



**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 23 JANUARY 2006**

APPLICATION FOR VARIATION OF PREMISES LICENCE

Applicant: Greene King Brewing & Retailing Limited

Ref.No.MBRO/PR0263

Premises: Rudds Arms, Stokesley Road, Marton, Middlesbrough, TS7 8DT

Application received: 1 December 2005

Summary of current Licensable Activities:

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

Summary of current hours of Licensable Activities:

11.00am – 11.00pm	Monday to Thursday
12.00am – 12 Midnight	Friday and Saturday

Summary of proposed variation of Licensable Activities:

No additional licensable activities sought

Summary of proposed variation to Hours for Licensable Activities:

11.00am - 12midnight Daily
An additional hour on various notable dates throughout the year (mainly Bank Holidays).
Premises to remain open to show televised sporting events of national or international importance outside the permitted hours.
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 7 December 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 Public House situated in close proximity to residential premises. The applicant originally made application to convert and vary their Justices 'On' Licence and Public Entertainment Licence on 22 July 2005, however, following an error in their newspaper advertisement they were unable to proceed with the application to simultaneously vary their licence. The converted licence was subsequently granted on 12 August 2005. The applicant has now submitted a further application to vary the licensable hours.

5. The Representations

On 4 August 2005 a representation was received from L.Greenwell, a local resident who objects to the application on the grounds of the prevention of public nuisance and public safety (see Appendix 2).

On 10 August 2005 a representation was received from N Hall, on behalf of himself and 17 other local residents who object to the application on the grounds of the prevention of public nuisance (see Appendix 3).

On 23 August 2005 a representation was received from Gary and Gillian Brown, local residents who object to the application on the grounds of the prevention of public nuisance and the prevention of crime and disorder (see Appendix 4).

On 23 August 2005 a representation was received from The Wickets Management Company Limited, a body representing residents, who object to the application on the grounds of the prevention of public nuisance (see Appendix 5).

On 28 December 2005 a representation was received from Cleveland Police, who object to the application on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm (see Appendix 6).

6. The Licensing Policy

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

Prevention of crime and disorder	Pages 17 to 19
Public safety	Pages 16 to 17
Prevention of nuisance	Pages 10 to 15 (in particular para 38)
Protection of children from harm	Pages 19 to 22

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.

Prevention of crime and disorder	Starting at para 7.20 Annex D
Public safety	Starting at para 7.31 Annex E
Prevention of nuisance	Starting at para 7.38 Annex G
Protection of children from harm	Starting at para 7.47 Annex H

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.
2. Grant the application subject to the:-
 - removal of conditions
 - alteration of conditions
 - addition of new conditions
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 23 January 2006

For admin use only:

Decision:

Reasons: