

WITNESS STATEMENT

(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B;
Criminal Procedure Rules, Rule 16.2)

NICHE Ref. No:

URN:

Statement of: PC [REDACTED] JASMINE HANMER

Date of birth: Over 18

Occupation: POLICE OFFICER

This statement (consisting of 3 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.

Signature: J. Hanmer

Date: 06/11/2024

Signature witnessed by: N/A

Date: N/A

Time and date statement taken: 06/11/2024 16:30

Check box if witness evidence is visually recorded (supply witness defaults on rear)

The Fenton Hotel, 161-163 Woodhouse Lane, Leeds objection to application to extend opening hours to 2am every day.

I am a Police Officer with West Yorkshire Police and am currently a Neighbourhood Policing officer within North West Leeds. My roles and responsibilities include community crime and anti-social behaviour issues within the Inner North West wards. The issues effecting this area are often complex and dramatically affect the quality of life of those living in the town, as well as local businesses attempting to operate in the area.

I am experienced within Neighbourhood Policing with 7 years' experience in West Yorkshire Police, all of this within uniformed policing all within Neighbourhood Policing. I have been in my current position of one of the dedicated Headingley and Hyde Park ward officers for almost 5 years, the aim of my role is to work collaboratively to address community issues through the use of problem solving by integrated working with a range of public and private partners, building trust and confidence and developing a detailed understanding of the community.

I have extensive experience in the diverse issues the area faces, including serious and acquisitive crime, alcohol related disorder and drug supply.

Through my role, I have regular interactions with the community, business groups and locally based support groups and statutory organisations, putting into context the level of knowledge I have on the Inner North West area of Leeds.

I am making this statement based on my overall knowledge of anti-social behaviour and nuisance directly linked to the nighttime economy within this area and also on behalf of the police officers and staff that work on the same terrace as The Fenton, therefore I am able to comment on my own and colleagues' experiences.

The area is covered by the PSPO (Public Space Protection Order) which was introduced due to the levels of disorder and alcohol related ASB which areas of Inner North West Leeds encountered, and this licensing extension does not help the aims of the PSPO to be fulfilled, in fact it would be a hindrance.

The regular complaints encountered in the area include:

- Litter and untidiness around the area from drink related objects including beer bottles and cans. Broken glass littering pavements and around bus stops.

Signature: J. Hanmer

Signature witnessed by: N/A

NICHE Ref. No:		URN:	
----------------	--	------	--

Continuation Statement of: PC [REDACTED] JASMINE HANMER

- Public safety concerns around people urinating and vomiting in the street. Often pools of urine and vomit are found on the police station doorstep and around the bus stop.
- Abuse and verbal threats to members of the public walking by and to police staff by drunken individuals.
- Individuals passed out in the street due to intoxication.
- The area has complaints regarding misogynistic comments from drunken males and this has now been specifically written into the PSPO to try and address. Allowing this premise to serve alcohol into the night on all days of the week only stands to make this worse, especially given this area is near the universities and student accommodation so there is high footfall of people at all times of the day and night. There is also a bus stop located very close to The Fenton, this can be intimidating for females, especially alone when waiting for public transport. Female police staff have also experienced misogynistic comments when they have been walking towards the police station past the large crowds queuing up to enter the pub or leaving, if these males are comfortable enough to speak in such a way to uniformed officers, then it puts into question how they would be with lone civilian females.
- Violent crime linked to drinking alcohol.

The Prevention of public nuisance

The terrace of properties in which The Fenton is situated in the middle of, consists of two empty premises, UNIPOL student housing office and Woodhouse Lane Police station. Therefore, within this parade it is only the Police station that has people working within outside the hours of 9am-6pm. However, directly opposite is Broadcasting Tower which is a Leeds Beckett University building containing 241 student residence. It is fair to presume that those who live within the city centre come to expect some night life noise on a weekend, however the noise pollution coming from the pub itself and the customers while queuing to enter and when leaving up until 2am every night will surely have an impact on these residents.

The amended guidance issued under section 182 of the Licencing Act 2003 states-

It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

In terms of those working in the area of the licensed premises- as stated above Woodhouse Lane Police Station is the only open working environment during all the hours that The Fenton are applying to be open for. Officers have previously contacted Leeds City Council Environmental Protection Team due to the volume of the music playing from the premises and in their back yard that would shake the police station windows and make it an impossible place to work.

An issue was also raised regarding the extension of the 'beer garden' directly up to the rear entry to the police station meaning officers are constantly coming across intoxicated customers urinating and leaving litter in the rear of the police station and blocking the rear exit. After raising the issues with the Environmental Protection Team, The Fenton did make efforts to reduce the noise which was appreciated. However, it is still an incredibly loud venue to attempt to work next to especially when officers are completing important court paperwork for cases, without high levels of concentration could result in mistakes being made. If The Fenton is open until 2am every night this will no doubt have a significant impact on the working environment of the police station.

Signature: J. Hanmer

Signature witnessed by: N/A

NICHE Ref. No:		URN:	
----------------	--	------	--

Continuation Statement of: PC [REDACTED] JASMINE HANMER

The 'beer garden' still remains up to the rear of the police premises, this rarely appears to have any security staff managing and customers are often found intoxicated leaving the premises with open containers of alcohol. Regularly officers are advising customers that due to the Public Space Protection Order in place they cannot have open containers of alcohol in a public place and issuing tickets when required-it appears that the security are not advising customers about this and are allowing them to leave with alcohol. These plastic containers are often found littered on the street, alongside people found urinating up against the buildings.

Access to The Fenton is via the front door on Woodhouse Lane, this is often managed by security however these queues are large meaning customers are blocking the footpath and the highway on Lodge Street, not only putting potentially intoxicated people at risk but making it difficult for residents to access the public footpath. Officers are regularly engaging with the security to manage the queues better, being in a student area if this premise is open until 2am every night this will become a draw to the students of people partaking in the Otley run on any day of the week, so I imagine it will increase the overall footfall later into the night and on weekdays. The pub is always loud and unthoughtful, but on a weekend it is unbearable. This alteration to their hours will ensure the venue is always a loud and lively premise, the same that is it on a weekend as it will be one of few venues at this part of the city, other than student only venues, that is open so late on weekdays.

During Friday and Saturday night police officers often work deviated hours later into the night and are often assigned to work the night-time economy to deal with any crime, disorder or nuisance that comes with it. The Licensing Act 2003 mentions that the legislation supports a number of other key aims and purposes. It states these are vitally important and should be principal aims for everyone involved in licensing work. This includes-

“Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems.”

A great deal of police effort and time has been diverted into addressing these concerns; additional patrols have had to be moved from other areas of policing to enforce the PSPO and assist with night-time economy. Police officers regularly are committed and tied up for several hours with drunken individuals who are being abusive or passed out in the street. There is not a dedicated operation currently in place dedicated to policing the night-time economy on every night of the week.

In summary, as one of the local Neighbourhood Police Officers, we would object to this variation both as a police service and as a neighbour.

Signature: J. Hanmer

Signature witnessed by: N/A

Chronology of incidents The Fenton

DATE, DAY, TIME	OFFENCE	DETAILS	REF
03/11/24 0118 hrs Sun am	Violence against person	Assault x 2	*598338 *59847 *598330 0152 3/11
26/10/24 2154 hrs Saturday	Breach PSPO	Male with open alcohol container outside police station clearly from the Fenton	*363294
27/10 24 1612 Sunday	Breach PSPO	Group outside Fenton, blocking footpath, asked to move back by Police and words of advice given to security	*363294
28/07/24 0009 hrs Sun am	Violence against person	Assault door staff	
14/6/24 0057 hrs Friday	Public order	Male refusing to leave , staff concerned, no security	0069 14/6 *319026
20/5/24 1202 hrs Monday	Threat to damage	Threat to burn down venue after being kicked out	*287896
03/12 23 0129 hrs Sunday am	Violence against person	Assault – potential broken nose, victim drunk	0120 03/12 *667706
25/11/23 2359 hrs Saturday	Violence against person	Assault	1792 25/11 *654474
11/2/23 2000 hrs Saturday	Violence against person	assault	*083521
24/10/23 2359 hrs Tuesday	Public order	Male refusing to leave	1981 24/10 *592046

17/09/23 0527 Sunday - occurred 2230 16/09 (Sat)	Violence against person	Intoxicated Caller barred from pub and claims assault by doorstaff	0307 17/9 *517894
16/8/23 2022 hrs Thursday	Public order	Intoxicated male refusing to leave	1726 17/8
18/3/23 2056 hrs Saturday	Violence against person	Assault – female pushed	1835 18/3
15/2/24 2337 hrs Wednesday	Public order	Barred male refusing to leave	1998 15/2

North West Leeds PSPO

Public Spaces Protection Order Number (2) of 2023
(the "order") Area of North West Leeds.

Anti-Social Behaviour, Crime and Policing Act 2014.

This Order may be cited as Leeds City Council, Public Spaces Protection Order Number (2) of 2023.

Leeds City Council exercises its powers under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and under all other enabling powers, hereby makes the following Saturday 01 July 2023 and shall have an effect for 3 years thereafter, unless extended by further order under the Council's statutory powers.

1. This Order relates to the part of Leeds City Council, Area of North West Leeds as shown edged black on the attached plan (the 'restricted area').
2. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met. Namely, that anti-social behaviour and/or criminal activities have been carried out within the 'restricted area' through 'engaging, promoting, encouraging, or assisting in carrying out a street party', or through use of intoxicating substances', 'criminal damage',

and/or 'anti-social behaviour'; or through the lack of control of 'household waste'. These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within that area and have such an effect.

3. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

Prohibitions

1. Person(s) within the 'restricted area' will not: engage, promote, encourage, or assist in carrying out an event which may constitute a nuisance, on any public green spaces or public highway without the express permission of the local authority. This includes use of amplified sound, selling or distribution of alcohol or erecting temporary structures such as stalls or tents.

2. Person(s) within the 'restricted area' will not: be in groups of two or more and engage in anti-social behaviour likely to cause alarm, harassment or distress to any other person in a public space; or obstruct a public footpath or highway.

- 2.1 No person who is in breach of prohibition 2 shall refuse to leave an area when required to do so by an authorised officer in order to prevent anti-social behaviour, public nuisance or disorder, or the obstruction of a public footpath or highway.

2.2 Where required to leave the restricted area under section 2.1 the individual person shall not return to the restricted area for 24 hours without a good reason to do so.

3. No person shall be verbally insulting to any person or behave in a way which causes or is likely to cause harassment, alarm or distress to another person this will include but not limited to approaching women in the restricted area making sexually inappropriate comments or gestures.

4. No person at any time shall urinate or defecate in a public place, that is not a designated public convenience, within the restricted area

5. Persons within the restricted area will not consume alcohol or be in possession of an open container of alcohol so as to cause or be likely to cause nuisance or annoyance to any other person. in a public space unless they are on premises or in public spaces licensed for the consumption of alcohol under the Licensing Act 2003 or premises or places otherwise exempt from the operation of this PSPO by Section 62 Anti-Social Behaviour Crime and Policing Act 2014.

5.1 In relation to alcohol Persons who breach Prohibition 5 will be required to surrender anything in their possession which the officer reasonably believes to be alcohol or a container for alcohol where the officer believes is causing or is likely to cause nuisance or annoyance to any other person.

6. Person(s) within the 'restricted area' will not: ingest, inhale, inject, smoke or otherwise use intoxicating substances in a public space.

6.1 Intoxicating Substances is given the following definition which includes alcohol and Psychoactive Substances i.e. substances with the capacity to stimulate or depress the central nervous system. Exemptions shall apply in cases where the substances are used for

a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food health and safety legislation.

6.2 Persons within this area who breach prohibition 6 shall (with the exemption of the matters referred to in Paragraph 5 above): surrender in accordance with the requirements under section 63(2) intoxicating substances in his/her possession to an authorised person and the authorised person is thereafter authorised to dispose of any item under section 63(5) of the Act.

6.3 An authorised person could be a Police Constable, Police Community Support Officer or Council Officer, and must be able to present their authority upon request.

7. This section of the Order applies to all persons in a position to control residential premises (referred to as “the relevant person”) that are within the specified area, (all such premises referred to hereafter as “relevant premises”) and includes any person residing permanently or temporarily, by legal right or simple occupation, at relevant premises and also any owner or managing agent of relevant premises.

Each relevant person shall have an equal and separate responsibility in relation to the household waste requirements set out in this order whether physically present at the relevant premises at the relevant time or not.

Requirements relating to household waste:

7.1 Each relevant person must ensure that all household waste presented for collection from their premises is contained in a wheelie bin or is presented for collection in a manner specified for their property by Leeds City Council.

7.2 Each relevant person must ensure that the wheelie bin for their property or waste presented for collection in a manner

specified for their property is not situated outside the boundary of their premises other than between 6pm on the day before collection is due, and 9pm on the day of collection unless the wheelie bin is in an identifiable bin storage area or yard for wheelie bins of their property.

Fixed penalty notices and offences

1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order or, to fail to comply with any requirement of this Order.
2. In accordance with section 63 of the Act, a person found to be in breach of this Order by continuing to consume alcohol after being required by an authorised person to stop consuming alcohol in breach of this Order, or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 2 fine or to a Fixed Penalty Notice up to £100.
3. In accordance with section 67 of the Act, a person found to be in breach of this Order other than by continuing to consume alcohol after being required to stop by an authorised person or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice up to £100.

Appeals

1. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been

complied with may apply to the High Court within six weeks from the date upon which the Order is made.

Given under the Common Seal of Leeds City Council

The common seal of the council was hereunto affixed in the presence of:

Sarah Blenkin (Authorised Officer), Commercial Property Team Leader, Legal Services

Seal No. 106239

Appendix

A street plan of Leeds City Council, area of North West Leeds showing the 'restricted area' edged in black.

Boundary for discussion

