

DELEGATED

AGENDA NO.

**REPORT TO THE
STATUTORY LICENSING
SUB COMMITTEE**

DATE:

**LICENSING ACT 2003
APPLICATION FOR VARIATION
THE KEYS, 65 HIGH STREET, YARM, 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 a Responsible Authority and from Interested Parties.

RECOMMENDATION

That Members determine the application.

THE APPLICATION

1. An application for variation has been received from Mistell Limited, in relation to The Keys, 65 High Street, Yarm, Stockton on Tees. The proposed variation is for the following:
 - To amend the condition relating to SIA registered door staff under the heading of Crime & Disorder from:

Tuesday – Minimum 5 door staff, 2 starting at 21:00, further 3 door staff starting at 22:00, all working till closing time
Friday – Minimum 8 door staff, 2 starting at 21:00, further 6 door staff starting at 22:00, all working till closing time
Saturday – Minimum 8 door staff, 2 starting at 21:00, further 6 door staff starting at 22:00, all working till closing

To:
Tuesday – Minimum 3 door staff required at 22:00 hours ONLY if nightclub is open
Friday – Minimum 6 door staff, 2 starting at 21:00, 2 at 22:00 and 2 at 23:00
Saturday – Minimum 6 door staff, 2 starting at 21:00, 2 at 22:00 and 2 at 23:00
 - To amend the condition relating to the outside terrace area under the heading of Public Nuisance from:

The use of the terrace by customers shall be limited to 09.00 to 22.00 Sunday to Thursday and 09.00 to 23.00 Friday and Saturday.

To:
Garden/outside terrace area, Sunday to Thursday to open until 23:00; Friday & Saturday to open until midnight. Door staff to monitor the terrace area after 22:00 to keep noise levels to a minimum and also 2 extra sound checks to be carried out by management at 15 minute intervals during the extra hour.

To add supply of alcohol off the premises during the times of 15:00 to 21:00 hours Monday to Sunday (during restaurant hours)

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 and a copy is attached at Appendix 3.

INTERESTED PARTIES

3. Representations have been received from Interested Parties. A copy of the representations are 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 Representation from Responsible Authority
 - Appendix 4 Representation from Interested Party
 - Appendix 5 Location Map

Head of Community Protection

Contact Officer:

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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