

ENTERTAINMENT LICENSING

**WITNESS STATEMENTS**  
(CRIMINAL PROCEDURE RULES, PART 27)

**28 NOV 2019**  
**RECEIVED**

**Statement of witness**  
(Criminal Procedure Rules, r 27.1(1);  
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

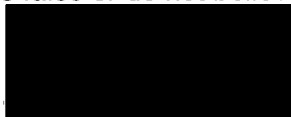
STATEMENT OF: Zoe Carter

Age of witness: Over 18



Occupation: Environmental Health Officer/ Senior Technical Officer

Address: Millshaw House, Millshaw Lane, Leeds, LS110LS

This statement, (consisting of 5 page signed by me,) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signed...  .....

**Dated the 3<sup>rd</sup> September 2019**

1. I am Zoe Carter DOB 18.07.1995 and I am an Environmental Health Officer/ Senior Technical Officer for Leeds City Council.
2. On 09<sup>th</sup> February 2019 I received a complaint from a resident on St Alban Crescent, complaining of music and patron noise from Shaftsbury Pool Centre. As well as the behaviour of the patrons. A colleague had previously dealt with a complaint but was unable to contact the complainant. I discussed the complaint with the complainant who expressed her frustration with the music and patron noise and behaviour disturbing her sleep. I sent a formal investigation letter to James O'Donnell, the DPS of Shaftsbury and Salman Haydaran, the owner.
3. 19<sup>th</sup> March 2019 I had my first meeting with Salman Haydaran, the owner,   the wife of the DPS of Shaftsbury and also present was Samantha

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Signed...  ..... Dated the 28<sup>th</sup> November 2019

[Formerly form 13, Magistrates' Courts' (Forms) Rules 1981 (SI 1981/553), relating to rule 70 of the Magistrates' Courts Rules 1981, section 9 of the Criminal Justice Act 1967 and section 5B of the Magistrates' Courts Act 1980].

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Longfellow and Carmel Brennand from licensing. We discussed that both environmental health and licensing had separate complainants and that Sam had witnessed the noise being heard from the complainant's house. Salman explained he planned to cover the windows with boards to minimise the noise that is escaping from the building, in order for this to work it was explained to him that it would have to be acoustic insulation boards and not just regular. Samantha Longfellow and Carmel Brennand also explained not to carry on with the plan until fire service had been in and advised them. During the visit, I advised that they should conduct their own due diligence tests and adjust the bass accordingly, to which Salman expressed he might just turn the bass off all together. I explained that I was not asking that of him, just simply that he control the noise better. I then advised it could be a solution to install a noise limiter but emphasised it would need to be to EH standard and would need to be hardwired into the system so couldn't be overridden by DJs.

4. I noted the second fire exit was blocked so advised that must be clear as they have it signposted so in a fire, people will use it. Salman also expressed his desire to put a balcony to the rear of the premise to encourage smoking there rather than outside, I told him he would most likely need planning permission for this if he was to go forward with it.
5. Correspondence with the complainant said it had improved and little bass had been heard, and hadn't heard patron noise.
6. 1<sup>st</sup> April 2019 I received an email from complainant advising the noise was just as bad from the music.
7. 9<sup>th</sup> April 2019, I received a complaint from a resident on Harehills Lane, later that day I sent a second formal investigation letter. Both complainants returned noise diaries that indicated Shaftsbury was causing serious and frequent disturbances to sleep.
8. Over the next month, I received three emails, dated 11<sup>th</sup>, 14<sup>th</sup> and 25<sup>th</sup> May 2019 advising of noise from patrons, the latter email referencing to screaming and loud conversations.
9. 2<sup>nd</sup> July 2019 my second complainant emailed to inform me that the noise was too much and she was moving house due to the noise from Shaftsbury.
10. 12<sup>th</sup> July 2019 I installed noise monitoring equipment into the complainant's

Signed.....  ..... Dated the 28<sup>th</sup> November 2019

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house on St Albans Crescent and I could hear low bass noise but no patron noise.

11. 21<sup>st</sup> August I met again with Salman, Carmel, Vanessa and Beverley Hocking from planning enforcement. Discussed ongoing issues of noise and requested to see due diligence logs (checks carried out) but Salman couldn't produce the records. I suggested the option of limiting hours as the main hours of issue were 2am-5am, the last 3 hours of operation but Salman protested that this option would majorly affect business as it is his clients culture to come out at 1/2am, usually already drunk. Salman advised that he had a noise limiter on order but again couldn't produce receipt or any evidence of purchase. Salman Confirmed have DJs Friday, Saturdays and Sundays. There was a poster that advertised DJs until 6am Beverley (Planning Enforcement) explained planning permission was to 5.30 and that should mean everyone out and closed up by 5.30am. Vanessa Holroyd of Environmental Health noticed the window was smashed and had been covered with MDF boards. She advised Salman that this would be allowing noise to escape and would need replacing with usual double glazed window that was in the other windows. On our way out Vanessa and I looked at speakers and noticed they were all individually plugged in, we explained to Salman they would all need to connect to the main system for the limiter to work. A time frame was agreed of one month for the noise limiter and window to be fixed.
12. On the 6<sup>th</sup> Of September I received a phone call from a [REDACTED] from a South East Sound and Lighting company. Once he had confirmed he was authorised to speak on behalf of Shaftsbury Pool centre, I explained there was a window broken, which needed fixing and that I had requested a noise limiter be installed. I advised Salman had until 21st September to install it. [REDACTED] relayed that Salman had requested he could have access to it, to which [REDACTED] responded no. I explained we had had that conversation with him and that the noise level meter was not to be tampered with or overridden. [REDACTED] believed Salman didn't understand the implication of going to committee, to which I assured him he did. Martin confirmed he would be going to site soon to review and advise Salman on how to control sound escaping but it was difficult as he was based in London.
13. 29<sup>th</sup> September 2019 I met again with Carmel Brennand, Vanessa Holroyd and Salman Haydaran at Shaftsbury Pool centre. The windows which were not broken had been covered and plastered over. However the broken window was still broken and gaps were big enough to see daylight through- there was

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Signed... [REDACTED] ..... Dated the 28<sup>th</sup> November 2019

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scaffolding erected and Salman produced a letter to which requested a 50% deposit before any works commenced for the bespoke window. Salman had not paid this yet and so we agreed upon paying and confirming an installation date by Friday (27.09.2019) Also, Salman had bought a noise limiter but had not installed as the company he had corresponded with were based in London and he wanted a Northern based company. We agreed the same date to confirm installation date on this too. Salman was advised of the seriousness of not progressing these measures and advised that we would look to review his license if he couldn't manage the noise or patrons. Carmel confirmed to Salman that she had witnessed 30 people being outside and on the streets causing a nuisance to the local residents and it was agreed if this was witnessed again, he would be reviewed for his license and a notice served. He agreed and advised once again he would be speaking to door staff and looking into using another security agency.

14. On 23<sup>rd</sup> October 2019, Salman emailed me to confirm he had done the jobs and Vanessa and I visited him that afternoon. We confirmed the window had been fixed and boarded over and that the noise limiter had been fitted appropriately. Once that was confirmed I reminded Salman that he needed to crack down on his patron noise and that he had to ensure his door staff were doing their jobs. He agreed and said he would speak to them.

15. 12<sup>th</sup> November 2019 I emailed Salman to confirm I was happy with the measures put in place would reduce noise nuisance significantly and that I was closing the case against him. In this email I also reminded him controlling patron noise was just as important and that he would need to speak to door staff again to ensure management of his customers.

16. During my investigation, noise nuisance was the focus, however from the initial complaint patron noise has also been an issue. Throughout the investigation it was evident that Salman and [REDACTED] were not communicating with door staff and if they were, they were not being listened to. I believe that Salman and his door staff struggle to manage his patrons and their behaviour.

Signed..... [REDACTED] ..... Dated the 28<sup>th</sup> November 2019

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