

AGENDA ITEM 3

FOR THE CHAIR AND MEMBERS OF THE LICENSING SUB-COMMITTEE A FOR 23 JANUARY 2019

APPLICATION FOR REVIEW OF PREMISES LICENCE

Ref No. PR0375

Applicant: Cleveland Police

Premises: The Springfield Hotel, 113 Borough Road, Middlesbrough, TS1 3AX

Application received: 28 November 2018

Summary of Current Licensable Activities:

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

Monday to Thursday: 11am to 11pm

Friday and Saturday: 11am to 1am

Sunday: 12 noon to 10.30pm

Non-standard timings -

A further additional hour in the morning following every:

Friday, Saturday, Sunday and Monday for each May Bank Holiday,

Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.
Every Christmas Eve. Every Boxing Day.

On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day (or if there are no permitted hours on the following day, midnight on 31 December).

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 Springfield Hotel, Middlesbrough made by Cleveland Police on the grounds of public safety, the prevention of crime and disorder and the protection of children from harm.

Cleveland Police state that in the last 12 months there have been repeated breaches of premises licence conditions, licensable activities undertaken outside of permitted hours, reports of underage sales, smoking and serious public safety concerns relating to fire safety.

A copy of the representation from Cleveland Police and additional documentation in support of their application 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 Mr Derek Hetherington 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 19 December 2018 Cleveland Fire Brigade submitted a representation in support of the review application on the grounds of public safety, a copy of which is attached at **Appendix 3**.

On 20 December 2018, a representation was received from the Licensing Authority acting in its role as a Responsible Authority. A copy of the representation which is on the grounds of the prevention of crime and disorder, public safety and the protection of children from harm is attached at **Appendix 4**.

On 21 December 2018, a representation was received from Middlesbrough Council Public Health on the grounds of the prevention of crime and disorder, public safety and the protection of children from harm, a copy of which is attached at **Appendix 5**.

On 24 December 2018, a representation was received from Middlesbrough Council Environmental Health on the grounds of the prevention of crime and disorder and public safety, a copy of which is attached at **Appendix 6**.

On 5 December 2018, an anonymous representation, claiming to be on behalf of 15 local residents, was received on the grounds of the prevention of crime and disorder and public safety. A copy of the representation is attached at **Appendix 7**.

4. Background

These premises operate as a public house with a number of bed and breakfast type rooms above. The premises are situated in Middlesbrough Town Centre and are surrounded by both commercial and residential properties.

The premises have had the benefit of a premises licence under the provisions of the Licensing Act 2003 since December 2005 and prior to that held a Justices On Licence.

The current Premises Licence holder, Derek Hetherington, first held the Premises Licence on 29 November 2013 until it was transferred to Jaslyn Foxtan on 22 August 2017. On 27 April 2018 the Premises Licence was again transferred to Derek Hetherington, who has also been the Designated Premises Supervisor since that date.

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
Protection of Children from Harm	Pages 30 to 35
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	Paragraph 2.7
Protection of Children from Harm	Paragraph 2.22
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.

Contact Officer: Tim Hodgkinson
Licensing Manager
Tel. 728720