

# MIDDLESBROUGH COUNCIL

AGENDA ITEM

## COMMITTEE REPORT

### LICENSING COMMITTEE

28 AUGUST 2012

#### REPORT OF THE ASSISTANT DIRECTOR OF COMMUNITY PROTECTION

##### APPLICATION FOR REVIEW OF A PREMISES LICENCE

**Applicant:** Cleveland Police

**Ref.No.** PR0122

**Premises:** Inn off the Park, 339 Linthorpe Road, Middlesbrough, TS5 6AB

**Premises Licence Holder:** Linda Margaret Spensley

**Application received:** 2 July 2012

##### **Summary of current Licensable Activities:**

Sale of Alcohol and Recorded Music – 11am to 12midnight - Monday to Sunday  
Facilities for Dancing – 7.30pm to 12 midnight – Friday to Sunday  
Indoor Sports – 11am to 12.30am Monday to Sunday

**A copy of the current Premises Licence is attached at Appendix 1.**

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#### **1. Background Information**

The premises consist of a first floor snooker club accommodating a bar and terrace area and are situated on the corner of Linthorpe Road and Kensington Road in close proximity to residential properties. The premises are outside of the Cumulative Impact Zone. A location plan is attached at Appendix 2.

Prior to the introduction of the Licensing Act 2003 the premises had the benefit of a Justices On Licence. On 1 September 2005 an application to convert and vary this licence into a Premises Licence was granted. To date, this licence remains in force.

#### **2. Details of Application for Review of Premises Licence**

On 2 July 2012 an application for review of the Premises Licence was received from Cleveland Police on the grounds of the prevention of crime and disorder and the protection of children from harm. A copy of this application is attached at Appendix 3.

On 13 August 2012 correspondence was received from Cleveland Police following discussions with the Premises Licence Holder and Designated Premises Supervisor. A copy of this correspondence is attached at Appendix 4.

### **3. Notification to Responsible Authorities/Advertisement**

Cleveland Police have confirmed that copies of the application were served on all Responsible Authorities on 29 June 2012.

In addition, to fulfil the requirements of the Licensing Act 2003, Licensing Officers have posted notices in the vicinity of the premises and in the Council Offices advertising the review application. At the end of the 28 day consultation period there were no further representations.

### **4. 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.

The Licensing Act 2003 provides a procedure for review of a premises licence by any Responsible Authority or other persons who consider that there are problems at a premise which would impact on any of the licensing objectives.

### **5. Guidance to the Licensing Act 2003**

Members are referred to the following relevant sections of the Guidance.

Reviews	starting at paragraph 11.1
Prevention of Crime and Disorder	starting at paragraph 2.1
Protection of Children from Harm	starting at paragraph 2.41

And any other sections of the Guidance which Members consider to be relevant.

### **6. Middlesbrough Council Licensing Policy**

Members are referred to the following relevant sections of the Policy.

Prevention of Crime and Disorder	pages 32 to 42
Protection of Children from Harm	pages 43 to 47

And any other sections of the Policy which Members consider to be relevant.

### **7. Members' Options**

Members may consider the following options:

1. To modify the conditions of the licence
2. To exclude a licensable activity from the scope of the licence
3. To remove the Designated Premises Supervisor

4. To suspend the licence for a period not exceeding 3 months
5. To revoke the licence
6. Alternatively Members may consider that it is not necessary to take any of the above steps and may issue an informal warning/and or recommend improvement within a certain time period.

Members are reminded that any aggrieved party (i.e. Applicant for the review, Holder of the Premises Licence) may appeal any decision of the Licensing Committee to the Magistrates' Court.

Contact Officer: Sarah Morris  
Senior Licensing Officer  
Tel. 728720

Ed Chicken  
Head of Community Protection  
Date: 24 August 2012

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**For admin use only:**

Decision:

Reasons: