

## Licensing Sub-Committee

Tuesday, 22nd May, 2012

**PRESENT:** Councillor B Selby in the Chair

Councillors G Wilkinson

### 288 Election of the Chair

**RESOLVED** – That Councillor Selby be elected as Chair for the Hearing.

### 289 Declarations of Interest

There were no declarations of interest.

### 290 Preliminary Matters

Prior to the commencement of the Review Hearing, the West Yorkshire Police representative informed the Panel of the likely time needed to present the case. This would involve the showing of CCTV footage and calling of witnesses. The Sub-Committee discussed the possible length of the hearing and Councillor G Hyde informed the meeting that he would be unable to remain in attendance throughout the afternoon. All parties agreed that the Hearing could go ahead with two Members.

### 291 "D'Fusion" - Application for the Review of premises licence for D'Fusion Leisure Ltd, 26 - 30 New Briggate, Leeds LS1 6NU

The Sub-Committee considered an application made by West Yorkshire Police, under Section 51 of the Licensing Act 2003 for the Review of a Premises Licence in respect of D'Fusion, 26-30 New Briggate, Leeds.

The following were in attendance:

- Mr J White – John White Licensed Trade Consultants
- Mr C Cheung – Licence Holder, D'Fusion
- Mr K L Cheung – D'Fusion
- Mr K Y Cheung – D'Fusion
- Mr D Fullerton – Professional Security
- Mr P Brampton – Professional Security
- Sgt R Fullilove – West Yorkshire Police
- Insp R Clarke – West Yorkshire Police
- PC C Arkle – West Yorkshire Police
- Mr J Grinion – Pro Tech Security
- Mr R Dyson – Pro Tech Security
- Ms C Sanderson – Observing
- Ms C Brennand – Observing

The Legal Adviser informed the Hearing of the procedures to be followed and the Licensing Officer presented the report.

West Yorkshire Police were invited to present their case.

Sergeant Fullilove presented the case and the following issues were highlighted:

- Concerns regarding the fact that the venue operated over three floors and concern regarding the staffing in relation to quantity, quality and disposition of door staff.
- Concerns regarding the use of drugs at the venue, in particular relating to 'Obsession' evenings.
- Other events at the venue considered to be risky and that attracted criminal fraternities.
- Events held at the venue without details being submitted to West Yorkshire Police beforehand and therefore being unable to check security arrangements.
- Issues relating to under aged drinkers in the venue. Five under eighteen year olds were found to be on the premises during the Police raid on 3 March 2012.
- Concern regarding the relationship between West Yorkshire Police and the Operator. It was felt that full co-operation had not been given by the operator leading to a lack of trust and it was felt that this could put public safety at risk. There had been several incidences of Police advice not being followed.
- The use of non SIA registered door staff and spurious door staff. Other members of staff were dressed similar and acting in the role of door staff.
- Bookings at the venue on the same evening from separate groups that are likely to lead to conflict.
- West Yorkshire Police had engaged with the operator in an attempt to control risk but had rarely received risk assessments prior to events. Information on events had previously become known to the Police via social networking websites.
- Reference was made to fights that had occurred in and around the premises.
- Reference was made to events that had been arranged and subsequently cancelled on Police advice.
- Concern regarding the suitability of an Events Promoter who used the venue. The concerned person was highlighted on DVD footage involved in a fight that took place over the road from the venue.
- Following the Police raid on 3 March 2012 a significant amount of controlled substances were found on the premises on the first floor during an 'Obsession' event.
- Repeated advice and warnings to the operator regarding the use of some staff and promoters who were considered to be unsuitable.
- Contrary to information in the defence papers, West Yorkshire Police did not recommend any security companies to operators.
- Mr J Grinion was invited to give evidence to the Sub-Committee. Mr Grinion's company previously supplied door staff to D'Fusion. In response to questions he gave the following information:
  - Negotiations were usually held with Mr C Cheung.
  - Last minute calls for staff were often received.
  - Difficulties getting the operator to understand the risk element when ascertaining the number of door staff required for events.

- The charity event held at the venue appeared to be a normal 'Obsession' event. Three members of door staff had been requested but this was re-negotiated to ten.
- It was felt that the approach taken by the operator could lead to the risk of staff, customers and the venue.
- Pro Tech had never been unable to supply door staff to D'Fusion.
- Pro Tech had existed as a limited company since 1987.
- Inspector Richard Clarke was invited to give evidence to the Sub-Committee. In response to questions, he gave the following information.
- D'Fusion was situated in an area that was busy from midnight to 5.00 a.m. There were also several food establishments in the area.
- Problems occurred with highly intoxicated groups from the Chapeltown area.
- There were regular reports from Police staff regarding D'Fusion. This could be problematic when resources were tied up in one area of the City and staff sometimes had to be called in from elsewhere. It was felt that there was a lack of co-operation from the operator.
- With reference to the raid of 3 March 2012, which Inspector Clarke oversaw, he reported that there was no disorder within the premises. The main quantity of drugs discovered were found on the first floor mainly in and around the DJ stand. Police dogs indicated most people in the venue on the first floor had traces of drugs.

The hearing adjourned at 12.25 p.m. and recommenced at 1.05 p.m.

Mr J White presented the case on behalf of D'Fusion. The following issues were highlighted:

- It was felt unfair to label the events held at the venue as drug related. Other kinds of music events also attracted drug users.
- The owners had co-operated with the authorities concerns regarding the employment of extra door staff and examples of this were detailed in the report.
- There was no intention to pass other staff off as door staff and new uniforms had been introduced to clearly distinguish between staff. Examples of uniform were shown to the sub-committee.
- A member of staff who the Police had raised concerns about had left employment at the premises.
- Further to the DVD that was shown, there was no proof that the fighting had emanated from the premises and had actually taken place over the road.
- With regard to the promoter of the 'Obsession' events, and Police concerns, there had not been any criminal proceedings brought against the promoter.
- It was felt that the amount of drugs seized at the premises was not a significant amount and indicated that it was amounts that had been brought in for personal use. It was also disputed how much was seized.
- Further training would be held with door staff regarding searching customers for drugs.

- Mr White invited Mr Fullerton to address the hearing and he explained the policy at the club with regards to searching customers before entering the premises.
- That issues surrounded the premises had been sensationalised without substance by the Police with comments in the press.
- Mr White made reference to the chronology of events detailed in the report and doubted the validity of some of the comments and how they could be the responsibility of the premises.
- The owner of the premises regularly met with Police to address issues and concerns.
- Evidence given by Mr Grinion was disputed. In response to this, Mr Grinion reiterated that his company had withdrawn their services from the premises and informed West Yorkshire Police at the time.
- It was felt that the licence could have been amended by variation rather than having a review called.
- The internal operations of the premises were explained with two of the three floors primarily used as a restaurant and for karaoke.
- The owner had followed Police recommendations in the operation and had demonstrated a willingness to work with the Police and other authorities.
- The current company that supplied door staff at the premises was recommended by West Yorkshire Police.
- Mr White asked questions of Mr P Brampton of Professional Security who was involved with the door staff at the premises. He reported that there had not been any further trouble linked with the premises since 3 March 2012 and informed of improved arrangements for supervision at the premises.
- It was felt that the number of empty drug packets found behind speakers on the evening of the raid could have accumulated over a period of time and not just that evening.
- The incident with the fighting that took place over the road could not have been prevented by door staff at D'Fusion as it was off the premises.
- Staff were fully trained regarding licensing objectives.
- The owner would be happy to accept any conditions to the licence that would enable continued operations at the premises.
- Monitoring of the premises by door staff for signs of drug use and drug dealing.

Both parties were invited to summarise their presentations and the sub-committee went into private session to reach a decision.

**RESOLVED** – That the licence at D'Fusion Leisure Ltd, 26 - 30 New Briggate, Leeds LS1 6NU be revoked.