



**FOR THE CHAIR AND MEMBERS OF  
THE LICENSING SUB-COMMITTEE  
FOR 7 NOVEMBER 2008**

**APPLICATION TO VARY PREMISES LICENCE**

**Applicant:** Punch Taverns Plc

**Ref.No.**MBRO/PR0051

**Premises:** The Park End, Penistone Road, Middlesbrough

**Application received:** 16 September 2008

**Summary of current Licensable Activities:**

Sale by retail of alcohol for consumption on and off the premises,  
Live music, Recorded Music, Facilities for dancing, Facilities like music/dancing

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

Monday to Wednesday	11.00am – 11.00pm
Thursday to Saturday	11.00am – Midnight
Sundays	12 noon – 11.30pm

The premises are permitted to remain open for a further 30 minutes (drinking up time) after the last sale of alcohol.

A further additional hour into the morning following every:

- 1) Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and August Bank Holiday Weekend.
- 2) Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.
- 3) Christmas Eve.
- 4) Boxing Day.

On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day

A copy of the current premises licence is attached at Appendix 1.

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

To extend the hours for licensable activities on Thursday, Friday and Saturday only as detailed below:-

Sale of alcohol (on and off the premises), Recorded music	11.00am – 1.00am
Live music, Facilities for dancing, Facilities like music/dancing	11.00am – 12.30am

The application includes a further 30 minutes (drinking up time) after the last sale of alcohol.

**Full details of the application and accompanying operating schedule have been reproduced at Appendix 2.**

### **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 22 September 2008.

### **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. Prior to the introduction of the Licensing Act 2003 the premises had the benefit of a Justices On Licence and Public Entertainment Licence permitting the following hours:-

11am – 11pm	Monday to Friday
12 noon – 10.30pm	Sundays

On 20 June 2005 the applicant applied to convert the Justices On Licence and Public Entertainment Licence into a Premises Licence under the Licensing Act 2003. At the same time an application was made to vary the licence to increase the hours for all licensable activities. On 8 August 2005 the applicant reached an agreement with the Police and Environmental Health (Noise) Team over the addition of a number of further conditions and as a result the licence was granted permitting the current licensing hours.

On 20 February 2006, Catherine Beadnall, the current Designated Premises Supervisor was issued with a caution in relation to the offence of allowing the premises to be used for Public Entertainment otherwise than in accordance with the conditions of the Public Entertainment

Licence. This related to a number of incidents in 2005 when the windows and doors of the premises were left open when entertainment was taking place.

On 14 July 2006, following complaints from local ward councillors in relation to noise and anti social behaviour at the premises, Police and Licensing Officers visited the premises to carry out a licensing inspection. During the visit Officers discovered a number of breaches of premises licence conditions including:-

- CCTV was not in operation and footage was not being retained for 31 days
- There was no drugs policy or drugs register in use at the premises
- There was no incident book
- All three external doors were propped open allowing noise to escape from the premises

As a result of the breaches of licence conditions legal proceedings were instigated against Catherine Beadnall. On 27 February 2007 at Teesside Magistrates Court, Catherine Beadnall pleaded guilty to the offence of failing to comply with premises licence conditions and was fined £3000 and ordered to pay £266.95 costs.

## **5. The Representations**

On 3 October 2008 a representation was received from Cleveland Police which objects to the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance (see Appendix 3).

On 8 October 2008 a representation was received from Councillor Porley, local Ward Councillor, which objects to the application on the grounds of the prevention of public nuisance (see Appendix 4).

On 8 October 2008 a representation was received from Park End Community Council, which objects to the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance (see Appendix 5).

On 9 October 2008 a representation was received from Paul MacGregor, Principal Environmental Health Officer which objects to the application on the grounds of the prevention of public nuisance (see Appendix 6).

On 14 October 2008 a representation was received from Mrs Drinkwater, a local resident, which objects to the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance (see Appendix 7).

## **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 and 18
Prevention of nuisance	Pages 10 to 16 (in particular paras 38 and 42)

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)
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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. 728720

Ed Chicken  
Head of Community Protection  
Date 7 November 2008

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

Decision:

Reasons: