



**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 16 NOVEMBER 2007**

APPLICATION FOR PREMISES LICENCE

Applicant: Admiral Taverns (Pyramid) Limited

Ref.No.MBRO/PR0468

Premises: The Grove Inn, 95 Broadwell Road, Easterside, Middlesbrough, TS4 3QU

Application received: 24 September 2007

Summary of proposed Licensable Activities:

Sale of Alcohol (On & Off Sales)	10.00am – 12 midnight	Monday to Sunday
Recorded Music	10.00am – 12 midnight	Monday to Sunday
Making Music	10.00am – 12 midnight	Monday to Sunday
Indoor Sporting Events	10.00am – 12 midnight	Monday to Sunday
Late night refreshment	11.00pm – 12 midnight	Monday to Sunday

Premises to remain open to the public for an additional 30 minutes following the end of licensable activities. All activities to be extended from the start of licensable activities on 31 December to the start of licensable activities on 1 January.

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: Evening Gazette 26 September 2007.

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 former Public House situated in close proximity to residential premises. A map of the area surrounding the premises is attached at Appendix 2.

The premises previously held a Justices On licence for many years. On 13 July 2005 an application was made by Mr R J Scrimshaw, the Justices Licence holder to convert the licence into a Premises Licence under the Licensing Act 2003. The licence was granted on 19 July 2005.

On 20 January 2006 an application was made to transfer the Premises Licence to Mrs J James. The licence was granted on 21 February 2006.

On 26 April 2006 an application was made by Cleveland Police for a review of the Premises Licence. This application was heard by the Council's Licensing Committee on 19 June 2006. At this meeting Members considered representations from Cleveland Police, local residents and the Neighbourhood Housing Manager in relation to incidents of crime and disorder and public nuisance at the premises. In addition, Members considered representations from Admiral Taverns (Pyramid) Limited before deciding to revoke the premises licence. A copy of the minutes of the meeting are attached at Appendix 3.

5. The Representations

On 4 October 2007 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 4).

On 12 October 2007 a representation was received from Claire Llewellyn, Senior Environmental Health Officer who objected to the application on the grounds of the prevention of public nuisance. However, on 23 October 2007 this representation was withdrawn after an agreement was reached with the applicant in relation to the addition of a number of further conditions, including a reduction in the hours for licensable activities to 11.00pm for the sale of alcohol and 11.30pm for all other licensable activities/close of premises (see Appendix 5).

On 22 October 2007 a representation was received from Ladgate Community Council 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. The Community Council have collected a 134 signature petition to support their objection (see Appendix 6).

On 22 October 2007 a representation was received from Stuart Marshall, an ex-resident of Easterside (see Appendix 7). On 1 November 2007 further correspondence was received from Mr Marshall, following a telephone conversation with the Principal Licensing Officer, confirming that

the representation had been made on behalf of Mr Marshall's parents and other residents who live on the Easterside Estate (see Appendix 8). He objects to the application on the grounds of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

On 22 October 2007 a representation was received from Mrs V Dunnigan, a local resident who objects to the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance (see Appendix 9).

On 22 October 2007 a representation was received from an anonymous Easterside resident who objects to the application on the grounds of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm (see Appendix 10).

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 (in particular para 38)
Crime and Disorder	Pages 17 and 18
Public Safety	Pages 16 and 17
Protection of Children from Harm	Pages 19 to 21

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 2.32 Annex D (Pool of Conditions)
Crime and Disorder	Starting at para 2.1 Annex D (Pool of Conditions)
Public Safety	Starting at para 2.19 Annex D (Pool of Conditions)
Protection of Children	Starting at para 2.41 Annex D (Pool of Conditions)

And any other sections of the Policy 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:-
 - addition of new conditions
3. To reject the whole or part of the application.

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. 728720

Ed Chicken
Head of Community Protection
Date 16 November 2007

For admin use only:

Decision:

Reasons: