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**LICENSING SUB-COMMITTEE**

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**MEETING TO BE HELD IN CIVIC HALL, LEEDS ON  
FRIDAY, 11TH APRIL, 2014 AT 10.00 AM**

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**MEMBERSHIP**

**Councillors**

J Dunn - Ardsley and Robin Hood;  
M Harland - Kippax and Methley;  
G Hussain - Roundhay;

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**Agenda compiled by:  
Governance Services  
Civic Hall  
LEEDS LS1 1UR  
Tel No: 2243836**

# A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p style="text-align: center;"><b><u>PRELIMINARY PROCEDURES</u></b></p> <p><b>ELECTION OF THE CHAIR</b></p>	
2			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

Item No	Ward	Item Not Open		Page No
3		Item 6 Appendix B	<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1) To highlight reports or appendices which:</p> <p>a) officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>b) To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>c) If so, to formally pass the following resolution:-</p> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p> <p>2) To note that under the Licensing Procedure rules, the press and the public will be excluded from that part of the hearing where Members will deliberate on each application as it is in the public interest to allow the Members to have a full and frank debate on the matter before them.</p>	
4			<p><b>LATE ITEMS</b></p> <p>To identify any applications as late items of business which have been admitted to the agenda for consideration</p> <p>(the special circumstances shall be identified in the minutes)</p>	

Item No	Ward	Item Not Open		Page No
5			<p><b>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</b></p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p> <p><b><u>HEARINGS</u></b></p>	
6	Guiseley and Rawdon	10.4(7) Appendix B	<p><b>REVIEW OF THE PREMISES LICENCE FOR MARTHA'S ALE HOUSE, WELL LANE, GUISELEY, LEEDS LS20 9BA</b></p> <p>To consider an application for the review of the Premises Licence held at Martha's Ale House, Well Lane Guiseley. The application has been made under Section 51 of the Licensing Act 2003 by Leeds City Council (Licensing Authority).</p> <p>Please note – Appendix B of the report is regarded as exempt from publication under the provisions of Access to information Procedure Rule 10.4(7) and the provision of Paragraph 14 of the Licensing Act 2003 (Hearings Regulations 2005)</p> <p><b><u>Third Party Recording</u></b></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties – code of practice</p> <ul style="list-style-type: none"> <li>a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.</li> <li>b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.</li> </ul>	3 - 902

## **CONFIDENTIAL AND EXEMPT ITEMS**

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

### **9.0 Confidential information – requirement to exclude public access**

9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

### **9.2 Confidential information means**

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

### **10.0 Exempt information – discretion to exclude public access**

10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Exempt information means information falling within the following categories (subject to any condition):

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes –
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

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## Report of the Head of Licensing and Registration

### Report to the Licensing Sub Committee

**Date:** Friday 11th April 2014

**Subject:** Review of the Premises Licence for Martha's Ale House, Well Lane, Guiseley, Leeds, LS20 9BA

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Guiseley & Rawdon		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: Appendix B is considered exempt under the provision of Paragraph 14 of the Licensing Act 2003 (Hearings Regulations 2005) It should be noted that the contents of this appendix are potentially exempt information under Access to Information Procedure Rule 10.4(7) as these include information relating to any particular person and it may contain information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.		

## Executive Summary

This report informs Members of an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003, sought by Leeds City Council (Licensing Authority) in respect of Martha's Ale House, Well Lane, Guiseley, Leeds, LS20 9BA. The licensing authority is now under a duty to review the premises licence held by these premises.

### 1.0 Purpose of this Report

- 1.1 This report provides Members with the background and history to the making of the review application made by Leeds City Council (Licensing Authority) **Appendix A**. The report sets out the relevant law when reviewing licences under the Licensing Act 2003 ("the Act"), and informs members of the options available to them when reviewing a premises licence.
- 1.2 In addition to the review application, Leeds City Council Licensing Authority has provided supplementary evidence which is attached at **Appendix B**.

1.3 It should be noted that the contents of this appendix are potentially exempt information under Access to Information Procedure Rule 10.4(7) as these include information relating to any particular person and it may contain information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

## **2.0 Background Information**

- 2.1 An application for the conversion of a former Justices licence was received in June 2005 there were no objections and the premises licence was duly granted to Lynn Margaret Bromby. The premises were known as the Woolpack Inn.
- 2.2 In July 2006 an application was made to transfer the premises licence into the name of Mr Andrew Jacques.
- 2.3 On the 19<sup>th</sup> September 2006 an application to vary the designated premises supervisor was received specifying Mr Andrew Jacques as the nominated person.
- 2.4 On the 20<sup>th</sup> August 2007, West Yorkshire Police submitted a review application on the grounds that the objective of crime and disorder was undermined. Police Officers executed a search warrant and a substantial quantity of drugs were found along with offensive weapons, cash and cigarettes.
- 2.5 On the 8<sup>th</sup> October 2007, the Licensing Sub Committee met to consider the review application and made the decision that the current DPS (Mr Andrew Jacques) was to be removed from the premises licence with immediate effect.
- 2.6 The premises licence was transferred from Mr Andrew Jacques to Assetworld Ltd on the 2<sup>nd</sup> October 2007. At this time the premises remained close until a new tenant was found and a new Designated Premises Supervisor appointed.
- 2.7 On the 4<sup>th</sup> October 2007 an application to specify Mr Geoffrey Tarbuck as the Designated Premises Supervisor was made. The premises remained closed at this time.
- 2.8 A further application to vary the Designated Premises Supervisor was made on the 3<sup>rd</sup> December 2007 specifying Danielle Lisa Waterworth.
- 2.9 In December 2007 notification was given that the premises were to reopen and be rebranded as a real ale house – the premises were now to be known as Martha's Ale House.
- 2.10 A licence transfer application was received on the 18<sup>th</sup> July 2008 – the application specified Leodis Properties Ltd as the new premises licence holder.
- 2.11 An application to vary the premises licence was made by Lordgate Ltd on the 10<sup>th</sup> October 2008 to extend the opening hours of the premises, along with adding regulated entertainment and late night refreshment.
- 2.12 Representations were received from both West Yorkshire Police and Leeds City Council Environmental Health, agreements were reached with all parties and the licence was duly granted as per the variation applied for.
- 2.13 A further licence transfer was received on 2<sup>nd</sup> June 2010 transferring the premises licence into the name of C.D.S.L. Ltd.



- 2.14 Mr George Clark Senior Liaison and Enforcement Officer served a Section 19 Closure Notice on the DPS Danielle Waterhouse on the 14<sup>th</sup> October 2010. The notice was served as a condition was breached regarding the CCTV hard drive.
- 2.15 The Section 19 Closure Notice was cancelled by Leeds City Council Senior Enforcement officer Michael Waters on the 4<sup>th</sup> February 2011.
- 2.16 On March 22<sup>nd</sup> 2011 an application to vary the designated premises supervisor was made naming John Patrick Quinlan as the individual.
- 2.17 A further variation to the Designated Premises Supervisor was made on the 20<sup>th</sup> September 2011 renaming Danielle Lisa Waterworth as the nominated person.
- 2.18 A licence transfer application was made on the 20<sup>th</sup> June 2012 naming 'It's a Pub Life Ltd' as the new premises licence holder.
- 2.19 A Section 19 Closure Notice was served on the 5<sup>th</sup> September 2012 by Leeds City Council Senior Liaison and Enforcement Officer Mr Michael Waters to the DPS (Danielle Waterworth). The notice was served as the premises were in breach of a licence condition relating to the usage and storage of the CCTV system.
- 2.20 A licence transfer application was submitted on the 23<sup>rd</sup> November 2012 with Regalbond Trading Ltd specified as the new premises licence holder.
- 2.21 A visit to the premises was made by Samantha Longfellow, Senior Enforcement and Liaison Officer on the 8<sup>th</sup> November 2013, an inspection was made and the premises was found to be in breach of their licence due to discrepancies with the CCTV, a section 19 Closure Notice was served to Michael Faulding (manager).
- 2.22 On the 10<sup>th</sup> January 2013 Mr Michael Waters wrote to Danielle Waterworth to cancel the closure notice served previously in September 2012.
- 2.23 The section 19 Closure Notice issued on the 8<sup>th</sup> November 2013 was cancelled on the 3<sup>rd</sup> February 2014 by Michael Waters, Senior Liaison and Enforcement Officer.
- 2.24 An application to transfer the premises licence and vary the designated premises supervisor was made on the 4<sup>th</sup> February 2014. The incoming premises licence holder is Lordgate Ltd and the designated premises supervisor Stacy Marie Cilla La Corte.

A licence has duly been granted, this is the current premises licence in force.

### **3.0 Premises Licence**

- 3.1 The premises licence holder is Lordgate Ltd.
- 3.2 A copy of the premises licence can be found at **Appendix C** of this report. In summary, the premises licence permits the following:
- Sale by Retail of Alcohol
  - Live Music
  - Recorded Music
  - Performance of Dance
  - Entertainment similar to live music, recorded music or dance
  - Facilities for Making Music

- Facilities for dancing
- Anything similar to making music or dancing

**Monday – Thursday 11:00 – 00:00**

**Friday & Saturday 11:00 – 01:00**

**Sunday 11:00 – 23:00**

- Late Night Refreshment
- Monday – Thursday 23:00 – 00:00**  
**Friday & Saturday 23:00 – 01:00**

- Non Standard Timings:

**Christmas Eve until 02:00 hours AND Sundays prior to a Bank Holiday until 02:00 hours.**

#### **4.0 Designated Premises Supervisor**

- 4.1 The Designated Premises Supervisor for the premises is Ms Stacy Marie Cilla La Corte.

#### **5.0 Location**

- 5.1 A map which identifies the location of the premises is attached at **Appendix D**.

#### **6.0 Main Issues**

- 6.1 The grounds for this review centre principally on the premises operating beyond their permitted hours and persistently breaching the terms of their premises licence.

Conditions in relation to CCTV measures have been continuously broken over the last few years resulting in the failure of incidents of serious crime and disorder being adequately captured. Overly drunk customers are also regularly being served beyond permitted hours resulting in incidents similar to the above.

Numerous action plan meetings have taken place between the management and relevant authorities. Regardless of these meetings the premises continue to operate in a manner other than in accordance with the premises licence, which must not be allowed to continue in order to uphold the four Licensing Objectives.

#### **7.0 Relevant Representations/Letters of Support**

- 7.1 Under the Act representations/support can be received from responsible authorities and or other persons. Representations must be relevant and, in the case of other people, must not be frivolous or vexatious.
- 7.2 In this instance, no additional representation or support has been expressed to this application.

#### **8.0 Matters Relevant to the Application**

- 8.1 On Monday 24<sup>th</sup> March 2014 a meeting took place at St George's House between Leeds City Council Enforcement officers Samantha Longfellow and Michael Waters along with Cat Sanderson from West Yorkshire Police and representatives from

Martha's Ale House including Shaun Gibson - Premises Licence Holder (Director of Lordgate Ltd), Stacey Cilla La Corte – Designated Premises Supervisor, Chris Duggan – Representative of Leodis Properties Ltd (Freeholder), Peter Wadsworth – Licensing Consultant for Lordgate Ltd.

- 8.2 At the meeting, points discussed were the possibility of adding conditions and amending existing conditions currently attached to the existing premises licence.
- 8.3 The above representatives of Martha's Ale House agreed to the proposed conditions along with further measures. The original has been signed by Peter Wadsworth on behalf of Lordgate Ltd, confirming that they are in agreement to have the conditions attached to the premises licence at the Review hearing if the Licensing Sub Committee deem it appropriate. Please refer to **Appendix E** of this report.
- 8.4 It was explained by Leeds City Council Enforcement Officer Samantha Longfellow to all representatives of Martha's Ale House that the Licensing Sub Committee may still revoke the premises licence or suspend it should they feel it necessary or proportionate. It was also made clear that the Licensing Sub Committee may wish to remove and/or add to the conditions agreed.
- 8.4 Members of the Licensing Sub Committee must make decisions which are appropriate to the promotion of the licensing objectives which are:
- the prevention of crime and disorder;
  - public safety;
  - the prevention of public nuisance; and
  - the protection of children from harm.
- 8.5 In making their decision Members are obliged to have regard to guidance issued under Section 182 of the Act. A copy of the relevant section is attached at **Appendix F**. Members must also have regard to the Council's licensing policy, the relevant representations made and evidence they hear.

## **9.0 Implications for Council Policy and Government**

- 9.1 It is the stated licensing policy of the Council that when considering a review the authority will take into account all relevant circumstances, but will view the matters listed in paragraph 13.15 of the policy with particular seriousness.

## **10.0 Legal and Resource Implications**

- 10.1 There are no resource implications in determining the review.
- 10.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrate's Court.

## **11.0 Recommendations**

- 11.1 Members are requested to determine this review. The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- to modify the conditions of the licence (which includes adding new conditions or any alteration or omission of an existing condition);
- exclude any licensable activities to which the application relates;
- to remove the Designated Premises Supervisor;
- to suspend the licence for a period not exceeding 3 months; and/or
- to revoke the licence.

- 11.2 Members may decide that no action is necessary and that the circumstance of the review does not require the Committee to take any steps to promote the licensing objectives.
- 11.3 Members should note the guidance also suggests it is open to Members to issue an informal warning to the licence holder or to recommend improvement within a particular time. However the Guidance further provides that where responsible authorities have already issued such warnings, the issuing of another warning should not be repeated.
- 11.4 Where the Committee decide that a modification of conditions or exclusion of licensable activities may be imposed, this can either be permanently or for a temporary period of up to three months.
- 11.5 Members are directed to paragraphs 11.25 to 11.31 of the Statutory Guidance which related to reviews arising in connection with crime.
- 11.6 Members of the Licensing Committee are asked to note that they may not take any of the steps outlined above merely because they consider it desirable to do so. It must be appropriate for the promotion of the licensing objectives.

## **12.0 Background Papers**

- 12.1 Guidance issued under s182 Licensing Act 2003
- 12.2 Leeds City Council Statement of Licensing Policy

## **Appendices**

- Appendix A Review application
- Appendix B Supporting Evidence
- Appendix C Premises Licence
- Appendix D Map of premises
- Appendix E Proposed licence conditions and agreement
- Appendix F Extract from the S182 Guidance



REV1

Entertainment Licensing, Leeds City Council, Civic Hall, Leeds, LS1 1UR

**Application for a review of a premises licence or club premises certificate  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

We the Licensing Authority apply for the review of a premises licence under section 51/~~apply for the review of a club premises certificate under section 87~~ of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

**Part 1 – Premises or club premises details**

**Postal address of premises or club premises, or if none, ordnance survey map reference or description:**

Martha's Ale House  
Well Lane  
Guiseley

**Post town:** Leeds

**Post code:** LS20 9BA

**Name of premises licence holder or club holding club premises certificate (if known)**

Lordgate Limited

**Number of premises licence or club premises certificate (if known)**

PREM/00778/008

**Part 2 – Applicant details**

- |   |                                     |
|---|-------------------------------------|
| I am  | Please tick ✓ yes                   |
| 1 An individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below) | <input type="checkbox"/>            |
| 2 A responsible authority (please complete (C) below)   | <input checked="" type="checkbox"/> |
| 3 A member of the club to which this application relates (please complete (A) below)  | <input type="checkbox"/>            |

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

Surname  First names

I am 18 years old or over  Please tick ✓ Yes

Current postal address if different from premises address

Post Town  Postcode

Daytime contact telephone number

Email address (optional)

**(B) DETAILS OF OTHER APPLICANT**

Name
Address
Telephone number (if any)
E-mail (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name: Leeds City Council (Licensing Authority)
Address: Entertainment Licensing Civic Hall Leeds LS1 1UR
Telephone number (if any): 0113 2474095
E-mail (optional): entertainment.licensing@leeds.gov.uk

**This application to review relates to the following licensing objectives(s)**

Please tick one or more boxes ✓

- 1. the prevention of crime and disorder
- 2. public safety
- 3. the prevention of public nuisance
- 4. the protection of children from harm

**Please state the ground(s) for review (please read guidance note 2)**

The premises have been brought to the attention of Leeds City Council's Entertainment Licensing Section due the premises operating beyond their permitted hours along with persistent breaches of the Premises Licence.

On 2<sup>nd</sup> June 2010 C.D.S.L. Ltd became the Premises Licence Holder for Martha's Ale House, Well Lane, Guiseley, LS20 9BA. The Director of C.D.S.L. Ltd is Mr Scott Williamson, The Share Holder is Mr Christopher Duggan and the Secretary is Mr Peter Wadsworth.

On 14<sup>th</sup> October 2010 a Section 19 Closure Notice was served on Danielle Waterworth in her capacity as the Designated Premises Supervisor.

The Section 19 Closure Notice was withdrawn on 4<sup>th</sup> February 2011, after an officer had attended at the premises to check that the CCTV was in order.

20<sup>th</sup> June 2012 It's a Pub Life Limited became the Premises Licence Holder. Mr Scott Williamson is the only named Director, Shareholder and Secretary.

On the 6<sup>th</sup> July 2012 a new Premises Licence was issued with It's a Pub Life Ltd named as the Premises Licence Holder and Danielle Waterworth as the Designated Premises Supervisor.

On 23<sup>rd</sup> July 2012 officers attended at the premises and spoke with Danielle Waterworth. At the time of the visit officers found that the CCTV system had the incorrect date and time showing. The officers agreed with Danielle to attend the following day to check that the issues with the system had been rectified.

On 24<sup>th</sup> July 2012 officers attended to check the CCTV. Danielle Waterworth advised the officers that the system had been defective and a new hard drive had been installed by CW Alarms of Halifax. The officers decided on this occasion not to issue a Section 19 Closure Notice. They did agree with Danielle to return in approximately one month to make sure the CCTV hard drive was storing for a minimum of 31 days.

Officers attended on 30<sup>th</sup> August 2012 on this occasion Scott Williamson the Director of It's a Pub's Life Ltd was at the premises. Scott advised officers that the hard drive fitted by CW Alarms was defective and had to be replaced the week before. Officers were not convinced by the explanation given and as a result returned to the premises on 5<sup>th</sup> September 2012. Danielle Waterworth was working at the time of the visit. Officers asked Danielle to show them footage from the previous weekend, again Danielle was unable to retrieve the footage. As the CCTV had not been working as per the condition attached to the Premises Licence officers issued a Section 19 Closure Notice. On 21<sup>st</sup> September 2012 officers were advised by Scott Williamson that Martha's Ale House had been burgled, one of the items stolen was the CCTV hard drive. Officers requested that Scott have the hard drive replace within 7 days.

Officers attended at the premises on 16<sup>th</sup> November 2012 again staff were unable to retrieve footage from the CCTV system. On this occasion Chris Duggan tried to interfere with the visit and was hostile towards LCC officers and officers from West Yorkshire Police. West Yorkshire Police warned Chris Duggan about his conduct and advised that they would receive further visits to ensure compliance. As a result of the visit officers were not happy with the management of the premises or with the continued breach of licence conditions regarding the CCTV system. Officers requested that the management attend an Action Plan meeting. Chris Duggan failed to attend but Peter Wadsworth attended on behalf of the Premises Licence Holder. Peter advised at the meeting that a new company called Regalbond Trading Ltd would be taking over Martha's Ale House. Regalbond Trading Ltd transferred on to the Premises Licence on 13<sup>th</sup> December 2012. The director of Regalbond Trading Ltd is Samantha Lee.

On 10<sup>th</sup> January 2013 officers attended at the premises. On this occasion the CCTV was in order and as a result officers cancelled the Section 19 Closure notice that had been issued back in September 2012.

On 21<sup>st</sup> February 2013 officers were advised of an incident that took place inside Martha's Ale House at 01.43hrs on the 15<sup>th</sup> February 2013. As a result of this incident officers attended at the premises on 27<sup>th</sup> February 2013 to view the CCTV. On this occasion the CCTV appeared to show customers being served alcohol until 02.30hrs. That is 2½hrs beyond permitted hours, all sales of alcohol should have ceased at midnight. Another Action Plan meeting was organised for 12<sup>th</sup> March 2013.

On 11<sup>th</sup> May 2013 officers attended at the premises, again the time stamp on the CCTV system was incorrect. It appeared that the premises had operated beyond their permitted hours but due to the time stamp being incorrect at the time of the visit we couldn't ascertain beyond reasonable doubt that the premises had operated beyond their permitted hours. Officers requested that the time stamp be changed so that the system was showing the correct time. As a result of the CCTV system having the incorrect and the allegations that the premises were operating beyond their permitted hours officers requested that the management of the premises attend a third Action Plan meeting. Again the Premises Licence Holder (Regalbond Trading Ltd) didn't attend the meeting and sent Peter Wadsworth as a representative along with Danielle Waterworth. It was agreed at the meeting that Danielle Waterworth would no longer have responsibility of the CCTV system. It was also agreed that the CCTV system would be checked on a regular basis to make sure it was operating as per the condition attached to the Premises Licence.

On 3<sup>rd</sup> October 2013, officers were made aware of yet another incident that had taken place on the 15<sup>th</sup> September 2013 at 2.28hrs. A call had been made to West Yorkshire Police from a male alleging that that he had been assaulted and was still on the premises. On the same day officers were made aware of an allegation persons were taking drugs outside that premises and that this was a regular occurrence on a weekend. As a result of these issues officers attended at the premises on 8<sup>th</sup> October 2013 to view the CCTV footage of the alleged incidents. Again staff including Peter Wadsworth were unable to operate the system, however officers managed to operate it. The officers witnessed the sale of alcohol after 1.00hrs. Again the premises were found to be operating beyond their permitted hours. Unfortunately the alleged assault itself was not caught on the footage. The outside camera was not working and as a result no evidence of persons using drugs outside the premises could be found. As a result of the serious incidents that had taken place at the premises along with the CCTV either not working or cameras not working officers felt it appropriate to invite the Premises Licence Holder (Regalbond Trading Ltd) and the Designated Premises Supervisor (Danielle Waterworth) in for an interview in accordance with the Police and Criminal Evident Act 1984 (as amended). Samantha Lee was invited to attend the interview in her capacity as the only named director of Regalbond Trading Ltd. The date of the interviews was set for 29<sup>th</sup> October 2013.

On 22<sup>nd</sup> October 2013 Peter Wadsworth contacted the office to ask if he could attend the interview on behalf of Samantha Lee. Peter was advised that he couldn't attend as this would be an interview under caution. Peter then asked to re-arrange the date for Samantha Lee as she would be unable to attend on the agreed date.

Due to unforeseen circumstances officers had to cancel the meeting arranged for 29<sup>th</sup> October 2013. Letters were sent on 4<sup>th</sup> November 2013 with a re-arranged date of the 12<sup>th</sup> November 2013. Chris Duggan contacted the office on behalf of Samantha Lee and advised that she wouldn't be able to attend the interview on the 12<sup>th</sup> November 2013 as she was meeting with her legal representative. Chris Duggan also asked if he could attend with Samantha Lee. Officers advised Chris that he would not be able to attend the interview only Samantha Lee's legal representative could. We then agreed on a new date of the 19<sup>th</sup> November 2013.

On the 8<sup>th</sup> November 2013 officers attended at the premises along with West Yorkshire Police. The person in charge at the time of the visit was Michael Faulding. Again the CCTV had issues. The camera on the main entrance was not working, the date and time stamp was incorrect. During the visit officers had to speak to an off duty female member of staff regarding her unacceptable behaviour towards officers. As a result of the issues a



Section 19 Closure Notice was issued.

On the 12<sup>th</sup> November 2013 officers attended Taxi & Private Hire Licensing offices. The reason for the visit was to conduct a Taped Interview in accordance with PACE with Danielle Waterworth. Danielle failed to attend the interview. No telephone call or correspondence was received from Danielle cancelling the interview.

On 13<sup>th</sup> November officers hand delivered another letter to Danielle Waterworth inviting her to attend a taped interview in accordance with PACE. This was for the 19<sup>th</sup> November 2013. Danielle advised officers at the time that she had been told by Chris Duggan that her interview had been cancelled.

On the 18<sup>th</sup> November 2013 a Solicitor acting on behalf of Samantha Lee contacted the office requesting we change the date for the taped interview. Officers advised that Samantha Lee had already changed the date 3 times. They agreed on a new date of 3<sup>rd</sup> of December 2013. Officers asked the solicitor if she was acting on behalf of Danielle Waterworth. The solicitor advised that she wasn't acting on behalf of Danielle Waterworth. Officers contacted Danielle to confirm that she would still be attending on the 3<sup>rd</sup> December 2013. Danielle advised that she had been told that the interview had been cancelled. Officers advised Danielle that the solicitor had confirmed at the time of her call that she was not acting on behalf of Danielle. Danielle confirmed that she would be attending the interview.

On 19<sup>th</sup> November a telephone message was received from Danielle Waterworth advising that her boss had told her not to liaise with LCC until she had sought legal representation. An email was received the same day from Chris Duggan confirming that the same solicitor acting on behalf of Regalbond Trading Ltd would also be acting on behalf of Danielle Waterworth.

On 30<sup>th</sup> November 2013 an officer witnessed over 30 persons outside Martha's Ale House at 11.05hrs. The persons appeared to be drinking pints of what appeared to be lager. On the 2<sup>nd</sup> December officers checked the Entertainment Licensing database and found that Martha's Ale House could not open for the sale of alcohol until 11.00am. We believe that due to the amount of customers outside the premises drinking that they couldn't have all been served within a five minute period. As a result officers arranged to visit Martha's Ale House on 13<sup>th</sup> December 2013 to check the CCTC system.

On 3<sup>rd</sup> December 2013 officers attended at Taxi & Private Hire Licensing to conduct the interviews in accordance with PACE. Danielle Waterworth was due to attend at 10.30am and Samantha Lee was due to attend at 2.00pm.

Officers checked the reception area numerous times between 10.30am and 10.40am, with no sign of Danielle. Officers made contact with the solicitor and she advised that Danielle would not be attending. The solicitor advised that Chris Duggan had contacted her and advised that Danielle would not be attending as she wasn't in any fit state. The solicitor did not expand on this, but went on to say that Danielle had resigned. Officers explained that she was still named on the licence and as such she is still responsible. The solicitor went on to clarify that Danielle would be leaving on 6<sup>th</sup> January 2014. The solicitor then asked if Chris Duggan could submit a written admission of the offences. I explained that Chris Duggan was unable to submit a written admission at this time. I explained that Danielle had already accepted a Formal Caution back in April for similar offences and as such we may be looking at prosecution for the offences. The solicitor then asked if we would accept a written admission from Danielle. I advised that it wasn't standard procedure and that I would have to check with our legal team. On checking with the Principal Enforcement Officer, officers advised the solicitor that we could submit a schedule of questions for Danielle but that we would need to consider all the facts before sending the schedule. The solicitor then advised that she wasn't sure if Samantha Lee would be attending the interview re-arranged for that afternoon, that Samantha wasn't coping and her son has epilepsy. Officers agreed to contact the solicitor later that morning. When officers made contact with the solicitor she confirmed that Samantha Lee would not be attending the interview. The solicitor went on to say that Chris Duggan had advised that he would be filling the schedule of questions in. Officers advised the solicitor that a schedule would not be sent out that in their opinion they had enough evidence to bring a review against the premises and to prosecute Danielle Waterworth. The solicitor advised that she had been instructed by Chris Duggan and that she hadn't actually spoken with or met Samantha Lee or Danielle Waterworth.

On 13<sup>th</sup> December 2013 officers attended at Martha's Ale House along with West Yorkshire Police. Danielle Waterworth was on the premises at the time of the visit but officers were advised that a temporary manager was in situ Mr Kristian King. Officers checked the CCTV system and found that the faulty camera had been repaired but that the footage hadn't recorded as yet for a minimum of 31 days therefore they were unable to cancel the outstanding Section 19 Closure Notice. When officers viewed the CCTV they found that approximately 20 to 30 males were inside the premises at approximately 10.00am. They all appeared to be drinking pints of lager. Officers asked both Danielle and Kris if they could download the footage from that day. Both agreed to download the footage and have it available for collection on Wednesday 18<sup>th</sup> December 2013.

On 16<sup>th</sup> December 2013 correspondence had been received from Chris Duggan advising that works to CCTV had been completed.

On 18<sup>th</sup> December 2013 Officers attended at the premises to collect the CCTV footage. Unfortunately when they arrived Kris King advised that Chris Duggan had not supplied a data stick to store the footage on. Kris arranged

for someone to purchase a data stick and agreed to download the footage whilst officers attended at another premises. When officers returned the footage still wasn't available. Officers agreed to attend the next day and collect the footage. Unfortunately when the footage was checked not all of the cameras footage had been downloaded. As a result officers attended at the premises on 23<sup>rd</sup> December 2013 with 2 x CD-Rs and requested that the footage from all cameras be downloaded. Danielle Waterworth was working at the time of the visit but was unable to download the footage. The officers agreed to attend on 24<sup>th</sup> December 2013 collect the footage. On the 24<sup>th</sup> December 2013 officers returned to the premises and collected the footage requested. On 4<sup>th</sup> February the Entertainment Licensing section received an application to transfer the Premises Licence form Regalbond Trading Ltd in to the name of Lordgate Ltd. At the same time an application to vary the Designated Premises Supervisor from Danielle Waterworth in to the name of Stacy Marie Cilla La Corte was received.

It would appear to be a regular theme running through these premises, even after numerous action plans in relation to the CCTV System and the premises operating beyond their permitted hours.

Over the last few years the premises have continued to breach conditions attached to their Premises Licence, specifically the conditions relating to their CCTV. The CCTV is of poor quality, the cameras do not cover all of the licensed area. As a result the assault on the 15<sup>th</sup> September 2013 was not captured by the CCTV. Even after Action Plan meetings the management at the premises have continued to operate other than in accordance with their Premises Licence. The management of the premises have persistently operated beyond their permitted hours, continuing to serve customers who are clearly in drink resulting in serious crime and disorder.

It is our belief that Christopher Duggan and Peter Wadsworth are still the persons running Martha's Ale House and that they have always been running the premises since Leodis Properties took over back in June 2008. Peter Wadsworth has signed the most recent paperwork submitted on 4<sup>th</sup> February 2014 to vary the Designated Premises Supervisor in his capacity as Consultant for Lordgate Ltd. The incoming Designated Premises Supervisor is the same Designated Premises Supervisor from the Red Lion, LS20. That premises is also run by Chris Duggan and Peter Wadsworth.

It is our belief that the director of Lordgate (Shaun Gibson) worked for Chris Duggan back in 2009. Leodis Properties Ltd still own the bricks and mortar.

These premises should not be allowed to continue to operate in the same manner. There are serious concerns that the management of Martha's Ale House have not and cannot uphold the licensing objectives.

In view of the issues referred to, we would respectfully request that the Licensing Committee in its determination consider at the very least adding and/or modifying the following conditions and measures in promotion of the Licensing Objectives.

To reduce the current licensable hours back to 11.00pm Monday to Sunday inclusive. However, if the hours remain at 1.00am then a condition stipulating the use of a minimum of 2 x SIA registered door supervisors is requested on a Friday & Saturday from 11.00pm until 1.30am.

To amend Condition 16 to read; A CCTV system operating to the standard as stated in the Home Office & West Yorkshire Police Guidelines will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises.

To add a condition; The CCTV resolution will be to the standard as specified in the Home Office & West Yorkshire Police Guidelines and will enable the identification of persons and activities, and other fine details such as vehicle registration number plates.

To add a condition; The CCTV system will contain the correct time and date stamp information at all times.

To add a condition; The CCTV system will cover all of the licensed areas including corridors and stairways.

To add a condition; The CCTV system will cover all external areas of the premises occupied by the public, i.e. beer gardens, smoking areas, car parks and any queuing areas.

To add a condition; No amendments to the locations of the cameras will be made without prior consultation with West Yorkshire Police and the Licensing Authority.

To add a condition; The PLH/DPS will ensure that an Incident Report Register is maintained on the premises to record incidents such as admission refusals, ejections from the premises and any anti-social behaviour.

To add a condition; The Incident Report Register will contain consecutively numbered pages, the date, time and location of the incident. Details of the nature of the incident. The names and registration numbers of any door staff involved or to whom the incident was reported. The names and numbers of any police officers attending. The police incident and/or crime number. Names and addresses of any witnesses along with confirmation of whether there is CCTV footage of the incident.

To add a condition; The Incident Report Register will be produced for inspection immediately on the request from the West Yorkshire Police and/or the Entertainment Licensing Section.

To add a condition; Drinks, open bottles and glasses will not be taken outside of the building. This is to include any smoking area and beer garden type area.

To add a condition; All empty bottles and glasses will be collected regularly and promptly. Glass and other sharp objects will be stored and disposed of safely using suitable receptacles. The receptacle will be secured and not accessible to the customers.

To add a condition; The PLH/DPS will prominently display notices at all entrances and exits informing customers that drinks may not be taken off the premises.

To add a condition; Notices indicating the existence and effect of an Alcohol Designated Public Places order will be prominently displayed at all entrances and exits.

To add a condition; The PLH/DPS will adopt a "cooling down" period where music volume is reduced at least 20 minutes before alcohol sales cease.

To add a condition; The activities of persons using the external areas will be monitored and logged in a register after 20:00hrs and they will be reminded to have regard to the needs of local residents and to refrain from shouting and anti-social behaviour etc. The register will be made available immediately when requested by an authorised officer.

To add a condition; The premises supervisor will monitor the activity of persons leaving the premises and remind them of their public responsible where necessary.

To amend condition 15 to read; Participate in a recognised local Pub Watch Scheme where one exists and ensure that a member of staff attends at every meeting, whose aims include the promotion of the licensing objectives.

**Please provide as much information as possible to support the application (please read guidance note 3)**

Chronological Order of events.

Details of the Premises Licence Holders between 2008 & 2014.

Details of the Named Registered Business Rate Payers between 2008 & 2014.

Home Office Guidelines for Digital CCTV Systems.

West Yorkshire Police Guidelines for CCTV Systems.

**Attached are Statements and supporting evidence from;**

Michael Waters – Leeds City Council, Senior Liaison & Enforcement Officer, Entertainment Licensing Section.

Samantha Longfellow – Leeds City Council, Senior Liaison & Enforcement Officer, Entertainment Licensing Section.

John Paul Rix – Leeds City Council, Senior Liaison & Enforcement Officer, Entertainment Licensing Section.

James Kennedy – Leeds City Council, Principal Enforcement Officer, Entertainment Licensing Section.

Catherine Sanderson – West Yorkshire Police, North West Leeds Licensing Officer.

Gurdip Mudhar – Environmental Health Officer, Leeds City Council, Environmental Protection Team.

Have you made an application for review relating to this premises before? Please tick ✓ yes

If yes please state the date of that application

Day	Month	Year

**If you have made representations before relating to this premises please state what they were and when you made them**

N/A

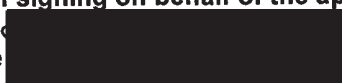

Please tick ✓ Yes

- I have sent copies of this form and enclosures to the responsible authorities and the Premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent.** (See guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature    
Date 20 Feb 2014 20.02.14  
Capacity Senior Liaison PRINCIPAL LIAISON  
& ENFORCEMENT OFFICER + ENFORCEMENT OFFICER

**Contact Name (where not previously given) and address for correspondence associated with this application** (please read guidance note 6)

Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

**Notes for guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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## Part A

Schedule 12 Licensing Act 2003

Initial licence from:

13th July 2005

Current Licence effective from:

4th February 2014

## Part 1 – Premises details

## Postal address of premises, or if none, ordnance survey map reference or description

Martha's Ale House, Well Lane, Guiseley, Leeds, LS20 9BA

## Licensable activities authorised by this licence

Sale by retail of alcohol, Provision of late night refreshment, Exhibition of a film, Performance of live music, Performance of recorded music, Performance of dance, Entertainment similar to live music, recorded music or dance, Provision of facilities for making music, Provision of facilities for dancing, Provision of facilities for anything similar to making music or dancing,

## Times the licence authorises the carrying out of licensable activities

*Sale by retail of alcohol*

Monday to Thursday	11:00 - 00:00
Friday & Saturday	11:00 - 01:00
Sunday	11:00 - 23:00

*Provision of late night refreshment*

Monday to Thursday	23:00 - 00:00
Friday & Saturday	23:00 - 01:00

*Exhibition of a film*

Monday to Thursday	11:00 - 00:00
Friday & Saturday	11:00 - 01:00
Sunday	11:00 - 23:00

*Performance of live music*

Monday to Thursday	11:00 - 00:00
Friday & Saturday	11:00 - 01:00
Sunday	11:00 - 23:00

*Performance of recorded music*

Monday to Thursday	11:00 - 00:00
Friday & Saturday	11:00 - 01:00
Sunday	11:00 - 23:00

*Performance of dance*

Monday to Thursday	11:00 - 00:00
Friday & Saturday	11:00 - 01:00
Sunday	11:00 - 23:00

*Entertainment similar to live music, recorded music or dance*

Monday to Thursday	11:00 - 00:00
Friday & Saturday	11:00 - 01:00
Sunday	11:00 - 23:00

*Provision of facilities for making music*

Monday to Thursday	11:00 - 00:00
Friday & Saturday	11:00 - 01:00
Sunday	11:00 - 23:00

*Provision of facilities for dancing*

Monday to Thursday	11:00 - 00:00
Friday & Saturday	11:00 - 01:00
Sunday	11:00 - 23:00

*Provision of facilities for anything similar to making music or dancing*

Monday to Thursday	11:00 - 00:00
Friday & Saturday	11:00 - 01:00
Sunday	11:00 - 23:00

## The opening hours of the premises

Monday to Thursday	11:00 - 00:30
Friday & Saturday	11:00 - 01:30
Sunday	11:00 - 23:30

Alcohol is sold for consumption on and off the premises

## Part 2

### **Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Lordgate Ltd  
Raines House  
Denby Dale Road  
Wakefield  
WF1 1HL

Daytime Contact Telephone Number: 01924 886460

Email Address: info@lordgateltd.co.uk

### **Registered number of holder, for example company number, charity number (where applicable)**

Registered business number: 07927061

### **Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Ms Stacy Marie Cilla La Corte  
26 The Grove  
Horsforth  
Leeds  
LS18 4BB

### **Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Personal licence number: LEEDS/PERL/05396/10      Licensing authority: Leeds City Council

Licence issued under the authority of Leeds City Council

A handwritten signature in blue ink, appearing to read 'B. Glover', with a long horizontal flourish underneath.

Mr Barry Glover  
Licensing Officer  
Entertainment Licensing  
Licensing and Registration

## Annex 1 – Mandatory Conditions

1. Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:-
  - a. unauthorised access or occupation (e.g. through door supervision), or
  - b. outbreaks of disorder, or
  - c. damage
2. No supply of alcohol may be made under this licence
  - a. At a time when there is no designated premises supervisor in respect of the premises licence, or
  - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made
  - a. By the British Board of Film Classification (BBFC,) Where the film has been classified by the Board, or
  - b. By the Licensing Authority where no classification certificate has been granted by the BBFC, or,
  - c. where the licensing authority has notified the licence holder that section 20 (3) (b) (74 (3) (b) for clubs) of the Licensing Act 2003 applies to the film.
5. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

- a. games or activities which require or encourage, or are designed to require or encourage, individuals to -
  - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
- b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

- d. provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
    - i. the outcome of a race, competition or other event or process, or
    - ii. the likelihood of anything occurring or not occurring;
  - e. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
8. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
9. The responsible person shall ensure that -
- a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
    - i. beer or cider. 1/2 pint;
    - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - iii. still wine in a glass:125 ml; and
  - b. customers are made aware of the availability of these measures

### **Embedded Restrictions**

10. Alcohol shall not be sold or supplied except during the hours stated on this licence and:
- a. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
  - b. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
11. The above restrictions do not prohibit:
- a. the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel,) during the first thirty minutes after above hours;
  - b. the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals.

- c. consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;
  - d. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;
  - e. the sale of alcohol to a trader or club for the purposes of the trade or club;
  - f. the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's Naval, Military or Air Forces;
  - g. the taking of alcohol from the premises by a person residing there; or
  - h. the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
  - i. the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
12. Where the number of children attending the entertainment exceeds 100 the licensee shall ensure that the provisions of Section 12 of the Children and Young Persons Act 1933 are complied with.

## **Annex 2 – Conditions consistent with the operating schedule**

### **Additional details in respect of licensable activities authorised by this licence**

#### Provision of late night refreshment

Location of activity: Indoors

Further details: Supply of food and bar snacks to the customers.

#### Exhibition of a film

Location of activity: Indoors

#### Performance of live music

Location of activity: Indoors

Further details: Amplified music to be restricted to a controlled level plus live bands.

#### Performance of recorded music

Location of activity: Indoors

Further details: Amplified music to be restricted to a controlled level.

#### Performance of dance

Location of activity: Indoors

#### Entertainment similar to live music, recorded music or dance

Location of activity: Indoors

### Provision of facilities for making music

Location of activity: Indoors

### Provision of facilities for dancing

Location of activity:

### Provision of facilities for anything similar to making music or dancing

Location of activity: Indoors

### All activities

Non standard timings: Christmas Eve until 02:00 hours.

Any Sunday prior to a Bank Holiday Monday until 02:00 hrs

Seasonal variations to opening hours: Christmas Eve until 02:00 hours.

Any Sunday prior to a Bank Holiday Monday until 02:00 hrs

## **Conditions consistent with the operating schedule relating to the licensing objectives**

### **The prevention of crime and disorder**

13. The Designated premises supervisor will monitor customers for the supply and use of drugs. Any such activity will be reported to the police and the offending customers will be barred from the premises.
14. Adopt the check 21 proof of age scheme in accordance with guidance issued by West Yorkshire Police.
15. Participate in a local pubwatch scheme or licensing association, (where one exists) that is recognised by West Yorkshire Police.
16. Operate an effective CCTV system to be maintained in accordance with guidelines issued by West Yorkshire Police.
17. Images captured on the CCTV system installed at the premises will be made secure and retained for a period of 31 days.
18. There shall be no licensable activities taking place in the beer garden or external area prior to 23:00 (please note that licensable activities does not include the consumption of alcohol or food).
19. There shall be no consumption of alcohol or food or any other licensable activities, in the beer garden or external area after 23:00 hours.

### **Public safety**

20. Outside areas will be kept clear at all times.
21. Noise levels will be monitored at all times.
22. Fire fighting equipment will be maintained in good working order and all staff will be trained in its use.

### **The prevention of public nuisance**

23. Steps will be taken to ensure the rights of residents in the local area are respected and customers encouraged to leave the premises quietly.
24. External areas will not be used for the consumption of alcohol between 23:00 hours and 11:00 hour. Notices to this effect will be placed in appropriate places within the premises.
25. All outward opening external doors and windows will be kept closed during regulated entertainment.
26. Noise from the premises shall be inaudible at the nearest noise sensitive premises (i) after 23:00 hours and (ii) at any time when entertainment, as defined by paragraph 2 of schedule 1 of the Licensing Act 2003, takes place on more than 30 occasions per year.
27. Clear and legible notices shall be displayed at exits and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car door, sounding horns and loud use of vehicle stereos and anti social behaviour. The activity of persons leaving the premises shall be monitored and they shall be reminded to leave quietly where necessary.

#### **Protection of children from harm**

28. Children will not be allowed on the premises unless accompanied by an adult.
29. Proof of age policy will be in force at all times.
30. The Designated Premises supervisor will ensure all staff are trained in its operation.
31. Children will not be allowed to play gaming machines, purchase alcohol or cigarettes.

#### **Annex 3 – Conditions attached after a hearing by the licensing authority**

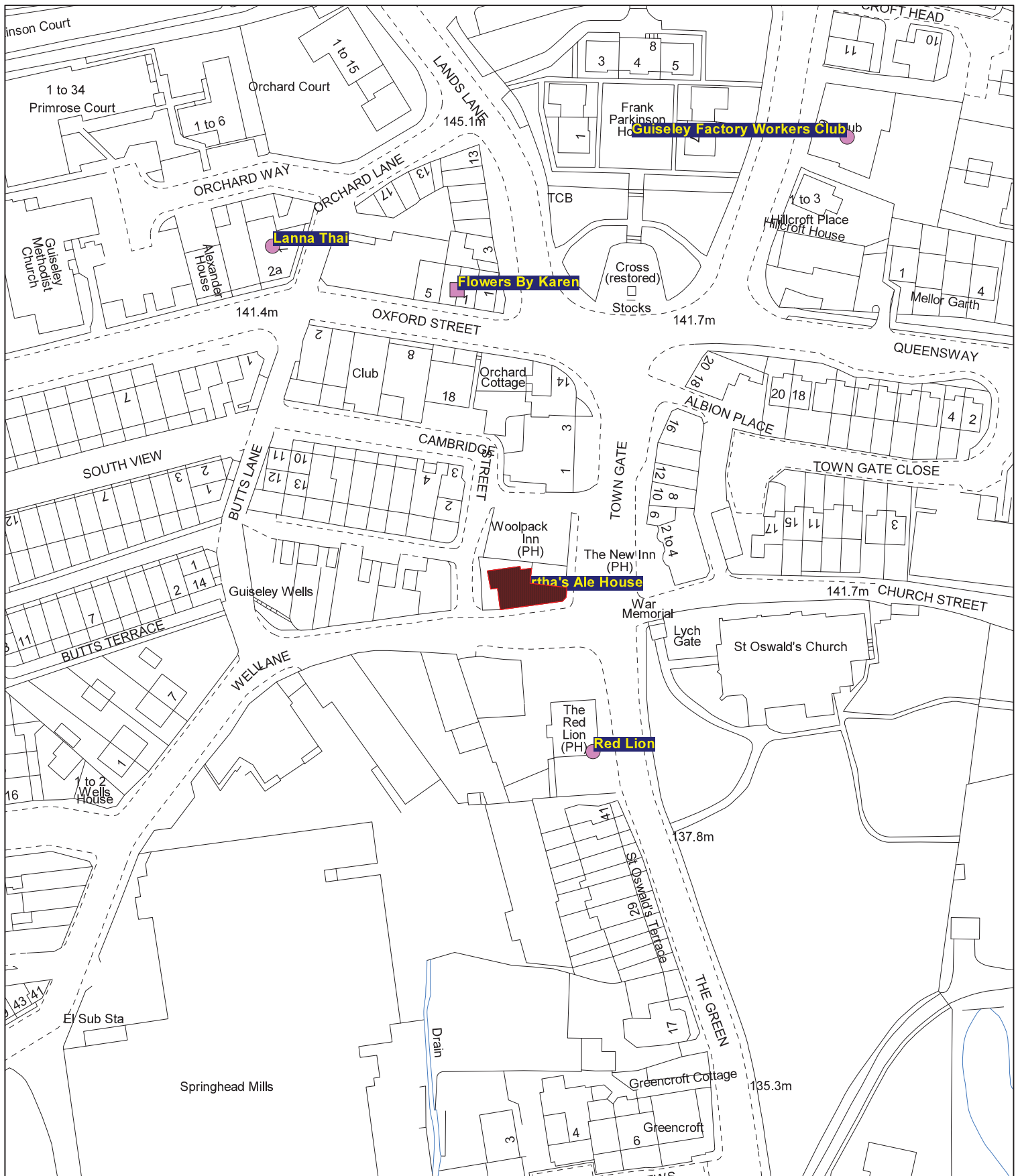
None

#### **Annex 4 – Plans**

The plans for these premises are as those submitted with the application. A copy of which is held by Leeds City Council licensing authority.

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This map is based upon the Ordnance Survey's digital data with the permission of the Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office

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Key	
	On licence
	Late night refreshment
	Off licence
	Other

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**Leeds**  
CITY COUNCIL

**Licensing & Registration**

Civic Hall  
Leeds LS1 1UR

Our Ref: A80/SJL/LIC/PREM/00778/009

Your Ref:

Contact: Samantha Longfellow

Tel: 0113 2474095

Fax: 0113 2243885

Email: [samantha.longfellow@leeds.gov.uk](mailto:samantha.longfellow@leeds.gov.uk)

Date: 27<sup>th</sup> March 2014

**Private & Confidential**

Lordgate Ltd  
Raines House  
Denby Dale Road  
Wakefield  
WF1 1HL

Dear Mr Gibson

**Review: Martha's Ale House, Well Lane, Guiseley LS20 9BA.**

I write further to the meeting held on Monday 24<sup>th</sup> March 2014 at St Georges House, LS1 3DL.

As you are aware during the meeting we discussed and agreed measures to be added to the Premises Licence after the review hearing subject to the Licensing Committee's agreement.

Please find enclosed a document that contains the agreed measures discussed at the meeting.

Can you please check through the attached document, sign and date the document and return the completed document to, Mr Stephen Holder, Entertainment Licensing, Civic Hall, Leeds LS1 1UR. Upon receipt of your consent it will be taken that you agree to the measures and will be brought to the attention of the Licensing Committee.

Should you require any further information, please do not hesitate to contact me on the above number.

Yours sincerely



Miss Samantha Longfellow  
Senior Liaison & Enforcement Officer  
Entertainment Licensing



To be completed by the Premise Licence Holder or representative:

Consent for agreed measures to be attached to the Premises Licence at Review:

Name & Address of Premises:

PREM/00778/009  
Martha's Ale House  
Well Lane  
Guiseley  
Leeds  
LS20 9BA

- Operating times to be changed to:  
Opening hours to remain as existing – Mon to Sun open at 11.00am.  
Sun to Thurs – All existing Licensable activities to cease at 23:00hrs (11.00pm). To allow 20 minutes drinking up time. Premises to be closed to members of the public by 23:20 (11.20pm).  
Fri & Sat – All existing Licensable activities other than the sale by retail of alcohol to cease at 23:30hrs. Sale by retail of alcohol to cease at midnight. To allow 20 minutes drinking up time. Premises to be closed to members of the public by 00:20 (12.20am).
- All none standard timings currently in place to be removed.
- Premises Licence to be transferred in to Leodis Properties by no later than 11<sup>th</sup> May 2014.
- To liaise with West Yorkshire Police before submitting a Temporary Event Notice (TEN).
- To amend Condition 16 to read; A CCTV system operating to the standard as stated in the Home Office & West Yorkshire Police Guidelines will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises.
- To add a condition; The CCTV resolution will be to the standard as specified in the Home Office & West Yorkshire Police Guidelines and will enable the identification of persons and activities, and other fine details such as vehicle registration number plates.
- To add a condition; The CCTV system will contain the correct time and date stamp information at all times.
- To add a condition; The CCTV system will cover all of the licensed areas including corridors and stairways.
- To add a condition; The CCTV system will cover all external areas of the premises occupied by the public, i.e. beer gardens, smoking areas, car parks and any queuing areas.
- To add a condition; No amendments to the locations of the cameras will be made without prior consultation with West Yorkshire Police and the Licensing Authority.
- To add a condition; The PLH/DPS will ensure that an Incident Report Register is maintained on the premises to record incidents such as admission refusals, ejections from the premises and any anti-social behaviour.

- To add a condition; The Incident Report Register will contain consecutively numbered pages, the date, time and location of the incident. Details of the nature of the incident. The names and registration numbers of any door staff involved or to whom the incident was reported. The names and numbers of any police officers attending. The police incident and/or crime number. Names and addresses of any witnesses along with confirmation of whether there is CCTV footage of the incident.
- To add a condition; The Incident Report Register will be produced for inspection immediately on the request from the West Yorkshire Police and/or the Entertainment Licensing Section.
- To add a condition; Drinks, open bottles and glasses will not be taken outside of the building. This is to include any smoking area and beer garden type area.
- To add a condition; All empty bottles and glasses will be collected regularly and promptly. Glass and other sharp objects will be stored and disposed of safely using suitable receptacles. The receptacle will be secured and not accessible to the customers.
- To add a condition; The PLH/DPS will prominently display notices at all entrances and exits informing customers that drinks may not be taken off the premises.
- To add a condition; Notices indicating the existence and effect of an Alcohol Designated Public Places order will be prominently displayed at all entrances and exits.
- To add a condition; The PLH/DPS will adopt a "cooling down" period where music volume is reduced at least 20 minutes before alcohol sales cease.
- To add a condition; The activities of persons using the external areas will be monitored and logged in a register after 20:00hrs and they will be reminded to have regard to the needs of local residents and to refrain from shouting and anti-social behaviour etc. The register will be made available immediately when requested by an authorised officer.
- To add a condition; The premises supervisor will monitor the activity of persons leaving the premises and remind them of their public responsible where necessary.
- To amend condition 15 to read; Participate in a recognised local Pub Watch Scheme where one exists and ensure that a member of staff attends at every meeting, whose aims include the promotion of the licensing objectives.

In signing this document:-

I/we agree with the measures to be added to the Premises Licence at the Review Hearing.

I/We confirm that the premises will then operate in accordance with the conditions agreed.

I,  on behalf of Lordgate Ltd

In my capacity as ~~Premises Licence Holder~~/Representative (delete as appropriate).

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# 11. Reviews

## The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

## Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
  - representations considered by the licensing authority when the premises licence or certificate was granted; or
  - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.



- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website ([www.legislation.gov.uk](http://www.legislation.gov.uk)). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

## **Powers of a licensing authority on the determination of a review**

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
  - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
  - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;

- suspend the licence for a period not exceeding three months;
  - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

## Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
  - for the sale and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
  - for prostitution or the sale of unlawful pornography;
  - by organised groups of paedophiles to groom children;
  - as the base for the organisation of criminal activity, particularly by gangs;
  - for the organisation of racist activity or the promotion of racist attacks;
  - for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
  - for unlawful gambling; and
  - for the sale of smuggled tobacco and alcohol.
- 11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

## **Review of a premises licence following closure order**

- 11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:
- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;

- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- day (there must be five clear working days between the giving of the notice and the start of the hearing).

## **Review of a premises licence following persistent sales of alcohol to children**

11.30 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.