



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 19th September 2006 an application to vary the designated premises supervisor was received specifying Mr Andrew Jacques as the nominated person.
- 2.4 On the 20th 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 8th 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 2nd 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 4th 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 3rd 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 18th 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 10th 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 2nd 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 14th 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 4th February 2011.
- 2.16 On March 22nd 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 20th September 2011 renaming Danielle Lisa Waterworth as the nominated person.
- 2.18 A licence transfer application was made on the 20th 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 5th 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 23rd 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 8th 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 10th 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 8th November 2013 was cancelled on the 3rd 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 4th 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 24th 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