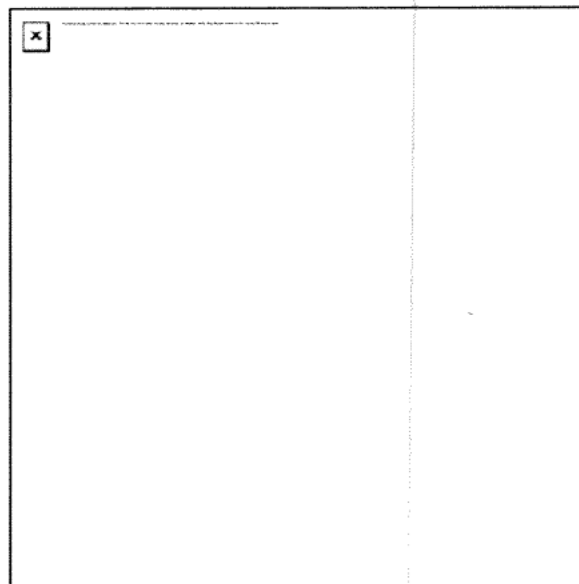


BM



Samantha Longfellow-Peniket
Entertainment Licencing
Enterprise
Leeds

Environmental Protection Team
Leeds City Council
Millshaw Park Way
Leeds
LS11 0LS

Contact: Ms Jessica Deighton
Tel: 0113 378 4612

10 March 2020

Dear Samantha

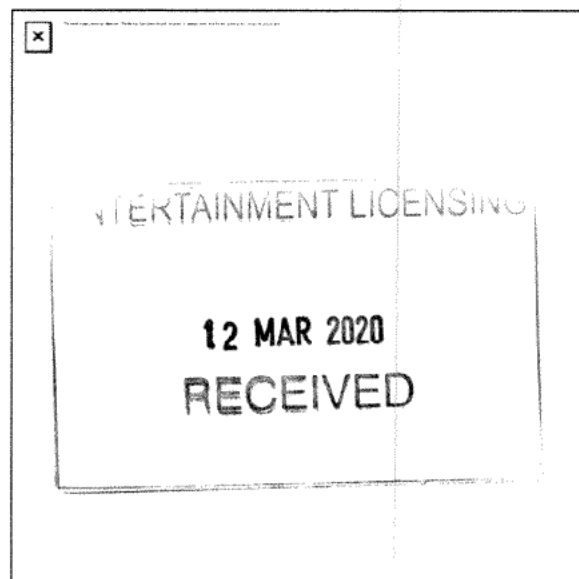
The New Middleton, 4 Thorpe Street, Middleton, Leeds, LS10 4HD

Please see the attached witness statement in support of a review of the above premises.

Please accept this formal representation by an officer on behalf of the Environmental Protection Team. I am Senior Technical Officer and I have the responsibility for investigating complaints of alleged statutory nuisance under Section 79, Environmental Protection Act 1990. This includes

www.leeds.gov.uk

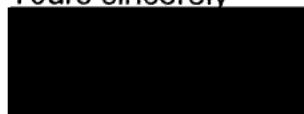
general enquiries 0113 222
4444



investigating cases of noise nuisance from commercial premises, those which are licensed and unlicensed.

In view of the issues referred to and the failure of the operator to operate responsibly in upholding the licensing objectives I strongly support the review application submitted by the Licensing Authority.

Yours sincerely

A black rectangular box redacting the signature of Ms Jessica Deighton.

Ms Jessica Deighton
Senior Technical Officer

WITNESS STATEMENTS
(CRIMINAL PROCEDURE RULES, PART 27)

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

STATEMENT OF: Jessica Deighton

Age of witness: Over 18

Occupation: Senior Technical Officer

Address: Environmental Action Service, Milshaw House, Leeds LS11 0LS

This statement, (consisting of 7 page/s each signed by me,) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signed. 

Dated the 10th March 2020

I am employed by Leeds City Council as a Senior Technical Officer on the Environmental Protection Team. I have the responsibility for investigating complaints of alleged statutory nuisance under Section 79, Environmental Protection Act 1990. This includes investigating cases of noise nuisance from commercial premises.

1

Signed. 

Dated the 10th March 2020

[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].

WITNESS STATEMENTS
(CRIMINAL PROCEDURE RULES, PART 27)

On the 13th November 2019, I attended an Action Plan meeting arranged by Samantha for Julie Jackson, the Designated Premises Supervisor (DPS), to attend and discuss matters in relation to both statutory nuisance and licencing objectives. In attendance were Julie Jackson, [REDACTED]

The following points were agreed in relation to managing the noise at the premises:

- Signs will be placed at the exit remind patrons to have regard to nearby residents and neighbours
- During any busy periods (especially Wed & Sun eve) at the premises, there will be staff placed on the door when the bar closes to ensure patrons leave quietly
- A written noise policy will be put in place part of the policy will include making a note of any issues that arise (e.g. noise & ASB) including times, dates, area and if known by who
- An incident register shall be in place in order to report any incidents of antisocial behaviour including names, dates and times – all incidents of antisocial behaviour that shall be reported to the ASB Team

A follow up meeting was arranged for 21st November 2019 to ensure that all action points stated had been carried out. On the 21st November, I met Samantha, and Sarah Blenkhorn from West Yorkshire Police Licencing Team on site. However no-one attended from the New Middleton and the meeting had to be re-arranged. During my attendance on site at this particular time I noted there was an excessive amount of waste on the land, a large skip container was over flowing with waste. There was a car at the back that was a shell. At the side of the property there was further bits of waste, as well as lots of old cars.

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Signed... [REDACTED] Dated the 10th March 2020

[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].

WITNESS STATEMENTS
(CRIMINAL PROCEDURE RULES, PART 27)

On 24th November, the complainant stated *'Just a quick update on this week we have had noise and disturbance again from the New Middleton this week, there was noise beyond midnight on Thursday evening with gathering outside the front doors, Friday night was the same but not sure whether you are aware but ambulances were called, police were present and had to actually close and tape the pub off which resulted in disturbance again until 2am in the morning and again last night noise, shouting outside the doors and didn't close until 12:50am.'*

Things do not appear to be changing at all.'

On the 29th November 2019 I reported my findings to the Cleaner Neighbourhoods Team in relation to waste on the land of The New Middleton.

Further updates from the complainant were received on the 29th November regarding patrons staying late on Wednesday 27th November, shouting and swearing outside the front doors and not leaving until after 1am.

On the 14th December, I received an email stating that the pub was open on Thursday the 12th December until 1.30am, and on Friday the 13th December they shut the doors at 3.30am. The complainant goes on to say that there were shouting and swearing on both days and on the Friday people were hanging about outside the doors until after 3am.

Further correspondence were received regarding the 18th and 20th December *'Friday 20th it was after 2am before it shut and on Wednesday 18th there was arguing and shouting outside and they were open until after 3am'*

Signed. 

Dated the 10th March 2020

WITNESS STATEMENTS
(CRIMINAL PROCEDURE RULES, PART 27)

It has been clear that over the past few months' attempts have been made by officers to encourage Julie Jackson, the DPS, and [REDACTED] to improve the management of The New Middleton. The lack of action has resulted in ongoing problems and an overwhelming detrimental effect on local residents. The problems have been persistent and continuous over weeks of talks and council involvement.

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Signed. [REDACTED] Dated the 10th March 2020

[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].