

DELEGATED

AGENDA NO.

REPORT TO THE STATUTORY LICENSING COMMITTEE

6 SEPTEMBER 2021

LICENSING ACT 2003 APPLICATION FOR GRANT OF A PREMISE LICENCE INGLEBY CAFÉ BISTRO

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 Ingleby Bistro Ltd, in relation to Ingleby Café Bistro, 1 Beckfields Centre, Beckfields Avenue, 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 and Prevention of Crime and Disorder licensing objectives. Copies of these representations are attached at Appendix 4.

ADDITIONAL INFORMATION

4. Following receipt of the initial application, discussions were held with the applicant who confirmed they would reduce the hours requested for 'Supply of Alcohol' to Monday to Sunday 11:00 – 22:30 and opening hours 09:00 – 23:00, in line with Planning Conditions attached to the premises. The amended application hours are in line with the Stockton Borough Councils Licensing Policy Statement.
5. A Google street map and ariel view, showing the location of the premises, is attached at Appendix 5.

LEGISLATION AND POLICY CONSIDERATIONS

6. 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.

Paragraph 41 of the 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.'

7. 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)
[Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

MEMBERS OPTIONS

8. 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

9. 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 - 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