

Mr M. Labbett
C/o The Shaftesbury public house
Shaftesbury Avenue
South Harrow
HA2 0AJ

COPY

copy for licensing.

23rd March 2016

Dear Mr Labbett,

Re: Sky Television at the Shaftesbury public house, Shaftesbury Avenue, South Harrow HA2 0EJ

We are instructed by Sky UK Ltd and Sky Subscribers Services Ltd ("Sky"). Sky owns or licences certain copyright/broadcasting rights in respect of Sky Sports programming to commercial premises.

We are advised that you are one of the current owners of the Shaftesbury public house, Shaftesbury Avenue, South Harrow HA2 0EJ

We enclosed a copy of a letter and information that we have previously sent to Mr J.M. Keating, the Designated Premises Supervisor of record (copies enclosed)

This letter was sent following a visit made by our representative who observed Sky Exclusive programming being shown in the public areas of the licensed premises. Programming content and graphics noted confirms that this was a Sky Television programme.

Our clients' records show that there was no commercial viewing agreement in place to allow for this and that the applicable fee had not been paid.

ACUMEN INVESTIGATION SERVICES LTD
KATES LANE
ALSTON
CUMBRIA
CA9 3QJ

TELEPHONE: 01434 382707
FAX: 01434 382768

On the 14th December we received a letter from The Shaftsbury dated the 8th December 2015 stating that Mr J. Keating no longer works at the premises and that Surf the Seas Ltd had sold the premises to Mr Daniel.

On the basis of your letter we wrote to Mr C. Daniel on the 14th December 2015 however, we note that the unauthorised use of Sky Programmes continues and that on Sunday 7th February 2016 at 16:29 one of our representatives visited your public house and observed that three screens were showing live coverage of the Premier League football match between Chelsea and Manchester United.

Programming content and graphics noted confirms that this was a Sky Television programme. Specific mention is made of the presence on screen of the 'Score Clock' Channel Identifier 'Your home of Sport' 'Trophy Wipe' and 'Super Sunday' graphics for which our client owns the copyright. It was also noted that Graeme Souness and Thierry Henry were analysing the game. Our client confirms that these individuals were exclusive to this Sky Television programme on this occasion.

I also wish to advise that a recent Licensee Check from Harrow Council has confirmed that Surf the Seas Limited is indeed still the Premises Licence Holder and that a Ms S. Keating is now the Designated Premises Supervisor

Please be advised that Sky confirm that no third parties are authorised to supply Sky Sports programmes to this licensed premises.

The public showing of Sky Exclusive Programming in commercial premises without the possession of a commercial viewing agreement is dishonest and illegal under Section 297 (1) of the Copyright Designs and Patents Act 1988 and may result in a criminal conviction, unlimited fines, legal costs and forfeiture of a personal license. Our clients also have the right to take civil action against offenders. Previous civil actions have resulted in payments of up to £65,000 being made.

Under section 297(2) of the Copyright Designs and Patents Act 1988 employees and / or officers of a body corporate can be found to be guilty of the offence described in section 297 (1) above and be punished accordingly.

We trust that this information is of use to you and that you will take the appropriate action. Should you have any queries in respect of this matter please contact us on 01434 - 382707.

Yours faithfully,

For Acumen Investigation Services Limited

Mr. J.M. Keating
D.P.S
The Shaftesbury
Shaftesbury Avenue
South Harrow
HA2 0EA

13th October 2015

Dear Mr Keating,

COPY

for licensing.

OUR CLIENTS: SKY UK LTD. AND SKY SUBSCRIBERS SERVICES LIMITED

We are instructed by Sky UK Ltd and Sky Subscribers Services Ltd ("Sky"). Sky owns or licences certain copyright/broadcasting rights in respect of Sky Sports programming to commercial premises.

One of our enforcement officers has attended the above premises and witnessed Sky Exclusive Programming being shown in commercial areas that are accessible to the public.

We are advised that there is no commercial viewing agreement in place, which would permit you to broadcast Sky Exclusive Programming in the commercial areas of the premises.

The public showing of Sky Exclusive Programming in commercial premises without the possession of a Non-Domestic viewing agreement is dishonest and illegal under Section 297 (1) of the Copyright Designs and Patents Act 1988 and may result in a **criminal conviction**, unlimited fines, legal costs and forfeiture of your personal license. Our clients also have the right to take civil action against you. Previous civil actions have resulted in payments of up to £65,000 being made.

Our client requires that you do one or more of the following **within the next 14 days**:

1. Enter into a pubs and clubs agreement (enclosed) which permits the broadcasting of Sky Exclusive Programming in the commercial areas of your premises,
2. In the event that you do not wish to continue to broadcast Sky Exclusive Programming in the commercial areas of your premises you are required to complete the enclosed cease and desist form and return it to us,

ACUMEN INVESTIGATION SERVICES LTD
KATES LANE
ALSTON
CUMBRIA
CA9 3QJ

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3. Return any and all Sky Domestic viewing cards being used to facilitate these broadcasts. (Sky's viewing cards remain the property of Sky at all times) to us,
4. Advise us of the identity of any supplier that is providing you with Sky Television programmes in order that we can progress the matter with them.

Please be advised that Sky confirm that no third parties are authorised to supply Sky Sports programmes to this licensed premises.

We will continue to monitor your premises and will also be sending an enforcement agent to speak with you about copyright theft.

If we do not hear from you within fourteen days we reserve the right to take further action without further notice to you.

Please note that a copy of this letter may be sent to the Premises License Holder for information.

Yours sincerely,

For Acumen Investigation Services Limited

Shaftesbury Public House Shaftesbury Avenue South Harrow HA2 0EA

At 14.29hrs on the 20th September 2015 Mr Clive Jamieson visited the Shaftesbury public house Shaftesbury Avenue South Harrow HA2 0EJ.

At this time he saw that Sky Sports Live coverage of the live Premier League football match between Tottenham Hotspur and Crystal Palace was being shown on numerous television screens throughout the pub.

Programme content and commercials shown at the time confirm that this was a Sky television programme.

On the 13th October 2015 a letter was sent to J.M.Keating, DPS of record at the Shaftesbury. Included with this letter was a copy of the current Sky Television, Non Domestic Viewing Agreement for pubs and clubs and a "Cease and Desist" declaration.

On 21st October 2015, Ms Annie Saunders attended the Shaftesbury and carried out a Presentation with Ms Michelle Rayner, Manager of the premises. Ms Saunders talked through Mr Jamiesons call report of the 20th September 2015 and the afore mentioned letter. Ms Saunders explained the need of a Sky Commercial agreement to show Sky Television programming and went through the Sky Key Facts sheet. At this time Sky programming was being shown. Ms Rayner duly turned the televisions off on request.

Ms Rayner stated that the owners of the pub, Matthew Labbett and Charlotte (Surname not known) would be in later and that she would relay this information.

Our enquiries show that Matthew Labbett and Charlotte Cox are directors of Surf the Seas Limited, the company which owns the Shaftsbury and hold the Premises Licence for the pub.

Between 13th October 2015 and 15th June 2016, 15 letters have been sent by various methods including Personal Delivery to the premises. The letters have been addressed to each person on record as having an active interest in the premises and each fully explain Sky's position and the need for an active Commercial Agreement to permit the showing of Sky programmes.

The only response from the Shaftsbury are 2 unsigned letters, one stating that they have an agreement for Sky Television to show At the Races and Racing UK. This Viewing Agreement does not include football.

The other letter was to advise that a Mr Craig Daniel was now the owner of the Shaftsbury. Mr Daniel has also been written to.

Sky Television subsequently confirm that there was no Commercial Viewing Agreement in place to permit the use of this programme in the licensed premises.

Further visits were made by other operatives on 3rd January 2016, 23rd January 2016, 7th February 2016, 3rd April 2016, 24th April 2016, 1st May 2016 and 28th May 2016. On all occasions Sky Sports Live coverage of the football matches were being shown without the required Commercial Agreement being in place.

Persons on record as being involved in the premises during the time of our enquiry are as follows;

Matthew Labbett – Director of Surf the Seas. (Resigned).

Charlotte Cox – Co Owner of the Shaftsbury.

Craig Daniel – Owner of premises and now the only, active Director of Surf the Seas.

James Matthew Keating – original DPS of record.

Sally Margaret Keating – current DPS.

When operatives have attended these premises to deliver letters by Personal Delivery, none of the above have been available and staff state that they are very rarely there.

The purpose of this visit is to;

1. Identify who is in control of the licensed premises.
2. Advise them of the law in respect of the unauthorised Sky Television programmes.
3. To ensure that the relevant licensing authorities are aware of the situation.