundays

**Summary of proposed variation to Licensable Activities:**

As above plus:  
Films, indoor sporting events, live music, performance of dance, making music and dancing

**Summary of proposed variation to hours of Licensable Activities:**

10.00am – 1.00am Daily

Premises to open for licensable activities for the broadcast of televised sporting events of national or international interest outside normal operating hours.

**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:** 17 August 2005 Evening Gazette

## **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 Community Public House trading with the benefit of a Justices 'On' Licence. This licence has been converted to a Premises Licence as part of this application.

## **5. The Representations**

On 19 August 2005 a representation was received from Cleveland Police which objects to the application to vary the Premises Licence on the grounds of the prevention of crime and disorder. (see Appendix 2).

On 25 August a representation was received from Ken Cummins, Environmental Health Officer which objects to the application to vary the Premises Licence on the grounds of public safety (see Appendix 3).

On 31 August 2005 a representation was received from Susan Bolderson, Environmental Health Officer which objects to the application to vary the Premises Licence on the grounds of the prevention of public nuisance (see Appendix 4).

## **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 (in particular 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: John Hodgson  
Senior Licensing Officer  
Tel. 729693

Ed Chicken  
Head of Community Protection

Date 30 September 2005

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### **For admin use only:**

Decision:

Reasons: