

**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 28 MARCH 2018**

APPLICATION FOR REVIEW OF PREMISES LICENCE

Applicant: Cleveland Police

Premises: The Green Tree, 57 Gilkes Street, Middlesbrough, TS1 5EL

Application received: 5 February 2018

Summary of Current Licensable Activities:

Sale of Alcohol, Films, Indoor Sporting Events, Live Music, Recorded Music, Performances of Dance, Facility for Making Music, Facilities for Dancing, Late Night Refreshment

10.00am to Midnight, Monday to Sunday

10.00am on New Years Eve to Midnight on New Years Day

10.00am to 01.00am on Friday, Saturday, Sunday and Monday at bank holiday weekends

10.00am to 01.00am Christmas Eve

10.00am to 01.00am Boxing Day

A copy of the current premises licence is attached at **Appendix 1**.

1. Summary of Application:

The purpose of this report is to enable Members to consider an application for a review of the premises licence for The Green Tree, 57 Gilkes Street, Middlesbrough, TS1 5EL, made by the Cleveland Police on 5 February 2018.

The application for review is made in following incidents at the premises and around Middlesbrough Town Centre/Riverside Stadium on the 6 January 2018, the day of the FA Cup 3rd Round Tie between Middlesbrough FC v Sunderland AFC.

A copy of the review application submitted by Cleveland Police and accompanying evidence is attached at **Appendix 2**.

2. Legislation

The Licensing Act 2003 requires the Licensing Authority to carry out its 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

The Licensing Authority must also have regard to its Licensing Policy and any guidance issued by the Secretary of State.

In accordance with the requirements of Section 51 of the Licensing Act 2003, a copy of the review application was served on the premises licence holder, Trust Inns Limited, and all of the Responsible Authorities.

Also, a notice of the review application was posted at the premises and also at the Council's offices at the Civic Centre, Middlesbrough.

3. Consultation on review application

The premises licence holder, any responsible authority or any other person are invited to make representations in respect of the review application within 28 days following publication of a notice.

In response to the consultation, on 28 February 2018 the Director of Public Health submitted a representation in support of the review application, a copy of which is attached at **Appendix 3**. Public Health have indicated that further evidence will be circulated in advance of the hearing.

On 5 March 2018, the licence holder's legal representative submitted a representation on behalf Trust Inns Limited. A copy of the representation is attached at **Appendix 4**. The licence holder's legal representative has indicated that further documentation will be circulated in advance of the hearing.

4. Background

These premises have operated as a Public House, with the benefit of a premises licence authorising the sale of alcohol and regulated entertainment, for many years. The current licensee, Trust Inns Limited, have held the premises licence since 13 October 2010. Sarah Myers has been named as the designated premises supervisor on the licence since 28 June 2017.

5. The Licensing Policy

Members are referred to the following relevant sections of the Council's Licensing Policy.

Prevention of Crime and Disorder	Pages 20 to 24
Public Safety	Pages 25 to 26
Reviews	Pages 47 to 50

And any other sections of the Policy which Members consider to be relevant.

6. Guidance to the Licensing Act 2003

Members are referred to the following relevant sections of the Guidance.

Prevention of Crime and Disorder	Starting at paragraph 2.1
Public Safety	Starting at paragraph 2.7
Reviews	Paragraph 11

And any other sections of the Guidance which Members consider to be relevant.

7. Members' Options

Members may consider the following options:

- a. To modify the conditions of the licence.
- b. To exclude a licensable activity from the scope of the licence.
- c. To remove the Designated Premises Supervisor
- d. To suspend the licence for a period of not exceeding 3 months.
- e. To revoke the licence.
- f. Alternatively, Members may consider that it is not necessary to take any of the above steps and may issue an informal warning and/or or recommend improvement within a certain time period.

Any party to the hearing who may be aggrieved by the decision taken by the Licensing Sub-Committee would have a right of appeal to the Magistrates' Court.

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