

## Nelson, Matthew

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**From:** Ewen Macgregor [REDACTED]  
**Sent:** 14 June 2024 15:47  
**To:** Nelson, Matthew  
**Cc:** Wood, Jane  
**Subject:** NEW MIDDLETON REVIEW - SUPPLEMENTARY PAPERS FROM THE PREMISES LICENCE HOLDER

Good afternoon

There is an error in relation to the response in the matter referred to in the statement of Sarah Blenkhorn that took place on the 14 October 2023 (Bullet point (ii) under the heading WYP **Additional Info page 3 – Statement of Sarah Blenkhorn**)

This is an error on my part in understaffing what occurred on the night.

My client's response is as set out below:

- (ii) 14/10/23, Saturday 0128 hrs violence against person – group fighting outside venue, cars beeping horns and blocking street. (Temporary Event notice in place).

**On the night of the 13/14 October 2023, the premises closed at 0100.**

**The police did attend at 0128, by which time all customers had left.**

**There were 3 members of staff on the Premises, in the foyer, assisting the DJ to bring his equipment down from the upstairs function room.**

Please accept my apologies for this.

If you could acknowledge receipt.

With best wishes

Ewen Macgregor  
Partner  
For TLT LLP

[REDACTED]  
[LinkedIn](#) [Twitter](#)  
[www.tlt.com](http://www.tlt.com)

Following the recent announcement that the pavement licence regime has become a permanent fixture for the hospitality sector, the Government is now consulting on whether changes should be made to the Licensing Act 2003 to make it easier for businesses with a premises licence to sell alcohol for consumption in an adjacent licensed pavement area.

Three possible outcomes have been proposed in the consultation which can be found [here](#)

The consultation remains open until the **11 July 2024**

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**From:** Ewen Macgregor  
**Sent:** Friday, June 14, 2024 3:16 PM  
**To:** Nelson, Matthew [REDACTED]  
**Cc:** jane.wood [REDACTED]  
**Subject:** NEW MIDDLETON REVIEW - SUPPLEMENTARY PAPERS FROM THE PREMISES LICENCE HOLDER

Dear Sir

I refer to the above matter and our recent exchange of emails

I sent to you yesterday the licence holders submissions and 9 supporting documents.

I have now had a chance to consider the police bundle of evidence received yesterday afternoon as well as viewing the CCTV

Given the time constraints for presentation to the Committee I have set out below responses to some of the matters raised in the police evidence to assist the Committee in advance of Tuesdays hearing

**1. WYP Additional Info page 3 – Statement of Sarah Blenkhorn**

Reference is made to 5 calls made to the police “since Tanya took over the premises”. My clients Responses are in bold below:

- (i) 5/11/23 Nuisance fireworks 2000 hrs to 0000 hrs (occurred on 4th, report made on 5th). (No Temporary Event Notice in place). Caller refers to display type fireworks.

**A fire work display, for the benefit of the local community, was held at the premises on the 4 November.**

**This ended no later than 8pm.**

**On the same evening one of the residents near the premises held a fireworks display and it is my clients belief that any complaint was associated with this display, and did not relate to the New Middleton**

- (ii) 14/10/23, Saturday 0128 hrs violence against person – group fighting outside venue, cars beeping horns and blocking street. (Temporary Event notice in place).

**On the night of the 13 October 2023, the premises closed at no later than 23:30**

**This incident has taken place 2 hours after the Premises has shut.**

- (iii) 28/8/23 Monday 1804 hrs violence against person- 15-year-old assaulted outside premises.

**The Premises were shut at his time.**

**This incident involved a young girl who was attacked, I understand, with a metal bar, outside a shop adjacent to the Premises. The weapon was thrown in the New Middleton outside area.**

**The Police were called. [REDACTED], who works at the Premises was driving past when the police were in attendance. She stopped to speak to the Police to see if she could assist. She spoke to the Police officer, and opened the Premises, to enable the police officer to access the external area and recover the weapon.**

**The incident is not associated with the day to day operation of the Premises.**

- (iv) 12/2/23 Sunday 2026 hrs violence against person – occurred inside club

**Attached is a report from the Incident book date the 11 February 2023**

**This states:**

***“Small scuffle  
Glass damaged  
2 people injured  
Gave assistance. Asked if they needed police or ambulance. Both declined, first aid provided”***

- (v) 3/9/22 Saturday 0000hrs concern for safety – shouting and arguing outside venue, cars driving around speeding. (No Temporary Event notice in place).

**The premises would have been closed and cleared no later than 23:30 on the night of the alleged incident.**

## **2. WYP Additional Info page 11**

There is a statement from Eugene Chari Leeds City council EHO/Senior Technical Officer

Since the premises reopened in July 2022 the Premises has had three engagement with the EHO as set out below

(i) 11 June 2022

Reference is made to this matter the statement of E Chari

This predates, by some time, the current managers involvement in the Pmrie4ses.

The committee will be aware that the hearing of the application for the new licence was heard on the 14 July 2022 with a decision being sent to all parties on the 21 July 2022. The Premises re-opened shortly thereafter.

(ii) 23 October 2023

This relates to a children's party that was being hosted on the premises (the statement from E Chari references a time of 15:35)

The EHO visited the premises and the management of the Pmreises engaged with the officer and explained what had been taking place on site.

The event finished in the early evening

(iii) 4/5 November 2023

This related to fireworks display that took place off site – see above

None of the other incidents referred to in eth statement of E Chari has been brought to the attention of the operators of the New Middleton.

## **3. WYP Additional Info page 5 – Sarah Blenkhorn**

Comment is made in eth statement for Sarah Blenkhorn about the absence of a number of policies/procedures.

Whilst the licence holder has requested, as part of their proposal that a number of conditions be removed from the licence (given duplication with other legislation) we attach to this email the following;

- (i) Fire evacuation procedure
- (ii) First Aid Check list
- (iii) Drinks and Injection spiking policy
- (iv) Fire check list
- (v) Fire drill
- (vi) Spillage policy
- (vii) Risk Assessment
- (viii) Spill response

Whilst we accept entirely that there may be some criticism of why these policies were not available or in place at the time when the police inspected post the incident that gives rise to the review, given that the Committees attention will be focussed on the promotion of the licensing objectives in the future we felt that it would be helpful for them to have sight of the attached in advance of the hearing next week.

We are forwarding a copy of this email to the Police and Jane Wood who has served a rep supporting the review.

Please acknowledge receipt.

With best wishes

Ewen Macgregor  
Partner  
For TLT LLP

  
[LinkedIn](#) [Twitter](#)  
[www.tlt.com](http://www.tlt.com)

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February 2023

Saturday 11

Small scuffle  
GUASS Smashed  
2 people injured  
gave assistance asked  
if they needed police  
or ambulance Both  
Declined, First aid  
provided.

Sunday 12

February

February	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon							
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27



## FIRE EVACUATION PLAN

Pub: \_\_\_\_\_

Address: \_\_\_\_\_

Post code: \_\_\_\_\_

Fire Marshals: \_\_\_\_\_

### Action on Discovery of a Fire:

- Raise the alarm by activating the nearest fire alarm call point.
- Call fire service immediately and carry out a full evacuation of the building.
- Go to step 'A' in *the Fire Marshal Plan* section.
- ALL fires must be reported to the fire brigade, regardless of size.

### Action if the Fire Alarm Sounds

- The fire alarm MUST be left sounding in order for all guests, team members and contractors to hear and evacuate.
- Manager / Reception team members refer to *the Fire Marshal Plan*.
- Housekeeping and Pub team members must follow their *team's plan*.
- A fully sounding alarm must not be muted or silenced until the building is fully evacuated AND source of alarm has been established as instructed in the *Fire Marshal Plan*.

A full set of instructions for responsible persons with regards fire evacuation duties can be found at the end of this document and must be displayed as a poster within each area.

### When NOT to investigate a Fire Alarm Signal.

There are circumstances where the potential hazard of investigating the cause of a fire alarm can be too much risk. When this is the case, **evacuate and call 999 immediately**.

Examples:

- a) Fire panel telling you the alarm has been activated in the :

.....  
.....

***Evacuate and call 999 immediately and explain where the activation has come from***

- b) More than one fire detector has activated.

***Evacuate and call 999 immediately and explain more than one detector has activated***

- c) You see, hear, smell or are told of anything that makes you believe there is a risk from the hotel.

***Evacuate and call 999 immediately and explain what you know or have been told.***

**Go to point 'A' on *Fire Marshal Plan*.**

# Basic First Aid Checklist



- 
- Crepe bandages
  - Skin tape
  - Triangular bandages
  - Band-aids in different sizes
  - Gauze swabs
  - Dressing pads
  - Sterile eye pad
  - Alcohol swabs
  - Scissors
  - Disposable gloves
  - Tweezers
  - Safety pins
  - Sterile saline tubes/ sachets
  - Antiseptic skin swabs
  - Stop itch cream
  - Burn cream
  - First aid booklet
-



## Drinks & Injection Spiking – Guidelines

### Background:

Spiking can be carried out either by adding something to a victim's drink or spiking via needle injections. The spiking may be followed by more serious crimes such as theft, robbery, rape, sexual assault or kidnap. This is not limited to women, with one Police force confirming that 23.5% of incidents had a male victim.

This is a summary of the measures that you can take to minimise risk, and should an incident happen, they will assist with mitigation.

### Measures you can take to prevent the risk of spiking within your premises and in doing so improve safety, protect our guests and the business:

- SIA registered door staff employed at site to monitor ingress of guests.
- Review your search policies and tighten your security. Consider what these searches were originally looking for and what your door team may now need to identify. Weapons in the past might have been dismissed as a pen may now be a hidden syringe. Being considered that epi-pens could potentially be used for needle spiking, but teams must find a balance between confiscation to protect and disability discrimination.
- Ensure that your Team can recognise signs of vulnerability and empower them to safeguard vulnerable persons.
- Local knowledge: Dialogue between local policing teams and operator forums such as Pubwatch are crucial at this time so that knowledge and awareness can be shared. Watch out for local specific focus groups which already exist in some areas.
- Encourage guests to request help if they need it and to encourage people to stay with friends and keep an eye on their drinks. This can take the form of a poster in toilet areas. Two suggested posters are "Ask Angela" and "Keep your friends and your drinks closer". The posters can be found at these links on mymarstonpubs.com the hub.  
The Hub: [The Hub | Supporting Documents | Licensing | Libraries \(marstonpubs.com\)](#)
- Ensure all your team are briefed (including any Door Team) so they are clear on how to spot signs of vulnerability or sudden changes of behaviour in guests, and what they will play in safeguarding any guests that become victim of spiking. It is clear, this is NOT only something that can happen to women; anyone can be targeted by spiking.
- Drinks covers – at present Marston's will not be sourcing covers to protect glasses. If a guest specifically requests a cover it can be as simple as providing clear plastic covers.
- Ensure your CCTV is working and recording for the required number of days as documented in your premises license.

### Symptoms:

A person who has been spiked may display any number of the symptoms below. This is not an exhaustive list.

Drowsiness	Vomiting	Fever (feeling hot and cold)
Dizziness	Disturbed vision	Passing out
Nausea		

### Report of suspected drink / needle spiking:



DAILY / WEEKLY CHECKS

WEEK \_\_\_\_\_

Fire Walks – Twice Daily Inspection of Escape Routes:

		Sun	Mon	Tue	Wed	Thu	Fri	Sat
AM	✓ or X							
	Time:							
	Completed by:							
PM	✓ or X							
	Time:							
	Completed by:							

Night Porter's Hourly Fire Patrols:

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Completed by:							

*By signing the above, I am confirming that hourly fire patrols were undertaken, and any issues were recorded in the 'problems found/ action taken' section.*

Weekly Fire Alarm Test:

Date:	Tested By:	Call Point Number(s)	✓ or X

Weekly Test of Doors and Equipment Linked to the Fire Alarm:

Date:	Tested By:	✓ or X

Weekly Fire Extinguisher Checks:

Date:	Tested By:	✓ or X

Weekly Emergency Equipment Test:

Date:	Tested By:	✓ or X

Weekly Water Flushing Record:

Location:								
Date:								
Initials:								

Problems Found / Action Taken

Where any check is marked 'x' and corrective action is required, complete the box and report any maintenance issues immediately to the Maintenance ~~Handy Pro (01202 235 500)~~ and take action to deal with any operational issues.

Problems Found / Action Taken	Initials

Manager's Review and Sign-off

I confirm that the above checks have been fully completed, any faults have been logged and reported and appropriate action has been to deal with any operational issues:

Manager's Signature ..... Date: .....

### QUARTERLY FIRE DRILL

*Preparation - Contact the fire alarm monitoring company and advise them of the upcoming fire drill. Initiate using the fire drill feature on the panel. Record the time from the activation of the fire alarm to the evacuation of all team members, guests and any other visitors.*

Date:	
Time:	
Completed by:	
Number of Team Members Present:	
Time Taken to Evacuate:	
Roll Call Completed: (✓ or x)	
Issues with Drill:	
Action Required:	
Date Completed:	

*During the Drill - Monitor the evacuation and note:*

- *Do team members move trolleys and equipment out of the corridors and close doors behind them.*
- *Are escape routes clear and do exits open easily?*
- *Do the team remain calm and exit without delay using the nearest route?*
- *Do they go directly to the assembly point?*
- *Are fire marshals ensuring the safe evacuation of others?*
- *Is the guest in house list printed ready for collection?*
- *Do fire marshals prevent re-entry to the building?*
- *Is everyone accounted for at the roll call?*

*After the Fire Drill - Silence and reset the alarm. Thank guests for their patience and inform them that they can safely re-enter the building. Contact the fire alarm monitoring company and advise them that the fire drill is complete.*

## **policy**

### **Introduction:**

All staff and customers should report to manager immediately and inform the manager if any spillages occur at THE NEW MIDDLETON manger (Tanya Clowes) staff: ( kala grainger) (Ian flockheart) Joanne Johnson (staff)

Are responsible for clearing up spillages.

### **Spillages of blood and body fluid**

Spillages of blood, vomit, sliver, semen, urine and excrement should be cleaned up **using the GV Health Biohazard spill duo – blood &urine/vomit pack** promptly. Universal

Precautions will be used for all blood and body fluid spills.

Employees are expected to fully comply with the controls set out in this procedure. The following general actions must be taken by the person dealing with spillage:

1. Isolate and cordon of the spillage area using hazard Singh as necessary.
2. Put on disposable vinyl gloves (provided)
3. Use the mini clean up kit found in the first aid kit found in the back room next to the first aid points.

Tanya Clowes- license holder, manager

Kala grainger – bar staff

Joanne Johnson- bar staff

Ian flockheart – bar staff

Take care of following the instructions on the container.

1. Dispose of as per instructions
2. Was hands throughly with soap and water.

### **Spillages of tea, coffee etc.**

1. Soak up as much as possible with the paper towels provided.
2. Dry with paper towel.
3. If spillage is on a carpeted area, vacuum thoroughly.
4. Wash hands with soap and water.
5. Report to manager or bar staff to be made aware for the follow up action.



RA No.	Area/Task Equipment	Risk	Nature of Risk	Protective and Preventative Measures	Further Controls Needed (if none place initials and date in space below)	Date Implem

# Spill Response Plan



## Minimum Spill Response Equipment

- 25 kg of "Loose" Absorbent
- 20 Absorbent Pads
- 2 Absorbent Booms
- Additional equipment for your facility as recommended by your emergency spill response contractor
- 1 Shovel
- 1 Broom
- 1 Drain Cover

1

## Check for Hazards

**Serious hazards?** Leave the area and call 911. **LARGE SPILLS** (more than 100L) ARE LIKELY TO PRESENT A HAZARD.

**Flammable liquids?** Turn off engines and nearby electrical equipment.

**Not sure?** Consult the applicable Material Safety Data Sheets for hazards.

2

## Stop the Source

Put on appropriate PPE

- Plug the hole
- Turn the container upright
- Shut off valve etc.

For medium and large spills (10L or more) call co-workers and supervisor for assistance & make them aware of the spill & potential dangers.

3

## Protect any Drains

- Stop the spill from entering drains
- Use absorbent
- Close valve to drain
- Cover or plug drain

4

## Notify Proper Authorities

If spilled material entered a **storm sewer**:  
Check oil/water interceptor or catch basins  
Notify your municipality - **Phone:** \_\_\_\_\_

If spilled material has entered the **sanitary sewer**:

Check oil/water interceptor or catch basins  
Contact your local authority - **Phone:** \_\_\_\_\_

5

## Clean Up

- Clean up spilled material/absorbent
- Never flush the area with water
- Dispose of cleaning material/absorbent into secure container for disposal as hazardous waste

6

## Check Spill Site

- Make sure cleaned area is not slippery
- If slippery, apply no-slip material or mark area with a "slippery when wet" sign
- Notify Your Supervisor

7

## Report

Complete a **Spill Reporting Sheet** and provide a copy to your proper local authorities.

For Large Spills (more than 100L) provide a copy to the **Ministry of Environment Spills Action Centre (SAC)** as well as your local authorities.

ACUTE SAFETY SERVICES INC.

730 Budge Street West - Unit 3, Waterloo, Ontario, N2V 2H4