

NOT PROTECTIVELY MARKED**Licensing Department**

Millgarth Police Station
 Millgarth Street
 Leeds
 LS2 7HX

Leeds District Licensing

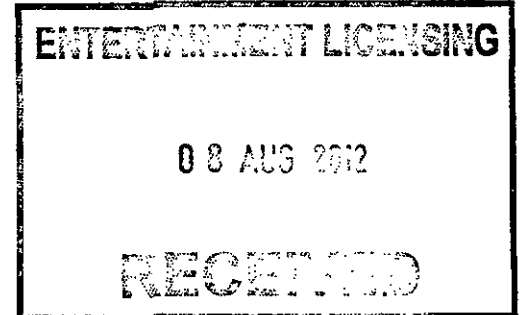
Tel: 0113-2414023

Fax: 0113-2413123

Email: lynn.dobson@westyorkshire.pnn.police.uk

7 August 2012

**Entertainment Licensing Section
 Leeds City Council
 Civic Hall
 Leeds
 LS1 1UR**



OBJECTION NOTICE:
VARY PREMISES LICENCE - DESIGNATED PREMISES SUPERVISOR:
SECTION 37(5) & 37(6) LICENSING ACT 2003

PREMISES SUPERVISOR: LAURA SPALDIN
PREMISES: THE SWILLINGTON, WAKEFIELD ROAD, SWILLINGTON, LEEDS LS26 8DJ

West Yorkshire Police serve notice to this application, which we received at Millgarth Police Station on 27 July 2012.

If granted, West Yorkshire Police are satisfied that the exceptional circumstances of the case would undermine the crime prevention objective.

The Swillington is set on the roadside in the village of Swillington. Swillington as a village does not have particularly good transport links so many people drink locally; it is a local pub for local people. The premises have had the same designated premises supervisor (DPS) for a number of years. However, the premises have changed hands recently and the area manager, Gary Stafford, has been DPS for a number of weeks and a manager has been appointed. This person is:

Sam Donnelly
 Born. 250289

Mr Donnelly is not a personal licence holder in his own right, but an application has been received. This application has attracted an objection and the application will go before the licensing committee on 3 September 2012.

On 12 July 2012 a test purchase operation was conducted by the Garforth Neighbourhood Policing Team that covers the Swillington area. Sam Donnelly served two test purchase children alcohol. He identified himself to the officers as the DPS; therefore he was not dealt with by way of a fixed penalty ticket but was reported for summons.

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Following a test purchase sale of this nature it is standard procedure that the DPS and/or area manager are invited in for a meeting to discuss the sale, any training issues and to make it perfectly clear the consequences of failing more test purchase operations. Mr Donnelly had told officers that he had an eighteenth birthday party booked in for 28 July 2012 so this was an added concern.

On 26 July 2012 a meeting took place at Garforth Police Station to discuss The Swillington. Present were, PS Goodwill, PC Dobson, Gary Stafford (outgoing DPS), Laura Spaldin (incoming DPS) and Sam Donnelly. The test purchase operation was discussed and whilst Mr Stafford and Ms Spaldin were concerned regarding the sale, Mr Donnelly was less so, almost dismissive.

The proposed eighteenth birthday party was discussed to which Mr Donnelly said that he would cancel it 'he couldn't be bothered'. It was made clear that if he was successful in his application to obtain a personal licence and it was the intention to propose him as the new DPS, which was confirmed in the meeting, he would have to be bothered. Again Mr Donnelly was dismissive and became agitated at being asked to account for the test purchase sale and how he would run the eighteenth birthday party. The group left the police station with Mr Donnelly saying that he would still cancel the party.

I subsequently received a phone call from Ms Spaldin to say the party would go ahead, as planned, and two door staff had been employed to oversee the evening. They would be present half an hour before the party was due to start and would be present at the end of the evening to make sure everyone dispersed safely. I said that officers from the NPT may call into The Swillington or at the very least would pay passing attention. This was welcomed by Ms Spaldin.

On Monday 30 July 2012 I received an e-mail from an Insp Jones from the Garforth NPT to say that there had been an incident outside The Swillington in the early hours of the 29 July 2012. An 18 year old boy had been taken to hospital. This male was detained over night in hospital because of the alcohol he had consumed. A statement from the officer who attended the scene is attached to this letter.

On 2 August I spoke to Ms Spaldin, who in turn had spoken to Mr Donnelly, who painted a very different picture of the night of the 28 July 2012. I was informed that Mr Donnelly had thought the night was a success and that there had been no incidents to report. Ms Spaldin had taken Mr Donnelly at his word when the true picture was very different.

Whilst it is quite common for an area manager to place their name on a licence during a transitional period, this application concerns me because of the distance the DPS lives from the property and the person who has been left in charge. Whilst it is accepted that premises do operate without the DPS being on site at all times, the people left in charge should engage and cooperate with the authorities. Offences should not be committed, children should not be able to obtain alcohol and excessive alcohol consumption should not be encouraged. This premises has failed on a number of fronts despite being give a 'clear steer' to be vigilant and uphold the licencing objectives.

West Yorkshire Police would ask any presiding Sub-Committee to refuse this application.

Lynn Dobson
PC 5783
North East Leeds Licensing

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WEST YORKSHIRE POLICE
RESTRICTED (when complete)

WITNESS STATEMENT

(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B;
Criminal Procedure Rules, r.27.2)

NICHE Ref. No:	<input type="text"/>	URN:	<input type="text"/>
Statement of:	Tom White		
Date of birth:	Over 18	Occupation:	SC 8131
This statement (consisting of: <input type="text"/> page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.			
Signature:	<input type="text"/>	Date:	<input type="text"/>

Check box if witness evidence is visually recorded (supply witness details on rear)

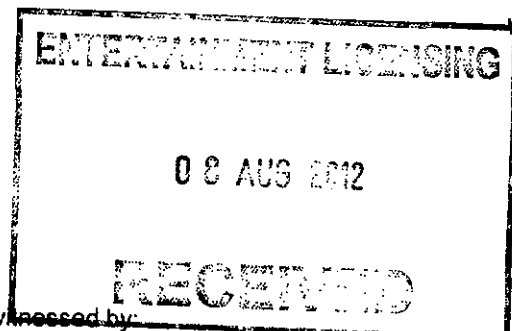
I am a Special Constable within West Yorkshire Police currently based at Garforth Police station, Leeds.

On the evening of SATURDAY 28th JULY 2012 I was on duty in full Police uniform in a marked Police vehicle. On this evening I was aware that there was an 18th BIRTHDAY PARTY taking place at THE SWILLINGTON public house on WAKEFIELD ROAD, SWILLINGTON. I was tasked with conducting high visibility patrols around the area to discourage any trouble.

At 00:15 hrs I was travelling along WAKEFIELD ROAD, SWILLINGTON when I noticed a large group of people outside of THE SWILLINGTON. The doors were shut and the lights were turned off, the venue appeared to be closed and there were no door staff present. The large group were drinking and smoking outside of the venue with pint glasses and glass bottles and my attention was not only drawn to them because of the size of the group but also because of the high amount of noise they were making.

At this time I saw a male laid down against a wall whom appeared to be asleep. Upon approaching the male to check on his welfare I noticed immediately he had been sick on the pavement and on his clothes. The male was extremely drunk and smelt strongly of intoxicants. His details are;

~~XXXXXXXXXX~~
~~XXXXXXXXXX~~
~~XXXXXXXXXX~~



Signature:

Signature witnessed by:

NICHE Ref. No:		URN:	
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Continuation Statement of Tom White

He was unable to stand up and was unresponsive. The group informed me [REDACTED] was drunk and they were taking him home, a small part of the group appeared to become obstructive so I re-positioned myself further down the road to maintain observation on the group and [REDACTED].

A short while later I saw his friends try and move the male. As I re-approached the male I saw he was being sick and he did not appear to be conscious. I placed [REDACTED] in the recover position and made sure his airway was kept clear. I immediately requested an Ambulance to attend. Whilst the ambulance attended the group re-located outside of TESCO EXPRESS, WAKEFIELD ROAD, SWILLINGTON. The group were smashing glass bottles on the floor and urinating outside the front of the shop and acting in a general anti-social manner.

The group of males were continually being verbally abusive towards myself and the paramedic who attended and as such the ACR could hear a disturbance in the background and requested other Police units to attend. [REDACTED] was prescribed as having alcohol poisoning by the attending medics and as such was transported to PINDERFIELD hospital where he was kept in for observation.

All of the above group had admitted they had been drinking for the majority of the afternoon and and all evening at THE SWILLINGTON. The age range of the group ranged from members looking about 16 years old to late twenties.

Signature:

Signature Witnessed by: