

**DELEGATED**

**AGENDA NO.**

**REPORT TO THE  
STATUTORY LICENSING  
SUB COMMITTEE**

**DATE:**

**LICENSING ACT 2003  
APPLICATION FOR VARIATION  
THE ASTRONAUT, WEST PRECINCT, BILLINGHAM, STOCKTON ON TEES**

**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 Interested Parties.

**RECOMMENDATION**

That Members determine the application.

**THE APPLICATION**

1. An application for variation has been received from Mr Peter Smith, in relation to The Astronaut, West Precinct, Billingham, Stockton on Tees. The proposed variation is for the following:
  - To amend the hours for supply of alcohol on & off the premises  
From: Monday to Saturday 11.00 – 23.00 & Sunday 12.00 – 23.00  
To: Monday to Sunday 10.00 – 23.00
  - To amend the opening hours  
From: Monday to Saturday 11.00 – 23.30 & Sunday 12.00 – 23.30  
To: Monday to Sunday 10.00 – 23.30

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. None

**INTERESTED PARTIES**

3. Representations have been received from Interested Parties. A copy of these representations are attached at Appendix 3.

**ADDITIONAL INFORMATION**

4. Attached at Appendix 4 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 Representation from Interested Parties
  - Appendix 4 Location Map

### **Head of Community Protection**

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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:**

Billingham Central Ward  
Councillor McCoy  
Councillor Woodhouse