

**DELEGATED**

**AGENDA NO.**

**REPORT TO THE  
STATUTORY LICENSING  
COMMITTEE**

**DATE:**

**LICENSING ACT 2003  
APPLICATION FOR VARIATION  
THE THREE RIVERS, UNIT 9 SANDGATE PARK SHOPPING CENTRE, BANCROFT DRIVER,  
INGLEBY BARWICK, STOCKTON ON TEES TS17 5AA**

**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 a Responsible Authority and Interested Parties.

**RECOMMENDATION**

That Members determine the application.

**THE APPLICATION**

1. An application for variation has been received from Mr Shaun Thomas Crake, 437 Acklam Road, Middlesbrough, in relation to The Three Rivers, Unit 9 Sandgate Park Shopping Centre, Bancroft Drive, Inbleby Barwick, Stockton on Tees. The proposed variation is for the following:

To amend the hours for Live Music  
From Monday to Sunday 12.00 – 24.00 to 11.00 – 23.30

To amend the hours for Recorded Music  
From Monday to Sunday 12.00 – 24.00 to 09.00 – 23.30

To amend the hours for Supply of Alcohol On the premises  
From Monday to Sunday 11.00 – 24.00 to 11.00 – 23.30

To amend the hours for Supply of Alcohol Off the premises  
From Monday to Sunday 11.00 – 22.00 to 11.00 – 23.30

To amend the opening hours on Sunday  
From 11.00 – 24.00 to 10.00 – 24.00

To add outside drinking/seating area to front and side of premises until 21.00 and rear of the premises until 23.00

To remove the following condition from the licence  
“Alcohol shall not be removed from the designated licensed area in open containers”.

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. Representation has been received from Environmental Health. The representation relates to the prevention of public nuisance objective. Copy attached at Appendix 3.

## **INTERESTED PARTIES**

3. A number of Representations have been received from Interested Parties. These representations relate to the prevention of crime and disorder, prevention of public nuisance, protection of children from harm and public safety objectives. A copy of these representations are attached at Appendix 4.

## **POLICY CONSIDERATION**

4. 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.
5. 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**

6. 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**

7. The following appendices are attached for information:
  - Appendix 1 Application Form
  - Appendix 2 Copy of Existing Licence
  - Appendix 3 Representation from Responsible Authority
  - Appendix 4 Representations from Interested Parties

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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:**

Ingleby Barwick East Ward  
Councillor Dixon  
Councillor Harrington  
Councillor Patterson