

LICENSING SUB COMMITTEE

MONDAY 3 SEPTEMBER 2012

AGENDA ITEM 8

**SUPPLEMENTARY INFORMATION SUPPLIED BY THE
APPLICANT**

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Agenda Item 8

Leeds City Council - Licensing & Registration
Application for the grant of a personal licence - App No: PERL/06556/12
Applicant: Sam Donnelly - D.O.B 25/02/1989

STATEMENT
IN
SUPPORT

My name is Rebecca Collings, D.O.B 18/01/1980. I am the partner of the applicant, Mr Sam Donnelly. I live at The Swillington Pub, 40 Wakefield Road, Swillington, Leeds, LS26 8DJ together with Sam and also my two children from a previous relationship. I am six months pregnant and Sam and I hope to settle at the pub with our family and make a success of the business.

I am currently employed full time as a solicitor. I qualified and was admitted to the role on 15th December 2009. I encouraged Sam to apply for the lease of The Swillington because he lost his job and I could see that as the months passed by he was getting more and more depressed. We heard that the pub was available and I was convinced that it would be the perfect opportunity for Sam given his personality and the way he is with people I just knew he would do well and I had, and continue to have every faith in him.

Me and my children have made alot of sacrifices to try and make this work. We have moved out of our comfortable home to move into the flat above the pub which was in a complete state of disrepair. Sam and I have worked extremely hard to make the flat habitable. We are completely devoted to making this work. We want the pub to be not only a nice, comfortable and safe environment for our children to live but also a nice, friendly place where people can come to socialise and enjoy themselves.

It has not been easy for us to build the business up and it continues to be a challenge. The pub is in desperate need of refurbishment and repair which obviously affects trade but we are doing our very best in all the circumstances.

On the night of the test purchase operation I was upstairs in the living accomodation, Sam came upstairs to tell me what had happened and he was devastated. He fully accepted he had done wrong and knew that he would have to face the consequences. I was the person who told him that he wasnt yet the DPS (it was me who had sent his licence application) and he immediately rang the police to tell them but they said it was too late to change anything. I know that Sam never intended to deceive anybody it was a simple misunderstanding.

I have seen the effect this has had on Sam, he has been so worried to the point where he has felt ill and I can sympathise with him because it has had the very same impact upon me. Sam knows he has made a mistake but he is more than willing to do whatever it takes to put things right and I will be with him every step of the way to support him.

In relation to the party there is not much I can say because I was upstairs with the children most of the evening but I did go downstairs sometime before 12.30 to see if everything had gone well. The pub was empty and all of the bar staff said the night had gone well. Sam was tidying up he told me that everyone had left and that there had been no issues. I sat downstairs for about an hour talking to Sam and the staff and I specifically recall somebody looking out of the front window and saying that everyone had gone.

Sam and I have discussed the future of the pub in great detail and tried to think of things we can do to ensure that the pub runs as smoothly as possible and to ensure that the protection of children and the good of the community are our paramount concern. I know that Sam has taken a number of steps to try and address any problems.

Sam and I are more than willing to work with the police, the council or any other authority to make the pub work and to address any concerns that the police may have. We have been tenants in the pub and responsible for it for the past seven months and we would welcome the opportunity to continue to do so. I fully support Sam, I trust him and I know that he can make this work. I am prepared to help as much as I can if he is given the chance. I really don't know what we will do if Sam is refused his licence, we have given up so much so that he can pursue this career.

I would like to thank the panel for taking the time to read this.

Download the original attachment

FAO Chief Officer of West Yorkshire Police

16th March 2012

Dear Sir or Madam

RE: Mr Sam Donnelly – D.O.B 25.02.1989

I am writing in relation to an application I have made for a personal licence. I attended a course for the licence qualification on Wednesday 14th March 2012. I have completed the relevant application forms and requested a copy of my Criminal Records Bureau certificate to be sent to me.

I understand that my application will be forwarded to you for consideration, that is why I am writing to you.

I have a criminal record and I take this opportunity to try and explain some of my behaviour in the past so that you have all the facts before you make a decision about my suitability to hold a personal licence.

I am 23 years old and I have lived with my grandparents since the age of 14 due to difficulties at home with my parents, who were abusive, unloving and uncaring. There was never any formal arrangements made for me to live with my grandparents, for e.g. through the courts I just ran away from home one day and never returned. I have two sisters, both who left home before the age of 17 again due to my parents abusive behaviour.

My grandparents have been amazing and have always provided me with everything I have ever needed. They love me unconditionally. However regardless of this, as a teenager I would often get into trouble. I have been arrested a number of times, often for minor, disorderly behaviour. I honestly believe that I behaved in this way as a young man because I didn't know how else to deal with issues.

I also have a conviction for drink driving for which I am completely ashamed! This happened over 3 years ago and I can promise you I have never, ever, ever been behind the wheel of a car since. My arrest and subsequent conviction was the start of my realisation that I had to change my life although I admit this did not happen overnight.

I have always worked since leaving college until the end of October last year (2011) when I was laid off because there was not enough work. Between November 2011 and January 2012 I applied for over 100 jobs without success.

I then made the decision to apply for the tenancy of a pub, called The Swillington. My application was successful and I have been managing the pub since the 1st February 2012. I believe that so far I have done a really good job of running the pub and I really enjoy it.

Just before I applied for the pub I had moved in with my girlfriend. We have been going out for almost a year, she has two children from a previous relationship. When I got the pub we made the decision that we would move into the pub together with the kids. We thought it would be better for business if we lived onsite and I really wanted to get my family involved. We are in the process of moving into the pub this week and my girlfriend has rented out her house.

There is absolutely nothing I can do to change my past but there are lots of things I can do to change my future. I am willing to work my hardest to make my business work, not only for myself but for my family. I am fully prepared to work alongside the police. I have already made arrangements with a local club to travel with them to the next pub watch meeting.

I don't think that there are any excuses for the way I have behaved in the past, but I can assure you I am a different person now. I rarely drink and I have ambitions and goals that I want to achieve. I am in a stable and loving relationship and I now have the responsibility of looking after two children and I don't want to let them or myself down. If I were not awarded a personal licence we would all have to move back out of the pub which would obviously be upsetting for all of us.

Most of my bad behaviour was when I was very young and I hope that my lack of maturity at that time will be taken into consideration. I really want to make this work and I can assure you I will be responsible and trustworthy.

I thank you sincerely for taking the time to read this.

Yours faithfully

Mr Sam Donnelly

REPRESENTATIONS

My name is Sam Donnelly, I am 23 years of age and my D.O.B is 25/02/1989. I make these representations in response to an objection made by West Yorkshire Police in relation to my application I have recently submitted for a personal licence.

I signed the tenancy agreement as landlord of The Swillington Hotel, Swillington, Leeds, LS26 8DJ on the 1st February 2012. I have never run a public house or a business before but I made the decision to do so with my partner after I found myself unemployed due to my employment contract not being renewed due to lack of available work.

I was unemployed for approximately three months prior to applying for the tenancy of The Swillington. That three months was the worst three months of my adult life. I became increasingly depressed having always worked and finding it very difficult to secure employment, given the current climate.

I have always been very outgoing and friendly, everybody I know encouraged me to apply for the tenancy because they believed that I had the skills to really make the pub work. My partner, Rebecca, was especially supportive and thought that I had all of the requisite qualities necessary to successfully run this type of establishment.

I have lived in Swillington nearly all my life, I have incredibly strong community ties to this village and everyone that lives here is important to me. I engage in lots of social activities including supporting the local clubs as well as being a dedicated member of the bowls team.

I know everyone in this village and everyone knows me, I believe that I am well liked and well respected. When it became common knowledge that I had taken over the tenancy of The Swillington many people were very supportive and seemed genuinely pleased for me. I was overwhelmed at the amount of support and help I received.

In all honesty in the beginning I had lots of concerns mainly about how I would handle or approach any difficulties that may arise. I was worried about controlling people in drink and handling any violent incidents. I was also worried about underage drinking and the general running of the business. I soon discovered, however, that the things I was worried about were not issues at The Swillington. The customers were generally of the older generation and if on occasion any younger members of the community did come into the pub they were compliant when asked to leave. I gradually became more and more confident and things seemed to be going really well.

On the 12th July 2012 I was working the evening shift when two people approached the bar (1 male and 1 female). The male ordered two alcoholic drinks. In my opinion

the male looked to be over the age of 18 and I didnt pay much attention to the female. I duly accept now that they were not over 18 years of age and I most certainly was not as vigilant as I should have been. I did not ask to see any form of identification.

After the two people had purchased the drinks they left the premises and I was approached by two police officers who told me that I had just sold alcohol to two people under the age of 18. I was absolutely devastated and in a complete state of shock. The Police officers then asked me if I was the DPS. My partner had very recently applied for my licence and in my confusion I genuinely believed they were trying to ascertain who was in charge so I told them it was me. This was a complete misunderstanding on my part and has resulted in me receiving a summons to attend court. I genuinely believed that the police were trying to determine who was to blame and in my capacity as landlord I thought that was me. I was told that I had to attend an interview the following Tuesday to which I agreed.

At this stage I was really upset and so disappointed in myself. I felt like I had let everybody down, especially myself. I have never ever encouraged underage drinking and with hindsight I really believe that my actions were due to a lack of training (especially in relation to the under 21 policy - I really didnt realise the importance of it). It was not simply a frivolous disregard for the law.

In fact, just days before the test purchase operation (on the 7th July 2012) I was approached by a member of the community who asked me if she could hold her 18th birthday party in the pub. I specifically recall making it extremely clear to her that she could have the party at the pub on the understanding that she told every single person attending that they must bring identification.

I attended at the police station on Tuesday 17th July 2012 and fully admitted my wrong doing. I was told that I would be required to attend court at a later date. I have since been summonsed to attend Leeds Magistrates Court on 12th September 2012. I thought that would be the end of the matter.

On the 26th July I was asked if I would attend a meeting at Garforth police station to discuss the 18th birthday party. The police raised concerns at the meeting and I responded to thier concerns by saying that I would not bother with the party. I really thought that I was doing the best thing. I was worried that I didnt have the support of the police and I really didnt want to put myself in a vulnerable position.

I knew that the birthday party would be bring alot of business to the pub but I didnt want to put myself in a position where I would be criticised by the police and the money just simply was not that important to me. I wanted to protect myself and I also wanted to show the police that if they were not happy with something I had planned I would be more than happy to cancel it even if it meant letting people down. I really could not think of an alternative at the time.

It was then suggested to me that I could employ door staff on the night of the party, which seemed to be a good solution it meant that the police would be happier and I would be better protected. The idea was that the doorstaff would check identification on the door.

On the night of the party I employed two registered door men (this can be verified by the police because officers attended at the beginning of the evening to check the door men's collar numbers and registration details). They were positioned at the front entrance to the pub. All other entrances to the pub were locked to avoid people entering the premises without passing the door staff.

The door staff were instructed that every single person entering the premises must show identification to prove their age. Prior to the party I spoke to each member of staff and made it very clear that even though there were staff on the door they must also identify everybody purchasing alcohol. I also advised staff to be extra vigilant about the amount of alcohol they were serving to people and told them they must refuse to serve anyone who appeared to be too intoxicated.

The night was very worrying for me but fortunately it went very well. I ensured that people left the pub in a timely manner to minimise disruption to the surrounding houses. The pub was emptied by me personally at 12.10. I told the door staff that they could go and the doors were locked. Approximately ten minutes later I went outside to check for glasses and to make sure that everyone was making their way home. There were a few people in the car park finishing their drinks which were in plastic cups (this is standard procedure at The Swillington, all last order drinks are served in plastic cups) I was told that they were waiting for transport home, I was reluctant to move them on because I did not want them to be roaming around the streets where there are lots of houses. Shortly after that I looked out of the front window and the car park was empty.

The next day I had a conversation with Laura Spalding and I reported to her that all had gone well. I was later advised that a young person had received treatment for suspected alcohol poisoning. I did not think anything of it at the time because everybody who left the pub that night was absolutely fine and I had no cause for concern.

I can say that the day after the party I found 2 large empty vodka bottles in the car park of the pub that were clearly not purchased from the bar. I don't know if any of the people in attendance at the party had brought their own alcohol. This was not something that I was aware of or would ever allow or encourage for obvious reasons. The pub policy is that if anyone is caught consuming their own alcohol in the pub they would be barred.

I really don't know what other steps I could have taken that evening. I really do believe that I took all steps physically possible to protect children and the community as a whole.

I am more than prepared to work with the police, the council or anyone else concerned with the successful running of The Swillington. The Swillington is a community pub, when I took over the lease it was barely trading. I have done everything possible to try and make this pub work. I have never ever encouraged underage drinking and never would.

Since I was charged with the offence of selling alcohol to a person under the age of 18 I have taken the following steps:-

- 1.) Displayed extra "check 21" posters
- 2.) Provided staff training personally
- 3.) Arranged for an external training provider to attend at the pub to provide recognised staff training.
- 4.) Passed at least 2 further test purchase operations
- 5.) Met with police and taken steps (such as the door staff) to boost confidence and show my willingness to work with the police.

I am truly remorseful for my actions and words cannot express strongly enough just how sorry I am. I can assure you that nothing like that will ever happen again.