



**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 3 OCTOBER 2005**

APPLICATION FOR PREMISES LICENCE

Applicant: Omar Noory Said

Ref.No.MBRO/PR0357

Premises: Fernando's, 37A Saltersgill Avenue, Saltersgill, Middlesbrough, TS4 3LD

Application received: 11 August 2005

Summary of proposed Licensable Activities:

Provision of late night refreshment

Summary of proposed Hours for Licensable Activities:

11.00pm – 12 midnight Daily

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 17 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 a take away pizzeria situated in a parade of shops on Saltersgill Avenue, Middlesbrough which is situated in a residential area. Prior to the introduction of the Licensing Act 2003 these premises were not required to be licensed.

5. The Representations

On 1 September 2005 a representation was received from Mr M Brynn, a local resident who objects to the application on the grounds of the prevention of public nuisance and the prevention of crime and disorder (see Appendix 2).

On 5 September 2005 a representation was received from Beechwood Community Council which objects to the application on the grounds of the prevention of public nuisance and the prevention of crime and disorder (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, particularly para 38 |
| Crime and Disorder | Pages 17 and 18 |

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.

| | |
|--------------------|-------------------------------------|
| Public Nuisance | Starting at para 7.38 Appendix G |
| Crime and Disorder | Starting at para 7.20 Annex D |

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 3 October 2005

For admin use only:

Decision:

Reasons: