


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

Please tick ☒ Yes

I am 18 years old or over

☐

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 | <input checked="" type="checkbox"/> |
| 2. public safety | <input checked="" type="checkbox"/> |
| 3. the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4. the protection of children from harm | <input type="checkbox"/> |

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 to the premises operating beyond their permitted hours along with persistent breaches of the Premises Licence.

On 2nd 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 14th 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 4th February 2011, after an officer had attended at the premises to check that the CCTV was in order.

20th 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 6th 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 23rd 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 24th 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 30th 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 5th 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 21st 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 replaced within 7 days.

Officers attended at the premises on 16th 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 13th December 2012. The director of Regalbond Trading Ltd is Samantha Lee.

On 10th 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 21st February 2013 officers were advised of an incident that took place inside Martha's Ale House at 01.43hrs on the 15th February 2013. As a result of this incident officers attended at the premises on 27th 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 12th March 2013.

[REDACTED]

On 11th 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 3rd October 2013, officers were made aware of yet another incident that had taken place on the 15th 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 8th 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 29th October 2013.

On 22nd 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 29th October 2013. Letters were sent on 4th November 2013 with a re-arranged date of the 12th 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 12th 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 19th November 2013.

On the 8th 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 12th 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 13th November officers hand delivered another letter to Danielle Waterworth inviting her to attend a taped interview in accordance with PACE. This was for the 19th November 2013. Danielle advised officers at the time that she had been told by Chris Duggan that her interview had been cancelled.

On the 18th 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 3rd 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 3rd 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 19th 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 30th 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 2nd 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 13th December 2013 to check the CCTC system.

On 3rd 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 6th 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 13th 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 18th December 2013.

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

On 18th 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 23rd 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 24th December 2013 collect the footage. On the 24th December 2013 officers returned to the premises and collected the footage requested. On 4th February the Entertainment Licensing section received an application to transfer the Premises Licence from 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 15th 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 4th 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

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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

Capacity

Signature [Redacted] [Redacted]
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.