

**MIDDLESBROUGH COUNCIL**

**AGENDA ITEM 3**

**COMMITTEE REPORT**

**LICENSING SUB COMMITTEE C**

**27 NOVEMBER 2012**

**REPORT OF THE ASSISTANT DIRECTOR OF COMMUNITY PROTECTION**

**APPLICATION TO VARY A PREMISES LICENCE**

**Applicant:** Intertain (Bars) Limited

**Ref.No.** PRO103

**Premises:** Walkabout, 28-32 Corporation Road, Middlebrough, TS1 2RX

**Application received:** 5 October 2012

**Summary of existing Licensable Activities:**

Sale of Alcohol (On and Off Sales), Regulated Entertainment and Late Night Refreshment:

Monday to Saturday 11am to 2am, Sundays 12 noon to 12.30am (including Easter Sunday),  
Sundays preceding a Bank Holiday (excluding Easter Sunday) 12 noon to 2am

Seasonal variations – Sunday before May Day Bank Holiday, Spring Bank Holiday and August Bank Holiday 12 noon to 3am, Easter Saturday, Friday and Saturday of August Bank Holiday, Christmas Eve and Boxing Day (except Sunday) 11am to 3am, Christmas Eve and Boxing Day (Sunday) 12 noon to 3am

Non-standard Timings – If fall on Sunday 12 noon to 3am, days other than Sunday, 11am to 3am  
Australia Day 26 January, Waitangi Day 6 February, St Patricks Day 17 March, Anzac Day 25 April, Freedom Day 27 April, Queens Official Birthday 9 June.

Opening Hours – as above plus 30 minutes.

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

**Summary of proposed Licensable Activities:**

To extend all licensable activities on Wednesdays to Saturdays until 3am and the opening times until 3.30am and

To extend all licensable activities on Sundays until 2am and the opening times until 2.30am.

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

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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	Director of Public Health
Environmental Health Manager (Public Safety and Public Nuisance)	

## **2. Application advertised by the applicant: Evening Gazette - 12 October 2012**

## **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 late night bar/nightclub situated in Middlesbrough Town Centre within an area designated by the Council as a cumulative impact zone. A location plan is attached at Appendix 3.

Prior to the introduction of the Licensing Act 2003 the premises had the benefit of a Justices 'On' Licence and Public Entertainment Licence. On 30 June 2005 an application was made to convert and vary these licences and following agreement with Cleveland Police a Premises Licence was granted on 24 November 2005 to permit the sale of alcohol, regulated entertainment and late night refreshment from 11am to 2am Monday to Saturday and 12 noon to 2am Sundays, and an additional hour on selected days.

On 12 March 2009 an application for review of the Premises Licence was received from Cleveland Police following a significant amount of incidents at the premises, violence involving door supervisors and test purchase operations which had resulted in persons aged 14 and 15 being sold alcohol. This application was considered by Members of the Licensing Committee on 5 May 2009. During the meeting a compromise was made between the Premises Licence Holder and Cleveland Police and agreed by the Committee. This agreement modified the conditions of the Premises Licence and reduced the trading hours of the premises for a 3 month period.

On 20 October 2009 the Premises Licence was transferred to Intertain (Bars) Limited.

## **5. The Representations**

On 23 October 2012 a representation was received from Cleveland Police objecting to the application on the grounds of the prevention of crime and disorder and public safety. A copy of this representation is attached at Appendix 4.

## 6. The Licensing Policy

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

Prevention of Crime and Disorder	Pages 32 to 42
Public Safety	Pages 30 to 31
Cumulative Impact	Pages 34 to 36

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 paragraph 2.1
Public Safety	Starting at paragraph 2.8
Cumulative Impact	Starting at paragraph 13.19

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 addition of new conditions.
3. Reject the whole or part of the application.

Members are reminded that any aggrieved party (i.e. Applicant, Responsible Authority, Other Person) may appeal any decision of the Licensing Committee to the Magistrates' Court.

Contact Officer: John Hodgson  
Senior Licensing Officer  
Tel. 728719

Ed Chicken  
Head of Community Protection  
Date: 27 November 2012

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### For admin use only:

Decision:

Reasons:

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