



**FOR THE CHAIR AND MEMBERS OF  
THE LICENSING SUB-COMMITTEE  
FOR 13 NOVEMBER 2006**

**APPLICATION TO VARY PREMISES LICENCE**

**Applicant:** Riaz Hameed

**Ref.No.**MBRO/PR0354/19905

**Premises:** The Arena, 208 Newport Road, Middlesbrough

**Application received:** 29 July 2005

**Summary of current Licensable Activities:**

Sale by retail of alcohol for consumption on and off the premises  
Recorded music, live music and facilities for dancing

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

Live Music, Recorded Music and Facilities for Dancing :  
7pm to 2am - Monday to Saturday  
Sundays – 12 Noon to 12.30am and on all Sundays preceding Bank Holidays (except Easter Sunday) from 12 Noon to 2am

Sale of Alcohol :

11am to 11pm – Monday to Saturday  
12 noon to 12.30am - Sunday  
12 noon to 2am - all Sundays preceding a Bank Holiday (except Easter Sunday)

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

Plays, Films, indoor sporting events, live music, recorded music, performance of dance, provision of facilities for making music, provision of facilities for dancing, supply of alcohol and late night refreshment.

Removal of all embedded restrictions transferred to the licence during the previous conversion of licence.

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

11am to 7am daily – supply of alcohol  
11am to 7.30am daily – all other licensable activities

**Full details of the application and accompanying operating schedule have been reproduced at Appendix 1.**

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## **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 and Post 4 October 2006

## **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 trading with the benefit of a Premises Certificate. The premises are situated outside the area considered to be the town centre's 'drinking circuit'.

## **5. The Representations**

On 13 October 2006 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, the prevention of public nuisance and the protection of children from harm.(see Appendix 2).

On 17 October 2006 a representation was received from Linda Cummins, Principal Environmental Health officer Noise Team, which objects to the application to vary the premises licence on the grounds of 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.

Prevention of nuisance	Pages 10 to 15
Crime and Disorder	Pages 17 and 18
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.

Crime and Disorder	Starting at para 7.20 Annex D
Public Nuisance	Starting at para 7.38 Annex G
The 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 for variation subject to conditions consistent with the operating schedule and mandatory conditions if applicable.
2. Grant the application for variation 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. 728719

Ed Chicken  
Head of Community Protection  
Date 13 October 2006

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### For admin use only:

Decision:

Reasons: