

## **DELEGATED**

## **AGENDA NO.**

## **REPORT TO THE STATUTORY LICENSING COMMITTEE**

**25 JANUARY 2022**

### **LICENSING ACT 2003 APPLICATION FOR GRANT OF A PREMISE LICENCE THE ONION BISTRO 24 GREENSIDE ROAD, INGLEBY BARWICK**

#### **SUMMARY**

The purpose of this report is for Members to determine an application for the grant of a premise licence under the Licensing Act 2003 to which there have been representations from Ward Councillors and local residents.

#### **RECOMMENDATION**

That Members determine the application.

#### **THE APPLICATION**

1. An application for the grant of a Premise Licence has been received from Neal Bullock, in relation to The Onion Bistro, 24 Greenside Road, Ingleby Barwick. A copy of the application is attached at Appendix 1.

#### **RESPONSIBLE AUTHORITIES**

2. Environmental Health and Cleveland Police have both received signed agreed conditions from the applicant. These conditions will be added to the operating schedule, should the licence be granted. Copies of these agreed conditions are attached at Appendix 2 & 3 respectively.

#### **INTERESTED PARTIES**

3. A number of representations have been received from Ward Councillors and Interested Parties. These representations relate to the Prevention of Public Nuisance, Prevention of Crime and Disorder, Prevention of Children from Harm and Public Safety licensing objectives. Copies of these representations are attached at Appendix 4.

#### **ADDITIONAL INFORMATION**

4. Following receipt of the application Planning provided details of planning conditions relating to opening hours of the premises which are 08:00-18:00 Monday to Saturday and no opening on Sundays or Bank Holidays. The applicant is in the process of applying to amend these planning conditions.
5. After being notified representations from concerned residents had been received the applicant hand delivered a letter in the local vicinity to the premises inviting residents to meet and discuss the application and their concerns. The applicant confirmed no residents attended the meeting or have made contact regarding the applications. A copy the letter is attached at Appendix 5

6. A Google street map and ariel view, showing the location of the premises, is attached at Appendix 6.

## LEGISLATION AND POLICY CONSIDERATIONS

7. Members are respectfully reminded of the need to give due consideration to Stockton Borough Councils Licensing Policy Statement and Section 182 Revised Guidance issued on April 2018 under the Licensing Act 2003 when determining this application. Copies of which can be found at:

[www.stockton.gov.uk/media/1962147/licensing-act-policy-010221-accessible.pdf](http://www.stockton.gov.uk/media/1962147/licensing-act-policy-010221-accessible.pdf)

[www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003](http://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003)

Current Council Policy states:

*'The Council recommends that applicants risk assess their operation against the four licensing objectives to identify potential areas of concern. An operating schedule should include information which is necessary to enable any responsible authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory.'* Pg 9.

*'new or variation applications for the supply of alcohol for consumption on the premises before 9.00am or after 11.30pm (12 midnight on a Friday and Saturday night) in residential areas will normally be refused.'* Pg 22.

8. Members are also reminded of the provisions of the Live Music Act 2012 and amended in 2015, which reduces regulation surrounding live music in small venues. Businesses granted a premise licence for the sale or supply of alcohol for consumption on the premises have an automatic entitlement to live or recorded music under this legislation if:
- it takes place between 08:00 – 23:00 and
  - the audience is no more than 500 people.

More information on the above legislation can be found at:

[Live Music Act 2012 - Explanatory Notes \(legislation.gov.uk\)](http://legislation.gov.uk)

## MEMBERS OPTIONS

9. 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 may consider the following options:

1. To refuse the application.
2. To grant all or part of the application subject to the necessary conditions to promote the four licensing objectives.

## ASSOCIATED PAPERS

10. The following appendices are attached for information:
- Appendix 1 - Application Form
  - Appendix 2 - Environmental Health Agreed Conditions
  - Appendix 3 - Police Agreed Conditions
  - Appendix 4 - Representations from Local Residents & Ward Councillors

Appendix 5 – Letter to residents  
Appendix 6 - Location Map

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**Financial Implications:**

None

**Environmental Implications:**

The Licensing Act 2003 requires the Licensing Authority to have regard to:

- Public Safety.
- The Prevention Of Public Nuisance

Any conditions imposed should reduce the potential for environmental harm.

**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.

**Legal Implications:**

Depending upon the determination of this application Schedule 5 of the Licensing Act 2003 provides the applicant, the holder of a licence and/or any person who made a relevant representation in relation to the application, with the right of appeal to the Magistrates' court.

**Human Rights Implications:**

Members should have regard to Human Rights Act when determining this application

**Background Papers:**

Stockton Borough Council Licensing Policy Statement and Licensing Act 2003 Section 182 Guidance

**Ward(s) and Ward Councillors:**

Ingleby Barwick East

Councillor Alan Watson

Councillor Sally Ann Watson

Councillor Ted Strike