

BEFORE THE LEEDS CITY COUNCIL LICENSING SUB-COMMITEE

THE NEW MIDDLETON, 4 THORPE STREET, LEEDS, LS10 4HD

**OUTLINE SUBMISSIONS ON BEHALF OF THE PREMISES LICENCE HOLDER
FINAL HEARING**

Introduction

1. These submissions are provided on behalf of the licence holder at the Premises to assist the Licensing Sub Committee (**the Committee**) in relation to a final hearing following the summary review, which was considered by the Committee on the 24th May 2024 when the licence was suspended.
2. A number of letters in support of the premises have been submitted to the Council as well as a petition.
3. Attached to these submissions are the following documents:

Annex 1 – Notice of Decision from hearing on 14 July 2022

Annex 2 - Email from [REDACTED], MPFC fundraising [REDACTED]

Annex 3 – Email from [REDACTED]

Annex 4 - Email from [REDACTED]

Annex 5 – Email from [REDACTED]

Annex 6 – Letter from [REDACTED]

Annex 7 – Current schedule of conditions

Annex 8 – Letter from Leeds City Council Childrens Looked After Team

Annex 9 – Chubb Fire Certificate

4. It is important to commence these submissions on behalf of the Premises to acknowledge that they regret that this matter has come back before the Committee by way of review. Whilst the Premises does not wish to misunderstand the seriousness of the attack on one of their customers, it is important that that this incident is set in context, and against the backdrop of the operation of the Premises since the summer of 2022.

5. it is acknowledged that whilst some of the conditions, largely relating to the paperwork that is required to be maintained on site, was not in order, these omissions in and of themselves would not justify the on-going suspension of the premises licence.
6. The period of suspension has enabled the licence holder to remedy these omissions and further work will be undertaken to ensure future compliance.
7. Since the licence was granted in the summer of 2022, despite the concerns raised by the Police and the licensing authority at the hearing of the application, the Premises has not been a source of crime, disorder or public nuisance, and in fact have not been visited by any of the responsible authorities, at all. This in and of itself , reflects well on the current management of the Premises who remain committed to working with all of the responsible authorities to ensure that the licensing objectives are promoted.
8. Whilst the Committee has at their disposal a range of powers and, as a matter of law, it is for the applicant (the West Yorkshire Police) to make their case and evidence the reasons for any action being proposed as necessary and proportionate in the circumstances, the Premises will be inviting the Committee to maintain the suspension of the licence for a further period of a week, the reasons for which are set out below.
9. The Premises licence holder, Tanya Clowes, will also be inviting the Committee to remove a number of conditions that attach to the licence. It is submitted that these changes will not undermine the licensing objectives and will assist both the operators and give the Committee confidence in ensuring that the objectives will continue to be promoted.

The hearing on the 14 July 2022

10. An application for a new licence was submitted by Tanya Clowes in or about May 2022.
11. Representations to the application were submitted by the Police and the Senior Liaison and Enforcement Officer of the Council and a hearing was held on the 14th July. The Police and Senior Liaison Officer both attended, and addressed, the hearing. Minutes of the hearing can be found at **Annex 1**.
12. The previous history of the Premise had been raised as an issue by those that made representations to the application and was discussed in some detail at the hearing. The proposed new operators had had no involvement in the day to day running of the Premises when they had been under the previous management albeit that Tanya Clowes had worked at the Premises.
13. The role of David Jackson in the running of Premises was addressed and a condition was offered (and ultimately added to the licence) as follows:

- David Jackson will have no day to day involvement in the operation of the premises.
 - David Jackson will not be permitted on to the premises at any time when licensable activities are taking place.
- 14.** Having heard representations from all parties the Committee unanimously resolved to grant the licence and commented that “it would be unfair to have allowed the past issues to taint Ms Clowes’ application for a new licence”.
- 15.** In advance of opening the premises in the Summer of 2022, Ms Clowes invited the Police to come and inspect the premises. This inspection took place and amongst other things the details of the CCTV was explained and shown to the officer who attended. At that time, he confirmed that he was satisfied with the CCTV provision and did not request any further cameras be installed.

Operation of the Premises since re-opening

- 16.** The Premises opened in the summer of 2022 and has become a valuable community asset as is evidenced by the letters in support. The Premises has supported members of the local community, helped raise money to help with funerals, organised Christmas and Halloween parties for local children and is the home for Middleton Park FC (see **Annex 2** email from [REDACTED], MPFC fundraising [REDACTED]).
- 17.** The usual operating hours of the premises are as set out below
- Monday to Thursday – 16:30 to 20:00/22:00
 - Friday – 16:30 to 23:30
 - Saturday – 11:00 to 23:30
 - Sunday – 11:30 to 20:00/22:00
- 18.** The Premises also runs a snooker team who compete in the local leagues. This team is run by [REDACTED]. [REDACTED] has confirmed, in an email at **Annex 3** that [REDACTED] owns the building and that that is the extent of his involvement with the Premises. This is consistent with the comments made at the hearing in 2022 and is consistent with the ongoing compliance with the conditions that attach to the Premises Licence.
- 19.** Since the Premises re-opened (a period of almost 2 years) it has not been the subject of any visits from the responsible authorities in relation to the operation of the licensed premises.

20. On two occasions the Premises has been asked to provide CCTV by the Police for matters that did not arise out of the operation of the premises. On each of these occasions the management of the Premises has assisted and engaged with the Police.
21. The Premises has also applied for a number of temporary events notices since re-opening. None of these applications has been met with a counter notice from the Police, and these events have passed without incident.
22. The Premises provides employment for 4 people and in addition to this. Since opening two of the members of staff (including Tanya Clowes herself) have trained and qualified as SIA registered door supervisors.

The Summary Review

23. The incident that gave rise to the summary review took place in the early hours of the 19th June, on the night of the Tyson Fury/Oleksandr Usyk fight. This was being televised on a Sky pay per view subscription. It was not until late on the evening of the 18th June that a decision was taken to show the fight on the TV in the Premises. The last orders were called at 22:45 (see **Annex 4** an email from [REDACTED]).
24. At this time there were about 20/30 customers in the Premises. At the end of the televised fight the customers left the building. [REDACTED] was the victim of an attack by three youths who had been in, but were not regulars at, the Premises and on leaving tried to steal someone's bike. An account from [REDACTED] can be found in an email at **Annex 5**.
25. [REDACTED] was hit by a gas cannister. The cannister was not removed from the Premises but was in the garden of a property near to the Premises (see **Annex 6** a letter from [REDACTED]).
26. The Premises called in the incident to the Police, the first time that they had had cause to call the Police for assistance since re-opening in 2022. On the night in question the Premises assisted the Police with viewing of the CCTV. The Premises has provided on-going assistance to, and has not sought to obstruct, the Police in their investigations.
27. [REDACTED], the victim of the attack, was taken to Hospital and stayed in A&E overnight. He was discharged the following afternoon, around 14 hours post admission. [REDACTED] confirms in his email at **Annex 5** that he has since been back to the New Middleton.
28. The Premises has continued to assist the Police with their enquiries in relation to the incident.
29. The Premises has also engaged with both the Police and the Licensing Authority since the interim review hearing and has continued to address any shortcomings in relation to the paperwork that has been identified following these meetings.

30. Although never requested by the Police at the time the Premises re-opened in 2022, the Premises has installed a further CCTV camera at the front of the Premises to supplement the existing 5 cameras that cover the external areas of the Premises.
31. At the Summary Review the Police expressed concerns about the forthcoming Championship play off final, featuring Leeds United, being shown at the Premises. This game has now been and gone. It is also fair to observe that since re-opening in the summer of 2022 that the Premises has shown live sport on television on many occasions, and without incident.

Post the Summary Review

32. Since the Summary Review Hearing the Premises has taken a proactive approach. They have sought professional legal advice. A full review of the licensing conditions has been undertaken and where there were omissions of compliance these have been attended to. They have installed a further CCTV camera at the front of the Premises and if the Premises is permitted to re-open a review of the existing CCTV system will be undertaken and upgraded.
33. They have also met with the Police and Licensing Officer on site, the first time since re-opening in 2022 that a meeting of this nature has taken place.
34. The Premises remain committed to working with all of the responsible authorities to ensure the on-going promotion of the licensing objectives.

Guidance relating to Reviews

35. The National Guidance (December 2023) under s.182 Licensing Act 2003 states at para 11.20:

'In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.'

36. The Police case relies upon a single incident that took place in the early hours of the 19th May. In relation to that incident:
- There is no evidence to support the need for further or more draconian action in relation to that incident presented by the police
 - There have been no incidents of crime and disorder associated with the premises since they re-opened in 2022

- 37.** It is not accepted, as stated in the letter from the Senior Liaison and Enforcement Officer that the Premises “unfortunately attracts a significant volume of crime and disorder”.
- 38.** Any suggestion that the pub should be considered to be particularly problematic is not borne out by engagement from the responsible authorities and the premises licence holder which has to date been limited to the incident in May 2024.
- 39.** The obligation is on the police to bring matters of concern to the attention of the premises licence holder in line with the ‘4 E’s’ approach to enforcement:
- Engage
 - Explain
 - Encourage
 - Enforce.
- 40.** If the police, and the Senior Liaison and Enforcement Officer, now suggest that there is a significant history of issues at the Premises since 2022 that require on-going draconian action by the Licensing Sub-Committee, then the police, and the Senior Liaison Officer should be able to identify why this is the case and why the above protocol has not been followed with the premises licence holder.
- 41.** No evidence has so far been provided of a history of crime and disorder associated with the premises. No evidence has been submitted of formal action being taken against the Premises in relation to crime and or disorder.
- 42.** The National Guidance goes on to state, at para. 11.23 that

Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives...

- 43.** In determining what actions are appropriate for the promotion of the licensing objectives the National Guidance states at para. 9.44

the authority should aim to consider the potential burden that any condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives

The Premises Licence Holders Proposal

44. In light of all of the circumstances the Premises licence holder proposes that the following action be taken by the Committee

- That in line with s. 53D (2) (c) of the Licensing Act 2003 the licensing authority withdraw the interim steps imposed
- That the Premises remain closed for a further period of 7 days to enable the CCTV system to be reviewed and upgraded as appropriate
- That the Police and Senior Liaison and Enforcement Officer be invited to visit and inspect the Premises in advance for re-opening
- That the conditions attaching to the licence be amended in accordance with the attached revised schedule of conditions at **Annex 7**

The National Guidance at para 1.19 states as follows

While licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation. Legislation which may be relevant includes:

- *The Gambling Act 2005*
- *The Environmental Protection Act 1990*
- *The Noise Act 1996*
- *The Clean Neighbourhoods and Environmental Act 2005*
- *The Regulatory Reform (Fire Safety) Order 2005*
- *The Health and Safety at Work etc. Act 1974*
- *The Equality Act 2010*
- *The Immigration Act 2016*
- *Regulators' Code under the Legislative and Regulatory Reform Act 2006*

This Guidance is supported by the Leeds City Council Joint Enforcement Protocol and Memorandum of Understanding (February 2020) at para 8.4 which states that

8.4 Duplication of licence condition control measures shall be avoided where there is other primary legislation, such as health and safety, environmental health, fire safety, etc.

The current licence is subject to a significant number of conditions. Highlighted at **Annex 7** are those conditions that can sensibly be removed from the licence without undermining, or diluting the Premises commitment to promoting the licensing objectives as they have over the last 2 years.

Most, if not all of the highlighted conditions are covered by other legislation (Health and Safety, Fire Regulatory Reform Order for example).

Para 8.5 of the Leeds City Council Joint Enforcement Protocol and Memorandum of Understanding (February 2020) goes on to state that:

8.5 The expectation is for all parties to work in partnership to promote the four licensing objectives and to carry out other duties as defined in the Act and accompanying guidance.

In addition, the Premises licence holder offers the following further conditions.

- *That the Premises licence Holder will engage and make monthly (or such other period of time as may be agreed between the parties) contact with the Police Licensing Officer and the Senior Liaison and Enforcement Officer at Leeds City Council (and members of the responsible authorities as necessary) to discuss the previous periods activities at the Premises*
- *Any remedial action required will be recorded in writing and an update provide to the Police and the Liaison and Enforcement Officer (and other responsible authorities as necessary)*

Conclusions

- 45.** The Premises is a valued and much respected local amenity the operation of which has not caused issues for the local community, nor undermined the licensing objectives.
- 46.** The premises licence holder and operators of the premises recognise that the incident that gives rise to these proceedings was a serious one.
- 47.** The Premises licence holder has taken this very seriously and has not shied away from engaging with the Police and council at the time of the incident, in assisting with the on - going investigation and post the Summary Review hearing.

48. Since re-opening under new management in 2022 the fears and concerns as expressed by the Police and Senior Liaison and Enforcement Officer have not been realised and the incident that gives rise to these proceedings was an isolated one.
49. The Premises licence holder has proposed a revised schedule of conditions which will promote the licensing objectives.
50. The proposal is in line with the Councils own Joint Enforcement Protocol and Memorandum of Understanding (February 2020).
51. The proposal from the Premises licence holder is *“an appropriate and proportionate response to address the causes of concern that instigated the review”* (para. 11.20 of the National Guidance).

Ewen Macgregor

Partner

TLT LLP

13 June 2024

Notice of Decision

of the Licensing Sub Committee



Date of Hearing:	14th July 2022
Determination Date:	14th July 2022
Notice of Decision:	21st July 2022
Members:	Councillor A Hutchison (Chair) Councillor S Hamilton Councillor L Richards
Legal Officer:	Robert Brown (Principal Legal Officer)
Committee Clerk:	Natasha Prosser (Governance Officer)
Licensing Officer:	Matthew Nelson (Principal Licensing Officer)
Applicant:	Ms Tanya Clowes
Premises:	New Middleton, 4 Thorpe Street, Middleton, Leeds, LS10 4HD
Application:	Grant of a Premises Licence
Attendees:	Tanya Clowes (Applicant) Ewen Macgregor (TLT Solicitors, Applicant's Representative) David Parker (West Yorkshire Police) Victoria Radford (Senior Liaison and Enforcement Officer, Leeds City Council)

This application was brought before the Licensing Sub Committee due to the receipt of relevant representations

The Licensing Sub Committee considered:

1. Report from the Chief Officer Elections and Regulatory
2. Licensing Act 2003
3. Guidance issued by the Home Office pursuant to Section 182 of the act
4. Relevant licensing objectives
5. Licensing Act 2003 Statement of Licensing Policy 2019 – 2023
6. Representations received from responsible authorities

Having taken all these matters into account the Licensing Sub Committee have agreed to grant the application, subject to the conditions agreed with West Yorkshire Police (as refined by the Applicant's representative).

The reason for this decision is as follows:

An application for the grant of a premises licence was made on behalf of Ms Tanya Clowes for New Middleton, 4 Thorpe Street, Middleton, Leeds, LS10 4HD.

Representations opposing the application were received from West Yorkshire Police and from the Licensing Authority. A hearing was therefore convened for the Licensing Sub-Committee (hereinafter "the Committee") to determine the application. The Committee had read the contents of the document pack and supplementary information in advance of the hearing.

At the start of the hearing there was some discussion regarding exempt information, and it was agreed that the personal details of individuals who had signed a petition would not be referred to.

Mr Macgregor addressed the Committee. He gave some of the history of the premises and Ms Clowes' involvement in it. He said that Ms Clowes worked at the premises between 2008 and 2014, when it was run by Cliff Rycroft. She had then worked briefly for Julie Jackson. The licence had been revoked in 2020, sometime after Ms Clowes had stopped working there.

Mr Macgregor told the Committee the New Middleton had been a social club, with pool and snooker tables, darts, a function room upstairs and two bars. He said that Ms Clowes had told him that the contrast from [REDACTED] time to Ms Jackson's was like working in two different Worlds. The problems had begun under Ms Jackson's management and Mr Macgregor said that it was at that time that Ms Clowes decided she could not work there. Before her departure, her role had been cleaning and helping cash up, but she had had no involvement in the day-to-day management of the premises. Mr Macgregor said that the premises were not inherently bad, just poorly managed. He said that Ms Clowes wants to run the premises as [REDACTED] had. She had inherited a small sum of money and wants to use that to get the New Middleton back to how it was. There will be CCTV and security gates. He said that Ms Clowes circumstances have changed. She has engaged a fire safety expert, and some work is required. Mr Macgregor said that she is taking all the right steps and is a person who engages with stakeholders – as evidenced by the letter from Leeds City Council regarding her kinship foster care work.

Mr Macgregor referred to the conditions offered (starting at page 35 of the agenda pack). He said that these had been suggested by West Yorkshire Police and then refined by TLT Solicitors and would apply if the licence was granted.

With regard to concerns expressed about David Jackson, Mr Macgregor said that Mr Jackson would merely be the landlord. He said that access would be restricted in accordance with the email from Mr Jackson to Mr Macgregor. He added that Ms Clowes' former partner is a cousin of a cousin of Mr Jackson.

Mr Macgregor took the hearing through the proposed conditions. He also said that in addition to Ms Clowes (who now holds a personal licence) two other people will apply for personal licences if Ms Clowes is granted a premises licence. He said that Ms Clowes has lived in the local community all her life. He said it is a close-knit community and supports the re-opening. Three local residents attended the hearing to show support for Ms Clowes. A working party had been helping to get the premises into a better state and local tradespeople had given their time for free to help to get the premises into a fit state to re-open.

Mr Macgregor said that Ms Clowes is passionate and enthusiastic about this venture and is determined that there will be no return to the bad old days. He said she is a former rugby league player, who has represented Yorkshire and England and has a tough character. He said that the premises will be her sole source of income. She will employ three staff initially and there is to be a 6 month rent-free period and she will be on site herself most of the time. Mr Macgregor said Ms Clowes is strong, trustworthy and resilient.

Mr Parker then addressed the Committee. He said that there had been significant criminality in the lead up to the revocation of the premises licence in 2020. He said that since the current application was made there had been discussions between the Police and Mr Macgregor to mitigate some of the concerns that led to the Police representation. He said that Ms Clowes has only recently become a personal licence holder and lacks experience running licensed premises. If a licence were granted, Ms Clowes would have to be very strong. Mr Parker said the proposed operating schedule had been

amended following discussions, but he still had concerns and felt that it should be a decision for the Committee. If, however, it were granted West Yorkshire Police would be content with the conditions now proposed.

Ms Radford addressed the Committee, attending in the absence of her colleague Jane Wood. She went through some of the history of the previous premises licence, including noise nuisance complaints and licence breaches. She said that the previous licence holder had not abided by agreements reached with the authorities and eventually Julie Jackson had failed to attend meetings.

Ms Radford questioned whether an agreement for David Jackson not to have any involvement in the day-to-day running of the premises was enforceable and questioned whether Mr Jackson would abide by such a condition. She said the licensing authority did not have confidence in Ms Clowes ability or experience, being a new personal licence holder. Ms Radford said that Ms Clowes was previously a cleaner and cashier and had no management experience. Ms Radford said that the authority was concerned that Mr Jackson would still have some involvement; she referred to the proposed rent-free period and a meeting to discuss rent after that as an ongoing link.

The Committee asked for clarification of West Yorkshire Police's position. Mr Parker said the representation remains and he still had concerns about Ms Clowes' inexperience.

Ms Clowes told the Committee that she had been left in charge of a public house run by her cousin. Her sister also has experience working at Elland Road stadium. She told the Committee that when door staff were not on duty, she and her staff would manage and that she will operate a strict management style. She added that most of the anti-social behaviour in the past related to children and she would not allow any unaccompanied under 18s on the premises. She said that while Julie Jackson had dealt with fights by letting them continue outside, Ms Clowes would not tolerate this.

Asked by the Committee why there was a six-month rent-free period, Ms Clowes said this was because of the expense of employing security and other staff meant she could not afford to pay rent at the outset. She reiterated that there was no other relationship with the Jackson family. She also said there is no living accommodation on the premises.

Mr Macgregor reiterated that Mr Jackson owns the building but will not be allowed in when licensable activities are being carried out and will not be involved at all in the management of the business. He said that Ms Clowes had not worked at the New Middleton since 2017, and the issues that led to the revocation in 2020 had increased after she had left.

The Committee took time to consider the application and representations and to deliberate.

Decision

Having had regard to the relevant provisions of the Licensing Act 2003, the statutory guidance under Section 182 of the Act and the statement of licencing policy and having carefully considered the contents of the agenda pack, including the written representations, and the submissions and information provided during the hearing, the Licensing Sub-Committee unanimously resolved to grant the application, subject to the conditions agreed with West Yorkshire Police (as refined by the Applicant's representative).

The Committee acknowledged the seriousness of the issues which had led to the previous licence being revoked. Clearly Ms Clowes was aware of the history and that it was imperative that measures were put in place, enforced and their effectiveness kept under review to ensure there was no return to "the bad old days". The New Middleton was to be Ms Clowes only source of income and it was not in her interests for the venture to flounder.

The Committee accepted Ms Clowes assurances that the only connection with Mr Jackson would be the landlord and tenant one. The licensing authority made much of the historic issues under a different management regime. However, the Committee did not conclude that Mr Jackson would have any involvement in the new management and considered that it would be unfair to have allowed the past issues to taint Ms Clowes' application for a new licence.

While the authorities had expressed concerns at Ms Clowes' lack of management experience in the trade, let alone in managing a business with such a challenging history, the character references

from another aspect of her life pointed to a willingness to engage with and listen to others who could assist and advise her. Despite the licensing authority's misgivings, the Committee felt sure that the licensing authority itself would be able to support Ms Clowes in a practical, advisory capacity as long as she engages with it.

The stance of West Yorkshire Police was somewhat equivocal, but at least it had been sensible enough to discuss and agree a set of reasonable, pragmatic, enforceable and proportionate conditions that would assist matters if the licence was granted, which it now has been.

Right of Appeal

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the sub-committee. You must make this appeal within 21 days of receiving this notice.

Appeals should be addressed to the Magistrates Court at:

**Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP**

and be accompanied by a copy of this notice of decision and the court fee of £75. Cheques should be made payable to HMCS.

Please note that the Magistrates have the power to award costs against any party as a result of appeal proceedings.

Ewen Macgregor

From: [REDACTED]
Sent: 10 June 2024 19:49
To: Ewen Macgregor
Subject: New Middleton Review

Hello Ewen,

I am writing to you on behalf of Middleton Park FC about the New Middleton. The New Middleton was providing us with a great function room perfectly sized for everyone in our football club and a very reasonable price.

We were disappointed to find out what has happened at the New Middleton! We are a football club that has over 300 children that play for our junior teams and 2 Open Age Men's teams. We had the New Middleton recommended by us so we booked 5 Presentations at the club for throughout June and a couple of Halloween parties October and a Couple of Christmas parties in December. Unfortunately due to this situation with the license at the New Middleton we have had to find alternative venues for our parties this year, which was every disappointing and has been extremely hard to do with the size of our football club. The New Middleton has a great big concert room upstairs, which is perfect for private functions.

Yours sincerely,

[REDACTED]
MPFC Fundraising [REDACTED]

Ewen Macgregor

From: [REDACTED]
Sent: 03 June 2024 14:35
To: Ewen Macgregor
Subject: Re: [REDACTED]

Hello,
Yes sorry I didn't clarify that. He owns the building and that's the extent of he's involvement
Thank you

[REDACTED]
Sent from my iPhone

> On 3 Jun 2024, at 12:49, Ewen Macgregor [REDACTED] wrote:
> [REDACTED]
>
> Thank you for this
>
> When you say "[REDACTED] who is the owner of The New Middleton" do you mean he owns the building? Is that the extent of his involvement in the building/business?
>
> With best wishes
>
> Ewen Macgregor
> Partner
> For TLT LLP
> [REDACTED]
> LinkedIn Twitter
> 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
>
>
>

> -----Original Message-----
> From: [REDACTED]
> Sent: Monday, June 3, 2024 12:14 PM
> To: Ewen Macgregor [REDACTED]
> Subject: Colin Jackson

> To whom it may concern,
>
> My name is [REDACTED] who is the owner of The New Middleton but who has no involvement in the running of the premises. My [REDACTED] has not attended The New Middleton since Tanya Clowes was granted the license as he has no interest in any involvement with The New Middleton and did not want to jeopardise Tanya's chance of making it a successful business. I can confirm I also have no involvement of the daily running of The New Middleton as [REDACTED]

[REDACTED] However I do try to help my partner [REDACTED] and Tanya Clowes with taking them to and from the wholesalers so they can restock the pub if and when I am able to. My main involvement in The New Middleton is being the Vice Captain of the snooker team which involves me organising/arranging matches. I do also financially support the snooker team in terms of getting the Snooker tables re-

clothed, transport to and from matches and repairing or replacing equipment when needed. I myself have been very impressed at the job both Tanya Clowes & [REDACTED] have achieved with The New Middleton in being able to salvage the business and its reputation which is at the heart of the community. They both go above and beyond for everyone who attends the premises and have transformed the business into a multicultural venue with a diverse range of customers which welcomes all walks of life so no-one feels secluded. It would be such a shame to see their hard earned efforts be wasted by The New Middleton being shut permanently when it offers so much to our ever growing community.

>

> Kind regards,

> [REDACTED]

> Sent from my iPhone

>

> TLT. For what comes next.

>

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Ewen Macgregor

From: [REDACTED]
Sent: 01 June 2024 14:55
To: Ewen Macgregor
Subject: [REDACTED]

To whom it may concern

My name is [REDACTED] I am the female named in the incident of the police report filed on the 19/05/2024. I can confidently confirm this was an isolated incident which did not take place within THE NEW MIDDLETON social club. I highly appreciate how the staff of the new Middleton handled the situation at hand as I was in the new Middleton on the 19/05/2024 enjoying my night out when we were all informed we could stay and watch the Tyson fury fight. However the bar would be closed at the usual time of 11pm. The last orders for drinks were called at 10.45pm and the bar was closed from 11pm. I was very disappointed to learn that the West Yorkshire police had requested immediate closure of the premises which was granted on the 24/05/24 as myself, my partner and my 3 children had planned to come onto the club on the 26/05/24 to watch the Leeds game. This incident has not deterred myself nor my family from coming back into the new Middleton as we greatly appreciate what they offer to the community and we enjoy the events they host. Tanya closes and [REDACTED] have done a fabulous job of salvaging the reputation of the club from the previous owners and have worked so hard to do so. It would be a horrendous shame to see this establishment closes permanently as [REDACTED] and Tanya have worked effortlessly to get the premises back to the heart of the community in which they have succeeded in.

Many thanks

[REDACTED]

Sent from my iPhone

Ewen Macgregor

From: [REDACTED]
Sent: 30 May 2024 21:37
To: Ewen Macgregor
Subject: New Middleton

Hi,
I have been asked to write you a letter regarding the attack which took place at The New Middleton Club on Saturday 18th May.

I am the victim of the attack.

I [REDACTED] from the New Middleton, and have always used the club as my local to have a drink and play pool with family and friends.

The attack which took place on the night in question happened when I was making my way home. I saw a few lads trying to take someone's bike. As I intervened to stop this happening, the lad on the bike drove off and the lads in question then attacked me. I am not too sure what happened next as I was knocked out by some sort of canister. The next thing I remember is waking up inside the premises as people had taken me in to help me.

I was taken to hospital by ambulance and stayed in A&E overnight and discharged the following afternoon - so around 14 hours later.

I have since been back to The New Middleton after the attack.

Kind Regards,
[REDACTED]

Annex 6

To whom it may concern
on the night when they were
fighting on Enrope Street on the
Road outside the New Middleton

I looked out of my

I saw a taller man going into
number

Thrope Street and get a
gas canister it had been there a

few days as I had seen it going to
the shops he got it went onto the

Road to the person who he attacked
with the canister The poor lad did
not know he was going to hit him

with it. I have lived in my house
for over 40 years and since Tanya and

has taken over it, it has
been lovely for people to go in with no

fighting or anything. The people who was
fighting on this night do not live in the

Middleton area I feel that the ladies
have done there best since they took

over I did tell the two police ladies
this man got the canister from number

I hope this letter helps Tanya and
as they really do keep their

Business in order

CONDITIONS TO BE REMOVED

Annex 7

Annex 1 – Mandatory Conditions

1. Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:-
 - a. unauthorised access or occupation (e.g. through door supervision), or
 - b. outbreaks of disorder, or
 - c. damage
2. No supply of alcohol may be made under this 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 personal licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

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 -

- 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 in a manner which carries a significant risk of undermining a licensing objective;
 - 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 in a manner which carries a significant risk of undermining a licensing objective;
 - d. 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 glamorize anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e. dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
 6. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- a. a holographic mark, or
- b. an ultraviolet feature.

7. The responsible person must ensure that -

- a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml;
- b. these measures are displayed in a menu; price list or other printed material which is available to customers on the premises; and
- c. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

8. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1 of this condition -

- a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b. "permitted price" is the price found by applying the formula $P = D + (D \times V)$ where -
 - i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e. "value added tax" mean value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

1. Sub-paragraph 2 applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
2. The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

Additional details in respect of licensable activities authorised by this licence

Sale by retail of alcohol

Non standard timings: From 11:00 hours on the New Year's Eve until 01:00 hours on New Year's Day.

Opening Hours from 11:00 hours on New Year's Eve until 01:30 hours on New Year's Day.

Conditions consistent with the operating schedule relating to the licensing objectives

General – All four licensing objectives

9. David Jackson will have no day to day involvement in the operation of the premises.
10. David Jackson will not be permitted on to the premises at any time when licensable activities are taking place.

The prevention of crime and disorder

11. The siting and standard of the CCTV system may only be made with the written consent of West Yorkshire Police.
12. Changes to the siting and standard of CCTV systems may only be made with written consent of West Yorkshire Police.
13. A supervisors register will state the name of the person who is in overall charge of the premises at each time licensed activities are carried out, and this information will be retained for a period of twelve months and produced for inspection on request to an authorised officer.
14. The Licensee will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti-social behaviour, and ejections from the premises. The Incident Report Register will contain consecutively numbered pages, the date time and location of the incident, details of the nature of any door staff involved or to whom the incident was reported, the names and personal licence numbers (if any) of any other staff involved or to whom the incident was reported, the names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident. The premises licence holder will maintain the Incident Register in either paper or electronic format, it shall be maintained for a period of 12 months and produced for inspection immediately on the request of an authorised officer.
15. The Licensee will inform West Yorkshire Police of any search resulting in a seizure drugs or offensive weapons.
16. A suitable receptacle for the safe retention of illegal substances will be provided and arrangements made for the safe disposal of its contents as agreed with West Yorkshire Police.
17. Drinks, open bottles and glasses will not be taken from the premises at any time. 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. Receptacles will be secured and not accessible to the customers and the Licensee will prominently display notices which inform customers that open bottles or glasses may not be taken off the premises.

18. Plastic or toughened glasses/bottles will be used when requested by West Yorkshire Police (e.g. football match days).
19. Notices indicating the existence and effect of an Alcohol Designated Public Places Order will be displayed at the exits to the premises.
20. The Licensee will belong to a recognised trade body or Pub Watch Scheme, whose aims include the promotion of the licensing objectives.
21. The Licensee will ensure that customers who commit acts of anti-social behaviour are removed from the premises. Such customers will be excluded from the premises if further incidents occur.
22. The Licensee will comply with the agreed protocols of the local pubwatch scheme(s) or trade body where unilateral banning orders are implemented.
23. At least thirty minutes will be allowed between the final sales of alcohol and closing the premises. The DPS will permit customers to finish their drinks and leave the premises in an orderly manner.

Public safety

24. The Licensee will adopt at the premises written policies and procedures on entry and egress to the premises (including monitoring of any capacity limit) and evacuation of the premises.
25. The Licensee will ensure staff are trained on these measures, and all other matters relating to the safety of the public.
26. A written risk assessment will be kept which covers all activities which affect the health and safety of members of the public. This will include the noise levels to which the public are exposed and information will be provided for the public via signage at the entrance. The assessment will be produced for inspection at the request of an authorised officer.
27. The licensee will maintain an electronic system for monitoring capacity control within the premises. This system will be linked via monitors around the premises to a central office.
28. Appropriately trained staff will be provided to oversee general safety within the premises, and these will be provided to a minimum number of one member of staff per 250 occupancy or part thereof, in accordance with the occupancy figure.
29. Where the licensable activities are held on floors other than the ground floor level the ration of supervisors will increase to 1 per 100 occupancy or part thereof on those levels.
30. The Licensee will have a written procedure for crowd control and management. All staff will be instructed in the operation of the procedure. The policy will be available for inspection at the request of an authorised officer.
31. All exit doors will be accessible, open easily, and exit routes will be maintained.
32. Safety checks, including doors, will be undertaken before opening to the public and a record kept of inspections. Also any inward opening Entrance/ Exit door must be permanently held open on Cabin Hooks during Licensed hours. To alter this arrangement written permission of the Fire Service is required.
33. Before opening to the public, checks will be undertaken to ensure all access and to the premises are clear for emergency vehicles. Regular checks will be undertaken when the premises is open.

34. Written records of all accidents and safety incidents involving members of the public will be kept. These will be made available at the request of an authorised officer.
35. All equipment with which the public may have contact, will be maintained, stored and operated in a safe manner. Appropriate maintenance and test records will be kept and be available at the request of an authorised officer.
36. Empty bottles and glasses will be collected regularly paying particular attention to balcony areas and raised levels.
37. The Licensee will make provision for regular inspections of the premises structure. A written record of these inspections will be kept. The records will be made immediately available for inspection at the request of an authorised officer.
38. Regular safety checks of decorative and functional fixtures that could fall causing injury to the public or may cause a risk of fire, will be undertaken.
39. Regular safety checks of guardings to stairs, balconies, landings and ramps will be undertaken, and a supervision policy will be maintained to prevent people from inappropriate behaviour, including climbing which may lead to a fall from height.
40. Regular safety checks of guardings to stairs, balconies, landings and ramps will be undertaken, and a supervision policy will be maintained to prevent people from inappropriate behaviour, including climbing which may lead to a fall from height.
41. All floor surfaces will be suitably slip resistant, kept in good condition and free of obstructions to prevent slips, trips and falls.
42. Safety checks will be recorded and made available for inspection at the request of an authorised officer.
43. A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner.
44. The risk of scald and burns to the public from hot food and drink preparation will be isolated or shielded from members of the public to prevent risk of scalds or burns to them.
45. Hot food and drink preparation will be isolated or shielded from members of the public to prevent risk of scalds or burns to them.
46. Suitably trained First Aid Staff will be provided at all times when the premises are open.
47. An appropriately qualified medical practitioner will be present throughout any sporting entertainment.
48. Adequate and appropriate First Aid equipment and materials will be available on the premises.
49. A written procedure for dealing with unwell members of the public will be in place including those who appear to be affected by alcohol or drugs. Staff will be appropriately trained in such procedures.
50. A written health and safety policy covering all aspects of the safe use of strobes, lasers, smoke machines or any other special effects, will be provided and staff will be appropriately trained.
51. No strobes, lasers or smoke machines will be used at the premises unless there is a clearly displayed warning at the entrance to the premises that such equipment is in use.

The prevention of public nuisance

52. No nuisance will be caused by noise or vibration emanating from the premises. Licensable activities will be conducted and the facilities for licensed activities will be designed and operated so to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties.
53. There will be no external loudspeakers.
54. Bottles will not be placed in any external receptacle between 23.00 hours and 08.00 hours.
55. No nuisance will be caused by noise or vibration emanating from the premises from external plant or equipment.
56. The Licensee will adopt a "cooling down" period where music volume is reduced towards the closing time of the premises.
57. The Licensee will ensure that lighting provided for the purpose of customer and staff safety, for the security of the premises, and lighting associated with activities of entertainment and advertising is of such and intensity, suitable positioned and operated so as not to cause nuisance to neighbouring or adjoining premises.
58. Clear and legible notices will be displayed at exits, car parks and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos and anti-social behaviour.
59. Registered door staff will be employed and used where queues are likely to form to manage the queues and ensure queues are restricted to cordoned areas to prevent them obstructing footpaths and spilling out onto roads, and to keep noise and obstructions away from residential property.
60. The premises supervisor and any door supervisors will monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.

Protection of children from harm

61. Signs will be provided informing customers that sales will not be made to under 18s, and that age identification may be required.
62. The Licensee will provide an adequate number of supervisors who can provide care for the children as they move from stage to dressing room etc., and to ensure that all children can be accounted for in case of an evacuation or an emergency.
63. The venue will be suitable to accommodate safely the numbers of children intended.
64. All supervisors and crew will receive instruction on the fire procedures applicable to the venue prior to the arrival of the children. The Licensee will ensure that all special effects e.g. flashing lights, dry ice, smoke etc. are suitable for the children involved in the performance.

Annex 3 – Conditions attached after a hearing by the licensing authority

The prevention of crime and disorder

65. A suitable closed-circuit Television (CCTV) system will be in operation at the premises at all times when it is being used for the provision of licensable activities and/or when members of the public are permitted to be on the premises. The CCTV system will record images to cover all areas of the premises to which the public have access (save for toilets), including any external areas of the premises such as car parks and beer gardens. The CCTV system will be capable of retaining images for a minimum of 31 days, will be of good quality and will contain the correct time and date stamp information. The CCTV system and images will be kept in a secure

environment to which members of the public will not be permitted access. At least one member of staff will be on duty at the premises who is capable of operating the system and downloading images recorded by it. These images will be downloaded and provided, on request, to an officer of a responsible authority.

66. The minimum number of door supervisors for the premises is 2. The days and hours door supervisors operate on the premises are:
- a. Friday, Saturday and Sunday 20:00hrs until close.
 - b. From 2000 on any day where a temporary event notice is in force that permits the sale of alcohol beyond that permitted under the premises licence.
67. The number of door supervisors to be employed at the premises may be reduced on agreement with the Police Licensing Officer, a copy of such agreement being sent to the licensing officer at Leeds City Council.
68. The premises licence holder and/or designated premises supervisor will ensure that a Daily Record Register is maintained on the premises by the door staff. The Daily Record Register will contain consecutively numbered pages, the full name and registration number of each person on duty, the employer of that person and the date and time he/she commenced duty and finished duty (verified by the individual's signature). The Daily Record Register will be retained on the premises for a period of twelve months from the date of the last entry.
69. Notices will be prominently displayed at the entrances of the premises which state:
- a. a search may be conducted as a condition of entry to premises;
 - b. Incidents of crime and disorder will be reported to the police and a full recorded entry will be made in the incident report register.
 - c. Entry to the premises will be refused to any person who appears to be drunk, acting in a threatening manner or is violent; or appears to be under the influence of drugs.
 - d. entry will be refused to any person who has been convicted of an offence of drunkenness, violent or threatening behaviour or the use or distribution of illegal substances.
70. No boxing events of any type will be allowed on the premises.
71. No events of a sexual nature will be allowed on the premises at any time.

The prevention of public nuisance

72. Noise from a licensable activity at the premises will be inaudible at the nearest noise sensitive premises.
73. The premises licence holder and/or designated premises supervisor will ensure patrons use beer gardens, external areas and play areas in a manner which does not cause disturbance to nearby residents and business in the vicinity.

The protection of children from harm

74. The age verification policy adopted by the premises, in respect of the sale or supply of alcohol will be Challenge 25, which means that those seeking to purchase alcohol at the premises who appear to be under the age of 25 will be required to provide acceptable evidence (as per home office/ industry guidelines) that they are 18 years of age (or older) before any alcohol is sold or supplied to them.
75. People under 18 will only be allowed entry whilst being supervised by an appropriate adult.
76. People under 18 will not be allowed to remain on the premises or on land owned or controlled by the premises beyond 2000hrs.

[REDACTED]
Children's Looked After Team 9 (13+)
PO Box 837,
Kernel House,
Children's Social Work Service,
Leeds City Council,
Killingbeck Drive,
Leeds, LS14 6UF

PRIVATE AND CONFIDENTIAL

[REDACTED]
[REDACTED]
[REDACTED]
Date: 10/06/2024

RE TANYA CLOWES [REDACTED]

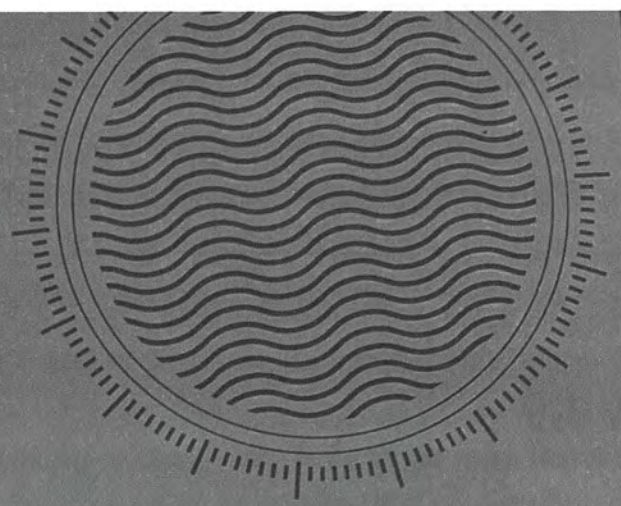
To whom it may concern,

Please accept this letter to state, Ms Clowes is a Kinship carer for the Local Authority. To be a Kinship carer, Ms Clowes has undertaken assessment and met all necessary criteria to care for a Child Looked After at her home and continues to do so, without any cause for concern.

If you require any further information, please contact me on the above details.

Yours Sincerely,

[REDACTED]
Senior social worker
Children's Looked After Team 9 (13+)



Certificate of Conformity

This is to certify that Chubb Fire & Security Limited, a company registered with BAFE for the contract maintenance of portable extinguishers and a holder of a BAFE certificate, has inspected the portable fire extinguishers at your premises, that they are installed according to British Standard BS 5306: Part 8 and have been serviced as required by BS 5306: Part 3 and BAFE Scheme SP101, or to the requirements agreed in writing between our two companies.

Customer THE NEW MIDDLETON
Location 4 THORPE STREET
LEEPS
LS10 4ND

Please tick the appropriate box	Actions	Service Representative Number
<input checked="" type="checkbox"/>	Site equipment fully maintained to standard	18524
<input type="checkbox"/>	Minor non-conformance/ no major equipment fault. Please refer to the service Report	

Month and Year of Issue July 2023

Job/Certificate Number NO 32524348.

Your inspection certificate will be sent to the email address that you provided to your Service Engineer. A copy of your inspection certificate can be obtained by emailing your local branch with details of your contract number.

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BAFE
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