

Report of the Assistant Director Corporate Services to a Hearing before the Keighley/Shipley Area Licensing Panel to be held on 13 September 2010

A

Subject:

Application for Variation of a Premises Licence for Martinez Wines, 35 The Grove, Ilkley.

Summary statement:

Application for variation to amend Condition 17 of the Licence.

Suzan Hemingway
Assistant Director Corporate Services (City
Solicitor)

Portfolio:

Corporate

Report Contact: Melanie McGurk
Senior Licensing Officer
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Improvement Committee Area:

**Corporate Improvement Committee
Safer and Stronger Communities**



2006-2007
Improving Rural Services
Empowering Communities



BRADFORD
CITY OF

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



1. Summary

1.1 The applicant

Swanpride Limited. A copy of the application is included at Appendix 1.

1.2 The Premises

Martinez Wines, 35 The Grove, Ilkley.

1.3 Designated Premises Supervisor

Phillip Bradley Sutcliffe

1.4 Current Licence

The premises currently hold a Premises Licence with the following permitted hours;

Sale/Supply of alcohol.

Monday to Saturday:	08.00 to 23.00
Sunday:	10.00 to 22.30

Provision of regulated entertainment (performance of live music and Entertainment of a similar description).

Monday to Saturday:	08.00 to 23.00
Sunday:	10.00 to 22.00

Opening hours.

Monday to Saturday:	08.00 to 23.00
Sunday:	10.00 to 22.30

The Operating Schedule is attached at Appendix 2 of this report.

1.5 Variation Application

The variation application has been submitted to amend Condition 17 from;

The consumption of alcohol in the external areas shall not be allowed.

to

The consumption of alcohol in the external areas to the rear of the licensed premises shall not be allowed.

1.6 Steps proposed by the applicant to address the Licensing Objectives

a) Prevention of crime and disorder will be achieved by;

As existing

- b) Public Safety will be achieved by;
As existing
- c) Prevention of public nuisance will be achieved by;
As existing
- d) Protection of children from harm will be achieved by;
As existing
- e) General – all four licensing objectives
As existing

2. Relevant Representations Received

2.1 Interested Parties

Local Residents – 4 letters of representation have been received from local residents, on the grounds of anticipated noise and disturbance from patrons using the outdoor area and noise nuisance from regulated entertainment if the rear door is used to gain access to the outdoor area. The residents also state that the premises are in a residential area.

The letters of representation are attached at Appendix 3.

3. Legal Appraisal

- 3.1 The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:
 - a) The prevention of crime and disorder
 - b) Public safety
 - c) The prevention of public nuisance
 - d) The protection of children from harm
- 3.2 The Council must also have regard to the guidance issued by the Department of Culture Media and Sport under Section 182 of the Licensing Act 2003. Regard must also be taken of the Council's statement of Licensing Policy for the District.
- 3.3 Where it is decided it is necessary to depart from the statutory guidance or the Licensing Policy on the merits of a particular case; then special reasons justifying this must be given that can be sustained.
- 3.4 Only "relevant representations" by or expressly on behalf of a defined "interested party" or "responsible authority" can be taken into account. In order to be "relevant" a representation must fairly relate to achieving a licensing objective. If it does not, it must be discounted.

3.5 Any licensing conditions that Members may propose attaching must also relate to achieving one of the licensing objectives; be tailored to the actual premises and style of licensable activity; must be reasonably achievable by the applicant and in his/her control.

4. **Statement of Policy Issues**

4.1 The following parts of the Licensing Policy are of particular importance; Part 6 (prevention of Public Nuisance).

4.2 The Annexes to the Policy sets out various types of model condition that could be considered.

5. **Legal Options**

5.1 Members may:

(a) Vary the premises licence as applied for subject to any mandatory conditions and the precautions specified in the operating schedule submitted.

(b) Vary the premises licence in whole or in part subject to such additional conditions relating to achievement of the licensing objectives as members think fit; or

(c) Refuse to vary the premises licence.

5.2 Should the applicant or any other party to the hearing feel aggrieved at any decision with regard to the licence or to any conditions or restrictions attached by Members they may appeal to the Magistrates Court.

6. **Financial and resource appraisal**

6.1 There are no apparent finance or resource implications.

7. **Other implications**

7.1 **Equal Rights**

There are no apparent equal rights implications.

7.3 **Community safety implications**

There are no apparent community safety implications.

7.4 **Human Rights Act**

The following rights are applicable:

Article 1 First Protocol to the Convention – Right to peaceful enjoyment of possessions subject to the state's right to control the use of property in accordance with the general interest. The Council's powers set out in the recommendations fall

within the states right. A fair balance must be struck between public safety and the applicant's rights.

Article 6 – A procedural right to a fair hearing. As refusal of the application is an option, adherence to the Panels' usual procedure of affording a hearing to the applicant is very important. The applicant should also be able to examine the requirements of the fire authority. If the decision is to refuse then reasons should be given.

8. Not for publication documents

8.1 None

9. The Role of the Panel

9.1 Members are invited to consider the information and documents referred to in this report and, after hearing interested parties, determine the related application(s).

10. Appendices

1. Application form received on 19 July 2010. (In the interests of economy this document has been sent to Members of the Panel only. A public inspection copy is available in Committee Secretariat, Room 112, City Hall, Bradford or on www.bradford.gov.uk).
2. Operating schedule.
3. Letters of representation.

11. Background documents

Application form, plan etc

City of Bradford Metropolitan District Council

www.bradford.gov.uk

Licensing Team, Room 402, City Hall, Bradford, BD1 1HY

Application to vary a premises licence 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 SWANPRIDE LTD +/as Martinez Wines (insert name(s) of applicant) being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises licence number

BD/PRA1333

Part 1 – Premises Details

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

35, THE GROVE

Post town

ILKLEY

Post code

LS29 9NJ

Telephone number at premises (if any)

01943 600000

Non domestic rateable value of premises

£ 14,500

£16,750 decided
RM

Part 2 – Applicant Details

Daytime contact telephone number

01943 600000

Email address (optional)

shop@martinez.co.uk

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

COCKER

First names

JONATHAN

Current postal address
if different from
premises address

10 JUL 2011

Post Town

Postcode

Part 3 - Variation

Please tick ✓

Do you want the proposed variation to have effect as soon as possible?

If not do when do you want the variation to take effect from?

Day	Month	Year

If your proposed variation would mean that 5000 or more people are expected attend the premises at any one time please state the number expected to attend

Please describe briefly the nature of the proposed variation (please read guidance note 1)

To amend Condition 17 to state following:

'The consumption of alcohol in the external areas to the rear of the licensed premises shall not be allowed.'

Reasons for our requests:

- Our customers (particularly the ladies) do not want to leave their drinks unattended whilst going outside for a cigarette.
- The objections raised by residents to original application only objected to outside areas being used at the rear of the building not the front on the Grove.

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if the application to vary is successful.

Provision of regulated entertainment

Please tick ✓

- | | | |
|----|--|--------------------------|
| a) | plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) | films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) | indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) | boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) | live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) | recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) | performance of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) | anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities:

- | | | |
|----|--|--------------------------|
| i) | making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) | dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) | entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed				State any seasonal variations for performing play (please read guidance note 4)	
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a films take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			
Fri			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 5)
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 4)		
Thur						
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 5)			
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed				State any seasonal variations for the performance of live music (please read guidance note 4)	
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed				State any seasonal variations for the playing of recorded music (please read guidance note 4)	
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat					
Sun					

G

Performance of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat						
Sun						

Provision of facilities for making music Standard day and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing		
			Will the facilities for making music be indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the provision of facilities for making music at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Fri					
Sat					
Sun					

J

Provision of facilities for dancing Standard timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing		
Mon					
Tue			State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Fri					
Sat					
Sun					

K

Provision of facilities for entertainment of a similar description to that falling within (i) or (j) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing			
			Will the entertainment facility be place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors		
Outdoors						
Both						
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed					State any seasonal variations for the provisions of facilities for entertainment of a similar description to that falling within (i) or (j) (please read guidance note 4)	
Thur						
Fri					Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within (i) or (j) at different times to those listed in the column on the left, please list. (please read guidance note 5)	
Sat						
Sun						

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)			
			Indoors			
Day Start Finish			Outdoors			
			Both			
			Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed					State any seasonal variations for the provision of late night refreshment (please read guidance note 4)	
Thur						
Fri					Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 5)	
Sat						
Sun						

M

Sale of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption on or off the premises or both – please tick (✓) (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	
Mon			State any seasonal variations for the sale of alcohol (please read guidance note 4)	Both	
Tue					
Wed					
Thur			Non standard timings. Where you intend to use the premises for the sale of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Fri					
Sat					
Sun					

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NONE

0

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	08.00	23.00	Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)
Tue	08.00	23.00	
Wed	08.00	23.00	
Thur	08.00	23.00	
Fri	08.00	23.00	
Sat	08.00	23.00	
Sun	10.00	10.30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

No conditions to be removed only
condition 17 to be amended to state:
The consumption of alcohol in the external areas to the rear of the licensed premises shall not be allowed!

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

Please tick ✓

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of the premises licence

P

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 9)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

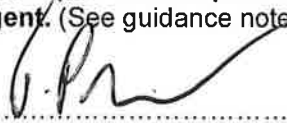
Please tick ✓

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent. (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature  J.P. COCKER

Date 14 July, 2010

Capacity DIRECTOR

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)	
JONATHAN COCKER MARTINEZ WINES 35, THE GROVE	
Post town	ILKLEY
Post code	LS29 9NJ
Telephone number (if any)	01943 600000
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	
jonathan@martinez.co.uk	

Notes for guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and provide a place for consumption of these off-supplies you must include a description of where the place is and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick on. If you wish people to be able purchase alcohol to consume away from the premises, please tick off. If you wish people to be able to do both, please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gambling machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Information on the Licensing Act 2003 is available on the website of the Department of Culture, Media and Sport (http://www.culture.gov.uk/alcohol_and_entertainment) or from Bradford Metropolitan District Council (<http://www.bradford.gov.uk/council/licensing>), your local licensing authority.

**Licensing Act 2003
Premises Licence**

BD/PRA1333

Date Issued: 16/04/2010

ANNEXES continued ...

17. The consumption of alcohol in the external areas of the licensed premises shall not be allowed.
18. The external fire escape door to the rear shall not be used other than as an emergency exit.
19. Amplified music shall not be permitted in the premises.
20. The disposal or collection of waste bottles and glass receptacles shall not take place between the hours of 2100 and 0900 on any day.

G:\Legal Services\LLC & Licensing\Licensing\DEV\TEMPLATE\LIC.STD\LICENCE CONDITIONS\Martinez Wines Ilkley
(2010) BDPRA1333

APPENDIX 2

Annex 1 – Mandatory Conditions

1. No supply of alcohol may be made under the premises 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/her personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) 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.

(2) 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 other 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.

4. 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).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Annex 2 – Conditions Consistent with Operating Schedule

All four Licensing Objectives:

6. The Licensee shall ensure that adequate supervision of the premises is maintained at all times during the carrying out of licensable activities and that any staff are trained in ensuring compliance with the licensing objectives at all times.
7. A Personal Licence holder or authorised person will be on the premises at all times when licensable activities are taking place.

The Prevention of Crime & Disorder:

8. The Licensee shall at all times maintain a “zero tolerance” policy with regard to illegal drugs, including appropriate staff training in detection and prevention.
9. The Licensee will ensure close liaison with other licensees in the area and will co-operate with any local “Pub Watch” schemes or similar schemes being promoted by West Yorkshire Police or other local Licensees.
10. All existing external and internal security lighting shall be maintained in good working order and used, where appropriate, at all times the premises remain open to the public.

Public Safety:

11. All first aid facilities shall be maintained in good working order and all staff adequately trained in their use.
12. The emergency lighting at the premises shall be maintained in good working order.

The Prevention of Public Nuisance:

13. The Licensee shall ensure that staff monitor, on a regular basis, noise emanating from the premises from regulated entertainment to ensure that neighbouring residents are not disturbed.
14. The Licensee shall ensure that the external areas of the premises are kept clear of litter and refuse.

The Protection of Children from Harm:

15. The Licensee shall enforce an effective recognised "proof of age policy" at all times and ensure appropriate staff training in its operation.
16. Children under 16 years old shall only be allowed access into the premises when accompanied by an adult.

Annex 3 – Conditions attached after a hearing by the Licensing Authority

17. The consumption of alcohol in the external areas of the licensed premises shall not be allowed.
18. The external fire escape door to the rear shall not be used other than as an emergency exit.
19. Amplified music shall not be permitted in the premises.
20. The disposal or collection of waste bottles and glass receptacles shall not take place between the hours of 2100 and 0900 on any day.

APPENDIX 3

Canter Court,
Parish Ghyll Road,
Ilkley. LS29 9NE.
10.08.10

- Notification of Application for
Variation of Premises Licence
at Martini Wines 35, The Grove, Ilkley

Dear Sir,
My husband and I have signed
the letter written by Mrs Betty Whittham
because we agreed with what she has
written but we would like to add to
that letter.

We live in a flat which
is extremely near the drinking outside
area ~~is~~ which Martini Wines hope you
will agree to - only about 8 or 9 yards
away. The door at the rear of the
extension will have to be open to allow
the people to pass through to the drinking

2.

area. Thus allowing all the noise on the inside of the building to come outside. This noise, plus the noise of the drinkers, will be unbearable to us sitting in our lounge & later when we go to bed.

We object very strongly to the amendment of the previous conditions you imposed upon them.

Yours sincerely,

Carr Croft Court
Parish Ghyll Road
Ilkley
LS29 9NE

12 AUG 2010

9th Aug 2010

Dear Sue

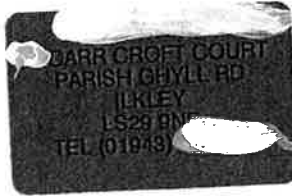
LEG/LIC/

I am writing about the application for a change of licence for the 'Martinez Wines' at 35 The Grove Ilkley. It was a betrayal beyond belief. I had assumed that the Company had all it wanted from the previous application, which was granted only on 12th April 2010 but when I came out of hospital a few days ago I could not believe what I read.

We were assured that no drinking would be allowed outside. We are well aware of what happens at 'The Grove' which has a condition in their Application requiring

no outside service after 10pm
However in fact noise from customers
sitting outside goes on sometimes
until well after midnight and on
occasions up until 2am. I would
be interested to know what the
police would make of it as this
is a residential area with
a number of flats housing
elderly / old people.

Yours sincerely



August 9th 2010.

Mrs. Sue Clark.

As it appears that Swanbridge, trading as Martiney, of 35 The Grove, Ilkley are putting in an application for variation of Premises Licensing Act, I am writing to ask you, will I be invited to provide a witness statement again? I do hope so.

Under separate cover, myself and Mr & Mrs J Moorhouse, are writing to voice our objections, once again.

I thank you for your last letter of the 26 April to me.

Yours faithfully.

11 AUG 2010

Licensing Team.
City Hall.
Bradford.

LICENSING UNIT
11 AUG 2010

Can Craft Co
Parish Esby Rd.
Jekley
LS29 9NE.
10 Aug. '10.

Dear members.

It seems we are again having to face the prospect of challenging Swanpride Ltd, trading as Martiney Wines, at their intending change of variation of their premises licence at 35, The Grove, Jekley.

This amendment of licence condition, not to allow consumption of alcohol in external areas to the rear of the premises only.

On the original request stated the bar was to be in the basement, and extension to be used as the store room. It appears the intention now is to reverse the positioning of the bar to ground level, thus creating another rear door from which the loud music & noise would escape, and this, we undersigned, would strongly object to

Dept of Legal and Democratic Services
Licensing Team
City Hall
Bradford
BD1 1HY

Carr Croft Court
Parish Ghyll Road
Ilkley
West Yorks
LS29 9NE
9 August 2010

Dear Sir,

Re Application **069547** to vary terms of Premises Licence for Martinez, 35 The Grove, Ilkley.

It was with some dismay that I learnt of this application. It was only in April of this year that your Licensing Committee granted a new licence to these premises with a condition that the company is now attempting, only 3 months later, to have overturned, in order to allow outside drinking.

Together with my neighbours, I was very grateful to your Committee in April when you imposed a condition on these premises that there be no outside drinking, in an attempt to protect us from any noise nuisance.

When Martinez obtained planning permission in November 2009 to extend their building and open their basement as a wine bar the planning committee made it clear that they saw it as an ancillary development to the existing retail wine merchants and were granting the permission to support and complement that existing business. It should not be run as an independent unit, they said. They also specifically imposed a condition that the forecourt "shall not be used for the sale of food or drink or for the seating of customers". "To avoid nuisance to occupants of nearby residential properties" was clearly a concern the Committee was addressing.

(In their own application - of September 2009 - Martinez had indeed pointed out that parking was available on the forecourt and that that "would remain".

In re-capping:

November 2009 – Martinez obtains a planning permission apparently to help sustain their shop.

Feb 2010 – Applies for a New Premises Licence allowing Regulated Entertainment.

April 2010 Granted that licence with conditions.

July 2010 asks for one of those conditions to be rescinded.

It seems to me that by adopting a little-by-little-change-here, a-little-variation-there approach Martinez is attempting to change the nature of the premises they were granted permission for in an attempt to achieve an end-result which is opposed by its neighbours and to overturn conditions imposed by the Authorities attempting to protect those neighbours.

To allow drinking outside at the front, which has been designated by all parties as available for parking would not seem to be a safe option, quite apart from the noise nuisance it will inevitably cause nearby residents. There are 4 Town Houses and 7 flats only yards from the premises, 3 of which happen to be unoccupied at present.

And it seems to me that after seeking an Entertainments licence and in now seeking to enable customers to be able to drink outdoors, Martinez is showing its real intention of taking its operation beyond that of simply supporting and complementing its existing wine merchants shop.

I ask the Committee to reject this application for a variation.

Yours Sincerely

LICENSING UNIT

12 AUG 2010