

DELEGATED

AGENDA NO.

**REPORT TO THE
STATUTORY LICENSING
COMMITTEE**

DATE:

**LICENSING ACT 2003
APPLICATION FOR VARIATION
LOST PROPERTY, WINPENNY HOUSE, 135-137 HIGH STREET, YARM
(FORMALLY THE DOUGH BOX)**

SUMMARY

The purpose of this report is for Members to determine an application for the variation of a premise licence under the Licensing Act 2003 to which there has been representations from Responsible Authorities and Interested Parties.

RECOMMENDATION

That Members determine the application.

THE APPLICATION

1. An application for variation has been received from Mr Som Emadi in relation to Lost Property, (formally The Dough Box), 135-137 High Street, Yarm, Stockton on Tees. The proposed variation is for the following:

To amend the hours for Recorded Music

From: Monday to Sunday 09.00 until 23.30

To: Monday to Sunday 09.00 until 02.00

To amend the hours for Late Night Refreshment

From: Monday to Sunday 23.00 until 23.30

To: Monday to Sunday 23.00 until 02.00

To amend the hours for Supply of Alcohol On & Off the premises

From: Monday to Sunday 09.00 until 23.30

To: Monday to Sunday 11.00 until 02.00

To amend the opening hours

From: Monday to Sunday 09.00 until 00.00

To: Monday to Sunday 11.00 until 02.00

To be able to use the rear yard for restaurant tables up until 9pm on an evening.

To remove the following condition:-

Intoxicating liquor shall not be sold or supplied at the premises otherwise than to persons taking table meals and for consumption by such persons as an ancillary to their meal. However, an exception is made for a maximum of 20 people allowed to consume alcoholic drinks without a table meal in the front/bar area of the premise at any given time.

A copy of the application is attached at Appendix 1.

A copy of the existing licence is attached at Appendix 2 for information.

RESPONSIBLE AUTHORITIES

2. Representations have been received from Cleveland Police, Environmental Health and Planning. The representations relate to the prevention of crime and disorder, protection of children from harm, prevention of public nuisance and public safety objectives. Copies of the representations are attached at Appendix 3.

INTERESTED PARTIES

3. Ten representations have been received from Interested Parties. A copy of this representation is attached at Appendix 4.

ADDITIONAL INFORMATION

4. Attached at Appendix 5 is a map showing the location of the premises.

POLICY CONSIDERATION

5. Members are respectfully reminded of the need to give due consideration to Stockton Borough Councils Licensing Policy Statement and the Section 182 Guidance issued under the Licensing Act 2003 when determining this application.
6. Members must carry out their 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

MEMBERS OPTIONS

7. Members may consider the following options:
 1. To reject all or part of the application for variation.
 2. To modify the conditions of the licence.

ASSOCIATED PAPERS

8. The following appendices are attached for information:
 - Appendix 1 Application Form
 - Appendix 2 Copy of Existing Licence
 - Appendix 3 Representations from Responsible Authorities
 - Appendix 4 Representations from Interested Parties
 - Appendix 5 Location Map

Assistant Director Administration Democratic And Electoral Services

Contact Officer: Leanne Maloney
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Financial Implications: None

Environmental Implications: The Licensing Act 2003 requires the licensing authority to have regard to:

- Public safety; and
- The prevention of public nuisance

Any conditions imposed should reduce the potential for environmental harm.

Legal Implications:

i) Where a licensing authority rejects (in whole or in part) an application to vary a premises licence the applicant may appeal against that decision.

ii) Where an application to vary a premises licence is granted (in whole or in part) the applicant may appeal against any decision to modify the conditions of the licence; and where a person who made relevant representation in relation to the application desires to contend -

a) that any variation made ought not to have been made, or

b) that, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, he may appeal against that decision.

Community Safety Implications:

The Licensing Act 2003 requires the licensing authority to have regard to:

- The prevention of crime and disorder

Any conditions imposed should reduce the potential for crime and disorder.

Human Rights Implications:

As a licence is deemed to be a personal possession Members should have regard to the Human Rights Act when determining this application.

Background Papers:

Stockton Borough Council Licensing Policy Statement and Section 182 Guidance

Ward(s) and Ward Councillors:

Yarm Ward
Councillor E Hampton
Councillor T Hampton
Councillor J Whitehill