

AGENDA ITEM

FOR THE CHAIR AND MEMBERS OF THE LICENSING SUB-COMMITTEE FOR 27 SEPTEMBER 2018

APPLICATION FOR REVIEW OF PREMISES LICENCE

Ref No. PR0051

Applicant: Stephen Gerrard, FACT

Premises: The Park End, Penistone Road, Middlesbrough, TS3 0EF

Application received: 1 August 2018

Summary of Current Licensable Activities:

Sale of alcohol (on & off sales), Live Music, Recorded Music

11.00am to 11.00pm Monday to Wednesday

11.00am to Midnight Thursday to Saturday

12 Noon to 11.30pm Sundays

A further additional hour into the morning following every:

- 1) Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and August Bank Holiday Weekend.
- 2) Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.
- 3) Christmas Eve.
- 4) Boxing Day

From the end of permitted hours on New Years Eve to the start of permitted hours on New Years 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 Park End, Penistone Road, Middlesbrough made by FACT, an organisation engaged by Sky UK to investigate and prosecute persons and companies running licensed premises for illegally receiving Sky TV programmes (usually Premier League Football matches).

The review application was submitted by FACT following 2 prosecutions of Catherine Beadnall of the Park End public house leading to convictions the on 10 June 2009 and 15 June 2018. A copy of the review application submitted by Mr Stephen Gerrard, Prosecuting

Manager of FACT is attached at **Appendix 2**. Members will note that in the review application FACT request that Members consider revocation of the Premises Licence.

On 21 August 2018 further correspondence was received from FACT which stated that having given the matter further consideration they would consider that the removal of Catherine Beadnall from the premises as being a satisfactory outcome for FACT and that to facilitate this they would consider a suitable resolution to be the cancelling of Catherine Beadnall's lease by the Premises Licence holder and an undertaking that they would not issue a new lease to her or her family members. A copy of this correspondence is attached at **Appendix 3**.

On 12 September 2018 further correspondence was received from FACT in support of their application which details visits to the premises between the her first conviction on 10 June 2009 and 15 June 2018. A copy of this correspondence is attached at **Appendix 4**.

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 Punch Partnerships (PTL) Limited and all 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 August 2018 Middlesbrough Council Trading Standards submitted a representation in support of the review application, a copy of which is attached at **Appendix 5**.

On 28 August 2018 Middlesbrough Council Public Health submitted a representation in support of the review application, a copy of which is attached at **Appendix 6**. On 17 September 2018 additional information was provided by Public Health in support of their representation, a copy of which is attached at **Appendix 7**.

On 23 August 2018, a representation in support of the review application was submitted by Cleveland Police. A copy of that representation is attached at **Appendix 8**. On 19 September 2018 additional information was provided by Cleveland Police in support of their representation, a copy of which is attached at **Appendix 9**.

On 24 August 2018, a representation was received from the Licensing Authority acting in its role as a Responsible Authority. A copy of that representation is attached at **Appendix 10**. On 24 August 2018 and 6 September 2018 additional information was provided by the Licensing Authority in support of their representation, copies of which are attached at **Appendix 11** and **12**.

4. Background

These premises have operated with the benefit of a premises licence under the provisions of the Licensing Act 2003 since 1 December 2005 and prior to that held a Justices On Licence. At that time Punch Taverns Plc were the Premises Licence holder and Catherine Beadnall was named as the Designated Premises Supervisor.

On 15 November 2011 Punch Taverns Plc varied the licence to remove Catherine Beadnall as the Designated Premises Supervisor replacing her with Mary While.

On 17 December 2015 Punch Taverns Plc varied the licence to remove Mary While as the Designated Premises Supervisor replacing her with Elaine Lynes.

On 16 March 2018 the Premises Licence was transferred from Punch Taverns Plc to Punch Partnerships (PTL) Limited.

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
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
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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