

**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 23 NOVEMBER 2023**

APPLICATION FOR PREMISES LICENCE

Applicant: Roman Leisure Limited

Ref.No. MBRO/PR0239

Premises: Tiger Ivy, 58 Albert Road, Middlesbrough, TS1 1QD

Application received: 7 September 2023

Summary of Proposed Licensable Activities:

Sale of Alcohol (On sales)	9.00am – 1.00am	Daily
Live Music, Recorded Music, Dancing	11.00am – 1.00am	Daily
Late Night Refreshment	11.00pm - 1.00am	Daily

Full details of the application, accompanying operating schedule and plan 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	Director of Public Health
Environmental Health Manager (Public Safety and Public Nuisance)	Home Office (Immigration Enforcement)

2. Application advertised by the applicant: Evening Gazette – 16 September 2023.

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 are situated on a main road in the Town Centre amongst other commercial properties. There 6 residential flats directly above the premises.

The application is for a Bistro style eatery/licensed premises with the ability to host vocalists and other appropriate music and acts.

The premises previously operated as Goodbodys Coffee and Sandwich Shop until 2017. There is currently a premises licence in place for the premises allowing the sale of alcohol between the hours of 9am to 10.30pm daily, however, the licence is currently suspended due to non payment of annual fees.

During the application process the applicant held discussions with Officers from Cleveland Police, Middlesbrough Council Licensing and Public Health to discuss concerns in relation to the application before subsequently agreeing to some additional licence conditions. A copy of these conditions are attached at **Appendix 2**.

5. The Representations

On 23 September 2023 a representation was received from Ian Wicks, a local resident who lives in a flat directly above the premises which objects to the application on the grounds of the prevention of public nuisance. A copy of that representation is attached at **Appendix 3**.

On 27 September 2023 a representation was received from Hannah Munds, a local resident who lives in a flat directly above the premises which objects to the application on the grounds of the prevention of public nuisance. A copy of that representation is attached at **Appendix 4**.

On 2 October 2023 a representation was received from Wayne Flowers, Public Protection Manger on behalf of Middlesbrough Council's Environmental Health Noise Team which objects to the application on the grounds of the prevention of public nuisance. A copy of that representation is attached at **Appendix 5**. On 16 October 2023 further information in support of the representation was provided by Mr Flowers. This information is attached at **Appendix 6**.

In recent weeks there have been several discussions between the applicant and the Council's Environmental Health Noise Team in relation to concerns relating to potential noise nuisance as a result of the proposed operation of the business. The applicant has subsequently provided a Noise Assessment from a Noise Consultant which states that the current Noise Insulation Measures at the premises are inadequate for use as a restaurant/late bar. The Noise Assessment is attached at **Appendix 7**.

On 15 November 2023 further information was provided by Emma Tindall, Public Protection Manager on behalf of the Council's Environmental Health Noise Team. This information is attached at **Appendix 8**.

It is understood that the applicant's intend to propose a change to the operation of the business along with a reduction to the hours sought for licensable activities, however, this

will be subject to further information provided by the Noise Consultant. An update will be provided at the hearing.

6. The Licensing Policy

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

Prevention of Public Nuisance Page 27

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.

Prevention of Public Nuisance Starting at paragraph 2.15

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 modified to such extent as considered appropriate for the promotion of the licensing objectives.
2. To refuse to specify a person in the licence as the premises supervisor.
3. To reject the application.

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

Contact Officer: Tim Hodgkinson
 Licensing Manager
 Tel. 728720
