



LICENSING SUB-COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
MONDAY, 15TH OCTOBER, 2012 AT 10.00 AM

MEMBERSHIP

Councillors

A Khan - Burmantofts and Richmond Hill;
R Charwood - Moortown;
G Wilkinson - Wetherby;

Agenda compiled by:
Tel No:
Governance Services
Civic Hall
LEEDS LS1 1UR

Helen Gray
247 4355

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p><u>PRELIMINARY PROCEDURES</u></p> <p>ELECTION OF THE CHAIR</p>	
2			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

Item No	Ward	Item Not Open		Page No
3			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1) To highlight reports or appendices which:</p> <p>a) officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>b) To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>c) If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p> <p>2) To note that under the Licensing Procedure rules, the press and the public will be excluded from that part of the hearing where Members will deliberate on each application as it is in the public interest to allow the Members to have a full and frank debate on the matter before them.</p>	
4			<p>LATE ITEMS</p> <p>To identify any applications as late items of business which have been admitted to the agenda for consideration.</p> <p>(the special circumstances shall be identified in the minutes)</p>	

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5			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13 -18 of the Members' Code of Conduct. Also to declare any other significant interests which the Member wishes to declare in the public interest, in accordance with paragraphs 19 -20 of the Members' Code of Conduct.</p> <p><u>HEARINGS</u></p>	
6	City and Hunslet	10.4(7)	<p>"FIRE" - APPLICATION TO REVIEW A PREMISES LICENCE - FIRE, CALL LANE, LEEDS LS1</p> <p>To consider the report by the Head of Licensing and Registration setting out details of an application for the Review of the Premises Licence held by Fire 50a Call Lane Leeds LS1 6DT. The application is made by West Yorkshire Police.</p>	1 - 174

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CONFIDENTIAL AND EXEMPT ITEMS

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

9.0 Confidential information – requirement to exclude public access

9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

9.2 Confidential information means

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

10.0 Exempt information – discretion to exclude public access

10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Exempt information means information falling within the following categories (subject to any condition):

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

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Leeds

CITY COUNCIL

Report Author: Bridget Massey

Tel: 0113 247 4095

Report of the Head of Licensing and Registration

Report to the Licensing Sub Committee

Date: 15th October 2012

Subject: Review of the Premises Licence for Fire 50a Call Lane Leeds LS1 6DT

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	City and Hunslet	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Appendix number E		
If relevant, Access to Information Procedure Rule number: 10.4 (7)		
This appendix is regarded exempt under the provisions of Paragraph 14 of the Licensing Act 2003 (Hearings Regulations 2005)		

Executive Summary

This report informs Members of an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003, sought by West Yorkshire Police in respect of Fire 50a Call Lane Leeds LS1 6DT. The Licensing Authority is now under a duty to review the Premises Licence held by these premises. Members may recall that this application was originally to be considered on the 18th July. Following discussions between the applicant's solicitor and the police solicitor it was agreed to seek an adjournment to allow the applicants time seek a buyer for the premises. The applicants agreed that the premises would not operate during the period of adjournment. At the time of writing this report we understand that a purchaser has been found but no application to transfer the licence has been received.

1.0 Purpose of this Report

1.1 This report provides Members with the background and history to the making of the review. The report sets out the relevant law when reviewing licences under the Licensing Act 2003 ("the Act"), and informs members of the options available to them when reviewing a premises licence.

2.0 Background Information

2.1 An application for the conversion of a Justices Licence, Special Hours Certificate and Public Entertainment Licence was received by the Licensing Authority on 29th July 2005. The only responsible authority who could comment on conversions was West Yorkshire Police who did not make a representation and subsequently the licence was granted. The applicants applied to vary the licence. The application did receive representations from responsible authorities but these were all agreed and so the licence was granted.

On the 22nd July 2009 West Yorkshire Police made an application for a summary review supported by British Transport Police. The application was heard on the 28th August 2009. The decision of the Sub Committee was to remove the designated premises supervisor and add conditions. A copy of the decision letter is attached at Appendix A.

On the 23rd December 2009 the premises licence holder applied to vary the designated premises supervisor from Ken Doleki to Christopher Barrow. No representation was received from West Yorkshire Police and the application was granted.

On the 4th March 2011 the premises licence holder applied to vary the designated premises supervisor from Christopher Barrow to Alexander David Pinnegar. No representation was received from West Yorkshire Police and the application was granted.

On the 10th April 2012 the premises licence holder applied to vary the designated premises licence supervisor from Alexander David Pinnegar to Mike Gibson. No representation was received from West Yorkshire Police and the application was granted.

On the 26th April 2012 the premises licence holder applied by way of a minor variation to reduce the hours of operation and add additional conditions. West Yorkshire Police submitted a representation to the licensing authority as they considered the application inadequate to deal with the issues at the premises and they felt it was an attempt to undermine the review process. The Licensing Authority considered the reduction of hours and additional conditions proposed in the minor variation application did not undermine the licensing objectives and granted the minor variation.

2.0 Premises Licence

2.1 The Premises Licence Holder is True Reason Ltd .

2.2 A copy of the Premises Licence can be found at Appendix B of this report.

2.2 In summary, the Premises Licence permits the following:

Sale of alcohol
Performance of live music
Performance of recorded music
Entertainment of a similar description
Provision of facilities for dancing
Provision of facilities for anything similar to making music or dancing.

Every Day 11:00 to 03:00 Hours

Opening hours 11:00 to 03:30 Hours

3.0 Designated Premises Supervisor

3.1 The Designated Premises Supervisor for the premises is Mr Mike Gibson

4.0 Location

4.1 A map which identifies the location of the premises is attached at Appendix C.

5.0 Main Issues

5.1 The review is being sought by West Yorkshire Police on the grounds of the prevention of crime & disorder, prevention of public nuisance, public safety and protection of children from harm. The application and supporting evidence is contained within appendix D.

5.2 It should be noted that certain information submitted by West Yorkshire Police, within the application is potentially exempt information under Access to Information Rule 10.4 (7) as it includes information which relates to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. This information is contained within Appendix E

5.2 As part of the review procedure, details of the review and an outline of the grounds on which the review is requested must be displayed at the premises for a period of 28 days, commencing the day after the application is received.

5.3 Such notices were duly placed on prominent display at the premises on 16th May 2012 and checked on a regular basis. The notices were removed at the end of the consultation period on 12th June 2012.

5.4 Section 51 of the Licensing Act 2003 places the Licensing Authority under a duty to review the premises Licence in respect of Fire Nightclub. A summary of the procedure followed in accordance with the Act is attached to this report by way of a flow chart at Appendix F.

5.5 West Yorkshire Police have submitted DVDs as part of their review application which will be available for members of the Licensing Sub Committee to view at the hearing.

6.0 Relevant Representations/Support

6.1 Under the Act representations/support can be received from responsible authorities and or other persons. Representations must be relevant and, in the case of an other persons, must not be frivolous or vexatious.

6.1.2 A letter of Support to the review application has been received from other persons. Members attention is drawn to the background papers provided.

7.0 Matters Relevant to the Application

7.1 Members of the Licensing Sub Committee must make decisions with a view to promoting the licensing objectives which are:

- 7.1.1 the prevention of crime and disorder;
- 7.1.2 public safety;
- 7.1.3 the prevention of public nuisance; and
- 7.1.4 the protection of children from harm.

7.2 In making their decision Members are obliged to have regard to guidance issued under Section 182 of the Act, a copy of the relevant section is attached at Appendix G Members must also have regard to the Council's licensing policy, the relevant representations made and evidence they hear.

8.0 Implications for Council Policy and Government

8.1 It is the stated licensing policy of the Council that when considering a review the authority will take into account all relevant circumstances, but will view the matters listed in paragraph 12.13 of the policy with particular seriousness.

9.0 Legal and Resource Implications

9.1 There are no resource implications in determining the review.

9.2 The Act provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrate's Court.

10.0 Recommendations

10.1 Members are requested to determine this review. The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- 10.1.1 to modify the conditions of the licence (which includes adding new conditions or any alteration or omission of an existing condition);
- 10.1.2 exclude any licensable activities to which the application relates;
- 10.1.3 to remove the Designated Premises Supervisor;
- 10.1.4 to suspend the licence for a period not exceeding 3 months; and/or
- 10.1.5 to revoke the licence.

10.2 Members may alternatively decide that no action is necessary and that the circumstance of the review does not require the Committee to take any steps to promote the licensing objectives.

10.3 Members should note the Guidance also suggests it is open to Members to issue an informal warning to the licence holder or to recommend improvement within a particular time. However the Guidance further provides that where responsible authorities have already issued such warnings, the issuing of another warning should not be repeated.

10.4 Members of the Licensing Committee are asked to note that they may not take any of the steps outlined above merely because they consider it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

11.0 Background Papers

11.1 Guidance issued under s182 Licensing Act 2003

11.2 Leeds City Council Statement of Licensing Policy

11.3 Background papers – Support from a member of the public

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Sgt R Fullilove
 Leeds District Licensing Office
 Millgarth Police Station
 Millgarth Street
 LEEDS
 LS2 7HX

Governance Services

4th Floor West
 Civic Hall
 Leeds LS1 1UR

Contact: Helen Gray
 Tel: (0113) 247 4355
 Fax: (0113) 395 1599
 Email: helen.gray@leeds.gov.uk
 Our Ref: A61/HG/Puro review DL hg
 Your Ref:

Date 2 September 2009

"PURO" (FORMERLY THE FRUIT CUPBOARD) 50A CALL LANE, LEEDS, LS1 6DT - REVIEW OF A PREMISES LICENCE FOLLOWING AN APPLICATION MADE UNDER SECTION 53A OF THE LICENSING ACT 2003

On 28th August 2009 the Licensing Sub Committee met to consider a Summary Review of the Premises Licence currently held at the premises known as "Puro" 50A Call Lane, Leeds, LS1 6DT in accordance with Section 53C of the Licensing Act 2003. The Review had been necessitated following application made by West Yorkshire Police, with the support of British Transport Police, under Section 53A of the Licensing Act 2003. Both Police Forces believed the premises was associated with serious crime and serious disorder.

This letter provides an outline of the matters considered at the hearing and provides the detail of the formal decision of the Sub Committee in respect of the Summary Review.

Background

Members were aware of the outcome of an Interim Steps Hearing associated with this Review which had been dealt with by another Sub Committee on 24th July 2009.

Furthermore, this Sub Committee had previously met on the 18th August 2009 to deal with the Summary Review however had adjourned the matter due to the amount and timeliness of documentation submitted by the parties.

Members had taken the opportunity to set a deadline for the receipt of submissions from all parties as 4.00 pm on Monday 24th August 2009 after which the agenda and papers for this hearing were despatched.

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In Attendance

The Applicant – West Yorkshire Police
Sergeant R Fullilove
Inspector G Alderson – British Transport Police

Premise Licence Holder – Truereason Ltd
Mr A Lyons – solicitor
Mr K Dolecki – Designated Premises Supervisor at Puro and Operations Manager of Truereason
Mr C Edwards – CEO of Truereason

Mr B Patterson – Licensing Officer WYP

Observers

Nicola Ellis – member of the public

Preliminary Procedural Issues

The Sub Committee considered preliminary matters of a purely procedural nature. No declarations of interest were made. The Sub Committee decided that the procedure for the hearing would not be varied except that they did not set a time limit for submissions and agreed to allow both parties 5 minutes in which to sum up.

The Sub Committee also considered if the public should be excluded from any parts of the hearing. The Sub Committee decided to exclude the public from that part of the hearing where Members would deliberate on submissions and evidence presented. This would allow them to have a full and frank discussion on all matters put before them and this fact outweighed the public interest in not doing so.

Prior to the hearing the Sub Committee had considered the Licensing Officers Report containing a copy of the application as made by West Yorkshire Police (WYP), supported by British Transport Police (BTP). Appended to the report were two bundles of documents submitted by WYP and Truereason Limited, the Premises Licence Holder respectively prior to the 24 August 2009 deadline. The contents were as follows:

WEST YORKSHIRE POLICE	TRUE REASON LTD
<p>Statement of Insp G Alderson, BTP Statement of Sgt R Fullilove Statement of Sgt M Jackson Statement of Sgt R Pedley Statement of D I David Boldison Letter to Mr Dolecki from PC Arkle 3 Anonymous witness statements 2 anonymous letters Various Newspaper cuttings 1 anonymous e-mail Letter to WYP from Mr M Cunliffe of TWG 52 to end – Puro's incident report log</p> <p>WYP also submitted 2 DVD's (GLA01 and GLA02) with CCTV footage showing 2 incidents they wished to refer to within their verbal submission</p>	<p>Statements of Mr K Dolecki Statements of Mr C Barrow Statements of M C Edwards Various letters and e-mail correspondence between Mr K Dolecki and WYP and/or BTP Action Plan for Puro drafted by BTP Notes made by Mr Lyons of phone calls to WYP and/or BTP Policies – search, drugs, music, Glass, dispersal, queue and entry etc Analysis of evidence submitted by WYP/BTP Various news items from YEP/WYP/ BBC websites record of drugs seizure proposed "Boudoir" entertainment details of the CCTV set up email from "Call Lane" and emails/letters from other operators of Call Lane Anon e-mail & letter to WYP 2 e-mails of support</p>

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The Legal Adviser explained that further information had been submitted by Truereason Ltd after the agreed 24th August deadline and sought to clarify whether this documentation would be accepted by WYP and the Sub Committee. This additional submission included a supplementary statement from Mr Dolecki; a condensed timeline of events leading up to the Review and a DVD showing CCTV footage.

Mr Lyons agreed the additional statement could be dealt with verbally during his submission. He maintained his request that the timeline and DVD be tabled. In response, Sgt Fullilove stated his objection in principle to the late submission of the documents after the agreed deadline, however he agreed in the interests of fairness to accept the timeline and DVD.

The Legal Adviser also sought to clarify the position with regards to the DVD footage submitted by both parties, noting that the Members of the Sub Committee had not viewed the footage. Mr Lyons stated his objection to the contents of GLA02 which he stated contained CCTV footage gleaned from the CCTV system of another premises on Call Lane – namely Revolution. He submitted the proprietors of Revolution had not given consent for this footage to be used for the purpose of this hearing and therefore this would not be a lawful use of the material under the terms of Article 2 of the Data Protection Act which required material to be used only for the purpose it was commissioned for. The Sub Committee received advice that Sections 34 & 35 of the Data Protection Act did provide exemptions to the terms of Article 2 – in that material could be used for the purposes of the prevention of crime and disorder. The Sub Committee determined the CCTV footage on GLA02 was admissible as this hearing would consider matters to prevent incidents of crime and disorder.

The Hearing

In considering the Review, the Committee took into account the written submissions contained within the Licensing Officers report plus the verbal submissions and DVD evidence given at the hearing by all parties. The Sub Committee also had regard to the provisions of the Licensing Act 2003, guidance under Section 182 (3rd issue) of that Act and the Council's own Licensing Policy and in particular Section 13 (Enforcement and Reviews).

The Sub Committee then went onto consider the Section 11 the Guidance (Reviews) as the Sub Committee took the view the following paragraphs had bearing on the application:

11:1 – 11:10	The Review process
11:15 -11:21	Powers of a Licensing Authority on the determination of a Review
11:22 – 11:27	Reviews arising in connection with crime

Reasons for the Review request

Both WYP and BTP had served a Certificate, given by a senior member of each police force, because in their opinion Puro was a premise which was associated with serious crime or serious disorder or both. That Certificate accompanied the application.

The grounds for the Review brought by WYP were detailed in the Licensing Officer's Report and can be summarised as:

- For some time both forces had been concerned about the level and severity of violent crime at Puro and intelligence that controlled drugs were freely available inside the premises with club staff taking little or no action against some or all of the dealers operating within.

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- The police believed that the actions of the door staff or lack of them, as detailed in the evidence submitted, made Puro an environment where offenders were free from the consequences of committing a violent or seriously criminal act as they knew there was little likelihood of them being detained by club staff and being subsequently prosecuted.
- The police believed there was a positive link between increases in serious violent crime with the dealing and consumption of Class A Drugs in any licensed premises, not just Puro. The physical and cerebral side-effects of drug consumption distort the mental capacities of those who use such substances and cause violent behavioural changes increasing the risk of conflict, and in some cases they render users vulnerable to their own actions and those of others. In addition, the organisers of the illegal distribution of drugs are often violent criminals with a single-minded intent to protect their income and "territory". Habitually these persons will carry weapons to enable them to do this.
- The management of Puro had not satisfied police that they were capable of, or willing to take proactive steps to rectify matters surrounding the issues raised by the police with them. They had not displayed the level of co-operation expected of such an organisation.
- The police maintained that there was an overall management attitude of denial of the existence of the causes of concern in the club and an obvious reluctance to rectify them.
- An Action Plan had been imposed on the club by the BTP in April 2009 after many months of failure to gain co-operation by voluntary means. The Action Plan revolved around searching of customers, incident book and door staff issues relating to the detention and apprehension of suspects who commit assaults and violent crime, CCTV and the use of polycarbonate drinking vessels when the club is in operation.
- During the period of the Action Plan test purchase operations had led to undercover officers being sold drugs in the premises and officers had witnessed drug taking in full view of staff in the premises
- In addition the police had serious concerns about juveniles being admitted to Puro and the requirement to protect children from harm.

Interim Measures

A previous Licensing Sub-Committee had met on 24th July 2009 to consider whether it was necessary to take interim steps pending a Summary Review. The Sub-Committee's decision was: *"That the premises remain closed until such time that a decision made under Section 53C at the Summary Review is made; or that a decision made under Section 53C at that Summary Review has been appealed and that appeal has been disposed of."*

Submissions and Evidence on behalf of the applicant – West Yorkshire Police

Sgt R Fullilove presented the case on behalf of WYP with additional information provided by Insp. G Alderson of BTP. The matters highlighted at the hearing – over and above the written submission - can be summarised as follows:

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- Both police forces had concerns about the level and severity of violent crime at Puro and intelligence that controlled drugs were freely available inside the premises with club staff taking little or no action against some or all of the dealers operating within and also about the impact of the music and clientele of the premises on the Safer Leeds initiative
- Puro was generally felt by both BTP and WYP to be an environment for criminal activity and both forces felt action was necessary due to evidence of the following matters which were described in detail at the hearing:
 - violent crime and the link between alcohol and violent crime
 - Class A drugs use,
 - under age persons within the premises,
 - excessively drunk customers;
 - the ineffective management and ineffective leadership at the premises, the lack of concern displayed by the management and their lack of co-operation with the police
 - ineffective staff and particularly the previous DPS Mr S Moore;
 - issues with the door staff team which were found to be rude and unhelpful to customers, did not attempt to detain suspects/violent criminals or assailants and were felt to be manipulative of the management of the club; door staff failed to deal with the drugs problems

DVD Evidence - All parties viewed the DVD evidence GLAO1 and GLAO2 as part of the police submission.

Submissions and evidence of the Premises Licence Holder

Mr A Lyons began his submission on behalf of Truereason Ltd, the Premise Licence Holder by presenting the DVD evidence provided by Truereason as part of their submission. This DVD contained CCTV footage taken from Puro's own CCTV system on 4 July 2009.

Mr Lyons then presented the case with additional information given by Mr K Dolecki and Mr C Edwards as appropriate. The matters highlighted at the hearing – over and above the written submission - can be summarised as follows:

- Truereason Ltd operated other premises within the City and wished to continue to operate this premises in a different way.
 - Rights of doorstaff to detain persons
 - The number, type and relevance of assaults listed within WYP submission
 - The difference between allegations and actual crimes committed
 - The alleged prevalence of drugs at the premises
 - The timeline of events from the serving of the Action Plan on 8 May 2009 to the commencement of Review proceedings
 - The agreements made by Mr Dolecki having regard to the Action Plan including to employ a female door staff member, to change the door staff team (although not the supplier) to use plastic glasses on student nights, to the CCTV measures proposed by BTP with a better recording facility and to instigate searches on entry to the club.
 - The music offered at the venue and the problems associated with it
 - The proposed re-branding of the premises to a burlesque style showbar
 - The Policies drawn up by Truereason Ltd for the premises
 - Offer to reduce the terminal hour from 06:00 hours to 04:00 hours

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The Sub Committee then afforded both parties 5 minutes in which to sum up.

Decision

Sub-Committee Members considered this matter very carefully. The decision was not an easy one.

Following the guidance, the Sub Committee considered what the cause or causes of the problems were. They found that the door staff had not been supervised adequately or at all, licence conditions had not been complied with and action taken to address the problems was far too late in the day.

Members considered whether this was a failure of Mr Moore as the Manager or a more systemic failure. They found that it was a more systemic failure up to and including Mr Edwards, CEO of Truereason Ltd. By way of example, the Sub Committee found that Mr Dolecki did not use his experience within the industry to adequately maintain control of Mr Moore and the door staff at the premises.

Having found these facts, Members considered what steps it was appropriate to take in relation to the premises. Revocation was an option that was considered very seriously in this case. Members were concerned that adding extra conditions to the licence may not make a difference to the situation. They considered the existing licence, which already had a number of conditions relating to door supervision, glasses, notices to patrons etc, and yet they noted that we found ourselves here in this Review talking about serious crime and drugs supply, which were very serious matters. They noted that Sgt Fullilove said that the Police had not mentioned revocation, and that he was not sure this was the way to go, but had doubts about the assurances that were being given. Members shared those doubts.

However, on balance they had been persuaded to allow a further chance for the venue to operate in the new style, which had been proposed during the Review Hearing. This should be seen very much as the last chance for this venue, effectively a yellow card for the premises.

Members also considered whether the removal of licensable activities from the licence was necessary. They considered that removing the activities would be akin to revocation, and since they had decided that revocation was not appropriate, they also rejected the removal of activities as an option.

Members did, however, decide to remove Mr Dolecki as the DPS. They noted that it had been indicated that Mr Dolecki would not be operating as the DPS in the new venue in any case. However, they did not want any prospect of the premises re-opening with Mr Dolecki as DPS. Taking this action prevented that and also allowed the Police to object to proposals for a new DPS before the premises re-opened, should that be necessary.

In relation to conditions, Members decided to impose a condition on the licence that the premises will operate search, queue and entry, drugs, dispersal, music and glass policies as set out in Truereason Ltd's representations to the Sub-Committee Review Hearing. The condition will further state that these policies may not be changed without the agreement of

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West Yorkshire Police. A further condition would be imposed that staff must be trained in relation to the above policies.

Members also considered that it was necessary to reduce the hours of operation in the premises so that the premises would in future close at 4.00 am and not 6.00 am.

In accordance with Section 53C (2) (c), Members indicated that the interim steps would cease to have effect once this decision came into force. Effectively, therefore, the premises stay closed in accordance with the interim steps until this decision has effect. This decision has effect in accordance with Section 53C (11), which is when the period for lodging an appeal against this decision expires or, where an appeal is lodged, the appeal has been dealt with.

As the interim steps will continue as set out above, Members considered that there was no need to impose a further suspension of the licence as a deterrent.

Appeals should be addressed to the Magistrates Court at:
Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP

Appeals should be accompanied by a copy of this decision letter and the court fee of £400.00 if you are the premises licence holder and £200.00 for all other parties. Cheques should be made payable to HMCS.

Appellants should be aware that the Magistrates have the power to award costs against any party as a result of any appeal proceedings.

Yours Faithfully

Helen Gray
Clerk to the Licensing Sub Committee
Governance Services

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Premises Licence

Premises licence number:

Appendix B

Public Register Copy

Initial licence from:

28th August 2005

Current Licence effective from:

17th May 2012

Premises Address Fire, 50A Call Lane, Leeds, LS1 6DT

Licensable activities authorised by this licence

Sale by retail of alcohol, Performance of live music, Performance of recorded music, Entertainment similar to live music, recorded music or dance, Provision of facilities for dancing, Provision of facilities for anything similar to making music or dancing,

Times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol

Every Day 11:00 - 03:00

Performance of live music

Every Day 11:00 - 03:00

Performance of recorded music

Every Day 11:00 - 03:00

Entertainment similar to live music, recorded music or dance

Every Day 11:00 - 03:00

Provision of facilities for dancing

Every Day 11:00 - 03:00

Provision of facilities for anything similar to making music or dancing

Every Day 11:00 - 03:00

The opening hours of the premises

Everyday 11:00 - 03:30

Alcohol is sold for consumption on the premises

Premises licence holder(s): True Reason Limited, Axis 62, Foxbridge Way,
Normanton Industrial Estate, Normanton, WF6 1TN

Registered number of holder(s): 02568121

Designated premises supervisor: Mike Gibson

Access to the premises by children is prohibited.

Licence Issued under the authority of Leeds City Council



Miss Jane Wood
Licensing Officer
Entertainment Licensing
Licensing and Registration

Licence produced on 03/07/2012 at 14:31
by Miss Jane Wood

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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

- a. games or 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 (other than any promotion or discount available to an individual in respect of alcohol for *consumption at a table meal, as defined in section 159 of the Act*);
- 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;
- d. provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
 - i. the outcome of a race, competition or other event or process, or
 - ii. the likelihood of anything occurring or not occurring;
- e. 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 glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

9. Changing the music to a relaxed mood, (only where the theme is generally loud or high impact dance music. Occasional public address or overt advertisement encouraging the sale of soft drinks, and water.
10. The Licensee will adopt a proof of age scheme which is approved by WYP and West Yorkshire Trading Standards (WYTS).
11. The Licensee's staff will ask for proof of age from any person appearing to be under the age of 21 who attempts to purchase alcohol at the premises.
12. The Licensee will prominently display notices which inform customers that open bottles or glasses may not be taken off the premises.
13. Plastic or toughened glasses/bottles will be used when requested by West Yorkshire Police (eg football match days).
14. Notices indicating the existence and effect of an Alcohol Designated Public Places Order will be displayed at the exits to the premises.
15. The Licensee will belong to a recognised trade body or Pub Watch Scheme, whose aims include the promotion of the licensing objectives.
16. 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.
17. The Licensee will comply with the agreed protocols of the local pubwatch scheme(s) or trade body where unilateral banning orders are implemented.
18. The Licensee will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The policy will be agreed with WYP. The Licensee of DPS will ensure that staff receive training on the policy.
19. 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.
20. Promote transport options (by advertising taxi numbers and having signs which allow the public to book taxis at reception), agree protocols and call priorities with local taxi firms and ensure transport options are suitably advertised at the venue and staff are aware.
21. A suitable CCTV system will be maintained and be operational on the premises at all times when licensed activities are being carried out.
22. The siting and standard of the CCTV system will be agreed with WYP prior to installation and will comply with that agreement at all times.
23. Changes to the siting and standard of CCTV systems may only be made with the written consent of West Yorkshire Police.
24. Security footage will be made secure and retained for a period of time to the satisfaction of WYP.
25. A Supervisors Register will be maintained at the licensed premises, showing the names, addresses and up-to-date contact details for the DPS and all personal licence holders.
26. The Supervisors Register will state the name of the person who is in overall charge of the premises at each time that 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.

27. The minimum of door supervisors for the premises is 2.
28. The Licensee will ensure that a 'Daily Record Register' is maintained on the premises by the door staff.
29. 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 (verified by the individual's signature).
30. The Daily Record Register will be retained for a period of twelve months from the date of the last entry.
31. Security staff/designated supervisors will be familiar with the premises policy concerning the admission, exclusion and safeguarding of customers whilst in the premises.
32. 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.
33. The Incident Report Register will contain consecutively numbered pages, the date, time and location of the incident, details of the nature of the incident, the names and registration numbers 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 numbers of any police officers attending, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident.
34. The Incident Report Register will be produced for inspection immediately on the request of an authorised officer.
35. The Licensee will inform West Yorkshire Police of any search resulting in a seizure of drugs or offensive weapons.
36. 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.
37. Notices will be displayed at the entrances of the premises which state:
 - A search will be conducted as a condition of entry to premises;
 - Incidents of crime and disorder will be reported to the police;
 - Entry to the premises will be refused to any person who appears to be drunk, acting in a threatening manner or is violent;
 - 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.
38. The premises will be linked to West Yorkshire Police (and other venues in the Leeds Nite Net area/scheme) by means of Radio.
39. Such communication link will be kept in working order at all times.
40. The communication link will be available to the Designated Premises Supervisor or other nominated supervisor and be monitored by that person at all times that licensed activities are being carried out.
41. Any police instructions or directions given via the link will be complied with whenever given.
42. All incidents of crime or disorder will be reported via the link to an agreed police contact point.

43. A minimum of 2 personal licence holders shall be on the premises at all times it is open for licensable activities.
44. SIA door supervisors shall be employed at a ratio of 1:80 customers at all times the premises is open for licensable activities.
45. Door staff, whether inside or outside the premises, shall wear high visibility jackets.
46. Door staff shall be provided with, and shall wear at all times when on duty, body cams. These shall record both images and sounds throughout each shift (save for breaks). The images shall be downloaded at the end of each night, and the recordings shall be kept in an unedited format for 31 days. The recordings shall be made available to West Yorkshire Police, British Transport Police or any other responsible authority upon request.
47. No customers shall be permitted on to the stage area.
48. *No drinks shall be sold at less than £1.50.*
49. The premise licence holder and/or DPS shall meet with WYP and/or BTP, if required, monthly.
50. Polycarbonate/plastic containers shall be used at all times for all drinks served at the premises. Drinks in glass bottles shall be decanted into plastic or polycarbonate containers before being given to customers. No glassware shall be passed over the bar to customers.
51. Both BTP and WYP shall be informed of all promoters hosting nights at the premises. Both BTP and WYP shall have absolute power of veto over the use of any particular promoter. If BTP and/or WYP decide that a particular promoter must not be used at the premises, the premises licence holder and/or DPS shall ensure that they are not. At least 14 days notice must be given to BTP and WYP of any new promoters the premises intends to use, and again BTP and WYP have absolute power of veto.
52. The premises shall operate a Challenge 25 policy and all staff shall be trained in its implementation.
53. Panic buttons shall be installed at the DJ booth and behind both bars to alert door staff to any incidents.

Public safety

54. 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.
55. 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 to be 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.
56. The Licensee will adopt at the premises written policies and procedures on:
 - Entry and egress to the premises (including monitoring of any capacity limit).
 - Evacuation of the premises.
57. The Licensee will ensure staff are trained on these measures, and all other matters relating to the safety of the public.
58. 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.

59. Where the licensable activities are held on floors other than the ground floor level the ratio of supervisors will increase to 1 per 100 occupancy or part thereof on those levels.
60. 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.
61. All exit doors will be accessible, open easily and exit routes will be maintained.
62. Safety checks, including doors, will be undertaken before opening to the public and a record kept of inspections.
63. Before opening to the public, checks will be undertaken to ensure all access to the premises are clear for emergency vehicles. Regular checks will be undertaken when the premises is open.
64. 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.
65. All equipment with which the public may have contact, will be maintained, stored and operated in a safe manner.
66. Appropriate maintenance and test records will be kept and be available for inspection by an authorised officer.
67. Empty bottles and glasses will be collected regularly paying particular attention to balcony areas and raised levels.
68. Electrical installations will be inspected on a periodic basis (at least every 5 years) by a suitably qualified and competent person. Inspection records/certificates will be kept. These will be made available at the request of an authorised officer. Portable electrical appliances including those brought in temporarily onto the premises will be checked on a regular basis by a suitably trained and competent person to ensure they are in a safe condition. Records will be kept of these checks. These will be made available at the request of an authorised officer.
69. Temporary electrical wiring and distributions will be inspected by a suitably qualified and competent person before they are put into use. An inspection record/certificate will be retained for inspection by an authorised officer.
70. The Licensee will maintain an electrical manually operated fire alarm system that can be clearly heard in all parts of the premises to the satisfaction of WYFRS.
71. The Licensee will maintain a fire alarm system with automatic heat and smoke detectors. The systems requirements, testing and operation will be to satisfaction of WYFRS.
72. The positioning of the electrical fire alarm system, smoke and heat detectors will be agreed with WYFRS.
73. Fire alarm tests will be carried out daily and recorded in a suitable log book. The log book will be made available for inspection by an authorised officer.
74. All staff will be trained in operating the alarm system and be familiar with the fire and escape routes and action to be taken in the event of fire.
75. The Licensee will install and maintain electrical emergency lighting. The source of supply for this lighting will be separate from that for the general lighting. The emergency lighting will be positioned in areas agreed with the WYFRS. These areas will include passages, corridors, ramps and stair cases. The emergency lighting will illuminate all the provided exit notices.
76. The emergency lighting will perform on a complete failure of the normal lighting in a manner agreed with WYFRS. The emergency lighting will meet the British safety standards stipulated by WYFRS.

77. The Licensee will provide to the satisfaction of WYFRS exit sign boxes lit by both primary and emergency lighting. These exit sign boxes will be placed in positions agreed with WYFRS. The size, illumination and design of the sign(s) will be agreed with WYFRS.
78. Exit doors will be provided with external primary and emergency lighting points to the satisfaction of the WYFRS. The design of external fire escape route will be to the satisfaction of WYFRS.
79. The location, number, fire rating and standard of fire extinguishers will be agreed with WYFRS prior to installation and will comply with that agreement at all times.
80. The emergency lighting system will be tested in a manner which satisfies WYFRS. The test results will be kept in a suitable log book and will be available for inspection by an authorised officer.
81. *All curtains and drapes in the premises will be fire retardant and to the satisfaction of WYFRS. Certificates of compliance to the relevant British Standards will be available for inspection by an authorised officer.*
82. Fabric, foliage and decorations will be constructed from materials to the satisfaction of the WYFRS. Certificates of compliance to the relevant British Standards will be available for inspection by an authorised officer.
83. The filling materials used in the furnishings will be combustion modified foam or other material to the satisfaction of WYFRS. Evidence of compliance to the relevant British Standards will be available for inspection by an authorised officer.
84. Any wall coverings at the premises, or on escape routes will be to the satisfaction of the WYFRS. Evidence of compliance to the relevant British Standards will be available for inspection by an authorised officer.
85. Floor coverings at the premises will comply with those safety standards as stipulated by WYFRS. Evidence of compliance to the relevant British Standards will be available for inspection by an authorised officer.
86. 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.
87. At the request of an authorised officer the Licensee will produce certification of any building works carried out at the premises. (This will be in the form of a building regulations completion certificate issued by the local authority or an approved inspector).
88. 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.
89. 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.
90. All floor surfaces will be suitably slip resistant, kept in good condition and free of obstructions to prevent slips, trips and falls.
91. *Safety glass that is impact resistant or shielded to protect it from impact will be used in all areas where the public may come into contact with it.*
92. Safety checks will be recorded and made available for inspection at the request of an authorised officer.

93. A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner.
94. Suitably trained First Aid staff will be provided at all times when the premises are open.
95. Adequate and appropriate First Aid equipment and materials will be available on the premises.
96. 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.
97. 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.
98. 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.
99. Fireworks or pyrotechnics will not be used without prior written notification to WYFRS.

The protection of children from harm

100. People under 18 (including staff) will not be admitted to the premises at any time when entertainment of a sexual or adult nature is being provided.
101. Measures will be put in place for ensuring non-admission to persons under 18 years of age when entertainment of an adult nature is taking place, such as door supervision and age checks (including staff).
102. The Licensee will not display outside the premises photographs or other images which indicate and suggest that striptease or similar entertainment takes place on the premises.
103. Any person on the premises who can be observed from outside the premises will be properly and decently dressed.
104. People under 18 will not be admitted.
105. Signs will be provided informing customers that sales will not be made to under 18s, and that age identification may be required.

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

The prevention of crime and disorder

106. The premises will operate search, queue and entry, drugs, dispersal, music and glass policies as set out in True Reason Ltd's representations to the Sub-Committee Review Hearing.

These policies may not be changed without the agreement of West Yorkshire Police
107. Staff must be trained in relation to the above policies

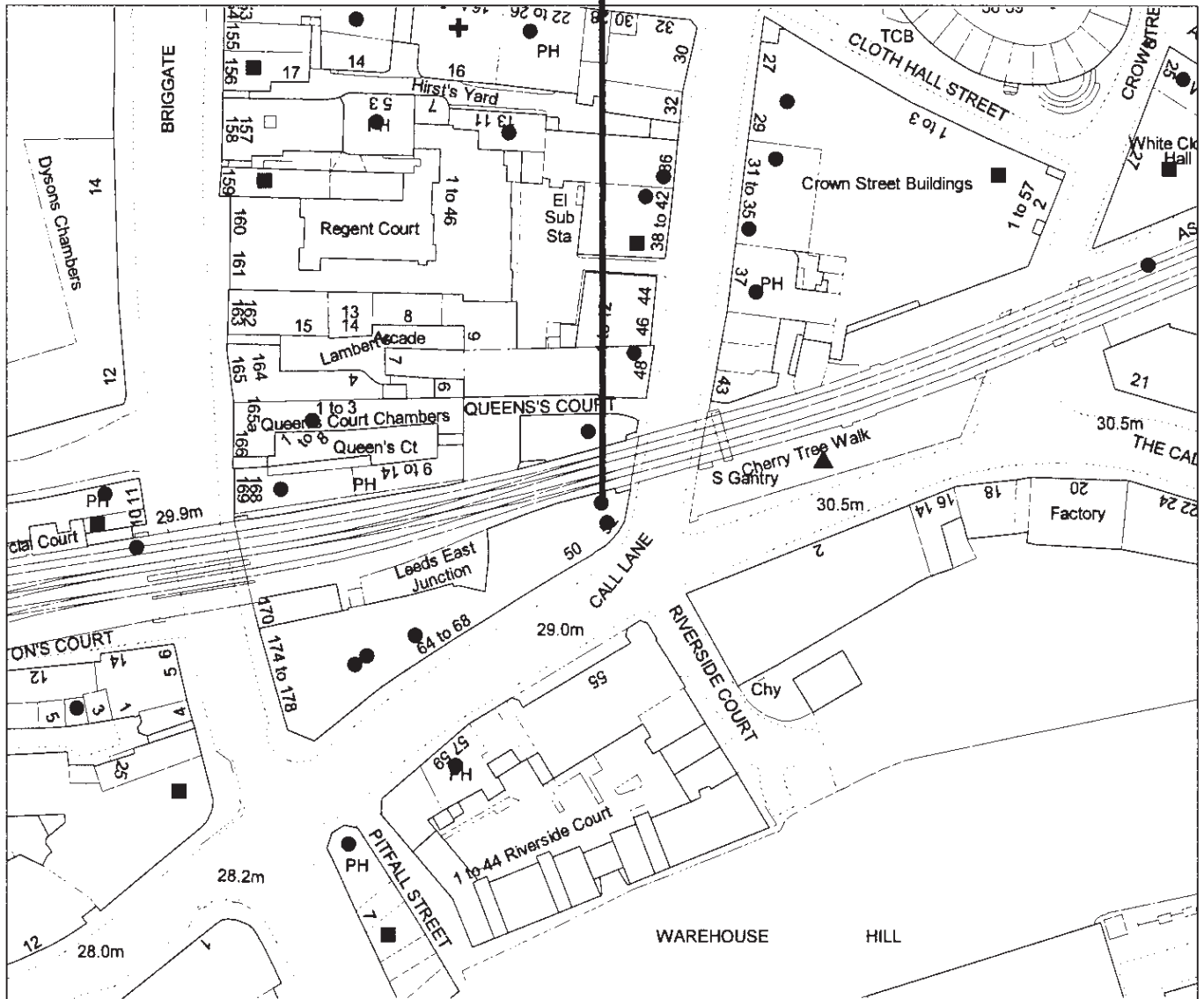
Annex 4 – Plans

The plans for these premises are as those submitted with the application. A copy of which is held by Leeds City Council licensing authority.

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FIRE

50a Call Lane Leeds LS1 6DT



This map is based upon the Ordnance Survey's Digital Data with the Permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office

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Date:	02 July 2012
Scale:	1:1250
Comments:	APPENDIX C

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**WEST YORKSHIRE
POLICE**

Leeds District Licensing Department

Licensing Department

Millgarth Police Station
Millgarth Street
Leeds
LS2 7HX

Tel: 0113-2413072

Fax: 0113-2413123

Email:

catherine.arkle@westyorkshire.pnn.police.uk

Website:

Your ref:

Our ref:

15th May 2012

**Entertainment Licensing Section
Leeds City Council
Civic Hall
Leeds
LS1 1UR**

RE:APPLICATION FOR REVIEW OF PREMISES LICENCE:

PREMISES: FIRE, 50A, CALL LANE, LEEDS, LS1 6DT

In accordance with Section 51 Licensing Act 2003, I hereby serve the application on the following-:

PREMISES LICENCE HOLDER:

**True Reason Ltd
c/o Poundworld Retail Ltd
Axis 62,
Foxbridge Way
Normanton Industrial Estate
Normanton
WF6 1TN**

EACH RESPONSIBLE AUTHORITY – please take note:

Supplied to each Responsible Authority at this stage is the Review application only!

Should any authority wish to be supplied with any of the additional supporting documents referred to in the application, the documents will be forwarded to the authority but only if a request is put in writing to West Yorkshire Police at the above address. Emails will be acceptable.

In addition, as this is an application made by West Yorkshire Police, each Responsible Authority is entitled to make relevant representations about this review, based on any of the four licensing objectives. If any of the Responsible Authorities listed below intend to do this, could they please contact West Yorkshire Police as soon as possible.

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

West Yorkshire Fire & Rescue Service:

Station Officer
Leeds Fire Station
Kirkstall Road
Leeds
LS3 1NF

Leeds City Council:**Health & Environmental Action Service:**

Millshaw Office
Millshaw Park Way
Churwell
Leeds
LS11 0LS

Leeds City Council – Health & Safety Team.

Health & Environmental Action Service
Millshaw Office
Millshaw Park Way
Churwell
Leeds
LS11 0LS

Health & Safety Executive

Principal Inspector
Marshalls Mill
Marshall Street
Leeds
LS11 9YJ

Children & Young People Social Care.

Safeguarding & Reviewing
4th Floor East
Merrion House
110 Merrion Centre
Leeds
LS2 8QB

Leeds City Council**City Development Department**

Planning & Development Services
The Leonardo Building
2 Rossington Street
Leeds
LS2 8HD

West Yorkshire Trading Standards.**(Weights & Measures Authority)**

Licensing Team
PO Box 5
Nepshaw Lane South
Morley
Leeds
LS27 0QP

NHS Leeds**NHS Leeds Head Quarters**

North West House
West Park Ring Road
Leeds
LS16 6QG

Further and in accordance with Section 52(1)(b) / 88(1)(b) Licensing Act 2003, I hereby give notice, that the holder of the premises licence / the club and any responsible authority, may make representations to the licensing authority about this review application, any time between the dates indicated on the notice which has to be displayed by the licensing authority, at or near the site of the premises to which the application relates, for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority – “The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005” (S/I 2005/No.42).

Yours faithfully,

PC 5548 Catherine Arkle
Licensing Officer
City & Holbeck
West Yorkshire Police

NOT PROTECTIVELY MARKED

**Application for the review of a premises licence or club
Premises certificate under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I,

PC 5548 Catherine Arkle

**apply for the review of a premises licence under section 51 of the Licensing Act 2003
for the premises described in Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

**Fire
50A, Call Lane**

**Post town
Leeds**

**Post code (if known)
LS1 6DT**

Name of premises licence holder or club holding club premises certificate (if known)

True Reason Ltd

Number of premises licence or club premises certificate (if known)

PREM/00733

Part 2 – Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below) **x**

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First Names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post Town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address West Yorkshire Police Licensing Department Millgarth Police Station Millgarth Street Leeds LS2 7HX
Telephone number (if any) 0113 2413072
E-mail address (optional) catherine.arkle@westyorkshire.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|---|
| 1) the prevention of crime and disorder | x |
| 2) public safety | x |
| 3) the prevention of public nuisance | x |
| 4) the protection of children from harm | x |

Please state the ground(s) for review (Please read guidance note 1)

This premises licence was first reviewed under the summary review procedure on 28th August 2009 when the venue was known as 'Puro'. The grounds for review were serious crime and serious disorder. The licence was not revoked but was given a 'last chance' to operate in a new style – a burlesque style showbar – as proposed by the premises licence holder during the hearing. The licensing sub-committee stated they shared the police doubts about assurances given by the operators and saw their decision not to revoke very much as a 'yellow card' for the premises.

Since the review the club re-opened under the name 'Fire'. The venue remains under British Transport Police (BTP) jurisdiction. BTP have presented evidence to West Yorkshire Police of a real decline in the management of the premises since January 2011 which has led to an increase in the number of assaults at, or associated with the premises, some of these assaults being extremely serious in nature. Despite meetings with BTP the assaults have continued including 2 stabbings, a facial injury caused by a bottle, 2 separate fractures of the jaw and a double fractured cheekbone.

BTP and West Yorkshire Police have therefore lost confidence in the ability of the club's senior management to prevent crime and disorder over any sustained period of time, and this application for a premises licence review is instigated in order to regulate the premises or for such other action to be taken which will allow the licensing objectives to be upheld.

Please provide as much information as possible to support the application
(please read guidance note 2)
Documentary evidence to support the review and the grounds previously described is contained in Criminal Justice Act witness statements from the following:

PS Michael Jackson - BTP
PC 5548 Catherine Arkle – WYP
Michael Waters – Leeds City Council Licensing Enforcement
Carmel Brennand – Leeds City Council Licensing Enforcement

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day 18th
Month July
Year 2009

If you have made representations before relating to these premises please state what they were and when you made them

Summary review application for serious crime and serious disorder – application served by PS 4581 Fullilove on 22/07/2009.

24/07/2009 – interim steps hearing

28/08/2009 – review following interim steps hearing

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signature (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature:

.....
Date: 15th May 2012

.....
Capacity: Divisional Licensing Officer, City & Holbeck
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Mr.Bob Patterson Licensing Dept Millgarth Police Station Millgarth Street	PC Cath Arkle Licensing Dept Millgarth Police Station Millgarth Street
--	---

Post town Leeds

Post Code LS2 7HX

Telephone number (if any) 0113 2414023/ 0113 2413072

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) Robert.Patterson@westyorkshire.pnn.police.uk/
Catherine.Arkle@westyorkshire.pnn.police.uk

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Fire, 50A, Call Lane, Leeds LS1 6DT

Chronology for Premises Licence Review.

Date	Action/Offence/Intelligence	Outcome/Involved
30/01/2011 01:30hrs	Malicious Wounding - C01/012565/2011 refers. Female customer subjected to unprovoked attack by another female customer	1" gash to head
04/03/2011	Application to vary DPS received	DPS changed from Chris Barrow to Alex Pinnegar
20/03/2011 00:05hrs	Affray – 13110129601 refers(WYP crime)2 males seen fighting outside Fire. WYP attend and both arrested. DPS stated that both had been in venue and had been ejected after becoming aggressive with each other. One was ejected from the rear and one from the front but they met up again outside the venue and started fighting.	Both charged with Section 4 POA. 1 since found guilty and no evidence offered for the other suspect.
01/07/2011 03:30hrs TEN in force	Robbery – C01/055684/2011 refers. Male punched repeatedly in toilets by 2 other males. One of suspects pointed out to door staff who eject suspect with no attempt to detain or search.	Historic jaw fracture re-opens and wallet and phone stolen.
01/07/2011 06:00hrs TEN in force as above	Malicious Wounding – C01/055354/2011 refers. Male attacked by 3 other males. Punched & kicked and hit on head with bottle. Also believes he is stabbed in the right side of his torso.	Laceration to head requiring 5 stitches, black eye, bruising to face and body, 2" incision wound to abdomen which required stitching and glueing. Investigating officers had difficulties obtaining statements from door staff. Suspect identified through forensic hit, arrested and

		charged with Wounding
08/07/2011 01:15hrs	Assault Occasioning Actual Bodily Harm – C01/057283/2011 refers. Female complainant in toilet cubicle is punched 5 times to head and face by another female who forces entry into the cubicle.	Facial bruising including black eye, lump to head, bruising and swelling to nose and chipped tooth.
29/07/2011 02:30hrs	Common Assault – C01/064430/2011 refers. Female customer punched in stomach on dance floor by another female. Door staff intervene but suspect manages to kick victim again and then punches male friend of victim causing his nose to bleed and bruising and swelling.	Police called and female arrested and charged with both assaults.
29/07/2011 03:30hrs	NSPIS Log 61/29/07/2011 refers – 2 females in difficulties in the toilets. Both taken to hospital and one admits having taken GHB inside premises after having bought it elsewhere.	Treated in hospital. One of females found to be only 17 years old.
07/08/2011 03:00hrs	Assault Occasioning Actual Bodily Harm – C01/066879/2011 refers. Argument between 2 males in the smoking area results in one punching the other in the face causing a black eye.	Failure to formalise complaint by victim leads to a charge for a public order offence as opposed to assault.
07/08/2011 03:00hrs	Common Assault – C01066880/2011 refers - Female in smoking area approached by estranged husband who grabs her by the hair and pulls her around.	No visible injuries. Police called by victim, and suspect arrested and charged with common assault.
02/09/2011 01:20hrs	Common Assault – C01/078903/2011 refers – female attempting to enter club in intoxicated state is refused entry. She responds by slapping club manager in face.	No visible injuries. Police called and female arrested. Received caution for assault.

04/09/2011 00:07	Drunk and Disorderly – 13110406647 refers(WYP) – female suspect is asked for i/d whilst inside venue. She cannot do so and is escorted out. When told she cannot take her glass out with her she throws it and kicks out at door staff.	Arrested. Fixed penalty ticket given for D&D.
18/09/2011 01:30hrs	Assault Occasioning Actual Bodily Harm – C01/078903/2011 refers – male is refused entry and verbal argument with door staff ensues. One of door staff grabs victim and punches him twice. Other doorman intervenes but suspect again hits male in face.	Cut above right eye requiring hospital treatment. Doorman arrested – caution given for assault.
23/09/2011 22:10hrs	PS Michael Jackson, BTP, licensing visit to premises.	List of persons authorised to sell alcohol out of date and lack of recording re refusals on the door and at the bar. Advice given to DPS.
25/09/2011 03:50hrs	Assault Occasioning Actual Bodily Harm – C01/081513 refers – male victim approached inside club by ex-partner. Relative of ex partner strikes victim on head causing small cut. Leaves club but again approached by ex partner outside who slaps his face and bites his upper left arm leaving bruising and bite mark.	Ex-partner arrested after initial complaint received but victim fails to formalise complaint.
01/10/2011 00:45	Assault Occasioning Actual Bodily Harm – C01/082829 refers – female victim on dance floor is grabbed by hair from behind, pulled to the ground and punched and kicked to the head. Regains footing but is again knocked to floor, kicked and punched. Onlookers stop fight and suspect leaves.	Victim suffers hairline fractures to ribs, burst blood vessels in both eyes, black eye and bruising to body. Suspect traced and arrested and charged with assault.

12/10/2011 00:40hrs	Drunk and Disorderly – C01/085789/2011 refers - Male refused entry to the club due to intoxication. Pushes barrier over and throws glass to floor. Detained by staff pending police arrival.	Male arrested and charged with D&D.
14/10/2011 01:23hrs	Common Assault – C01/087013/2011 refers & Racially Aggravated Harassment, Alarm & Distress – C01/087018/2011 refers – DPS dealing with a male who was reporting theft of phone. Male was asked to step outside as music very loud. He objected to this and when door staff tried to assist DPS he lunged at one of them, grabbing him around the throat. Struggle ensued and male was racially abusive to door staff. Detained for police.	Male was arrested and charged. CPS say insufficient evidence for assault but suspect charged with Threatening Behaviour and Racially Aggravated Disorderly conduct.
16/10/2011 02:00hrs	Assault Occasioning Actual Bodily Harm – C01/086925/2011 refers – in toilets female victim is approached by 2 other females who, after speaking to her, then push her to floor and punch and kick her causing scratches to face and arm, and bruising to arm and leg. Door staff become aware of incident and eject all 3 from the premises	Complainant gives police verbal account but will not formalise complaint as suspects are known to her. Bag lost during the disorder – later recovered by staff minus the cash and phone. Theft crime recorded – C01/086933/2011
16/10/2011 02:16hrs	Assault – Log 0212 of 16/10/2012(WYP) – refers to call from previous DPS of premises, Chris Barrow, stating a male has been hit over the head with a bottle and is partly unconscious. Patient in first aid room being treated. Ambulance reported as being on scene.	Injured party went home with wife – refused medical treatment and would not speak to police. No crime recorded.
17/11/2011 01:20hrs	Theft – NSPIS Log 40/17/11/2011 & C01/096033/2011 refer – female in club has bag removed from table by 2 other females and contents removed. Victim reports to door staff and points out suspects. Suspects are allowed to	No attempt to detain suspects for police. Later search of female toilets reveals a number of bags

	leave premises after returning articles to complainant.	and discarded items of stolen property.
17/11/2011	Letter sent by BTP to all of their licensed premises, including Fire, highlighting issues around crime and disorder in the lead up to Christmas and urging proactive measures by staff especially early intervention to prevent incidents occurring in the first place.	PS Michael Jackson - BTP
02/12/2011 22:33hrs	Leeds City Council Enforcement Officer, Michael Waters, noticed an exit door at 'Fire' appeared to be locked with roller shutter doors being used. Spoke with DPS who denied there was a rear exit, stating it was an entrance which wasn't always used.	Exit sign clearly marked inside the premises. DPS told to open immediately as public safety issue and breach of premises licence condition. Exit opened and member of door staff placed there.
04/12/2011 02:30hrs	Grievous Bodily Harm With Intent – C01/101264/2011 refers – male customer on dance floor involved in heated argument with another male who pushes him to the floor. Victim is ejected from premises by door staff and once outside realises he has an injury to his torso and is bleeding. Victim returns to club and is given first aid by DPS for what is a stab wound. Victim asks that police are not informed so DPS allows victim and suspects to leave the club/area.	Assault reported to police the next day after victim has received 10 stitches to lower abdomen for what is diagnosed as a stab wound. Door staff told investigating officers they had disagreed with the DPS not calling the police at the time and they were unhappy with him standing on the door and over-ruling their refusals.

05/12/2011	LCC Enforcement make BTP aware of the locked exit door from 02/12/2011	
19/12/2011 13:40hrs	PS Michael Jackson attends at Fire for meeting with Alex Pinnegar, DPS. Discussion re door staff and incident on 14/10/2011 which had not been reported to police but CCTV showed possible use of unlawful force by door staff. DPS stated 2 door staff had been dismissed because of this. His own actions on the door were questioned due to comments made to police by door staff. He said he had been monitoring them. Issue brought up re unhelpfulness of his staff when phone thefts were reported by customers(27/11/2011).	GBH from 04/12/2011 also spoken about. DPS criticised by police re non-referral at the time. DPS stated he had complied with victim's wishes but accepted he had used poor judgement. He said there would be no repetition.
23/12/2011 00:05hrs	Joint licensing visits by BTP and Leeds City Council Enforcement. DPS present. Positive indication re cocaine use in male and disabled toilets.	Advice given. No other issues.
03/01/2012	Complaint received by LCC Entertainment Licensing Section re stabbing from 3 rd /4 th Dec. Complaint was centred on the actions of the management and staff at the club.	Meeting arranged by Michael Waters, LCC Licensing Enforcement, with DPS. Also contacted BTP and WYP.
04/01/2012 14:40hrs	Michael Waters and Carmel Brennand attended at Fire to meet with DPS, Alex Pinnegar. DPS gave an account of what occurred on the night of the stabbing indicating that 2 different groups of males, one white and one black, had been ejected from the premises after the fight. The black males had been ejected to the rear of the premises and the white males had been ejected to the front of the premises, on to Call Lane. First aid had been given to one of the males when he returned, showing a wound to the stomach area. The first aid book and incident books had been completed.	Advice given for DPS to review instructions to staff when dealing with injuries and when to call the police and or an ambulance. DPS told that he had a duty of care and this would be seriously questioned if the person had collapsed and no ambulance/police had not been

		called.
05/01/2012	Michael Waters contacted investigating officer of stabbing. Detective stated CCTV showed white youths ejected and then returning for medical treatment. One of the white youths points to a black male inside the club. This male is brought out and searched and then allowed back into the club.	Black youths seen to leave of their own accord shortly after one of them was searched. Michael Waters contacts WYP to make aware.
10/01/2012	E-mail received by Michael Waters from Alex Pinnegar detailing new staff procedures for dealing with incidents.	New staff procedures forwarded to BTP and WYP for comments.
22/01/2012 02:00hrs	Malicious Wounding – C01/005592/2012 refers – female victim in club has verbal disagreement with someone known to her. She is then struck in the face with a bottle causing a gash under her left eye which required 6 stitches.	Suspect initially ejected by door staff and then detained outside. Suspect is arrested and is charged with wounding.
29/01/2012 01:00hrs	Grievous Bodily Harm with Intent – C01/006727/2012 refers – male customer on dance floor is subjected to an unprovoked attack by another male customer. Victim is punched several times to the face and sustains a broken cheek bone, broken eye socket, broken jaw, chipped tooth and bruising and swelling which completely closes one eye. Suspect is pulled off victim by members of the public and door staff are made aware.	Suspect is walked out of the club and allowed to leave whilst victim is left unconscious with no treatment or assistance on the dance floor for almost 2 minutes.
31/01/2012	PS Michael Jackson, BTP, receives phone call from Elliot Campbell, who owns the door company, Negotium, which provides the door staff.	Campbell stated his door team were refusing to return to Fire because they were constantly overruled by the DPS when they refused people entry. He stated Saturday nights were 'turning into a hell hole' at the club, with a gang culture developing.

<p>08/02/2012 01:30hrs</p>	<p>Assault Occasioning Actual Bodily Harm – C01/009325/2012 refers & Assault Occasioning Actual Bodily Harm – C01/009334/2012 refers – scuffle on dance floor involving victim's friend so he went to help. Reports being grabbed by door staff and ejected and punched in the face by the door man causing him a broken tooth and bruising to the lower lip. Second male ejected alleges he has been head butted by another door man, causing a lump and swelling above his right eye.</p>	<p>First allegation is under investigation and second allegation was not formalised by way of a statement.</p>
<p>15/02/2012 15:00hrs</p>	<p>PS Michael Jackson and DC Ridgway from BTP attend at Fire to speak with DPS re the number and severity of assaults taking place on the premises. The GBH W/I from 29/01/2012 especially discussed.</p>	<p>Concerns: Suspects being escorted out – no effort to detain despite assault and no violence offered to door staff. No attempt to obtain CCTV image before allowing him to leave. Injured person left unconscious on dance floor. Significant injuries sustained which could have proved fatal. Failure of the staff to inform the management of the incident. CCTV cameras agreed to be re-positioned.</p>
<p>15/02/2012 23:10hrs</p>	<p>Assault Occasioning Actual Bodily Harm – C01/011141/2012 refers & Threatening Behaviour – C01/01181/2012 refers – group of males including an ex door man from the venue approach to enter. Entry declined due to student entry only. Ex door man argues with a customer in queue and head butts him twice before threatening the DPS.</p>	<p>Suspect traced and arrested and charged with both offences.</p>

16/02/2012	Letter dated 16/02/2012 detailing BTP concerns re assault on 29/01/2012 and meeting on 15/02/2012 & other issues	Sent to PLH and DPS
02/03/2012 01:45hrs	Grievous Bodily Harm With Intent – C01/015783/2012 refers & Assault Occasioning Actual Bodily Harm x 2 – C01/018683/2012 & C01/018685/2012 refer – male customer notices altercation on dance floor between 2 groups of females. He tries to calm situation down and is then attacked by 3 to 4 males. He is punched to the head and knocked to the floor where he is repeatedly stamped on causing a double fractured cheekbone and facial bruising. A shoe sole print is left on the side of the victim's head. Female customer intervenes to try and calm situation but she is punched in the face causing bruising and a cut to the nose. A door man takes hold of one of the suspects and is punched to the rear and side of his head causing him to release the suspect.	All suspects leave the premises.
26/03/2012	Letter sent by WYP Licensing to PLH and DPS to arrange meeting re incidents.	PC Arkle
03/04/2012 14:00hrs	Meeting at Millgarth Police Station with Ken Dolecki, operations manager for PLH, DPS – Alex Pinnegar, Michael Waters – LCC Enforcement, PS Michael Jackson – BTP and PC Cath Arkle – WYP Licensing	Management of venue informed of BTP's request for review of premises licence. Management given 24 hrs more at request of Mr.Dolecki.
10/04/2012	Application to vary to change DPS received. DPS changed from Alex Pinnegar to Mike Gibson.	To take take immediate effect. No police objection.
17/04/2012 15:00hrs	Previously agreed to extra meeting(since 03/04/2012) with management of premises and legal representatives. Persons present – PC Cath Arkle, PS Rob Fullilove, PS Michael Jackson, Michael Waters, Ken Dolecki & Felicity Harris-Knott, Kuits Solicitors.	Serious consideration given to offer of minor variation. PS Jackson agreed to contact legal reps the next day.
18/04/2012	E-mail sent to Kuits by PS Jackson detailing why he cannot agree to the	WYP to apply to review premises

	offer.	licence
26/04/2012	Minor variation application received by WYP re previously proposed operating schedule and proposed reduction in operating times of 1 hour.	PC Arkle – objection to minor variation submitted as considered inadequate to deal with issues at venue and an attempt to undermine the proposed review process.



Ref No:



Witness Statement

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Crime Ref. No:

URN:

Statement of CATHERINE ARKLE

Date of birth: Over 18

Occupation: PC 5548

This statement (consisting of: 6 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 anything which I know to be false or do not believe to be true.

Dated: 11th May 2012

Signature:

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a police constable in the West Yorkshire Police, City and Holbeck Division, currently stationed at Millgarth Police Station in the capacity of Divisional Licensing Officer. I have jurisdiction over the city centre and the Morley, Holbeck and Rothwell areas of Leeds. The city centre demands most of my time with approximately three hundred licensed premises operating in that area. I have worked in this position since Spring 2005.

My duties entail enquiring into the background of various liquor licence applications, preparing police reports for the Licensing Authority and partnership multi agency working with the licensing trade. I am responsible, together with other members of the Licensing Department, for maintaining computer records aimed at monitoring incidents and crimes that relate to licensed premises. In March 2010 we launched a 'points' matrix system which can quickly highlight premises which are suffering from a higher than average instance of alcohol related violent crime. This enables us to speak with the premises management and attempt to identify why such incidents are occurring and reduce or eradicate them. To

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Continuation Statement of CATHERINE ARKLE

do this we need full co-operation from the licensed premises in question. The points are accumulated over a 6 month period and there are three bands in which premises are then grouped:

0-29 points – green

30 – 59 points – amber

60 upwards - red

As long as the 29 points in the green band are not due to serious violent crime the premises are deemed to be operating responsibly. Once premises reach the amber band, especially if this is early on in any given 6 month period, they are made aware of this and invited into the police station to speak with Licensing. Usually this will result in action planning being undertaken with the operators with a view to slowing down the accumulation of points. Once premises reach the red band they are in danger of having enforcement action taken against the premises licence. If they are seen to be co-operating fully and addressing the issues which have brought this about the police will not necessarily progress the matter to a review of the licence.

There are a number of licensed premises in the city which fall under the jurisdiction of British Transport Police who have their own standalone computer systems for recording crimes and incidents associated with those premises. This sometimes means that West Yorkshire Police are not always aware of how many incidents or crimes may be occurring at British Transport Policed premises. To rectify this we have asked BTP to contact us on a regular basis with details of crimes and incidents so that these can be logged in a similar way to the premises we police. This has now been ongoing since January 2012.

BTP are not a Responsible Authority under the Licensing Act 2003 and therefore contact West Yorkshire Police if they require assistance with more formal Licensing procedures, such as applications to review premises licences. Recent legislation however now allows for them to apply for reviews of premises licences themselves but in this case West Yorkshire Police have agreed to apply.

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Continuation Statement of CATHERINE ARKLE

The premises known as Fire (previously known as Puro), 50A, Call Lane, Leeds, LS1 6DT are under BTP jurisdiction. At the end of January 2012 PS Michael Jackson, BTP, contacted me expressing concerns about the severity and frequency of assaults occurring at the premises and the fact that meetings with the management appeared to be having little effect on preventing or reducing these. By mid-February PS Jackson was still expressing concerns and sent me a list of crimes and intelligence which he felt showed a dip in the management's performance.

On 26th March 2012 a letter was sent at my request to both the Designated Premises Supervisor and the Premises Licence Holder for the premises known as Fire, 50A, Call Lane, Leeds, LS1 6DT due to the amount of incidents logged as attributable to their premises on our computer database. The fact that BTP were now forwarding details of incidents to us which we could enter on to our systems meant that we could now identify Fire as being in 'amber', according to the 'points' system. The points are merely an indication of when the police need to contact venues and try to work with them to reduce incidents. BTP had already been liaising with management but due to concerns expressed by them and the volume and severity of incidents now being recorded by West Yorkshire Police a joint meeting was requested.

A meeting was arranged for 2pm on Tuesday 3rd April 2012 at Millgarth Police Station. Minutes of that meeting are included with the bundle of papers I now submit. During the meeting PS Jackson informed the management that he was now asking West Yorkshire Police to apply for a review of the premises licence due to the severity and frequency of the assaults at the venue. He said he had reached this decision after an incident where a male victim was left unconscious on the floor for at least 2 minutes after being assaulted. Ken Dolecki, the operations manager, asked for 24 hours before any decision to review was implemented. PS Jackson agreed to this.

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Continuation Statement of CATHERINE ARKLE

This deadline was extended after liaison with the Premises Licence Holder's legal representatives and another meeting was scheduled for 3pm Tuesday 17th April 2012. Minutes of this meeting are included in the bundle of papers I now submit.

On 18th April 2012 PS Jackson contacted the legal representatives acting on behalf of the Premises Licence Holder and informed them that despite what had been offered it was not felt that the measures would positively affect the consistency of performance or the maintaining of any improvement in performance. Due to this he had requested West Yorkshire Police to commence the process for a review of the premises licence.

On 26th April 2012 West Yorkshire Police received an application for a minor variation to the premises licence which included a reduction of one hour in operating time and various other measures which had been discussed at the meeting on 18th April 2012. I served an objection to this application, a copy of which is submitted with these papers.

The decision to apply for a review of the premises licence has not been taken lightly but there are a number of factors over which both British Transport Police and West Yorkshire Police have serious concerns:

- These premises have been the subject of a review before - two and a half years ago. The reasons for that review were serious violent crime and serious disorder. Similar violence is again now being experienced, the escalation of it beginning 2 years after the review proceedings in 2009.
- The same issues have occurred at this venue in its every incarnation since the early part of the century, under the same management.

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Continuation Statement of CATHERINE ARKLE

- Assurances were given at the review in 2009 that the premises were to be operated in a completely different style - a Burlesque style show bar – an assurance which influenced the decision of the members of the Sub-Committee – they had been considering revocation. To my knowledge the venue never operated in this way once it re-opened after the proceedings. If it did it must have been very short lived.
- It has taken approximately two years for the premises to revert back to type and attract the same clientele and high risk events which it attracted before, when it was known as 'Puro'. The same level of violence is present as was before, with woundings and serious fractures of bones, and inadequacies highlighted in the way door staff and management have responded to these. Suspects have not been detained for the police, and on at least two occasions that we are aware of, seriously injured customers have been either left without care altogether, or bandaged up and allowed to leave with no professional medical attention being sought.
- The DPS and door staff have changed over the past two and a half years but the senior management have not. Senior management were criticised at the previous review - 'a systematic failure up to and including Mr.Edwards, CEO of Truereason Ltd' - and must bear some criticism now. At the very least there is a failure to adequately supervise the lower levels of management and their own premises. It is senior management which has the final say on which events are to be run and what customers they wish to attract, and their choice of events for Fire, and direction given to the DPS has now led to further police enforcement action.
- The Saturday night event known as 'Foreplay' was cancelled by management and had its last night at Fire on Saturday 25th February 2012. The management claimed this was the event which had attracted all the violent crime. West Yorkshire Police and BTP have no confidence that similar high-risk, problematic events will not be run at the premises again once the 'dust has settled'. When the venue was known as 'Puro' it ran a night called 'Precious' which attracted a great deal of violent crime. Again we now see an event being run which does exactly the same

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Continuation Statement of CATHERINE ARKLE

and is then cancelled to placate the authorities. The authorities now have no confidence in the promises and assurances of a change of direction due to previous dealings with the management and this venue, and there is a real trust issue given what has gone before.

- As with the previous review there are issues surrounding breaches of conditions and irregularities which are highlighted in Michael Waters' statement to do with a rear exit door and the possibility that it was taken out of use purely to save the financial expense of placing a door supervisor in that position.

West Yorkshire Police and British Transport Police share serious concerns that this venue and its management team are not able and/or not willing to bring about any lasting, permanent change in its way of operating which currently, and previously, has attracted serious crime and disorder. For this reason, and to help promote the licensing objectives, a premises licence review is applied for.

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WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: Michael Andrew Jackson

Age if under 18: Over 18 yrs (*if over 18 insert 'over 18'*) Occupation: Police Officer

This statement (consisting of 11 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:..... (witness) Date: 28/03/2012

I am Police Sergeant 1882 Michael Andrew Jackson of British Transport Police currently based at Leeds. British Transport Police is the national police service for the rail network across the UK. Amongst our other duties British Transport Police Leeds have the investigative responsibility for crimes committed in Licensed premises rented or leased by Network Rail to private operators. Within the terms of the Licensing Act 2003 British Transport Police are categorised as an Interested Party as opposed to a Responsible Authority. As part of my current duties at Leeds I have responsibilities in relation to Licensing matters and liaise on a regular basis with Leeds City Council Licensing Enforcement officers and the West Yorkshire Police Leeds District Licensing Department at Millgarth Police Station. As part of my role I carry out Licensed Premises visits at premises with the jurisdiction of British Transport Police confirming compliance with the conditions of Licenses issued by Leeds City Council and advising and supporting operators around their responsibilities in relation to the lawful operation of premises.

One of the Licensed premises that falls within the jurisdiction of British Transport Police is FIRE (Formerly known as PURO), 50a Call Lane, Leeds, LS1 6DT. I make this statement in relation to FIRE and present the following evidence as part of the Licensing Review process in relation to an increase in Assaults taking place on premises the severity of those Assaults and thereby a failure by the operators to support the objectives of the Licensing Act 2003, in this case the Prevention of Crime and Disorder.

The evidence I present will cover from Saturday 1st January 2011 to Wednesday 14th March 2012 and I believe the will show a decline in performance by the premises in relation to that objective by showing an increase in Assaults and the severity of the Assaults suffered.

Crime number C01/012565/2011 : **Malicious Wounding**. At 0130 hours Sunday 30th January 2011 a female customer was dancing alone on the dance floor when she was subjected to an unprovoked attack by another female customer in which she is struck on the head by a bag causing a one inch gash to her head.

On Sunday 4th March 2011 the current Designated Premises Supervisor Chris Barrow was replaced by the incoming Alex Pinnegar

From the Assault report recorded Sunday 30th January 2011 there are no further reported violent offences on premises until July of that year.

Crime number C01/055684/2011 : **Robbery**. Temporary Events Notice in force. At 0330 hours Friday 01st July 2011 a Male customer enters toilet cubicle in club but does not secure door. In an unprovoked attack two males barge into cubicle and punch him repeatedly (9 or 10 times) to the head and face causing a historic jaw fracture to re open. Victim is forced into toilet and demands for mobile phone and wallet are made. Items removed from males trouser pockets by suspects who then leave toilets. Victim states he pointed out one of suspects to door staff who ejected suspect from premises with no attempt to detain being made. Items stolen include wallet containing cash and Blackberry mobile.

Crime number C01/055354/2011 : **Malicious Wounding**. Temporary Events Notice in force. At 0600 hours Friday 01st July 2011 a Male customer reports that whilst seated in the club he was approached by three other males unknown to him. He reports two males standing behind him and one in front. The victim states he is punched in the face by the person in front of him and he stands to defend himself. He states at this time he feels a blow to the top of his head from behind and realises he has been bottled. He is punched again and believes whilst on the floor is kicked. He feels a sharp pain to the right side of his torso and finds he is bleeding, believing he has been stabbed. His injuries were Laceration to head requiring 5 stitches, black eye and bruising to face and body. Two inch incision wound to abdomen requiring stitching and gluing. During the investigation officers encountered problems in

obtaining witness statements from door staff who failed to make themselves available or failed to keep appointments. A suspect was identified through a forensic hit and was subsequently charged with and offence of Wounding.

Crime number C01/057283/2011 : **Assault Occasioning Actual Bodily Harm.** At 0115 hours Friday 08th July 2011 a Female customer whilst visiting the toilet has the door partly opened by another attempting to enter cubicle. The victim stops the door fully opening as the cubicle is in use. Without warning the cubicle door is kicked in by other female who enters cubicle and punches the victim five times to head and face causing facial bruising, black eye, lump to head, bruising and swelling to nose and a chipped tooth.

Crime number C01/064428/2011 : **Common Assault.** Crime number C01/064430/2011 : **Assault Occasioning Actual Bodily Harm.** At 0230 hours Friday 29th July 2011 a Female customer dancing on the dance floor is barged into by another female dancing recklessly. When asked to calm down the victim is punched in the stomach. Door staff intervene and whilst being spoken to the suspect again assaults the victim by kicking her on the leg. No injuries caused. Door staff begin to move the assailant from the dance floor and a male friend of the victim receives a punch to the face by the suspect causing a nose bleed, bruising and swelling. The suspect is detained for arrival of police. On completion of investigation suspect charged with both Assaults.

NSPIS Log 61/29/07/2011 : At 0330 hours Friday 29th July 2011 officers attend Fire after reports received of two Females in difficulty in the toilets. Officers assisted Paramedics in conveying the females to St James hospital for treatment and observation. At hospital one of the females admits the pair had taken a substance they believed to be **GHB**, a controlled substance. She further states the substance to have been purchased prior to attending Fire and having carried it onto premises where it was consumed. Officers confirmed the details of both and found one of the two to be only seventeen years of age.

Crime number C01/066879/2011 : **Assault Occasioning Actual Bodily Harm.** At 0300 hours Sunday 07th August 2011 a Male complainant is in a heated argument in the smoking area of the club with a friend resulting in his friend punching complainant in face causing a black eye. After making initial complaint to police the victim fails to formalise a complaint resulting in the suspect being charged with for a public order offence only.

Above report linked to the following report.

Crime number C01/066880/2011 : **Common Assault**. At 0300 hours Sunday 07th August 2011 Female victim is in the clubs smoking area when she is approached by her estranged husband. She attempts to hide behind a friend to avoid his approaches but he manages to grab her hair and pull her around the smoking area. She breaks free and flees to the toilets from where she calls police. The victim suffers no visible injury. Her husband is arrested and is subsequently charged with the Assault offence.

Crime number C01/074460/2011 : **Common Assault**. At 0120 hours Friday 02nd September 2011 a Female attempting to enter club in intoxicated state is refused entry. The Female responds by slapping the club manager in the face resulting in no injuries. The Female is detained by staff leading to arrest by police. The assailant receives a caution for Assault.

Crime number C01/078903/2011 : **Assault Occasioning Actual Bodily Harm**. At 0130 hours Sunday 18th September 2011 a Male customer is refused entry at club and is engaged in a verbal argument with door staff. One of door the staff grabs victim and punches him twice before the second doorman intervenes. As he talks with victim the first door man again strikes complainant causing cut above his right eye which required butterfly stitch at hospital. The victim also suffered facial bruising. The complainant reports the Assault and the door man is arrested. At the conclusion of the investigation the door man receives a caution for Assault.

At 2210 hours Friday 23rd September 2011 I attended at Fire and carried out a Licensed Premises compliance check. Present at the time was Designated Premises Supervisor, Alex Pinnegar. No major issues were identified however the premises list of persons authorised to sell alcohol was found to be out of date. There was also a lack of recording of instances held of persons refused on the door and or at the bar. Mr Pinnegar was advised of this and encouraged to improve the recording of instances such as this to allow him to show due diligence was being considered and operated.

Crime number C01/081513/2011 : **Assault Occasioning Actual Bodily Harm**. At 0350 hours Sunday 25th September 2011 Male victim is approached in club by ex partner. Whilst speaking with her he is struck on head by relative of ex partner causing small cut to head.

Victim leaves the club and is again approached outside by his ex partner who slaps him across the face and bites his upper left arm leaving bruising and bite mark. On initial complaint being made the ex partner is arrested however the complainant fails to formalise any complaint.

Crime number C01/082829/2011 : **Assault Occasioning Actual Bodily Harm.** At 0045 hours Saturday 1st October 2011 Female victim on dance floor is grabbed by hair from behind and pulled to the ground where she is kicked and punched to the head and body. The victim struggles to her feet where she gets a look at her attacker and realises it is an old friend. She is again knocked to the floor where she is further kicked and punched. The attack is stopped by on lookers and the suspect leaves. The complainant suffered hair line fractures to ribs, burst blood vessels in both eyes, black eye and bruising to body. The suspect is later traced, arrested and charged with Assault offence.

Crime number C01/085789/2011 : **Drunk and Disorderly.** At 0040 hours Wednesday 12th October 2011 a Male person is refused entry to club due to intoxication. He pushes a queuing barrier over and throws a glass to the floor in response. Male is detained by staff pending police arrival. Male is arrested and charged with offence.

Crime number C01/087013/2011 : **Common Assault.** Crime number C01/087018/2011 : **Racially Aggravated Harassment, Alarm and Distress.** At 0123 hours Friday 14th October 2011 the Designated Premises Supervisor, Mr Alex Pinnegar was dealing with a Male customer reporting the Theft of his mobile phone. The male was asked to step outside the club to allow a conversation to take place without the loud music. The male objected as he wanted the issue dealing with there and then. Two members of door staff moved to assist the Mr Pinnegar and the male lunged at them grabbing one of the door staff around the throat. A struggle ensued and some clothing of one of the door men was damaged / torn. The male became racially abusive towards the door staff who detained the male pending arrival of police. The male was subsequently arrested and charged. After consultation with the Crown Prosecution Service it was decided there was insufficient evidence to charge for the Assault allegation the suspect was however charged with Threatening Behaviour and Racially Aggravated Disorderly conduct.

Crime number C01/086925/2011 : **Assault Occasioning Actual Bodily Harm.** At 0200

hours Sunday 16th October 2011 a Female customer in the toilets is approached by two females known to her. A discussion takes place between the complainant and the two regarding the sister of the complainant. The complainant is then pushed to the floor where she is kicked and punched causing scratches to face and arm and bruising to arm and leg. Door staff become aware and eject all from premises. The complainant provides police with an account but will not formalise complaint by way of statement due to assailants being known to her. Her bag was lost in the disorder and later recovered by cleaning staff minus cash and phone. A crime of **Theft** was recorded in relation to this loss, C01/086933/2011.

NSPIS Log 40/17/11/2011, C01/096033/2011 : **Theft**. At 0120 hours Thursday 17th November 2011 a Female complainant in the club has her bag removed from a table by two other females and has contents stolen from bag. The complainant makes report to door supervisors and points suspects out. Door staff speak with suspects who are allowed to dispose of articles from bag these articles are identified by complainant as her property. The suspects are allowed to leave with no details recorded or attempt to detain for police. A later check of the female toilets locates a number of bags and discarded items of stolen property.

On Thursday 17th November 2011 along with all Licensed premises under the jurisdiction of British Transport Police in Leeds I sent a letter to Mr Pinnegar at Fire highlighting the issues around Crime and Disorder in the lead up to the busy Christmas period. In the letter I requested that staff be utilised in a highly visible manner in an effort to reassure customers as to the presence of staff in an effort to reduce by deterring acts of violence and theft. Additional advice was given re management of reported incidents and the challenging of intoxicated persons early in an effort to prevent incidents developing later in the evening.

Crime number C01/101264/2011 : **Grievous Bodily Harm with Intent**. At 0230 hours Sunday 04th December 2011 a Male customer was on premises in the company with several friends. He becomes involved in heated argument with a person unknown to him on the dance floor and is pushed to the floor where he receives swelling and reddening to left eye. The victim is ejected from premises by door staff and once outside realises he has an injury to his torso and is bleeding. The victim returns to club where the Designated Premises Supervisor Alex Pinnegar provides first aid to what is a stab wound. At the request of victim Mr Pinnegar failed to advise police of the incident or injury and allowed the victim and suspects to leave club / area. The assault was reported to police the next day after victim

has been treated at hospital receiving 10 stitches to the lower right side of his abdomen for what is diagnosed as a stab wound.

As a result of this incident an investigation commenced. As a part of that investigation an Intelligence Report was submitted by Detective Sergeant 4607 Davies indicating the door staff had been annoyed that Mr Pinnegar would not call police to report the stab wound incident. The door staff also reported the fact they were generally unhappy with Mr Pinnegar operating as a door supervisor himself and over ruling their 'knock backs' on the door resulting in persons they would class as undesirable being allowed to enter.

On Monday 05th December 2011 I was made aware of a report submitted by Carmel Brennand of Leeds City Council Licensing Enforcement team re a visit she had paid to the premises at 2300 hours Friday 2nd December 2011. In that report Carmel Brennand recorded finding the rear Fire exit of the club closed and locked whilst the premises was open and trading. The exit concerned allows access to Queens Court as a route of evacuation in the event of a Fire or other incident. The Designated Premises Supervisor Alex Pinnegar was on premises and when spoken to initially denied the fact that the door was a Fire exit. Upon the relevant signage being pointed out indicating the fact that the door was a Fire exit he altered his position, had the door opened and placed a member of door staff on the door. The impression received was that the door had been closed as a money saving exercise in not having to deploy a member of door staff to 'run' the door.

At 1340 hours Monday 19th December 2011 I attended at Fire for a meeting with Designated Premises Supervisor Alex Pinnegar. A discussion was held around door staff working practices and a possible use of unlawful force connected with an incident of 14th October 2011. No complaint had been received by police however a review of CCTV had picked up the actions of door staff. Mr Pinnegar stated that due to inappropriate and ineffective behaviour of two members of staff they had been dismissed. The received report of Mr Pinnegar spending an unusual amount of time on the door was discussed and he replied that until recently he had not been confident around the effectiveness of the door team and wanted to monitor their activities. Mr Pinnegar has no front line door Licence issued by the Security Industry Authority. Mr Pinnegar was informed that several complainants of Phone Thefts from the night of Saturday 27th November 2011 had commented that staff had not been helpful when the Thefts had been reported to them. He was advised it was his and the clubs responsibility to support and assist victims of crime when he / they became aware. Mr

Pinnegar stated that on that night his staff had been busy assisting Police and Street marshals with their enquiries and that if his staff came across as unhelpful he regretted that fact. Mr Pinnegar was advised that his decision not to advise police of the Grievous Bodily Harm assault of Sunday 4th December 2011 when a customer was stabbed his injury requiring ten stitches was a totally unacceptable response and that there was an expectation that such incidents would trigger an automatic call to police. Mr Pinnegar stated he was going along with a request from the victim not to call police and accepted that he used poor judgement. Mr Pinnegar was advised that it was infact the victim who had informed police the next day after receiving treatment at hospital. Mr Pinnegar stated there would be no repetition of such a failure to report.

At 0005 hours Friday 23rd December 2011 in the company of Mr Wan Malachi a Leeds City Council Licensing Enforcement officer I carried out a Licensed Premises compliance check at Fire. Present at the time was Designated Premises Supervisor Mr Alex Pinnegar. The only issue of note revealed by the visit was a detection for either powder Cocaine or Crack Cocaine as indicated by detection wipes used on flat surfaces in both the Gents and Disabled toilets. Mr Pinnegar was provided with advise in relation to regular checks by staff of these areas, effective searching of customers on entry and re designing of the flat surfaces making the use of controlled substances more difficult to achieve.

On Friday 13th January 2012 I became aware of communication between Mr Michael Waters a Leeds City Council Licensing Enforcement officer and the Designated Premises Supervisor of Fire, Alex Pinnegar. The communication included a policy agreed between the two dated 10th January 2012. The policy takes the form of a contract signed by employees of Fire and agrees actions to be taken by staff on receipt of incidents of Crime and Disorder.

Crime number C01/005592/2012 : **Malicious Wounding.** At 0200 hours Sunday 22nd January 2012. Female victim has a verbal disagreement with person known to her and is stuck in the face with a bottle causing gash under left eye requiring six stitches. The assailant is initially ejected by door staff and then detained outside. On completion of investigation assailant is charged with Wounding.

Crime number C01/006727/2012 : **Grievous Bodily Harm with Intent.** At 0100 hours Sunday 29th January 2012 a Male customer is on the dance floor when he is subject of an

unprovoked attack by other male customer. The victim is punched several times to the face. The victim sustains a broken cheek bone, broken eye socket, broken jaw, chipped tooth and bruising and swelling completely closing eye. The assailant is pulled off the victim by member of public and door staff made aware. Door staff escort the assailant from the dance floor and make no effort to detain suspect. He is walked to club entrance / exit door and allowed to leave. Victim is left unconscious with no treatment / assistance on dance floor for almost two minutes.

On Tuesday 31st January 2012 I received a telephone call at Leeds Police station from the owner of Nagotium Security Mr Elliott Campbell. Nagotium provide the door team at Fire. Mr Campbell reported his dissatisfaction with the support his staff were receiving from Designated Premises Supervisor, Alex Pinnegar. He reported that his staff were being over ruled on the door by Mr Pinnegar who was allowing access to people the door staff were turning away as undesirable. Mr Campbell reported that because of the interference of Mr Pinnegar the door staff were refusing to return to Fire after working there three or four nights and that he was running out of staff to deploy. Mr Campbell stated that Saturday nights were, in his words "TURNING INTO A HELL HOLE" and that a gang culture was developing within the club involving estates in the city and he named areas such as Middleton, East End Park and Belle Isle as being involved as well as others.

Crime number C01/009325/2012 : **Assault Occasioning Actual Bodily Harm**. Crime number C01/009334/2012 : **Assault Occasioning Actual Bodily Harm**. At 0130 hours Wednesday 08th February 2012 a Male customer becomes aware of a friend involved in scuffle on the dance floor and intervenes in attempt to clam matters. He reports being grabbed by door staff and whilst being ejected from premises alleges door man has punched him in the face causing a broken tooth and bruising to lower lip. This report remains under investigation at this time. During the same incident a second male whilst being ejected alleges a door man has head butted him causing a lump and swelling above his right eye. This allegation was not formalised by way of a statement.

At 1500 hours Wednesday 15th February 2012 I attended at Fire in the company of Detective Constable 3728 Ridgway for a meeting with Designated Premises Supervisor, Alex Pinnegar. The meeting was in relation to the ongoing concerns with the number and severity of Assaults taking place on premises. The incident of **Grievous Bodily Harm with Intent**

dated Sunday 29th January 2012 was discussed at length. Areas of concern discussed included the following :

The fact that staff after taking hold of the suspect escorted him to the door and simply allowed him to leave with no effort to detain or obtain details. No consideration appeared to have been given to at least obtaining good quality identifiable facial CCTV image before allowing suspect to leave. CCTV showing no struggle or aggression towards door staff from the suspect.

The fact the victim was left unconscious and unattended by staff for two minutes on the dance floor, this fact being caught on CCTV. Staff were aware of the incident as they had ejected the assailant. The injuries were significant and without assistance could have proved fatal.

The failure of staff to inform management of the incident.

A check was made of the premises CCTV and an agreement reached to re locate two of the cameras. This agreement has since been actioned by Fire.

Other issues were discussed and fully recorded on a letter sent out to Premises Licence Holder and Designated Premises Supervisor dated Thursday 16th February 2012.

Crime number C01/011141/2012 : **Assault Occasioning Actual Bodily Harm.** Crime number C01/01181/2012 : **Threatening Behaviour.** At 2310 hours Wednesday 15th February 2012 a group of males including an ex door man from the club approach the door to enter. As the club was hosting a student only night entrance was declined. The ex member of staff became argumentative with a student queuing and head butted him on two occasions before verbally threatening the Designated Premises Supervisor Alex Pinnegar and leaving the area. The assailant was traced and subsequently charged with both offences.

Crime number C01/015783/2012 : **Grievous Bodily Harm with Intent.** Crime number C01/018683/2012 : **Assault Occasioning Actual Bodily Harm.** C01/ 018685/2012 : **Assault Occasioning Actual Bodily Harm.** At 0145 hours Friday 02nd March 2012 a Male customer becomes aware of an altercation taking place on the dance floor between two groups of females. In an effort to calm the situation he intervenes and is attacked by three to four males. The victim is punched to the head knocking him to the floor where he is repeatedly stamped on causing a double fractured cheekbone and facial bruising. The stamping leaving a shoe sole print on the side of the victims head. A Female customer

attempts to intervene again with the intention of calming matters and receives a punch to the face causing a cut to the nose and facial bruising. A door supervisor takes hold of one of the suspects and is punched to the rear and side of the head by others causing him to release the suspect. All suspects then leave premises.

From 01st November 2011 to 14th March 2012 there have been forty five recorded **Thefts** of personal property on premises. This usually involves theft of mobile phone or wallets.

In August of 2009 the premises was subject of a licensing review under it's previous incarnation of PURO. That review resulted in the removal of the then Designated Premises Supervisor Mr Ken Dolecki from his role and subsequent dismissal of the club manager, Steven Moore. The Premises Licence Holder indicated at that time that there would be a re branding and re launch of the premises in an effort to move away from the problems they had previously encountered. The committee documented in their findings that revocation of the licence was seriously considered but a decision was taken not to take this route being persuaded by the re launch argument. The committee did make it clear however that 'This should be seen very much as the last chance for this venue, effectively a yellow card for the premises.'

Signature:..... Signature witnessed by:

WITNESS STATEMENT

(CJ ACT 1967, s.9;MC Act 1980, ss.5A(3)(a) and 5b;MC Rules 1981, r.70)

Statement of Michael Waters

Age/Date of Birth – Over 21 Occupation – Senior Liaison & Enforcement Officer

This statement (consisting of four 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 for prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Dated 3rd April 2012

Signature :

I am the above named person. I am employed full - time as a Senior Liaison and Enforcement Officer with Leeds City Council's Licensing Section. My duties include the investigation of suspected offences under the Licensing Act 2003. I have delegated authority under the said Act. Previous to my employment for the council I was employed by West Yorkshire Fire Service between 1977 & 2007 the last 10 years of my service was as Licensing Officer in the Leeds District.

During that time I was responsible for assessing premises that applied for Alcohol & Public Entertainment Licences and commenting on all plans for Licensed premises in the Leeds area. During these visits capacities were set including that for The Fruit Cupboard Club which later changed its name to Puro and then became Fire night club. The capacity set at the premises relied on 3 sets of doors 1 on Call Lane nearest the railway bridge, a 2nd door on Call Lane now the main entrance of Fire and the 3rd Exit door to the rear of the premises (See Photograph in Exhibit MW1) which discharges into the alleyway leading to Queens Court at the Briggate end & Revolution and Brooklyn Bar at the Call Lane side of the alley.

On Friday 2nd December 2011, I was working with my colleague Carmel Brennand and two Police Officers Section Officer Christopher Milnes & Section Officer Neil Harrison. We were carrying out Joint Licensing visits to premises around the centre of Leeds. At approximately 2233 hours whilst visiting Brooklyn Bar on Call Lane myself & Section Officer Christopher Milnes had gone into the yard at the rear of the premises. This yard forms part of alleyways which connect Call Lane and Lower Briggate through Queens Court; there are five licensed premises with Exits or entrances into this area.

Police Officer Milnes pointed out that it looked like the next door premises called "Fire" had an exit door locked as we could see a Roller Shutter door in the fully down position. This was in the yard immediately next to where we were at the rear of Brooklyn Bar; there was

Signed:

also another door alongside. I photographed both doors copies of these photographs I now produce as my Exhibits MW1 & MW2 respectively. When the other officers finished inside Brooklyn Bar, I informed them what we had seen and that I was going to ask to checkout the Fire Exits inside Fire.

I went to the front doors of Fire 50a Call Lane Leeds and asked to speak to the manager Alexander Pinnegar I showed him my identification & explained that I wished to check the exits. Initially he showed me to the other exit onto Call Lane but I requested to see the other exit to the rear he denied there was an exit he said it was an entrance we don't always use. When I went to the area the exit was clearly signed with an illuminated (Running Man) Exit sign. The exit had previously been a solid door with panic bar, this had been replaced with a two leaf glazed door which was locked beyond this I could clearly see a roller shutter door in the fully down position. This doorway which has been made into an entrance from the alley way serving a number of bars has always been an exit route and was included in calculating the clubs capacity without this door being available there is inadequate means of escape.

This was a clear breach of Licence condition 56 of the Premises Licence (PREM/00733 which I produce as my Exhibit MW3) which states: All exits doors shall be accessible, open easily and exit routes will be maintained.

It is essential that all Licensees / managers carry out Pre – opening checks to ensure that all exits are signed & open and any additional security measures which are in place when the premises are closed have been removed. Only when these checks are completed is it safe for the public to be admitted.

I instructed Mr. Pinnegar to have the exit opened immediately which he did and then placed a member of door staff next to the door. I told him that I would be passing on details of the incident to West Yorkshire Fire Service and resumed our visits.

On Tuesday 3rd January 2012 a complaint was received by the Entertainment Licensing Section concerning an incident at Fire nightclub which had occurred on the 3rd December 2011 when a young male had been injured in an alleged stabbing the complaint centred on the actions of management and staff at the club.

This meant that on the weekend of 2nd to the 4th December 2011 there had been 2 serious incidents at the club, one with serious Public Safety implications and one with serious

Signed:

Crime and Disorder issues. I was made aware of the complaint that was allocated to me on Wednesday 4th January 2012; I contacted both West Yorkshire Police and British Transport Police to find out what actions had already been taken. I then contacted Fire nightclub and arranged a meeting for that afternoon with the Designated Premises Supervisor Alex Pinnegar.

At 1430 hours on 4th January 2012 I arrived at Fire nightclub with my colleague Carmel Brennan who is also a Senior Liaison & Enforcement Officer and met with Alex Pinnegar. I explained to him the reason for our visit to look into the actions of staff at the time of the incident in December 2011. I also confirmed that the investigation into any alleged crime was being undertaken by the Police and we would pass on any relevant information for them to pursue.

I asked Mr. Pinnegar to explain what had occurred on the night the complaint refers to. He said that there were two groups of youths one white and one black who had got into an argument. He did state that the white group were the aggressors and a fight had broken out both groups were ejected through different doors white onto call lane. Shortly after a male in drink at front door was complaining about his mate who was injured the person came over and showed a wound to stomach area he also had smaller wound on his knee his friend said he had been stabbed during incident on the dance floor. The youth was taken round into the office and the wound was dressed by himself and finished off by Door Staff. He refused to have Ambulance and did not want to involve Police. He then left the premises.

We looked at Incident Register and First Aid book full details were recorded. We asked Alex Pinnegar to review the written instructions to staff as to what action to take when dealing with Injuries and what action to take as in calling Ambulance and Police. He is to send copy of revised procedures to Licensing we also discussed training of staff including Door Staff to follow these procedures we asked the name of Door Staff company and was shown a cover with Negotium Security.

It was emphasised to Mr. Pinnegar at the meeting that it was his responsibility to deal with incidents at the premises and ensure that the relevant Emergency service is summoned to assist. He was advised that it was better to have the individual examined by the Ambulance service if that person then refuses to go to Hospital then clearly the staff have done all they could.

Once a person has presented with a serious injury the Ambulance Service should be called and initial First Aid instigated whilst waiting for the Ambulance Service to arrive. It was

Signed:

pointed out that should a person have left the premises without Ambulance & Police been called and if they had later collapsed . Then the care that the club took with the individual would have been seriously questioned.

On the 5th January I contacted Detective Constable Ridgeway of British Transport Police who was investigating the alleged stabbing at Fire Nightclub I asked him what his investigations had revealed about the actions of staff at the club.

Dc Ridgeway had viewed the CCTV footage and said that group of white youths had been ejected and shortly after one returned to the front door and spoke to Alex Pinnegar the injured youth showed him wound he was then taken around to the office. His friend pointed out a black youth who he thought was responsible. The person was brought outside by Door Staff searched and nothing was found he was allowed to re enter the club and rejoin his friends they left of their own accord shortly after. I considered this to be significantly different from the account of Alex Pinnegar from the previous day. I contacted Pc Catherine Arkle of West Yorkshire Police and told her of the two differing accounts she asked if I had made a note of the two conversations I confirmed that I had.

Following our meeting with Alex Pinnegar at the premises on the 4th January where we had asked for him to review the procedures for dealing with incidents and produce a brief written procedure for staff to follow. On Tuesday 10th January 2012 I received an email from Alex Pinnegar which I now produce as my Exhibit MW4. The email had an attachment which was the new Staff Procedures for Dealing with Incidents this I now produce as my Exhibit MW5. I then consulted with Sgt. Jackson of British Transport Police & Pc Arkle of West Yorkshire Police who requested minor amendments to the procedure following their comments I responded back to Alex Pinnegar on the 24th January 2012. The email response which included the proposed amendments I now produce as my Exhibit MW5.

Signature:

WITNESS STATEMENT

(CJ ACT 1967, s.9;MC Act 1980, ss.5A(3)(a) and 5b;MC Rules 1981, r.70)

Statement of Carmel Brennand

Age/Date of Birth – Over 21 Occupation – Senior Liaison & Enforcement Officer

This statement (consisting of 2 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 for prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Date: 10 April 2012

Signature :

I am the above named person. I am employed full - time as a Senior Liaison and Enforcement Officer with Leeds City Council's Entertainment Licensing Section. My duties include visiting licensed premises with other agencies to ensure compliance under the Licensing Act 2003, in promoting the four licensing objectives; the prevention of crime and disorder; public safety; the prevention of public nuisance and the protection of children from harm. I also attend pub watches in my allocated areas to offer advice and guidance to operators and staff of licensed premises. I have delegated authority under the said Act.

Since the 24th November 2005, the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment are licensable activities under the Licensing Act 2003. This means that a premises carrying on any of these activities require a Premises Licence authorising the activity.

On Friday 2 December 2011, I was working with my colleague Michael Waters, Senior Liaison & Enforcement officer and two Special Constables; Section Officer Christopher Milnes & Section Officer Neil Harrison. We were carrying out Joint Licensing visits to premises around the centre of Leeds. We were on Call Lane, having left the Brooklyn Bar when Mr Waters and Officer Milnes indicated they were going into Fire, 50a Call Lane, Leeds 1. Officer Harrison and I proceeded into the Elbow Room, 64 Call Lane. When we rejoined Mr Waters and Officer Milnes just after 11:30 pm, Mr Waters relayed the results of his visit to Fire to us.

On Wednesday 4 January 2012 I was again working in company with Mr Waters. At 2:30 pm we attended at Fire, 50a Call Lane to speak to the Designated Premises Supervisor Alex Pinnegar. Mr Waters explained that he was investigating a complaint about an incident that

had occurred at the premises on 3 December 2011.

Mr Waters asked Mr Pinnegar to describe what had happened on the night. Mr Pinnegar stated that there had been two groups of youths, one white and the other black, who had got into an argument which then turned into a fight, the white males being the aggressors. The door staff had intervened and each group was ejected, the black group through the rear door and the white group onto Call Lane. Mr Pinnegar went on to explain that a male in drink had returned to the door on Call Lane complaining that his friend had been injured inside the premises, infact saying his friend had been stabbed during the incident on the dance floor. The injured male then returned showing a wound to his stomach as well as smaller wound to his knee. Mr Pinnegar stated that he had taken the injured male to the office where he dressed his wound, helped by a member of door staff. Mr Pinnegar stated that when he said he was going to call an ambulance and/or the police; the injured male refused and left the premises.

Mr Waters then asked if we could see the Incident and Doorstaff Registers. Mr Pinnegar produced these and they were found to be in order; as was the Accident Book. Whilst Mr Waters agreed that the Registers were in order, Mr Pinnegar should review the written instructions to all staff, including door staff, as to what action to take when dealing with injuries and the importance of calling for an ambulance and police. Mr Waters emphasised that it was Mr Pinnegar's responsibility to deal with incidents and the results of them and he should call the emergency services when they were necessary. If the injured person then refused to be treated by paramedics or to speak to the police, that would be their decision but they, Mr Pinnegar and his staff would have done as much as they could. Mr Waters concluded the meeting by asking Mr Pinnegar to send him a copy of the new procedures.

Signature :

17 November 2011



Mr A Pinnegar ?
Fire
50A Call Lane
LEEDS
LS1 6DT

Dear Mr Jones —?

With the busy period of Christmas approaching British Transport Police would like to remind all premises of their obligation in relation to the Licensing Objectives under the Licensing Act 2003 and in particular the objective around the prevention of Crime and Disorder.

To that end we would ask that all premises attempt to maximise the use of staff and show a visible presence throughout the venue in an effort to offer their patrons reassurance around the prevention of acts of violence and theft.

Managers and staff are reminded that to serve a person on premises who is drunk is an offence.

Please remember your obligations around irresponsible drinks promotions and the mandatory conditions on licences covering this issue.

People who are heavily intoxicated quite often become an issue later in the day / evening. An early challenge could easily prevent the assault of a customer or member of staff.

If an incident such as an assault should occur please remember to make good use of the premises incident register to record exact location of assault (to assist CCTV check) details of persons present, persons involved / witnesses including staff, injuries sustained, assistance given etc. Venues that have a written condition re the maintenance of an incident register should be aware of the significance of this reminder. On reports being made to Police, officers will be checking incident register entries as a means of progressing investigations.

British Transport Police
New Station Street, Leeds, LS1 4JZ
Email michael.a.jackson@btp.pnn.police.uk direct 0113 2479 552 fax 0113 2479 851

RESTRICTED

- 2 -

We would also ask that at appropriate venues where DJ's are in place a periodic security / safety message be considered requesting that customers look after their valuables. Staff can also be encouraged to offer advice to customers around the security of their property:

Keeping bags and pockets zipped and fastened.

Not leaving bags, mobile phones, coats and other valuables unattended.

Avoiding advertising valuables to would-be thieves.

Incidents can be reported to British Transport Police on Tel 0800 40 50 40.

Emergency incidents requiring an **immediate response** should be reported on the **999** system.

British Transport Police in conjunction with other enforcement agencies, are taking an active role in visiting licensed premises. Please do not hesitate in contacting this office for any clarification or assistance required.

Yours sincerely

Ps 1882 Mick Jackson

17 November 2011



Premises Licence Holder (Fire)
True Reason Limited
C/o Poundworld Retail Ltd
Axis 62
Foxbridge Way
Normanton Industrial Estate
NORMANTON WF6 1TN

Dear Mr Sir,

With the busy period of Christmas approaching British Transport Police would like to remind all premises of their obligation in relation to the Licensing Objectives under the Licensing Act 2003 and in particular the objective around the prevention of Crime and Disorder.

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Yours sincerely

Ps 1882 Mick Jackson



16 February 2012

Mr Alex Pinnegar
Club Fire
50A Call Lane
LEEDS
LS1 6DT

Dear Mr Pinnegar

I write with reference to the meeting held at Club Fire Wednesday 15th February 2012 attended by you, myself and Detective Constable Ridgway.

As you are aware the meeting was arranged as the result of the number of serious Assaults taking place at Fire in recent months. An incident of Grievous Bodily Harm was discussed at length, the date of that incident being the early hours of Sunday 29/01/2012. That incident evidences well the concerns I wish to leave you with and examples graphically where your staff have let you down in a most unacceptable way. Of great concern is the way your staff also let down a customer by appearing to ignore their duty of care towards him. To recap the issues raised and discussed were:

1. Door staff had pulled the assailant off the victim on the dance floor and simply led him away through the club to the front door where he was allowed to walk away into the city centre.
2. The assailant had not been aggressive to staff or resisted their requests for him to leave the area. He was fully compliant with their requests.
3. There was no verbal engagement with the assailant in an effort to establish his identity and no effort to obtain a decent facial image on CCTV by placing him in an area of the premises well covered by CCTV.
4. The victim of the Assault was left unconscious on the dance floor for two minutes unattended by any member of staff. His injuries included a broken jaw a broken cheek and a fractured eye socket. This low level of response to the duty of care for an injured customer on premises was something that if his injuries had been more serious could have proved fatal.

British Transport Police
New Station Street, Leeds, LS1 4JZ
Email michael.a.jackson@btp.pnn.police.uk direct 0113 2479 552 fax 0113 2479 851

5. You stated neither yourself nor the head door man Steve Hare were made aware of the incident until after the suspect had been ejected from the premises.
6. It was recommended that an instruction to staff be issued requiring them in circumstances when safe to do so to report any instance of Assault to you prior to allowing the main protagonists to leave.
7. You were advised that the majority of the serious Assaults were taking place Saturday night Sunday mornings around the 'Foreplay' promotion.
8. You stated you had identified that promotion as a problem night and were replacing it from 03/03/2012 with 'Love To Be' targeted at an older more relaxed audience.
9. When asked why 'Foreplay' could not end immediately it having been identified by yourself as a problem you stated it was a business decision but the night would be managed more robustly with an instruction to staff to be more pro active on the door. Its two remaining nights being 18/02/2012 and 25/02/2012.
10. The club CCTV was examined due to the fact that images retrieved recently appear to have dipped in quality. This was accepted by yourself and you agreed to re align and re focus two cameras and place a camera at the door providing good head and shoulder identification images of persons entering the premises. You further stated you would support this camera by placing a light strip above the door to enhance the quality of images produced.
11. You stated you have adopted a plastic only policy and that all drinks are now decanted from glass into plastic containers.

Yesterday you accepted the seriousness of these issues. I would hope that the fact they have been discussed in such detail has reinforced that impression and the need for a positive response from yourself and your staff.

British Transport Police along with other enforcement agencies remain committed to assist you and your staff in any way possible. Please do not hesitate in contacting me on the numbers below.

Yours sincerely

Ps 1882 Mick Jackson.



16 February 2012

Premises Licence Holder (Fire)
True Reason Limited
C/o Poundworld Retail Ltd
Axis 62
Foxbridge Way
Normanton Industrial Estate
NORMANTON WF6 1TN

Dear Sir or Madam

I write with reference to the meeting held at Club Fire Wednesday 15th February 2012 attended by Mr Pinnegar, myself and Detective Constable Ridgway.

As you are aware the meeting was arranged as the result of the number of serious Assaults taking place at Fire in recent months. An incident of Grievous Bodily Harm was discussed at length, the date of that incident being the early hours of Sunday 29/01/2012. That incident evidences well the concerns I wish to leave you with and examples graphically where your staff have let you down in a most unacceptable way. Of great concern is the way your staff also let down a customer by appearing to ignore their duty of care towards him. To recap the issues raised and discussed were:

1. Door staff had pulled the assailant off the victim on the dance floor and simply led him away through the club to the front door where he was allowed to walk away into the city centre.
2. The assailant had not been aggressive to staff or resisted their requests for him to leave the area. He was fully compliant with their requests.
3. There was no verbal engagement with the assailant in an effort to establish his identity and no effort to obtain a decent facial image on CCTV by placing him in an area of the premises well covered by CCTV.
4. The victim of the Assault was left unconscious on the dance floor for two minutes unattended by any member of staff. His injuries included a broken jaw a broken cheek and a fractured eye socket. This low level of response to the duty of care for an injured customer on premises was something that if his injuries had been more serious could have proved fatal.

British Transport Police
New Station Street, Leeds, LS1 4JZ
Email michael.a.jackson@btp.pnn.police.uk direct 0113 2479552 fax 0113 2479 851

5. Mr Pinnegar stated neither he nor the head door man Steve Hare were made aware of the incident until after the suspect had been ejected from the premises.
6. It was recommended that an instruction to staff be issued requiring them in circumstances when safe to do so to report any instance of Assault to Mr Pinnegar prior to allowing the main protagonists to leave.
7. Mr Pinnegar was advised that the majority of the serious Assaults were taking place Saturday night Sunday mornings around the 'Foreplay' promotion.
8. Mr Pinnegar stated you had identified that promotion as a problem night and were replacing it from 03/03/2012 with 'Love To Be' targeted at an older more relaxed audience.
9. When asked why 'Foreplay' could not end immediately it having been identified by yourself as a problem Mr Pinnegar stated it was a business decision but the night would be managed more robustly with an instruction to staff to be more pro active on the door. Its two remaining nights being 18/02/2012 and 25/02/2012.
10. The club CCTV was examined due to the fact that images retrieved recently appear to have dipped in quality. This was accepted by Mr Pinnegar and he agreed to re align and re focus two cameras and place a camera at the door providing good head and shoulder identification images of persons entering the premises. Mr Pinnegar further stated you would support this camera by placing a light strip above the door to enhance the quality of images produced.
11. Mr Pinnegar stated you have adopted a plastic only policy and that all drinks are now decanted form glass into plastic containers.

Yesterday Mr Pinnegar accepted the seriousness of these issues. I would hope that the fact they have been discussed in such detail has reinforced that impression and the need for a positive response from yourself and your staff.

British Transport Police along with other enforcement agencies remain committed to assist you and your staff in any way possible. Please do not hesitate in contacting me on the numbers below.

Yours faithfully

Ps 1882 Mick Jackson.



WEST YORKSHIRE POLICE

Millgarth Police Station
Millgarth Street
Leeds
LS2 7HX

Tel: 0113 2413072
Fax: 0113 2413123
Email: catherine.arkle@westyorkshire.pnn.police.uk
Website:

Leeds District Licensing Department

26 March 2012

Mr Alexander D Pinnegar
Fire
50/52 Call Lane
Leeds
LS1 6DT

Dear Alexander

Matrix Points – Your Premises

I write to make you aware that your premises are currently in the amber zone on the matrix for the six month period from 1 September 2011 to 29 February 2012. As you are aware we started using the matrix and points system in March 2010 to help identify premises which were having problems with crime and disorder.

The scoring system is as follows:

Green	0 - 29 points
Amber	30 - 59 points
Red	60 points and above

Engagement with the police and our partner agencies is taken into account should you find yourself in the red zone, which is 60 points and above in any six month period. Sixty points or above does not necessarily mean a review of the licence will be sought, but it is a distinct possibility if there is no engagement with the police and/or all attempts to reduce incidents have failed.

Continued...

It may be helpful therefore for you to make an appointment to discuss any help or advice we can offer to reduce the volume of incidents associated with your premises. If you already meet with us on a regular basis, there is no need for a further appointment to be made.

Yours sincerely

Cath Arkle
Divisional Licensing Officer
City & Holbeck

cc Premises Licence Holder
True Reason Ltd
c/o Poundworld Retail Ltd
Axis 62
Foxbridge Way
Normanton Industrial Estate
Normanton
WF6 1TN



Arkle, Catherine

From: Jackson, Michael A [Michael.Jackson@btp.pnn.police.uk]
Sent: 11 July 2011 18:23
To: catherine.arkle@westyorkshire.pnn.police.uk
Cc: Price, Richard
Subject: Fire, Call Lane.

Cath,

Just a quick message to update you re Fire.

The last TEN they had 01/07/11 was quite eventful.

We had a Wounding (Bottle used on head and abdomen. 2 x Arrests made since). Robbery in the toilets, several assailants onto one and a couple of Thefts.

All these incidents occurred between 0100 – 0600.

I am aware of the already authorised TEN for 28/08/11 but would like to have the opportunity to challenge any future applications.

As you know I do get copied into this applications but if I'm on leave / days off etc when the information comes through it is likely that with the time frames to challenge being so short I miss the opportunity.

Could you please consider under those circumstances making the challenge on my behalf. Obviously the only challenge we can make to a TEN application is under Crime and Disorder. The level / nature of the crime 01/07 gives rise to serious concern re future events.

Cheers,

Mick Jackson

Ps 1882, Leeds

British Transport Police, LeedsCityRailway Station,

New Station Street, LEEDS, LS1 4JZ.

Office 0113 2479552

Fax 0113 2479576

Email michael.a.jackson@btp.pnn.police.uk

www.btp.police.uk

Arkle, Catherine

From: Jackson, Michael A [Michael.Jackson@btp.pnn.police.uk]
Sent: 01 December 2011 10:17
To: catherine.arkle@westyorkshire.pnn.police.uk
Subject: RE: Fire - u'age : NOT PROTECTIVELY MARKED

Cath,

Yes aware.

Need to speak with Fire re minor issue with door staff. Will cover this at same time.

Cheers,

Mick Jackson
Ps 1882, Leeds

British Transport Police, Leeds City Railway Station,
New Station Street, LEEDS, LS1 4JZ.
Office 0113 2479552
Fax 0113 2479576
Email michael.a.jackson@btp.pnn.police.uk
www.btp.police.uk

-----Original Message-----

From: catherine.arkle@westyorkshire.pnn.police.uk
[mailto:catherine.arkle@westyorkshire.pnn.police.uk]
Sent: 01 December 2011 09:59
To: Jackson, Michael A
Cc: robert.fullilove@westyorkshire.pnn.police.uk
Subject: Fire - u'age : NOT PROTECTIVELY MARKED

Mick

I take it you are aware of the 17yr old suspect in Fire for the recent thefts - reported initially to us as a robbery?

Cath

PC Catherine Arkle
Divisional Licensing Officer
City & Holbeck
Int: x53072
Tel: 0113 2413072
Fax: 0113 2413123

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Arkle, Catherine

From: Ken Dolecki [REDACTED]
Sent: 30 March 2012 9:47
To: Arkle, Catherine
Subject: Fire - Matrix Points

Hello Cath,

I am in receipt of your letter of 26th March re the Matrix Points for Fire on Call Lane. I have also been cc'd in to the reply to you by Alex Pinnegar, the manager. Please let me know a suitable day and time for us to come and meet you to discuss the incidents and points with you. I'll bring Alex along with me.

Kind regards,

Ken Dolecki
Operations Manager
Truereason Ltd/In The Pink Ltd
Poundworld Retail Ltd
Axis 62
Foxbridge Way
Normanton
West Yorkshire
WF6 1TN
Tel: 01924 420260
Fax: 01924 919685
Mob: 07976 510296

Arkle, Catherine

From: Alex Pinnegar [redacted] on behalf of Alex Pinnegar
Sent: 02 April 2012 11:29
To: Arkle, Catherine
Cc: Ken Dolecki
Subject: Re: FIRE Leeds [NOT PROTECTIVELY MARKED]

Cath,

Sorry for this run around, but I've just had a message from Ken saying he can't do any later than 2pm, so can we switch back to a 2pm meeting.

Sorry again for this.

Alex

On 02/04/2012 11:03, Arkle, Catherine wrote:

> Alex
>
> I can do 3.30pm if you can make it back for then?
>
> PS Jackson/Mick/Ken - could you all do 3.30pm tomorrow at Millgarth?
>
> -----Original Message-----
> From: Alex Pinnegar [mailto:[redacted]] On Behalf Of
> Alex Pinnegar
> Sent: Monday, April 02, 2012 10:45 AM
> To: Arkle, Catherine
> Subject: Re: FIRE Leeds [NOT PROTECTIVELY MARKED]

> Morning Cath,

> Thanks for the swift response.

> I was originally planning on being away this evening, returning to
> Leeds for around 3pm tomorrow afternoon. If there is any way we could
> push the meeting back to nearer 3-4pm that would be fantastic, if not,
> I'll rearrange and we can do 2pm tomorrow no problem.

> Let me know what works best.

> Regards,

> Alex

> On 02/04/2012 08:42, Arkle, Catherine wrote:

>> Alex

>> Thanks for the below.

>> Tuesday 3rd April at 2pm at Millgarth would be best for Sgt.Jackson and me. Can you and Ken make this please?

>> Mick(LCC) - can you do this Tuesday at 2pm - I know you're not available Wed& Thurs.

>> Regards

>> Cath

&
>> -----Original Message-----

>> From: Alex Pinnegar [mailto:~~XXXXXXXXXXXXXXXXXXXX~~] On Behalf
>> Of Alex Pinnegar
>> Sent: Thursday, March 29, 2012 10:05 PM
>> To: Arkle, Catherine
>> Cc: Ken Dolecki
>> Subject: re: FIRE Leeds

>>
>> Cath,
>>
>> Thank you for your recent contact regards our position on the points matrix.
>>
>> It is unfortunate to hear that we're in the amber zone, would you be
>> able to provide us with an exact number of points we are on?
>>
>> I recently had a meeting with Sgt Jackson and DC Ridgeway from
>> British Transport Police regards growing concerns they had with the
>> venue and certain promotions. An action plan was drawn together and
>> has since been acted upon. Sgt Jackson has acknowledged he is happy
>> with the progress made by agreed changes.
>>
>> If you feel it would still be beneficial for us to arrange a meeting
>> to go through concerns in depth then that would be by all means agreeable.
>> Please let me know if you feel this would be of benefit and a suitable date.
>>
>> Regards,
>>
>> Alex Pinnegar
>>

--

Alex Pinnegar
General Manager
FIRE Leeds | TRUEREASON LTD
52-54 Call Lane
Leeds
West Yorkshire
LS1 6DT
Web: www.leedsclubscene.co.uk/fire
Email: alex@leedsclubscene.co.uk
Office: (0113)2 438 666
Mobile #1: (44)7412 090 415
Mobile #2: (44)7412 241 077
BBM: 2618327D

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Arkle, Catherine

From: Anthony Lyons [anthonylyons@kuits.com]
Sent: 04 April 2012 10:59
To: Arkle, Catherine
Subject: RE: Fire [NOT PROTECTIVELY MARKED]

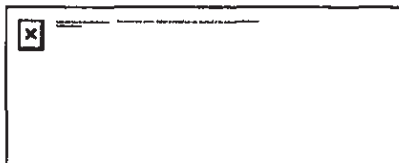
Thanks Cath

Anthony Lyons
partner
licensing
For and on behalf of kuit | steinart | levy LLP
3 St Mary's Parsonage Manchester M3 2RD
DX 14325 Manchester 1



t: 0161 832 3434
dept direct line: 0161 838 7888
f: 0161 838 8109
e: anthonylyons@kuits.com
www.kuits.com

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From: Arkle, Catherine [mailto:catherine.arkle@westyorkshire.pnn.police.uk]
Sent: 04 April 2012 09:33
To: Anthony Lyons
Cc: 'Jackson, Michael A'; Fullilove, Rob; Clarke, Richard; Patterson, Bob
Subject: Fire [NOT PROTECTIVELY MARKED]

Tony

As promised - a brief overview of issues.

Between July 2011 and March 2012, 19 serious assaults (ABHs) and 7 very serious assaults - GBHs and GBH w/i.

BTP engaged with DPS. 3 letters sent to DPS and PLH copied in re issues. Policy agreed with LCC and BTP re crime and disorder incidents and the reporting of them to the police (10/01/2012) - not adhered to with latest GBH w/i where male left unconscious on dancefloor for at least 2 minutes without any attention and suspect ejected from premises - this was on a Thursday night of operating - CCTV evidence.

3 of incidents spoken about involved allegations against door staff. Still being investigated.

Felt to be attracting gang culture and described as a member of staff as a 'hell hole'. Injuries to customers include fractured jaws, fractured eye sockets, stab wounds, bottlings.

More technical issues - 2 entrances being used as opposed to the one - significant change in operation - should have been a minor or full variation - unsure when changes were made. Copy of new plans? Condition put on PL after last Review re any changes in policies to be 'authorised' by WYP - not done. Disagreement over whether alterations had in deed taken place - also when? Discussion re which address PLH was using.

Previous Summary Review not that long ago - 2009 - comments from Sub-Committee re 'yellow card' and consequences if in front of Licensing Authority again.

Premises and their operation have reverted back to type.

Issue of trust needs to be addressed whatever may or may not be offered to try and avoid a review. Anything offered which might address the issues would have to go a long way in convincing WYP and BTP that these measures would be adhered to. May wish to consider allowing BTP/WYP ultimate control over promoters and events which are being considered for the venue, i.e. final say as to whether or not they are allowed at the premises. May also wish to let BTP/WYP have final say re door staff - company and individuals on the door. There are many other measures you could look at but I think I've given you a flavour of what might help if your clients are willing and able to comply. Whatever is offered everyone still has to be aware that it may not prevent a review but we shall keep open minds.

I have spoken with Sgt.Jackson, BTP, and he is in agreement that the 24 hour window which was requested can be extended to Thursday am.

Regards

Cath

PC 5548 Catherine Arkle
Divisional Licensing Officer
City & Holbeck
x53072
0113 2413072

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Arkle, Catherine

From: Jackson, Michael A [Michael.Jackson@btp.pnn.police.uk]
Sent: 05 April 2012 14:01
To: Anthony Lyons
Cc: Arkle, Catherine
Subject: RE: Fire

Mr Lyons,

Many thanks for the Action Plan you forwarded earlier today. I have now had chance to read and digest it's content.

First of all I would like to say that British Transport Police appreciate the speed of your response. Unfortunately we are some months into a pattern of offending on the premises that gives us great concern. I personally have had several meetings with the DPS at Fire, Alex Pinnegar re the issues and communicated with the PLH through letter the content of those meetings and the concerns of Police. Although the Action Plan is detailed in its content the issue to be addressed is a lack of trust. The trust I speak of is that between the management of the premises and Police in the carrying out of the plan itself.

As you are no doubt aware Fire was previously named Puro. The premises is now under the same management control as when it was Puro. In August 2009 Puro was subject of a Licensing review due to it's poor performance around the Licensing Objective of Prevention of Crime and Disorder. Promises made at the completion of that review by the premises management have not been adhered to resulting in us being again in a position where we have to question their commitment to the afore mentioned Licensing objective.

Due to the number of serious assaults in such a short period of time and our duty to public safety I feel it only right that the Licensing committee are allowed the opportunity to take a view on the premises recent performance. In light of that I have spoken with Pc Arkle at West Yorkshire Police Licensing and indicated that due to the above we would like to press ahead with the review as indicated to Mr Dolecki on Tuesday afternoon.

Yours sincerely,

Mick Jackson Ps 1882

British Transport Police, Leeds City Railway Station,
New Station Street, LEEDS, LS1 4JZ
Office 0113 2479552
Fax 0113 2479851
Email michael.a.jackson@btp.pnn.police.uk
www.btp.police.uk

From: Stephanie Burke [mailto:StephanieBurke@kuits.com] **On Behalf Of** Anthony Lyons
Sent: 05 April 2012 12:18
To: Jackson, Michael A
Cc: catherine.arkle@westyorkshire.pnn.police.uk; Ken Dolecki
Subject: Fire
Importance: High

To: Sergeant Jackson
Our Ref: ASL/SAB/TRU95/6
Re: Fire, Call Lane, Leeds

Dear Sergeant Jackson,

Further to our telephone conversation and my email yesterday I attach an action plan which Ken Dolecki has asked me to send over to you for your urgent consideration.

Ken would welcome a further meeting with you in order to address any queries that you may have arising out of this document. He would also like to establish how best to proceed with the variation of the Licence to incorporate additional conditions designed to give confidence to BTP and WYP going forward.

ch to emphasise Ken's determination to work with the Police towards delivering safe and responsibly run premises.

Should you have any urgent observations perhaps you could telephone me this afternoon.

Yours sincerely

Anthony Lyons
For and on behalf of Kuit Steinart Levy LLP

Anthony Lyons
partner
licensing
For and on behalf of kuit | steinart | levy LLP
3 St Mary's Parsonage Manchester M3 2RD
DX 14325 Manchester 1

t: 0161 832 3434
dept direct line: 0161 838 7888
f: 0161 838 8109
e: anthonylyons@kuits.com
w: www.kuits.com

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Tony

I just managed to catch PS Jackson on the phone. I mentioned we had spoken about what else BTP would want if what has been offered is not sufficient. I said I had mentioned about closing time/terminal hour for licensable activities and that you wished to be able to discuss this.

PS Jackson has said that based on the times of the offences occurring at the premises he would be wanting licensable activities to cease at midnight with the premises closed from 00:30hrs.

Would this be something which could be agreed?

Cath

From: Stephanie Burke [mailto:StephanieBurke@kuits.com] **On Behalf Of** Anthony Lyons
Sent: Thursday, April 05, 2012 12:18 PM
To: Michael.a.jackson@btp.pnn.police.uk
Cc: Arkle, Catherine; Ken Dolecki
Subject: Fire
Importance: High

To: Sergeant Jackson
Our Ref: ASL/SAB/TRU95/6
Re: Fire, Call Lane, Leeds

Dear Sergeant Jackson,

Further to our telephone conversation and my email yesterday I attach an action plan which Ken Dolecki has asked me to send over to you for your urgent consideration.

Ken would welcome a further meeting with you in order to address any queries that you may have arising out of this document. He would also like to establish how best to proceed with the variation of the Licence to incorporate additional conditions designed to give confidence to BTP and WYP going forward.

I wish to emphasise Ken's determination to work with the Police towards delivering safe and responsibly run premises.

Should you have any urgent observations perhaps you could telephone me this afternoon.

Yours sincerely

Anthony Lyons
For and on behalf of Kuit Steinart Levy LLP

Anthony Lyons
partner
licensing
For and on behalf of kuit | steinart | levy LLP
3 St Mary's Parsonage Manchester M3 2RD
DX 14325 Manchester 1



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 **Arkle, Catherine**

From: Arkle, Catherine
Sent: 05 April 2012 17:09
To: 'Anthony Lyons'
Cc: 'Jackson, Michael A'; Patterson, Bob; Fullilove, Rob
Subject: RE: Fire [NOT PROTECTIVELY MARKED]

Tony

OK. I am not here next week so if you can ring or e-mail PS Jackson or Bob or Rob. PS Jackson may not be on his normal phone number as he mentioned he was having to cover something different - so e-mail will probably be best.

Regards

Cath

From: Anthony Lyons [mailto:anthonylyons@kuits.com]
Sent: Thursday, April 05, 2012 5:04 PM
To: Arkle, Catherine
Subject: RE: Fire [NOT PROTECTIVELY MARKED]

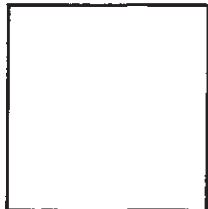
Cath

Will have to get back to you next week.

Regards

Tony

Anthony Lyons
partner
licensing
For and on behalf of kuit | steinart | levy LLP
3 St Mary's Parsonage Manchester M3 2RD
DX 14325 Manchester 1



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From: Arkle, Catherine [mailto:catherine.arkle@westyorkshire.pnn.police.uk]
Sent: 05 April 2012 16:51
To: Anthony Lyons; Michael.a.jackson@btp.pnn.police.uk
Cc: Ken Dolecki
Subject: RE: Fire [NOT PROTECTIVELY MARKED]




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From: Anthony Lyons
Sent: 11 April 2012 12:17
To: Rebecca Egan
Subject: FW: Fire update
 Lets discuss

Anthony Lyons | partner
 licensing ext: 1035

From: Ken Dolecki [mailto: [REDACTED]]
Sent: 11 April 2012 11:50
To: Anthony Lyons
Subject: Fire update

Good morning Tony,

As you are aware after the meeting that Alex and I had with West Yorkshire Police, British Transport Police and Leeds City Council Licensing last Tuesday I decided to voluntarily close Fire for the Easter week to re assess the situation there.

I thought I'd drop you a line giving you a brief update on where I'm up to with the so far with regard to the proposed new measures that we are introducing at Fire.

1. Alex Pinnegar has now been replaced as the Designated Premises Supervisor and Manager. The application was handed in to both Licensing and West Yorkshire Police yesterday lunchtime. Unfortunately I did not have time to submit the details of the transfer to BTP for their approval. But if there are any objections from either West Yorkshire Police or BTP we can supply another candidate.

2. The door company and door team have all been replaced by Professional Security. They man almost all of the Call Lane venues and have some very experienced and well trained staff. BTP are already aware of them as they also cover the Mission nightclub which falls under BTP's jurisdiction.

3. There will be a minimum of two personal licence holders on duty at Fire at all times. Although the second man, John Hughes, has only just sent his application off, even though he passed the PL course last year. So it may take a couple of weeks to come through.

4. We have increased the numbers of security staff from 1 per 100 people to 1 per 80 people and we will maintain this level at all times. There will always be a minimum of 2 security staff on duty from opening.

5. The details of the new management team are.....

Michael Scott Gibson. Twenty Twenty House, Skinner Lane, Leeds, Ls7 18f.

D.o.b. 12.08.1985

John Hughes, 11 Moorland Road, Hyde Park, Leeds, Ls6 1al. D.o.b. 17.08.1990

These details have not yet been given to WYP or BTP.

6. A new risk assessment for the internal occupancy is being done as I write this and will be completed before the end of the afternoon.

7. Sia security staff have been issued with high-vis jackets for the front door and high-vis bibs for the inside.

8. New Time-Lapse body-cam's have been ordered from Dando Communications and hopefully they will arrive before the end of this week.

9. The new £1.50 minimum drink price will be in effect from our first opening tonight and will remain in force for every night.

10. We have improved lighting in specific areas and added dimmer packs so that we can increase the level of lighting in those areas.

11. Awaiting meetings to be set with BTP/WYP.

12. We have provided a list of our promoters to you to pass on to BTP/WYP.

13. As per action plan.

14. New polycarbonate "glassware" has been ordered to replace all of our existing glasses and should be with us by Friday of this week. In the meantime I have purchased some plastic disposable "glasses" which will be used until then. No glass bottles will be handed out. The contents will be decanted into plastic or polycarbonate "glasses".

15. A new CCTV monitor has been ordered for the front door area so that patrons will be aware that they are being recorded whilst on the premises. Appropriate warning signage has also been ordered. This should all be in place for w/e 20.04.2012.

16. As per action plan.

17. All staff are to undergo a "Conflict Management" training course, which is a certificated course, this Friday.

18. We have a minimum of two qualified first aiders on site at all times.

19. Additional tables and stools have been added to the upstairs areas to help discourage vertical drinking.

20. Panic buttons, to be fitted to the DJ booth and to both bars, have been ordered but the electrician isn't available to fit them until next week.

21. As per action plan.

22. As per action plan.

23. As per action plan.

24. Training for all members of staff shall be completed this Friday.

I hope that this will be satisfactory.

Kind regards,

Ken Dolecki
Operations Manager
Truereason Ltd/In The Pink Ltd
Poundworld Retail Ltd
Axis 62
Foxbridge Way
Normanton
West Yorkshire
WF6 1TN
Tel: 01924 420260
Fax: 01924 919685
Mob: 07976 510296



Arkle, Catherine

From: Rebecca Egan [rebeccaegan@kuits.com] on behalf of Anthony Lyons [anthonylyons@kuits.com]
Sent: 11 April 2012 16:08
To: michael.a.jackson@btp.pnn.police.uk
Cc: Arkle, Catherine; Fullilove, Rob
Subject: This Matter TRU95/6 - Fire, Call Lane, Leeds - Licensing
Attachments: FW Fire update.htm; FW Promoters List.pdf

Dear Sgt Jackson

Further to our recent exchange of emails attached please find an email received today from Ken Dolecki setting out the latest position.

Ken has asked me to let you know that now the majority of the action plan points have been put into place he proposes to re-open Fire this evening at 10:00pm.

I am looking forward to meeting you with Ken next week to discuss matters further.

Yours sincerely

Anthony Lyons
For and on behalf of Kuit Steinart Levy LLP

Anthony Lyons
partner
licensing
For and on behalf of kuit | steinart | levy LLP
3 St Mary's Parsonage Manchester M3 2RD
DX 14325 Manchester 1



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Arkle, Catherine

From: Jackson, Michael A [Michael.Jackson@btp.pnn.police.uk]
Sent: 18 April 2012 10:02
To: Felicity Harris-Knott
Cc: Fullilove, Rob; Arkle, Catherine; Michael.Waters@leeds.gov.uk
Subject: Fire

Felicity,

May I start by saying thank you for the frank exchange of views with regard to Fire and the issues surrounding the need for yesterdays meeting.

We have had a chance to weigh the options outlined by yourself and Ken in relation to a possible variation of the Licence in an effort to improve the performance of the premises around Crime and Disorder issues and mainly Assaults.

Unfortunately the main issues we feel that need to be addressed are consistency of performance and trust that an improvement in performance would be maintained.

I fully understand Ken's desire to be given the chance to get on top of things but we have been here before and I would have hoped that because of the history involved he would have already been aware of the need to be vigilant and effective in this area of his operation.

I have discussed our position in depth with colleagues from West Yorkshire Police and as a result of those discussions have requested that as the responsible authority for matters such as this they commence the process for a review of the Licence.

Kind Regards,

Mick Jackson Ps 1882

British Transport Police, Leeds City Railway Station,
New Station Street, LEEDS, LS1 4JZ.

Office 0113 2479552

Fax 0113 2479851

Email michael.a.jackson@btp.pnn.police.uk

www.btp.police.uk

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MINUTES OF MEETING WITH FIRE
14:00 on TUESDAY 03/04/2012

PERSONS PRESENT

PC Cath Arkle
PS Mick Jackson - BTP
Mick Waters – LCC Enforcement
Ken Dolecki – Operations Manager
Alex Pinnegar – DPS

CA thanked all for attending. She explained why a letter had been sent from WYP to do with the premises being in amber and explained the now closer connections between BTP and WYP re the sharing of information in relation to what crimes were recorded for premises covered by BTP. She said this explained why 'Fire' had never really figured in WYP figures as BTP were a separate organisation.

CA handed over to MJ. MJ said that from 1st Jan 2011 until 1st July 2011 BTP were aware of only one reported serious offence connected to the premises. However from 1st July 2011 until 2nd March 2012 there were now 25/26 incidents which was a dramatic rise, even more so given that 19 of these were serious assaults(ABHs) and 7 were very serious. To get such an increase in incidents in such a short time was what had triggered BTP to meet with AP.

MJ said three of the incidents involved door staff. He said he accepted that sometimes this was an occupational hazard of a doorman but the complaints were there none the less. MJ said various other things had come to the authorities' attention such as an issue with a fire door – was it in use as a fire door or not – MW said he had direct knowledge of this as an LCC Enforcement Officer and having also been a Fire Officer.

MJ said BTP had received intelligence and information from people attending the venue, including a member of door staff, who described the premises as a 'hell hole'. It was also described as attracting the gang culture and typical council estate types. MJ said there was a real cause for concern with the severity of the injuries – fractured jaws, eye sockets, stabbings, bottlings.

MJ said the meetings with AP had been with a view to encouraging him to reduce the incidents and manage the premises better. He said the management had been quite accommodating – the CCTV had been looked at and positions of cameras changed. MJ said this was appreciated but also expected. MJ said BTP had now reached the point where they were asking West Yorkshire Police to review the Premises Licence. He said the tipping point which led to this was a recent incident on the dance floor. The victim had been left unconscious on the dance floor for 2 minutes and there was CCTV footage of this. MJ said he now felt the Licensing Sub-Committee needed to consider everything that had occurred.

KD said he thought the event known as 'Foreplay' which they had run on a Saturday night was responsible for the majority of the problems. He said that event had been in the premises for 12 months and started off ok but was infiltrated by clientele from the local estates. He said they had decided to cancel the night from 11/02/2012.

MJ said there had been incidents on other nights apart from the Saturday into Sunday. He said that the most recent incident had led to 3 crimes being recorded – 1 for Grievous Bodily harm with Intent and 2 for Actual Bodily Harm – and that this had been on a Thursday night into Friday morning (1st/2nd March).

KD said that since they had got rid of 'Foreplay' they had a much nicer crowd in the venue on a Saturday. KD said he knew the CCTV had been moved and that this had originally been done in conjunction with WYP. KD asked about the allegations connected to the door staff. MJ said 2 investigations were still ongoing.

AP said he had sacked one of them and dismissed another called Brad Addison.

MJ said that there were 2 crimes in Feb 2012 which related to 2 door staff and that the other door staff crime was back in Sept 2011. KD said they normally got rid of any door staff who misbehaved even though they usually protested their innocence. AP said this had been the case with both of the door staff.

MJ said the dramatic increase was the issue.

MW said that there had been meetings re the 2 most recent issues he was aware of. He said that the first was when he had been out on licensed visits in December 2011, visiting other nearby premises, he had noticed that a fire exit to the rear of Fire was shuttered off whilst the premises were operating. He said he had taken a photo of the rear of the premises as he was not happy that it was blocked off when it was a means of escape. He said he had been told by AP that it was not a fire exit but was used as an entrance 'now and then' but that this was not true. He said he had previously been a Fire Officer and knew how it should be used. MW said he had a plan of the premises which showed the layout and appeared to show alterations had been done without authority.

KD said Call Lane used to be the main entrance but that it had moved.

MW said a new set of doors had now been put in at the back of the premises with roller shutter doors. He said that he felt it was a significant change in the operation to use this as an entrance when there was a condition on the licence specifying a minimum number of 2 door staff at the premises. He asked how one would cover 2 entrances with 2 door staff. MW referred to other conditions which had been put on the licence after the review, which had been offered by the PLH. He said a key one was that none of the policies were to be changed without agreement from WYP. He said there was no such

agreement on file. He said that if they had applied properly for the change or approached the police they might have had some representations to make and have suggested other conditions.

KD said he didn't think they'd altered the premises. MW said they had. He said the rear door had never been glass.

KD said he didn't think it had changed since the review. He said they had closed and done the re-fit while the review was ongoing.

MW said the layout of the premises had changed. He thought there might be another drawing of the plans circulating. MW said he would check for the most up to date plans on file.

MW asked about the 2 different addresses for the company – the PLH. The most recent one was down as Normanton but at some point it had been Birstall.

KD said that True Reason's address was at Normanton and that it hadn't been at Birstall for some time.

CA asked what the PLH could offer to persuade BTP/WYP that a review could be avoided. KD said that the Saturday night had been very profitable but because of the issues they had cancelled it. They now had a respectable night which took a third of what 'Foreplay' had taken but it was worth it to stop the incidents. He said the door staff knew what to expect now and that they had 'tightened up' the door. MJ said he was rather concerned that this suggested the door hadn't been as tight as it could be when 'Foreplay' had been running. KD said it had been tight and that they had refused entry to lots of people. He said they now attracted the young professional crowd on a Saturday.

MJ said the latest incident had been on a Thursday into Friday with 2 ABHs and a GBH with intent. It had been a particularly nasty assault. CA asked if this was their student night. KD and AP said it was and was run by Jason Fakeerah and Isaac Main. CA said she knew the name Jason Fakeerah from other events in Leeds over the years.

MJ acknowledged that the incidents on a Saturday had now nearly stopped. KD asked what others there were. MJ said there had been an incident with ABHs and there was the GBH with intent (stabbing) where the suspect had been allowed to leave. KD said the door staff had been interviewed. MJ said the investigation was ongoing. AP agreed that he had talked about this incident with MJ, and MJ said it had caused MW to draw up a contract/policy between AP and his staff about what action to take re incidents of crime and disorder. AP acknowledged this.

MW spoke about the stabbing where there had been no report to the police from the premises which is why he had felt the requirement for a policy re when to call an ambulance. He said the injured party was not really the best

person to be making a decision as to whether an ambulance should be requested, and that the venue needed a different course of action. Following on from agreeing that policy the management had allowed an injured party to remain unconscious on the dance floor and the assailant was allowed to leave by the door staff. The policy agreed had not been followed. MW spoke about the original male injured in a stabbing on the premises. He said that it was the male's parents who had complained to LCC Enforcement a month after the incident – which is when LCC Enforcement had found out about it. MW said one could understand that parents would not be happy about the situation – KD said he understood completely. MW said that irrespective of the agreed policy there was now another injured person who was left without care. He stressed the duty of care aspect of the staff at the premises and said something was going very wrong.

MW said he had been contacted by the boss of Negotium Security, Fire's door security firm, who was querying what MW had said to AP at a meeting. MW said he had told Elliot Campbell that AP was told he was in charge of the door team and that the door staff should be following his instructions.

MW said something was going very wrong somewhere. MW said that AP has had meetings with BTP and LCC with a view to get a positive reaction from the venue management and to be able to calm incidents down. This obviously hadn't worked.

MJ said a letter had been sent out to both PLH and DPS re the Xmas rush etc.

Letters sent 20/12/2011 and 16/02/2012 to both DPS and PLH. KD said he didn't receive them. AP said that he and KD had talked about the issues raised in the February letter. KD initially appeared to have difficulty remembering this and then said he agreed they had talked about.

KD said he remembered a meeting with staff re the stabbing incident. The victim was attended by AP, Jon and first aider. He was supposed to have rolled over on to some glass. KD said they had also had an internal meeting about the unconscious male on the dance floor. He said he had got the head of the door company to attend, Elliot Campbell, and shown him the CCTV. He said he had given the door staff a last chance.

MJ said that what KD had just described was essentially what had been written in the letters so KD must have received them.

KD said he'd had a recent chat with Dave Fullerton from Professional Security so he might look to change door companies. He said CA's idea re incident mapping was interesting.

MW said that when he had gone out and found the fire exit locked the night after had proven to be the night where the male customer had been stabbed. That was two serious incidents on the same weekend. He said that considering the previous review, promises made, problematic nights, the

issues of trust, the failure to follow policies and procedures and finances being considered above public safety there was a feeling that nobody in management was taking any notice.

KD said he wished he'd been brought in sooner. MJ said he expected AP would have kept KD informed.

KD asked for 24 hours before any decision to review was implemented. MJ agreed to this. KD and AP said they had no special events planned over Easter.

MINUTES OF MEETING WITH FIRE
15:00 on TUESDAY 17/04/2012

PERSONS PRESENT

PC Cath Arkle – WYP Licensing
PS Rob Fullilove – WYP Licensing
PS Mick Jackson - BTP
Mick Waters – LCC Enforcement
Ken Dolecki – Operations Manager
Felicity Harris-Knott – Kuits Solicitors

Introductions made. FHK gave apologies for Tony Lyons who was unable to attend due to another legal commitment. She said she was there in his place. FHK said Fire had opened last Wednesday after the period of voluntary closure and that there had been no incidents since then. MJ said he wasn't aware of any incidents since then. FHK said they had asked for the meeting because they wanted to discuss a way forward to avoid review if at all possible.

MJ said he understood this but that there was a trust issue with the management. He said the premises had previously operated as Puro and had had similar problems to those now being experienced at Fire. Puro had been reviewed, promises had been made and these had not been followed through. He said there had been a spiral of incidents which had been discussed with KD and Alex Pinnegar at the last meeting. The main issue was the severity of the incidents and the increase in them and MJ said he felt that it was time to go back in front of the Licensing Sub-Committee to see what they thought about it.

FHK said she understood the issue re trust, and to try and help re-establish this trust she said the operators were willing to 'minor vary' certain conditions proposed in the action plan on to the premises licence. This would put the proposals on a more formal footing. She said they had already removed Alex Pinnegar as DPS, changed door staff companies and closed voluntarily for a week over Easter. She said the new DPS was Mike Gibson and the deputy manager was John Hughes(JH). MJ asked if Mike Gibson was not the manager of Mezz. KD said he wasn't but that KD was. CA said she knew KD was the DPS for Mezz but that she knew Mike Gibson as the manager of Mezz and had corresponded with him as such. KD said MG was no longer involved with Mezz and had moved to manage Fire with his deputy manager, JH. He said they had both worked at Mezz previously and that JH had been a natural choice due to this.

MJ said he had had no dealings with Mezz which was policed by WYP. KD said Alex Pinnegar(AP) was now at Mezz, with KD as DPS. He said he was unable to sack AP just like that. KD said he was much more hands on at Mezz now.

RF asked about JH's background. KD said he had worked in clubs for 5/6 years and had applied for his premises licence. RF queried JH's age and his suitability to manage problematic premises given that his life experience was limited at 21. KD was not sure of his age but said he was not the actual manager but his deputy. MJ said it had been identified that Fire was struggling and yet a 21 year old was being proposed as part of the management team. He couldn't be that greatly experienced. KD queried the concern, given that JH would be the manager's assistant, not the manager, and under close supervision.

MJ said he had a problem with the overriding theme being given to staff by management and said that MG needed strong support, not to be babysitting JH.

FHK asked if there were any problems with MG. CA said she hadn't had too many dealings with him. MJ said the discussion was going off track.

KD asked about getting stronger management then. MJ said there still remained the issue of trust and KD asked how he could get this back. He said the problems at Fire, the feedback he had got from AP, had all been glossed over. He said he had not been aware of 40/50% of the incidents spoken about, which hindered his ability to address the issues. He said he had had nothing from MJ personally.

MJ accepted he had not spoken to KD personally but spoke of the letters sent addressed to the PLH and DPS. KD said he didn't know where these had gone but he had never received them.

FHK asked what else MJ would want to see implemented. MJ said that the last correspondence prior to Easter had been in relation to a reduction in operating hours and a midnight closure. He said he had expected a response to this at this meeting. FHK said they had spoken about it but an offer by the operators to cease trading at midnight would be tantamount to no licence at all. KD said there was no trade before midnight and that it would be a death sentence for the business.

MJ said that from a police perspective public safety came first and this was being undermined by the number and severity of the incidents at the premises.

FHK said they were very much aware that they were at BTPs mercy. She said KD had closed the premises promptly after the meeting on 3rd April and that it had now opened under close supervision. She said they were very much hoping for a further period of operating to be given to allow a good track record to be built up.

MJ started to discuss some of the action plan points. He mentioned point number 9 – a £1.50 minimum drink policy. He said the website for the premises was still advertising drinks on a Wednesday and Thursday at 90p despite all the promises. KD said this was an administrative error and would

be altered. He said there was no such current offer at the premises. MJ asked how they would handle people's expectations of 90p drinks and stated they were advertising something which wasn't true.

FHK said it would be rectified that afternoon. She said they had already switched to 100% polycarbs and had changed door staff company. She said the polycarbs policy- was permanent and across the board. CA asked about PETs and it was stated they still had bottles behind the bar but decanted the contents into the polycarbs. It was confirmed that there should be no glass anywhere on the premises to which the public had access.

RF asked what they would offer in a premises licence variation if that were to be considered.

FHK said the 100% polycarbs would go on. RF said he had seen a lot of 'padding' in the action plan – statutory requirements which should be adhered to anyway or conditions which already existed on the licence. What could they offer other than this.

FHK said they would offer the vetting of the promoters and a police veto with an agreed minimum number of days by which it had to be submitted before any prospective night to be held at the venue. KD said they'd like to offer the door staff ratio of 1 door person to every 80 people; Check 25; body cams on all door security personnel, inside and outside the venue, as well as high viz jackets, inside and out.

RF wanted clarification on a condition that all frontline SIA badged staff would act only as door staff – he mentioned that he remembered premises which had been visited some time ago and the SIA badged security were working behind the bar. FHK said she could confirm that all SIA frontline staff would be acting only as security.

She said that Professional Security had already done all the conflict management training with 10 staff members as mentioned in the action plan. She said they would also be prepared to have weekly or monthly meetings with the police. It was acknowledged that weekly would not be achievable but there was a good possibility of monthly meetings with BTP.

CA asked about a possible reduction in hours – if anything could be offered by way of voluntary reduction what it would be.

KD said if he was pushed into a corner he could offer licensable activities finishing at 3am and the premises closing at 3.30am but nothing more, as the business would not then be viable.

RF mentioned point 19 in the action plan and said it would have to be much more specific. FHK agreed and KD said most of the seating was fixed. The extra seating upstairs was free standing.

MJ asked about the offer of panic buttons and wanted to know where they would go through to. KD said it was intended that there would be a light in each room and a signal would go through to the front door.

CA asked about the body cams and if footage would be downloaded and by who. KD said after every session all the footage from every camera would be downloaded and transferred on to a disc, and stored for the required time. He said they as operators would download it, not the door company.

MJ said the thing that couldn't be legislated for was consistency and that his concern was that for the next 3-6 months KD would be on top of things but that after this the premises would revert back to type, as had already occurred after the last review. He said he didn't want to be back having the same conversation in 12 months time.

KD said he felt clearer communication was needed.

MW said there had been procedures and conditions in place but the way the premises were run had led to the problems. Management had changed but issues remained the same. MW said there was a duty of care to customers and that staff had been supposed to look after them. He said everyone was busy referring to documents but the real question was were the management going to deliver and could they be trusted to do so.

KD said he promised he would.

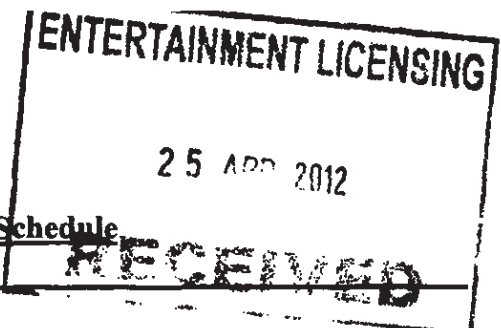
RF said there would still be Councillors on the Licensing Committee who remembered the last time the licence was reviewed. FHK said she thought the term 'yellow card' had been used at the conclusion of that review.

KD said the term 'trust' had been used a lot at the meeting. He said he felt let down as well. He said he had given AP an unbelievable telling off.

RF said the sticking point may be the question of the reduction in hours. KD said he had no room to manoeuvre on this.

RF asked if KD was currently doing a 75p drink offer on a Monday night at the venue where AP had been moved to. He said he was. KD said there was a price war going on especially over Monday nights. He said he would prefer it if everyone would agree to a minimum price. CA said there had been attempts at 'gentlemen's agreements' in the past but you just needed one operator to stop being a 'gentleman' and the agreement fell apart.

The meeting was concluded with MJ and RF promising that they would discuss what had been offered. FHK asked that if the decision were to review could they please be notified prior to any papers being served. Prompt notification of any decision was agreed.



Fire, Call Lane, Leeds - Operating Schedule

This enhanced Operating Schedule is offered in addition to those already attached to the premises licence for Fire, Call Lane, Leeds.

1. Licensable activities shall be provided until 3am daily and the premises shall close at 3.30am daily.
2. A minimum of 2 personal licence holders shall be on the premises at all times it is open for licensable activities.
3. SIA door supervisors shall be employed at a ratio of 1:80 customers at all times the premises is open for licensable activities.
4. Door staff, whether inside or outside the premises, shall wear high visibility jackets.
5. Door staff shall be provided with, and shall wear at all times when on duty, body cams. These shall record both images and sounds throughout each shift (save for breaks.) The images shall be downloaded at the end of each night, and the recordings shall be kept in an unedited format for 31 days. The recordings shall be made available to West Yorkshire Police, British Transport Police or any other responsible authority upon request.
6. No customers shall be permitted on to the stage area.
7. No drinks shall be sold at less than £1.50 each.
8. The premises licence holder and / or DPS shall meet with WYP and / or BTP, if required, monthly.
9. Polycarbonate / plastic containers shall be used at all times for all drinks served at the premises. Drinks in glass bottles shall be decanted into plastic or polycarbonate containers before being given to customers. No glassware shall be passed over the bar to customers.
10. Both BTP and WYP shall be informed of all promoters hosting nights at the premises. Both BTP and WYP shall have absolute power of veto over the use of any particular promoter. If BTP and / or WYP decide that a particular promoter must not be used at the premises, the premises licence holder and / or DPS shall ensure that they are not. At least 14 days notice must be given to BTP and WYP of any new promoters the premises intends to use, and again BTP and WYP have absolute power of veto.
11. The premises shall operate a Challenge 25 policy and all staff shall be trained in its implementation.
12. Panic buttons shall be installed at the DJ booth and behind both bars to alert door staff to any incidents.



Arkle, Catherine

To: entertainment.licensing@leeds.gov.uk; Jane.Wood@leeds.gov.uk
Cc: Patterson, Bob; Fullilove, Rob; 'Michael.Jackson@btp.pnn.police.uk'; Waters, Michael
Subject: Minor Variation - Fire - Police Objection

Entertainment Licensing

Please accept the below attachment which is a letter of objection to a minor variation from West Yorkshire Police.

Yours faithfully,

Cath Arkle



SK20531205101101
0.pdf

PC 5548 Catherine Arkle
Divisional Licensing Officer
City & Holbeck
x53072
0113 2413072

NOT PROTECTIVELY MARKED



Licensing Department
Millgarth Police Station
Millgarth Street
Leeds
LS2 7HX

Leeds District Licensing Department

Tel: 0113-2414023
Fax: 0113-2413123
Email:
bob.patterson@westyorkshire.pnn.police.uk
Website:

Your ref:
Our ref:

10th May 2012

Entertainment Licensing Section.
Leeds City Council,
Civic Hall, Leeds.
LS1 1UR

To whom it may concern,

**RE: FIRE, 50A, CALL LANE, LEEDS, LS1 6DT
MINOR VARIATION OF PREMISES LICENCE – LICENSING ACT 2003:**

**POLICE – LETTER OF REPRESENTATION:
Section 41B(2)(a)(b)(i) Licensing Act 2003:**

West Yorkshire Police were recently notified of an application for a minor variation made by the above named premises, in accordance with section 41A Licensing Act 2003.

The application for minor variation at Fire is fundamentally to:-

1. reduce hours during which the premises can trade and offer additional conditions.

Would you please accept this letter as a formal representation to this application, in accordance with section 41B Licensing Act 2003, on the following grounds to promote the licensing objectives:-

West Yorkshire Police and British Transport Police held a meeting with the representative of the Premises Licence Holder and their legal team on 17th April 2012 at their request following a meeting on 3rd April 2012, when an intention to review the premises licence was communicated. Measures were offered by the premises licence holder, to be added to the operating schedule by way of minor variation.

British Transport Police considered these measures but deemed them inadequate to address the problems that the premises have been causing in relation to crime and disorder, especially assaults and the times that these were occurring. British Transport Police have requested West Yorkshire Police submit papers applying for a review of the premises licence and these shall be served imminently.

NOT PROTECTIVELY MARKED

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This minor variation is considered by the police as a wholly inappropriate way to deal with the serious crime and disorder issues at the premises given what has been occurring and the fact that the licence has been reviewed before. That review was a summary review under Section 53A of the Licensing Act 2003 in July 2009 where the level and severity of the violent crime was such that immediate action was deemed necessary. Revocation of the licence was seriously considered by the Sub Committee at the review and members shared police doubts about assurances given and the adding of extra conditions when the existing conditions could not be adhered to. The venue was given 'a last chance' and the decision not to revoke was to be seen as a 'yellow card' for the premises.

The police consider this minor variation as a placebo offered to stave off and/or undermine any future review procedure and have no confidence, given the history of the premises and the fact that the same senior management criticised at the last review remain in place, that a reduction in crime and disorder can be sustained over a prolonged period of time.

West Yorkshire Police would ask you as the licensing authority to accept this letter as a relevant representation to this application, when considering if the proposed variation would have an adverse effect on the promotion of any of the licensing objectives, in accordance with section 41B(3) Licensing Act 2003.



PC Cath Arkle
Divisional Licensing Officer
City & Holbeck
West Yorkshire Police.

NOT PROTECTIVELY MARKED



Re-issue of policy regards incidents of crime and disorder.

10/01/2012



In the situation arising whereby a member of staff (including casual, contractual, and temporary workers) is made aware, or is involved, with an incident of crime and disorder the following action points must be implemented:

1. Immediately upon being made aware of such an incident, a concise summary must be made to the duty manager.
2. Instigate a response as recommended by either management or relevant personal training/experience.
3. If the incident is of a nature that requires police involvement, immediately assign a member of staff to contact either emergency services on 999, or the local British Transport Police station on 01132 479712, and maintain a line of communication via phone or the nightnet handset.
4. If the incident is of a nature that does not require police involvement, however poses a concern to neighbouring establishments, assign a member of staff to spread any intelligence gathered via the nightnet handset.
5. Once the situation has been resolved, make sure any parties involved have been summarised in notes to be immediately passed to duty management.
6. At a time appropriate on the evening, make a full and detailed log of the incident in the venues incident report log. This must include all witnesses and full contact details.

I,, acknowledge receipt of the above updated action points as enforced by General Manager/DPS Alexander D. Pinnegar.

.....
(signature)

/ /2012
(date)

<p>DOCUMENT REFERRED TO IN MY STATEMENT AS -</p> <p>EXHIBIT NO. </p> <p>SIGNED </p>

From: Alex Pinnegar [REDACTED] on behalf of Alex Pinnegar
[REDACTED]
Sent: 10 January 2012 17:46
To: Waters, Michael
Subject: Re. FIRE Leeds - Policy re incidents of crime and disorder reporting
Attachments: incidents of crime and disorder policy.doc



incidents of crime
and disorde...

Michael,

Following on from our discussion last week regards Fire. please find attached a copy of a bulletin issued to all presently employed internal and security staff.

Hope this is in line with what you were looking for.

Regards,

Alex

--

Alex Pinnegar
General Manager
FIRE Leeds | TRUEREASON LTD
Web: www.leedsclubscene.co.uk/fire
Email: alex@leedsclubscene.co.uk
Office: (0113)2 438 666
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BBM: 2618327D

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DOCUMENT REFERRED TO IN
MY STATEMENT AS -
EXHIBIT NO: MW4 [REDACTED]
SIGNED [REDACTED]

From: Waters, Michael
Sent: 24 January 2012 08:20
To: 'alex@leedsclubscene.co.uk'
Subject: RE: Re. FIRE Leeds - Policy re incidents of crime and disorder reporting

Alex,

I have been in contact with the Police regarding the procedure and they have asked you to amend item 3 to read:

3. If the incident is of a nature that requires police involvement, immediately assign a member of staff to contact either emergency services on 999, or British Transport Police on 0800 40 50 40 and maintain a line of communication via phone or the nightnet handset.

I was asked to stress the first number where Police or other Emergency Services are required to attend should be 999 and the mobilising centre will send the nearest available Police and other Emergency Services as required.

Regards
Michael Waters

Senior Liaison & Enforcement Officer

Entertainment Licensing

Leeds City Council

Tel: 0113 2474095

Fax: 0113 2243885

email: michael.waters@leeds.gov.uk

www.leeds.gov.uk

If you would like to offer feedback to Entertainment Licensing on the service you have received please visit our customer feedback form.

-----Original Message-----

From: Alex Pinnegar [mailto: [REDACTED]] On Behalf Of Alex Pinnegar
Sent: 10 January 2012 17:46
To: Waters, Michael
Subject: Re. FIRE Leeds - Policy re incidents of crime and disorder reporting

Michael,

Following on from our discussion last week regards Fire. please find attached a copy of a bulletin issued to all presently employed internal and security staff.

Hope this is in line with what you were looking for.

Regards,

Alex

--

Alex Pinnegar
General Manager
FIRE Leeds | TRUEREASON LTD
Web: www.leedsclubscene.co.uk/fire
Email: alex@leedsclubscene.co.uk
Office: (0113)2 438 666

<p>DOCUMENT REFERRED TO IN MY STATEMENT AS -</p> <p>EXHIBIT NO: MW6 [REDACTED]</p> <p>SIGNED: [REDACTED]</p>
--



Part 1 - Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Fire (Formerly Known As Puro)
50A Call Lane
Leeds
LS1 6DT

SCANNED

Telephone number 0113 2438666

Licensable activities authorised by the licence

- Sale by retail of alcohol
- Performance of live music
- Performance of recorded Music
- Entertainment similar to live music, recorded music or dance
- Provision of facilities for dancing
- Provision of facilities for anything similar to making music or dancing

Licence Issued under the authority of Leeds City Council



Miss Janice Archibald
Licensing Officer
Entertainment Licensing
Licensing and Registration

Licence produced on 02/06/2011

DOCUMENT REFERRED TO IN
MY STATEMENT AS -

EXHIBIT NO: MW3

SIGNED

Times the licence authorises the carrying out of licensable activities

<i>Sale by retail of alcohol</i> Every Day	11:00 - 04:00
<i>Performance of live music</i> Every Day	11:00 - 04:00
<i>Performance of recorded Music</i> Every Day	11:00 - 04:00
<i>Entertainment similar to live music, recorded music or dance</i> Every Day	11:00 - 04:00
<i>Provision of facilities for dancing</i> Every Day	11:00 - 04:00
<i>Provision of facilities for anything similar to making music or dancing</i> Every Day	11:00 - 04:00

The opening hours of the premises

Everyday	11:00 - 04:30
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Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is sold for consumption on the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

True Reason Limited
C/o Poundworld Retail Ltd
Axis 62
Foxbridge Way
Normanton Industrial Estate
Normanton
WF6 1TN

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number 02568121

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Alexander David Pinnegar
Flat 1
30 York Place
Leeds
LS1 2LR

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Number: LEEDS/PERL/05856/11 Licensing Authority: Leeds City Council

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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

- a. games or 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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - 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;
 - d. provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
 - i. the outcome of a race, competition or other event or process, or
 - ii. the likelihood of anything occurring or not occurring;
 - e. 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 glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by

reason of a disability).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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 a holographic mark.

8. The responsible person shall 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. 1/2 pint;

ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and

iii. still wine in a glass: 125 ml; and

b. customers are made aware of the availability of these measures

Annex 2 – Conditions consistent with the Operating Schedule

Additional details in respect of Licensable Activities authorised by this licence

9. Performance of live music

Location where activity will take place:

This activity will take place indoors.

Activity Details:

Amplified Music.

10. Performance of recorded Music

Location where activity will take place:

This activity will take place indoors.

Activity Details:

Amplified Music.

11. Entertainment similar to live music, recorded music or dance

Location where activity will take place:

This activity will take place indoors.

Activity Details:

DJ's and Amplified Music.

11 **Provision of facilities for dancing**

Location where activity will take place:

This activity will take place indoors.

Activity Details:

Amplified Music.

13. **Provision of facilities for anything similar to making music or dancing**

Location where activity will take place:

This activity will take place indoors.

Activity Details:

DJ's, Amplified Music.

14. **Concerns in respect of children**

None

Conditions consistent with the operating schedule relating to the licensing objectives

The prevention of crime and disorder

15. Changing the music to a relaxed mood, (only where the theme is generally loud or high impact dance music. Occasional public address or overt advertisement encouraging the sale of soft drinks, and water.
16. The Licensee will adopt a proof of age scheme which is approved by WYP and West Yorkshire Trading Standards (WYTS).
17. The Licensee's staff will ask for proof of age from any person appearing to be under the age of 21 who attempts to purchase alcohol at the premises.
18. The Licensee will prominently display notices which inform customers that open bottles or glasses may not be taken off the premises.
19. Plastic or toughened glasses/bottles will be used when requested by West Yorkshire Police (eg football match days).
20. Notices indicating the existence and effect of an Alcohol Designated Public Places Order will be displayed at the exits to the premises.
21. The Licensee will belong to a recognised trade body or Pub Watch Scheme, whose aims include the promotion of the licensing objectives.
22. 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.
23. The Licensee will comply with the agreed protocols of the local pubwatch scheme(s) or trade body where unilateral banning orders are implemented.
24. The Licensee will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The policy will be agreed with WYP. The Licensee of DPS will ensure that staff receive training on the policy.

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.

26. Promote transport options (by advertising taxi numbers and having signs which allow the public to book taxis at reception), agree protocols and call priorities with local taxi firms and ensure transport options are suitably advertised at the venue and staff are aware.
27. A suitable CCTV system will be maintained and be operational on the premises at all times when licensed activities are being carried out.
28. The siting and standard of the CCTV system will be agreed with WYP prior to installation and will comply with that agreement at all times.
29. Changes to the siting and standard of CCTV systems may only be made with the written consent of West Yorkshire Police.
30. Security footage will be made secure and retained for a period of time to the satisfaction of WYP.
31. A Supervisors Register will be maintained at the licensed premises, showing the names, addresses and up-to-date contact details for the DPS and all personal licence holders.
32. The Supervisors Register will state the name of the person who is in overall charge of the premises at each time that 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.
33. The minimum of door supervisors for the premises is 2.
34. The Licensee will ensure that a 'Daily Record Register' is maintained on the premises by the door staff.
35. 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 (verified by the individual's signature).
36. The Daily Record Register will be retained for a period of twelve months from the date of the last entry.
37. Security staff/designated supervisors will be familiar with the premises policy concerning the admission, exclusion and safeguarding of customers whilst in the premises.
38. 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.
39. The Incident Report Register will contain consecutively numbered pages, the date, time and location of the incident, details of the nature of the incident, the names and registration numbers 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 numbers of any police officers attending, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident.
40. The Incident Report Register will be produced for inspection immediately on the request of an authorised officer.
41. The Licensee will inform West Yorkshire Police of any search resulting in a seizure of drugs or offensive weapons.

42. 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.

43. Notices will be displayed at the entrances of the premises which state:

- A search will be conducted as a condition of entry to premises;
- Incidents of crime and disorder will be reported to the police;
- Entry to the premises will be refused to any person who appears to be drunk, acting in a threatening manner or is violent;
- 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.

44. The premises will be linked to West Yorkshire Police (and other venues in the Leeds Nite Net area/scheme) by means of Radio.

45. Such communication link will be kept in working order at all times.

46. The communication link will be available to the Designated Premises Supervisor or other nominated supervisor and be monitored by that person at all times that licensed activities are being carried out.

47. Any police instructions or directions given via the link will be complied with whenever given.

48. All incidents of crime or disorder will be reported via the link to an agreed police contact point.

Public safety

49. 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.

50. 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 to be 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.

51. The Licensee will adopt at the premises written policies and procedures on:

- Entry and egress to the premises (including monitoring of any capacity limit).
- Evacuation of the premises.

52. The Licensee will ensure staff are trained on these measures, and all other matters relating to the safety of the public.

53. 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.

54. Where the licensable activities are held on floors other than the ground floor level the ratio of supervisors will increase to 1 per 100 occupancy or part thereof on those levels.

55. 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.

56. All exit doors will be accessible, open easily and exit routes will be maintained.
57. Safety checks, including doors, will be undertaken before opening to the public and a record kept of inspections.
58. Before opening to the public, checks will be undertaken to ensure all access to the premises are clear for emergency vehicles. Regular checks will be undertaken when the premises is open.
59. 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.
60. All equipment with which the public may have contact, will be maintained, stored and operated in a safe manner.
61. Appropriate maintenance and test records will be kept and be available for inspection by an authorised officer.
62. Empty bottles and glasses will be collected regularly paying particular attention to balcony areas and raised levels.
63. Electrical installations will be inspected on a periodic basis (at least every 5 years) by a suitably qualified and competent person. Inspection records/certificates will be kept. These will be made available at the request of an authorised officer. Portable electrical appliances including those brought in temporarily onto the premises will be checked on a regular basis by a suitably trained and competent person to ensure they are in a safe condition. Records will be kept of these checks. These will be made available at the request of an authorised officer.
64. Temporary electrical wiring and distributions will be inspected by a suitably qualified and competent person before they are put into use. An inspection record/certificate will be retained for inspection by an authorised officer.
65. The Licensee will maintain an electrical manually operated fire alarm system that can be clearly heard in all parts of the premises to the satisfaction of WYFRS.
66. The Licensee will maintain a fire alarm system with automatic heat and smoke detectors. The systems requirements, testing and operation will be to satisfaction of WYFRS.
67. The positioning of the electrical fire alarm system, smoke and heat detectors will be agreed with WYFRS.
68. Fire alarm tests will be carried out daily and recorded in a suitable log book. The log book will be made available for inspection by an authorised officer.
69. All staff will be trained in operating the alarm system and be familiar with the fire and escape routes and action to be taken in the event of fire.
70. The Licensee will install and maintain electrical emergency lighting. The source of supply for this lighting will be separate from that for the general lighting. The emergency lighting will be positioned in areas agreed with the WYFRS. These areas will include passages, corridors, ramps and stair cases. The emergency lighting will illuminate all the provided exit notices.
71. The emergency lighting will perform on a complete failure of the normal lighting in a manner agreed with WYFRS. The emergency lighting will meet the British safety standards stipulated by WYFRS.
72. The Licensee will provide to the satisfaction of WYFRS exit sign boxes lit by both primary and emergency lighting. These exit sign boxes will be placed in positions agreed with WYFRS. The size, illumination and design of the sign(s) will be agreed with WYFRS.

73. Exit doors will be provided with external primary and emergency lighting points to the satisfaction of the WYFRS. The design of external fire escape route will be to the satisfaction of WYFRS.
74. The location, number, fire rating and standard of fire extinguishers will be agreed with WYFRS prior to installation and will comply with that agreement at all times.
75. The emergency lighting system will be tested in a manner which satisfies WYFRS. The test results will be kept in a suitable log book and will be available for inspection by an authorised officer.
76. All curtains and drapes in the premises will be fire retardant and to the satisfaction of WYFRS. Certificates of compliance to the relevant British Standards will be available for inspection by an authorised officer.
77. Fabric, foliage and decorations will be constructed from materials to the satisfaction of the WYFRS. Certificates of compliance to the relevant British Standards will be available for inspection by an authorised officer.
78. The filling materials used in the furnishings will be combustion modified foam or other material to the satisfaction of WYFRS. Evidence of compliance to the relevant British Standards will be available for inspection by an authorised officer.
79. Any wall coverings at the premises, or on escape routes will be to the satisfaction of the WYFRS. Evidence of compliance to the relevant British Standards will be available for inspection by an authorised officer.
80. Floor coverings at the premises will comply with those safety standards as stipulated by WYFRS. Evidence of compliance to the relevant British Standards will be available for inspection by an authorised officer.
81. 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.
82. At the request of an authorised officer the Licensee will produce certification of any building works carried out at the premises. (This will be in the form of a building regulations completion certificate issued by the local authority or an approved inspector).
83. 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.
84. 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.
85. All floor surfaces will be suitably slip resistant, kept in good condition and free of obstructions to prevent slips, trips and falls.
86. Safety glass that is impact resistant or shielded to protect it from impact will be used in all areas where the public may come into contact with it.
87. Safety checks will be recorded and made available for inspection at the request of an authorised officer.
88. A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner.
89. Suitably trained First Aid staff will be provided at all times when the premises are open.

Adequate and appropriate First Aid equipment and materials will be available on the premises.

91. 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.
92. 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.
93. 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.
94. Fireworks or pyrotechnics will not be used without prior written notification to WYFRS.

The prevention of public nuisance

95. 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.
96. Noise will be inaudible at the nearest noise sensitive premises (where entertainment takes place on a regular basis).
97. Noise will be inaudible at the nearest noise sensitive premises between 23:00 hours and 07:00 hours the following day (where entertainment takes place less frequently).
98. There will be no external loud speakers.
99. Empty bottles will be stored in suitable receptacles immediately outside of the premises prior to collection. Receptacles will be used in a manner to minimise noise disturbance to adjoining properties.
100. Bottles will not be placed in the external receptacle after 23:00 hours to minimise noise disturbance to adjoining properties.
101. Deliveries, collections of refuse and bottles, and operational servicing will be carried out to minimise noise disturbance to adjoining premises. Instructions will be provided to drivers requiring them to switch off engines during deliveries, collections and servicing and to minimise other noise caused by their activities. Deliveries will be carried out between 07:00 and 19:00 except where unavoidable.
102. The Licensee will ensure patrons use beer gardens, external areas and play areas in a manner which does not cause nuisance to nearby residents and business in the vicinity.
103. The rating level of noise from plant and machinery will be no higher than 5dB below the lowest background level at the most affected noise sensitive premises during the operation of the plant. Plant and machinery will be regularly serviced and maintained to continue to meet the rating level.
104. The premises will operate a suitable ventilation and extraction system. The system will be cleaned and maintained to the manufacturer's instructions to prevent unwanted odours occurring.
105. The Licensee will ensure that business waste is stored inside closed containers awaiting collection, that litter arising from people using the premises is cleared away regularly, that promotional materials such as flyers do not create litter, and that other street advertising is carried out lawfully.

106. The premises supervisor will ensure that lobby doors at the premises are closed at all times except for access and egress to the premises unless required otherwise by WYFRS.
107. The Licensee will adopt a "cooling down period" where music volume is reduced towards the closing time of the premises.
108. The licensee will ensure all lighting in the premises is of a suitable intensity and positioning. All lighting on or at the premises will be operated in a manner which will not cause a nuisance to nearby properties.
109. The premises will be operated in a manner which will prevent unwanted odours causing a nuisance to persons in the immediate area or nearby properties.
110. The premises will operate a suitable ventilation and extraction system. The system will be cleaned and maintained to the manufacturer's instructions to prevent unwanted odours occurring.
111. The licensed premises will store and dispose of business waste correctly and legally. The premises supervisor will ensure that the waste is prevented from seeping or spilling from where it is stored.
112. The Licensee will ensure all materials used to promote or market the premises are displayed lawfully. The Licensee will take measures to encourage agents, servants, employees or any party acting on his/her behalf to display promotional materials lawfully.
113. The Licensee will take reasonable steps to ensure that activities promoting or publicising his/her premises do not cause littering. The Licensee will take measures to remove such litter as and when it occurs.
114. 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.
115. 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.

The protection of children from harm

116. People under 18 (including staff) will not be admitted to the premises at any time when entertainment of a sexual or adult nature is being provided.
117. Measures will be put in place for ensuring non-admission to persons under 18 years of age when entertainment of an adult nature is taking place, such as door supervision and age checks (including staff).
118. The Licensee will not display outside the premises photographs or other images which indicate and suggest that striptease or similar entertainment takes place on the premises.
119. Any person on the premises who can be observed from outside the premises will be properly and decently dressed.
120. People under 18 will not be admitted.
121. Signs will be provided informing customers that sales will not be made to under 18s, and that age identification may be required.

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

The prevention of crime and disorder

122. The premises will operate search, queue and entry, drugs, dispersal, music and glass policies as set out in True Reason Ltd's representations to the Sub-Committee Review Hearing.

These policies may not be changed without the agreement of West Yorkshire Police

123. Staff must be trained in relation to the above policies

Annex 4 - Plans

The plans for these premises are as those submitted with the application. A copy of which is held by Leeds City Council Licensing Authority.

Premises Licence

Premises Licence Number:

PREM/00/33

Part B

Initial licence issued from:

28th August 2005

Schedule 12 Licensing Act 2003

Current licence effective from:

25th May 2011

Premises Address: Fire (Formerly Known As Puro), 50A Call Lane, Leeds, LS1 6DT,

Licensable activities authorised by this licence: Sale by retail of alcohol, Performance of live music, Performance of recorded Music, Entertainment similar to live music, recorded music or dance, Provision of facilities for dancing, Provision of facilities for anything similar to making music or dancing,

Times for licensable activities

Sale by retail of alcohol

Every Day 11:00 - 04:00

Performance of live music

Every Day 11:00 - 04:00

Performance of recorded Music

Every Day 11:00 - 04:00

Entertainment similar to live music, recorded music or dance

Every Day 11:00 - 04:00

Provision of facilities for dancing

Every Day 11:00 - 04:00

Times for licensable activities

Provision of facilities for anything similar to making music or dancing

Every Day 11:00 - 04:00

Opening hours of premises

Everyday 11:00 - 04:30

SCANNED

Alcohol sales are permitted for consumption on the premises

Premises Licence Holder(s): True Reason Limited, C/o Poundworld Retail Ltd, Axis 62, Foxbridge Way, Normanton Industrial Estate, Normanton, WF6 1TN

Registered number of holder(s): 02568121

Designated Premises supervisor: Mr Alexander David Pinnegar

Access to the premises by children is prohibited. Detailed in full on Part A of this licence.

Licence Issued under the authority of Leeds City Council



Miss Janice Archibald
Licensing Officer
Entertainment Licensing
Licensing and Registration

Licence produced on 02/06/2011





Police bid to trace man after wounding at city nightclub

Joanne Ginley

DETECTIVES are appealing for information after a man who stepped in to prevent an argument at a Leeds nightclub was left needing 10 stitches.

Yesterday investigators released CCTV images of a man they would like to speak to in connection with the incident.

Det Con Jason Ridgway, of British Transport Police's (BTP) Criminal Investigation Department, said: "The victim, a 22-year-old from Leeds, was in the club when he noticed one of his friends in a heated argument with a group of men near the dance floor.

"In a bid to prevent the argument from escalating, he stepped in, an altercation then took place, causing the group to fall to the floor. The aggravators were ejected from the club by bar supervisor staff."

The victim was left with an injury to his abdomen in the incident at Fire on December 4 which required hospital treatment and 10 stitches.



SUSPECT: A CCTV image of a man police want to speak to about an attack at a Leeds nightclub.

Det Cons Ridgway added: "The victim was left with a very serious injury and we are working to establish what caused it.

"Violent behaviour like this will not be tolerated - we work closely with Fire Bar supervisors and staff to enable revellers to have an enjoyable night without fear of this kind of vicious attack.

"I'd urge anyone who recognises the man featured in the CCTV or

has any information about the attack to come forward and assist detectives in this investigation."

■ BTP also appealed for help tracing those responsible for a separate incident yesterday.

Officers are appealing for information after three cars were vandalised while parked at Burley in Wharfedale railway station, near Otley, overnight on New Years Eve.

All three vehicles had their wing mirrors removed and taken. Three additional vehicles parked close to the station were also damaged in the same way.

Sgt Peter Shaw, the investigating officer, believes mindless vandals were responsible: "The vehicles' owners have been left with costly repairs and have had to spend a great deal of time and money in getting their cars fixed and road-worthy; an unwelcome and inconvenient start to the New Year for them."

Anyone with any information about either incident is asked to contact BTP on 0800 405040 or Crimestoppers on 0800 555 111.

Yorkshire Evening Post

Friday 6 January 2012

RESTRICTED

Ref No:



Witness Statement

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Crime Ref. No:	<input type="text"/>	URN:	<input type="text"/>
Statement of Robert Geoffrey FULLILOVE			
Date of birth:	Over 18	Occupation:	Police Sergeant 4581
<p>This statement (consisting of: 4 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 anything which I know to be false or do not believe to be true.</p> <p>Dated: 24 May 2012</p> <p>Signature:</p>			

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a sergeant in the West Yorkshire Police currently stationed as supervisor in charge of the Leeds District Licensing Department at Millgarth Police Station in central Leeds.

I have jurisdiction over approximately two and a half thousand such premises in the whole of the Leeds area, approximately three hundred of which are in the city centre.

My role involves the police supervision of Leeds area licensing officers and also liaison with/operational responsibility for licensed premises, predominantly in the City & Holbeck Divisional areas. I am also tasked with implementing various remedial and enforcement procedures on those who do not fulfil their required responsibilities as responsible operators.

One of the premises I have had extensive dealings with in the past is FIRE (PREM/00733), Call Lane, Leeds, formerly known as PURO and FRUIT CUPBOARD in its past history. This club is under the

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Continuation Statement of Robert Geoffrey FULLILOVE

jurisdiction of British Transport Police but West Yorkshire Police have the responsibility of dealing with incidents connected with it that occur outside, or spill out into the street where offences occur or calls for police service from the public areas are received. West Yorkshire Police and British Transport Police licensing and operational officers work together in respect of this and all other "BTP-owned" premises in the city centre to help keep the city safe.

In July 2009 I initiated an Expedited or Summary Premises Licence Review against PURO as it then was in accordance with Section 53A Licensing Act 2003. This application was accompanied by the appropriately prescribed Senior Officer's Certificate from the Divisional Commander of both police forces as required by that legislation. To avoid repeating the grounds for and evidence supporting this application I produce it as an exhibit (RGF/1).

Following the Interim Steps procedure and the Review hearing proper a decision letter was produced by Leeds City Council detailing the result. I produce a copy of this letter (dated 2 September 2009) as an exhibit (RGF/2).

In my research and evidence compilation procedures for this review application I researched the past history of the club under its various names as far back as 2003. I found it to generally have been run in a certain way that attracted a particular genre of clientele and with a broadly consistent management style and entertainment provision that attracted a violent crowd to the venue. In particular I remember scrutinising intelligence reports for the period pre-2009 that detailed stop/checks and sightings of individuals at, about to attend at or leaving the club or connected with incidents at PURO that were from a fraternity that were associated with serious acquisitive and serious violent crime and gang membership on both sides of the Pennines. One in particular that I researched was involved in an

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Continuation Statement of Robert Geoffrey FULLILOVE

incident there and was later found to have been shot dead in a gangland feud in the Greater Manchester Police area in an unrelated incident.

There has been a constant issue at this club for many years over management style and regulation and supervision of its clientele which has been carried out or overseen by the same group and personnel. A senior manager of Truereason Limited, Ken Dolecki who was at one time Designated Premises Supervisor of PURO before his removal at the aforementioned review retains a senior management figure in the group and with heavy influence in the running of FIRE, and several others in the city, some of which have had their premises licences reviewed because of crime and disorder issues, e.g. Mezz (when known as Rehab) and The Birdcage. Including PURO this totals three clubs supervised by Mr Dolecki whose licences have been reviewed, the Rehab Premises Licence Review following a closure implemented under Section 161 Licensing Act 2003 after serious disorder during a public holiday event.

Mr Dolecki is a long-standing manager and/or DPS of licensed premises in the city centre and well versed in all aspects of running busy clubs. He has attended action-planning and fact-finding meetings at the police station with other members of this department and I to discuss incidents and issues connected with the Leeds premises he has run, and still runs, and should be considered a seasoned professional in this field. He quite clearly knows what he is doing in respect of the hiring and firing of staff, risk assessment and operating procedures. I have always found him to be approachable and friendly and will always engage with police to discuss matters although there have been times when his and my/our objectives have not always been the same and/or voluntary agreements over public safety issues able to be reached at the clubs he manages, leading to intense discussion.

There are two issues I wish to highlight in respect of the decision letter as described, relating to the review proceedings, namely;

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Continuation Statement of Robert Geoffrey FULLILOVE

At the Review Hearing some indignance was aired by the operators both with and without their legal representative that the club was to be re-branded as a “Burlesque-style show bar” (see the third line up at the bottom of page five in the decision letter), and that it was to be more gay-friendly and permanently different from its previous incarnations, and queried the need for draconian measures to be enforced upon it and its management. I raised the fact that if mandatory enforcement was not placed on the operators to operate in a different way, whatever the new genre the club should choose to adopt – if its licence was not revoked - in the future, then in my opinion it would, in time, revert to type – and could do so immediately on conclusion of that hearing.

After the Premises Licence Review and a period of closure and re-brand and refurbishment the club did open in a more soft style as promised, but it was not long before once again it changed with the entertainment it was providing and the clientele it was attracting, and the “Burlesque” aspect disappeared. This did not take very long to occur.

Secondly, the fourth paragraph from the bottom of Page six in the decision letter reads;

“However, on balance they (the members) had been persuaded to allow a further chance for the venue to operate in the new style, which had been proposed in the Review Hearing. This should be seen very much as the last chance for this venue, effectively a yellow card for the premises”.

It is clear the sub-committee will need to place serious weight on these two issues when making adjudication in this case for the forthcoming Premises Licence Review.

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APPLYING FOR A SUMMARY LICENCE REVIEW

Application for the review of a Premises Licence under Section 53a of the Licensing Act 2003 (premises associated with serious crime or disorder)

Insert name and address of relevant Licensing Authority and its reference number (optional):

Leeds City Council, Civic Hall, LEEDS LS1 1UR

Please read the following instructions first

Before completing this form, please read the guidance notes at the end of the form. If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I, Police Sergeant 4581 Robert Geoffrey FULLILOVE, West Yorkshire Police

(on behalf of) the Chief Officer of Police for the West Yorkshire Police and British Transport Police area apply for the review of a premises licence under Section 53a of the Licensing Act 2003.

Part 1 – Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description:

PURO (formerly Fruit Cupboard)
True Reason Limited
50A Call Lane

Town/City: LEEDS

Postcode: LS1 6DT

Part 2 – Premises licence details

Name of premises licence holder (if known):

True Reason Limited

Number of premises licence (if known): PREM/00733

Part 3 – Certificate under Section 53a(1)(b) of the Licensing Act 2003 (please read Guidance note 1)

I confirm that a certificate has been given by a senior member of the police force for the police area above, that in his/her opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application. (Please 'check' the box to confirm)



Part 4 – Details of association of the above premises with serious crime, serious disorder or both (please read Guidance note 2)

PURO is a nightclub in Leeds city centre which falls under the jurisdiction of the British Transport Police. West Yorkshire Police make this application in conjunction with, and on behalf of British Transport Police due to recent court/legal rulings which determined that the latter is not considered a Responsible Authority.

For some time now concerns have been expressed by the police about the level and severity of violent crime at PURO and intelligence that controlled drugs are freely available inside the premises with club staff taking little or no action against some or all of the dealers operating within.

The actions of the door staff, or lack of them, as evidenced below, makes PURO an environment where offenders are free from the consequences of committing a violent or seriously criminal act as they know there is little likelihood of them being detained by club staff and being subsequently prosecuted.

There is a positive link between increases in serious violent crime with the dealing and consumption of Class A drugs in any licensed premises, not just PURO. Not only do the physical and cerebral side-effects of drug consumption distort the mental capacities of those who use such substances and cause violent behavioural changes increasing the risk of conflict, but also in some cases they render users vulnerable to their own actions and those of others. In addition, the organisers of the illegal distribution of drugs are often violent criminals with a single-minded intent to protect their income and "territory". Habitually these persons will carry weapons to enable them to do this.

The management of PURO have not satisfied police that they are capable of, or willing to take proactive steps to rectify matters surrounding the issues raised with them, and have not displayed the level of co-operation expected of such an organisation. There is an overall management attitude of denial of the existence of police causes for concern in the club and an obvious reluctance to rectify them. The club is currently operating to an action plan imposed on them in April 2009 by British Transport Police after many months of failure to gain co-operation by voluntary means. The action plan revolves around searching of customers, incident book and door staff issues relating to the detention and apprehension of suspects who commit assaults and violent crime, CCTV and the use of polycarbonate drinking vessels when the club is in operation.

In addition there are serious concerns about juveniles being admitted to these premises and the requirement to protect children from harm.

The intelligence regarding drug dealing and misuse in the premises has been a constant thread throughout a period of just over twelve months where serious violent crime has occurred inside, and outside but related to PURO.

In April 2008 two serious assaults were recorded at PURO. In the first, a male was assaulted after accidentally bumping into the offender, was punched and received a broken nose. The suspect was ejected but the door staff did not inform the police or try to detain him. There was no CCTV covering the area.

In the second a female was assaulted after bumping into another girl and a lengthy fight followed. The victim stated that door staff acted in a hostile manner and that she received no help from them, they ejected her from the club but did not care for her in any way. No incident was recorded in the club's incident book.

At about 4.30am on 5 May 2008 a serious assault took place on Call Lane, Leeds between two factions that had left PURO shortly before. A dispute escalated outside and a fight began during which four men were stabbed. Their injuries were horrific, including one male with a collapsed lung and lacerated liver, one with his throat cut, another with a knife slash across the face causing a tooth to be cut out and his tongue slit. A fourth was stabbed in the back and torso. The main offender was jailed for nine years for attempted murder and other assaults and two others also received lengthy custodial sentences for assault and violent disorder. All the offenders were criticised by the judge for having consumed an irresponsible and gross amount of alcohol, and in the main protagonists' case, drugs as well.

In June 2008 an assault occurred at PURO where after another accidental collision between girls on the dance floor one is then attacked from behind by the other. As the parties are being ejected the victim falls on the floor and is kicked in the head by the offender. Door staff merely pick up the victim and throw her into the street.

In July 2008 a serious racially aggravated assault occurred where a male suffered a broken jaw after being punched in the face several times after being racially abused. Door staff claimed to be unaware of any incident but then stated that the victim had been ejected for annoying two women, and rather incredulously that they believed his injuries to have been self-inflicted.

In August 2008 two sixteen year olds were prosecuted for purchasing alcohol under age inside PURO. They were found on a licensing visit by police where one said she had not been asked for ID and the other was in possession of a false ID card. Two other under-eighteens were also found on the premises.

Two assaults were recorded in August, one on a female member of staff who then refused to co-operate with police, and another where a male suffered a beating that rendered him unconscious and suffering a dislocated collar bone.

Also, in the same month PURO's door staff and incident books were found to be unsatisfactory and an unlicensed doorman was found working at the club. Meetings between police and club management were held after this time and serious concerns raised about all the issues raised and the capability of the staff.

More violent crime occurred into the autumn, the worst incident being on 15 November 2008 when a fight inside PURO led to two factions being ejected and a male being stabbed several times in a street nearby. Several arrests have been made in connection with this matter and a number of males are on bail for an offence of Grievous Bodily harm. The stabbing was linked directly to the fight inside PURO but the club staff made no attempt to report an incident to police or prevent disorder outside the club.

In January 2009, assaults continued inside PURO, two of which were serious. One where a male was hit with a glass on the dance floor causing a wound that required stitching. The suspect was ejected and not detained and there was a distinct lack of co-operation from the door staff witness in helping with the police enquiry. In the second a female was assaulted by another girl causing damage to a tear duct. The club ejected the pair and did not inform police and although an arrest was made the Crown Prosecution service later refused to prosecute as all parties were so drunk their accounts could not be relied upon. This casts doubt on the ability of the club to adhere to its responsibilities regarding the sobriety of its customers and not selling to drunks, in addition to ongoing police concerns regarding management policies and door staff methods of operation and indeed what actions door staff are instructed to take by PURO's owners and managers in the event of such incidents occurring.

In February 2009 two more serious assaults were recorded at the club; one where a male was hit in the face with a bottle causing three teeth to break. Once again the parties were ejected and no entry was made in the incident register. A similar course of action by club staff was made in the second incident where a pregnant female was slapped in the face and had a drink poured over her.

In March 2009 two more serious assaults took place in the club, one where a female is hit on the head with a glass bottle, the second where a male is head butted, kicked and punched to the floor where he sustains a broken jaw, one tooth knocked out and ten stitches to another head wound. Mass disorder breaks out and several people are ejected and once again door staff make no attempt to get any parties' details or detain offenders for the police

In April 2009 one serious assault took place where a minor altercation inside the premises was dealt with by both females being ejected. Once outside a fight between the two begins and a serious assault is inflicted on one party by the other causing facial injuries. A direct cause of this crime occurring was the action of the door staff hastily and carelessly ejecting the two together and not exercising any supervision or care over them once outside, to ensure they left separately. No action was taken to split them up or prevent the resultant violence and ultimately the injuries following their ejection.

It was around this time that PURO's action plan was implemented.

In May 2009 an offence of Violent Disorder occurred at PURO. Two groups of violent males were ejected from the club straight into the outside seating area of other licensed premises where they immediately waded into each other and a prolonged pitched battle develops with them throwing glass bottles, tables, ash trays and chairs at each other, to the horror of members of the public previously enjoying a quiet night out and who had to scatter to get away from the fighting. PURO door staff retreat into the club and leave others to police the disturbance outside. Witnesses will say that this occurrence happens regularly and the PURO door staff appear to relish the fights after they have removed the participants from their jurisdiction. One person was arrested and subsequently not prosecuted. This detainee was excessively drunk and found in possession of Cocaine and was violent with officers.

Due to the alarming levels of violent crime at PURO and indications that drug dealing and misuse were rife inside and facilitating and aggravating the commission of serious assaults and other violence, plus the underlying intelligence suggesting that the management were not in control of the activities inside, or were turning a blind eye to them, British Transport Police commissioned and undertook an undercover drugs test-purchasing operation at PURO in May and June 2009.

On different dates in May 2009 undercover police officers visited PURO purely to witness the activities inside the club, and actions of staff. They witnessed, amongst other drug activity, a male who was openly taking drugs in full view of the toilet attendant in the male toilets by snorting Cocaine through a £20 note. The toilet attendant was sitting by and watching this going on. In the officers' opinion, the staff members in the club were not alert to the open buying and selling of controlled drugs, or in some cases were turning a blind eye to it. One officer bought Cocaine from a drug dealer inside the club. Another suspect offered officers Cocaine and (MDMA) Ecstasy and freely discussed prices

On three separate dates in June 2009 officers again attended in an undercover role. On the first date one officer was able to purchase Cocaine from a drug dealer inside PURO. The dealer was immediately ejected from the club but no reason or entry was placed in the incident register. Other persons in the club discussed supplying drugs with the undercover officers and quoted prices and amounts but no further purchases were made.

On the second occasion officers identified three separate drug dealers and were able to purchase Cocaine on four separate occasions from one of the males. The dealer scooped the drug up into wraps made from nightclub fliers. One other suspect sold a total of nineteen pills in separate deals that he purported to be Ecstasy to all the police officers. These were later found not to contain controlled drugs but nevertheless the separate but equally serious multiple offences of offering to supply a controlled drug were completed by these actions. Officers also witnessed a female who was supplying drugs to a male in the club. At 2 a.m. the officers saw a male in the act of snorting Cocaine directly in front of a door staff employee. Officers state that drug use and dealing in the club on this night was open and blatant and some of it was going on under the noses of door staff.

On the third undercover visit to the club officers purchased Cocaine on two occasions from two drug dealers operating inside the premises. A full police report of this night's activities is not yet available.

All the male officers were searched on entry to the club but the searching of the female officers was sporadic.

A police enquiry is currently under way to trace, identify and arrest the suspects involved in this incident.

The importance of linking Class A drugs and violence has already been mentioned in this application and that fact cannot be underestimated. Despite the number and nature of the violent crime incidents and crime reports connected to PURO intelligence suggests that there are a significant number of serious incidents (including another stabbing) that allegedly occurred in the club in November 2008 that have not been reported to the police. There are correlations between Bassline entertainment provided at PURO and the drugs/violence and evidence to suggest that there has been some connection and possibly some friction between gangs from Leeds and Manchester.

Crime generally is too high at PURO for a club of its size, including acquisitive crime which although not of so much of a concern to police as violent crime, is an indicator of individuals seeking cash to pay for legal as well as controlled substances. Overall crime, especially violent crime has seen a significant increase this year at PURO and shows no sign of decreasing. At the time of writing overall crime this year compared to the same period in 2008 is up 41%, with drug and violent crime having seen 50% increases.

Both police forces share the view and the concern that unless immediate remedial action is taken to deal with the problems at PURO then it will not be long before a fatality occurs there.

For this reason, and those outlined in the final paragraphs of the senior officers' certificates accompanying this application, an Expedited/Summary Review is applied for.

Signature of applicant:..... Date:
Capacity: Police Sergeant - Leeds District Licensing Office

Contact details for matters concerning this application:
Address: Millgarth Police Station, Millgarth Street, LEEDS LS2 7HX
Telephone numbers: 01132 413067
E-mail address: robert.fullilove@westyorkshire.pnn.police.uk

Notes for Guidance

1. A certificate of the kind mentioned in the form, must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder, or both.

Serious crime is defined by reference to Section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- 'Conduct that amounts to one or more criminal offences for which a person who has attained the age of 18 and has no previous convictions, could reasonably be expected to be sentenced to imprisonment for a term of three years or more'; or
- 'Conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose;
- Serious disorder is not defined in legislation and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

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07 SEP 2009

LGF/2

**Leeds**
CITY COUNCIL

Sgt R Fullilove
Leeds District Licensing Office
Millgarth Police Station
Millgarth Street
LEEDS
LS2 7HX

Governance Services

4th Floor West
Civic Hall
Leeds LS1 1UR

Contact: Helen Gray
Tel: (0113) 247 4355
Fax: (0113) 395 1599
Email: helen.gray@leeds.gov.uk
Our Ref: A61/HG/Puro review DL hg
Your Ref:

Date 2 September 2009

**"PURO" (FORMERLY THE FRUIT CUPBOARD) 50A CALL LANE, LEEDS, LS1 6DT -
REVIEW OF A PREMISES LICENCE FOLLOWING AN APPLICATION MADE UNDER
SECTION 53A OF THE LICENSING ACT 2003**

On 28th August 2009 the Licensing Sub Committee met to consider a Summary Review of the Premises Licence currently held at the premises known as "Puro" 50A Call Lane, Leeds, LS1 6DT in accordance with Section 53C of the Licensing Act 2003. The Review had been necessitated following application made by West Yorkshire Police, with the support of British Transport Police, under Section 53A of the Licensing Act 2003. Both Police Forces believed the premises was associated with serious crime and serious disorder.

This letter provides an outline of the matters considered at the hearing and provides the detail of the formal decision of the Sub Committee in respect of the Summary Review.

Background

Members were aware of the outcome of an Interim Steps Hearing associated with this Review which had been dealt with by another Sub Committee on 24th July 2009.

Furthermore, this Sub Committee had previously met on the 18th August 2009 to deal with the Summary Review however had adjourned the matter due to the amount and timeliness of documentation submitted by the parties.

Members had taken the opportunity to set a deadline for the receipt of submissions from all parties as 4.00 pm on Monday 24th August 2009 after which the agenda and papers for this hearing were despatched.

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In Attendance

The Applicant – West Yorkshire Police
Sergeant R Fullilove
Inspector G Alderson – British Transport Police

Mr B Patterson – Licensing Officer WYP

Premise Licence Holder – Truereason Ltd
Mr A Lyons – solicitor
Mr K Dolecki – Designated Premises
Supervisor at Puro and Operations Manager of
Truereason
Mr C Edwards – CEO of Truereason

Observers

Nicola Ellis – member of the public

Preliminary Procedural Issues

The Sub Committee considered preliminary matters of a purely procedural nature. No declarations of interest were made. The Sub Committee decided that the procedure for the hearing would not be varied except that they did not set a time limit for submissions and agreed to allow both parties 5 minutes in which to sum up.

The Sub Committee also considered if the public should be excluded from any parts of the hearing. The Sub Committee decided to exclude the public from that part of the hearing where Members would deliberate on submissions and evidence presented. This would allow them to have a full and frank discussion on all matters put before them and this fact outweighed the public interest in not doing so.

Prior to the hearing the Sub Committee had considered the Licensing Officers Report containing a copy of the application as made by West Yorkshire Police (WYP), supported by British Transport Police (BTP). Appended to the report were two bundles of documents submitted by WYP and Truereason Limited, the Premises Licence Holder respectively prior to the 24 August 2009 deadline. The contents were as follows:

WEST YORKSHIRE POLICE	TRUE REASON LTD
Statement of Insp G Alderson, BTP Statement of Sgt R Fullilove Statement of Sgt M Jackson Statement of Sgt R Pedley Statement of DI David Boldison Letter to Mr Dolecki from PC Arkle 3 Anonymous witness statements 2 anonymous letters Various Newspaper cuttings 1 anonymous e-mail Letter to WYP from Mr M Cunliffe of TWG 52 to end – Puro's incident report log WYP also submitted 2 DVD's (GLA01 and GLA02) with CCTV footage showing 2 incidents they wished to refer to within their verbal submission	Statements of Mr K Dolecki Statements of Mr C Barrow Statements of M C Edwards Various letters and e-mail correspondence between Mr K Dolecki and WYP and/or BTP Action Plan for Puro drafted by BTP Notes made by Mr Lyons of phone calls to WYP and/or BTP Policies – search, drugs, music, Glass, dispersal, queue and entry etc Analysis of evidence submitted by WYP/BTP Various news items from YEP/WYP/ BBC websites record of drugs seizure proposed "Boudoir" entertainment details of the CCTV set up email from "Call Lane" and emails/letters from other operators of Call Lane Anon e-mail & letter to WYP 2 e-mails of support

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The Legal Adviser explained that further information had been submitted by Truereason Ltd after the agreed 24th August deadline and sought to clarify whether this documentation would be accepted by WYP and the Sub Committee. This additional submission included a supplementary statement from Mr Dolecki; a condensed timeline of events leading up to the Review and a DVD showing CCTV footage.

Mr Lyons agreed the additional statement could be dealt with verbally during his submission. He maintained his request that the timeline and DVD be tabled. In response, Sgt Fullilove stated his objection in principle to the late submission of the documents after the agreed deadline, however he agreed in the interests of fairness to accept the timeline and DVD.

The Legal Adviser also sought to clarify the position with regards to the DVD footage submitted by both parties, noting that the Members of the Sub Committee had not viewed the footage. Mr Lyons stated his objection to the contents of GLA02 which he stated contained CCTV footage gleaned from the CCTV system of another premises on Call Lane – namely Revolution. He submitted the proprietors of Revolution had not given consent for this footage to be used for the purpose of this hearing and therefore this would not be a lawful use of the material under the terms of Article 2 of the Data Protection Act which required material to be used only for the purpose it was commissioned for. The Sub Committee received advice that Sections 34 & 35 of the Data Protection Act did provide exemptions to the terms of Article 2 – in that material could be used for the purposes of the prevention of crime and disorder. The Sub Committee determined the CCTV footage on GLA02 was admissible as this hearing would consider matters to prevent incidents of crime and disorder.

The Hearing

In considering the Review, the Committee took into account the written submissions contained within the Licensing Officers report plus the verbal submissions and DVD evidence given at the hearing by all parties. The Sub Committee also had regard to the provisions of the Licensing Act 2003, guidance under Section 182 (3rd issue) of that Act and the Council's own Licensing Policy and in particular Section 13 (Enforcement and Reviews).

The Sub Committee then went onto consider the Section 11 the Guidance (Reviews) as the Sub Committee took the view the following paragraphs had bearing on the application:

11:1 – 11:10	The Review process
11:15 -11:21	Powers of a Licensing Authority on the determination of a Review
11:22 – 11:27	Reviews arising in connection with crime

Reasons for the Review request

Both WYP and BTP had served a Certificate, given by a senior member of each police force, because in their opinion Puro was a premise which was associated with serious crime or serious disorder or both. That Certificate accompanied the application.

The grounds for the Review brought by WYP were detailed in the Licensing Officer's Report and can be summarised as:

- For some time both forces had been concerned about the level and severity of violent crime at Puro and intelligence that controlled drugs were freely available inside the premises with club staff taking little or no action against some or all of the dealers operating within.

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- The police believed that the actions of the door staff or lack of them, as detailed in the evidence submitted, made Puro an environment where offenders were free from the consequences of committing a violent or seriously criminal act as they knew there was little likelihood of them being detained by club staff and being subsequently prosecuted.
- The police believed there was a positive link between increases in serious violent crime with the dealing and consumption of Class A Drugs in any licensed premises, not just Puro. The physical and cerebral side-effects of drug consumption distort the mental capacities of those who use such substances and cause violent behavioural changes increasing the risk of conflict, and in some cases they render users vulnerable to their own actions and those of others. In addition, the organisers of the illegal distribution of drugs are often violent criminals with a single-minded intent to protect their income and "territory". Habitually these persons will carry weapons to enable them to do this.
- The management of Puro had not satisfied police that they were capable of, or willing to take proactive steps to rectify matters surrounding the issues raised by the police with them. They had not displayed the level of co-operation expected of such an organisation.
- The police maintained that there was an overall management attitude of denial of the existence of the causes of concern in the club and an obvious reluctance to rectify them.
- An Action Plan had been imposed on the club by the BTP in April 2009 after many months of failure to gain co-operation by voluntary means. The Action Plan revolved around searching of customers, incident book and door staff issues relating to the detention and apprehension of suspects who commit assaults and violent crime, CCTV and the use of polycarbonate drinking vessels when the club is in operation.
- During the period of the Action Plan test purchase operations had led to undercover officers being sold drugs in the premises and officers had witnessed drug taking in full view of staff in the premises
- In addition the police had serious concerns about juveniles being admitted to Puro and the requirement to protect children from harm.

Interim Measures

A previous Licensing Sub-Committee had met on 24th July 2009 to consider whether it was necessary to take interim steps pending a Summary Review. The Sub-Committee's decision was: *"That the premises remain closed until such time that a decision made under Section 53C at the Summary Review is made; or that a decision made under Section 53C at that Summary Review has been appealed and that appeal has been disposed of."*

Submissions and Evidence on behalf of the applicant – West Yorkshire Police

Sgt R Fullilove presented the case on behalf of WYP with additional information provided by Insp. G Alderson of BTP. The matters highlighted at the hearing – over and above the written submission - can be summarised as follows:

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- Both police forces had concerns about the level and severity of violent crime at Puro and intelligence that controlled drugs were freely available inside the premises with club staff taking little or no action against some or all of the dealers operating within and also about the impact of the music and clientele of the premises on the Safer Leeds initiative
- Puro was generally felt by both BTP and WYP to be an environment for criminal activity and both forces felt action was necessary due to evidence of the following matters which were described in detail at the hearing:
 - violent crime and the link between alcohol and violent crime
 - Class A drugs use,
 - under age persons within the premises,
 - excessively drunk customers;
 - the ineffective management and ineffective leadership at the premises, the lack of concern displayed by the management and their lack of co-operation with the police
 - ineffective staff and particularly the previous DPS Mr S Moore;
 - issues with the door staff team which were found to be rude and unhelpful to customers, did not attempt to detain suspects/violent criminals or assailants and were felt to be manipulative of the management of the club; door staff failed to deal with the drugs problems

DVD Evidence - All parties viewed the DVD evidence GLAO1 and GLAO2 as part of the police submission.

Submissions and evidence of the Premises Licence Holder

Mr A Lyons began his submission on behalf of Truereason Ltd, the Premise Licence Holder by presenting the DVD evidence provided by Truereason as part of their submission. This DVD contained CCTV footage taken from Puro's own CCTV system on 4 July 2009.

Mr Lyons then presented the case with additional information given by Mr K Dolecki and Mr C Edwards as appropriate. The matters highlighted at the hearing – over and above the written submission - can be summarised as follows:

- Truereason Ltd operated other premises within the City and wished to continue to operate this premises in a different way.
 - Rights of doorstaff to detain persons
 - The number, type and relevance of assaults listed within WYP submission
 - The difference between allegations and actual crimes committed
 - The alleged prevalence of drugs at the premises
 - The timeline of events from the serving of the Action Plan on 8 May 2009 to the commencement of Review proceedings
 - The agreements made by Mr Dolecki having regard to the Action Plan including to employ a female door staff member, to change the door staff team (although not the supplier) to use plastic glasses on student nights, to the CCTV measures proposed by BTP with a better recording facility and to instigate searches on entry to the club.
 - The music offered at the venue and the problems associated with it
 - The proposed re-branding of the premises to a burlesque style showbar
 - The Policies drawn up by Truereason Ltd for the premises
 - Offer to reduce the terminal hour from 06:00 hours to 04:00 hours

The Sub Committee then afforded both parties 5 minutes in which to sum up.

Decision

Sub-Committee Members considered this matter very carefully. The decision was not an easy one.

Following the guidance, the Sub Committee considered what the cause or causes of the problems were. They found that the door staff had not been supervised adequately or at all, licence conditions had not been complied with and action taken to address the problems was far too late in the day.

Members considered whether this was a failure of Mr Moore as the Manager or a more systemic failure. They found that it was a more systemic failure up to and including Mr Edwards, CEO of Truereason Ltd. By way of example, the Sub Committee found that Mr Dolecki did not use his experience within the industry to adequately maintain control of Mr Moore and the door staff at the premises.

Having found these facts, Members considered what steps it was appropriate to take in relation to the premises. Revocation was an option that was considered very seriously in this case. Members were concerned that adding extra conditions to the licence may not make a difference to the situation. They considered the existing licence, which already had a number of conditions relating to door supervision, glasses, notices to patrons etc, and yet they noted that we found ourselves here in this Review talking about serious crime and drugs supply, which were very serious matters. They noted that Sgt Fullilove said that the Police had not mentioned revocation, and that he was not sure this was the way to go, but had doubts about the assurances that were being given. Members shared those doubts.

However, on balance they had been persuaded to allow a further chance for the venue to operate in the new style, which had been proposed during the Review Hearing. This should be seen very much as the last chance for this venue, effectively a yellow card for the premises.

Members also considered whether the removal of licensable activities from the licence was necessary. They considered that removing the activities would be akin to revocation, and since they had decided that revocation was not appropriate, they also rejected the removal of activities as an option.

Members did, however, decide to remove Mr Dolecki as the DPS. They noted that it had been indicated that Mr Dolecki would not be operating as the DPS in the new venue in any case. However, they did not want any prospect of the premises re-opening with Mr Dolecki as DPS. Taking this action prevented that and also allowed the Police to object to proposals for a new DPS before the premises re-opened, should that be necessary.

In relation to conditions, Members decided to impose a condition on the licence that the premises will operate search, queue and entry, drugs, dispersal, music and glass policies as set out in Truereason Ltd's representations to the Sub-Committee Review Hearing. The condition will further state that these policies may not be changed without the agreement of

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West Yorkshire Police. A further condition would be imposed that staff must be trained in relation to the above policies.

Members also considered that it was necessary to reduce the hours of operation in the premises so that the premises would in future close at 4.00 am and not 6.00 am.

In accordance with Section 53C (2) (c), Members indicated that the interim steps would cease to have effect once this decision came into force. Effectively, therefore, the premises stay closed in accordance with the interim steps until this decision has effect. This decision has effect in accordance with Section 53C (11), which is when the period for lodging an appeal against this decision expires or, where an appeal is lodged, the appeal has been dealt with.

As the interim steps will continue as set out above, Members considered that there was no need to impose a further suspension of the licence as a deterrent.

Appeals should be addressed to the Magistrates Court at:
Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP

Appeals should be accompanied by a copy of this decision letter and the court fee of £400.00 if you are the premises licence holder and £200.00 for all other parties. Cheques should be made payable to HMCS.

Appellants should be aware that the Magistrates have the power to award costs against any party as a result of any appeal proceedings.

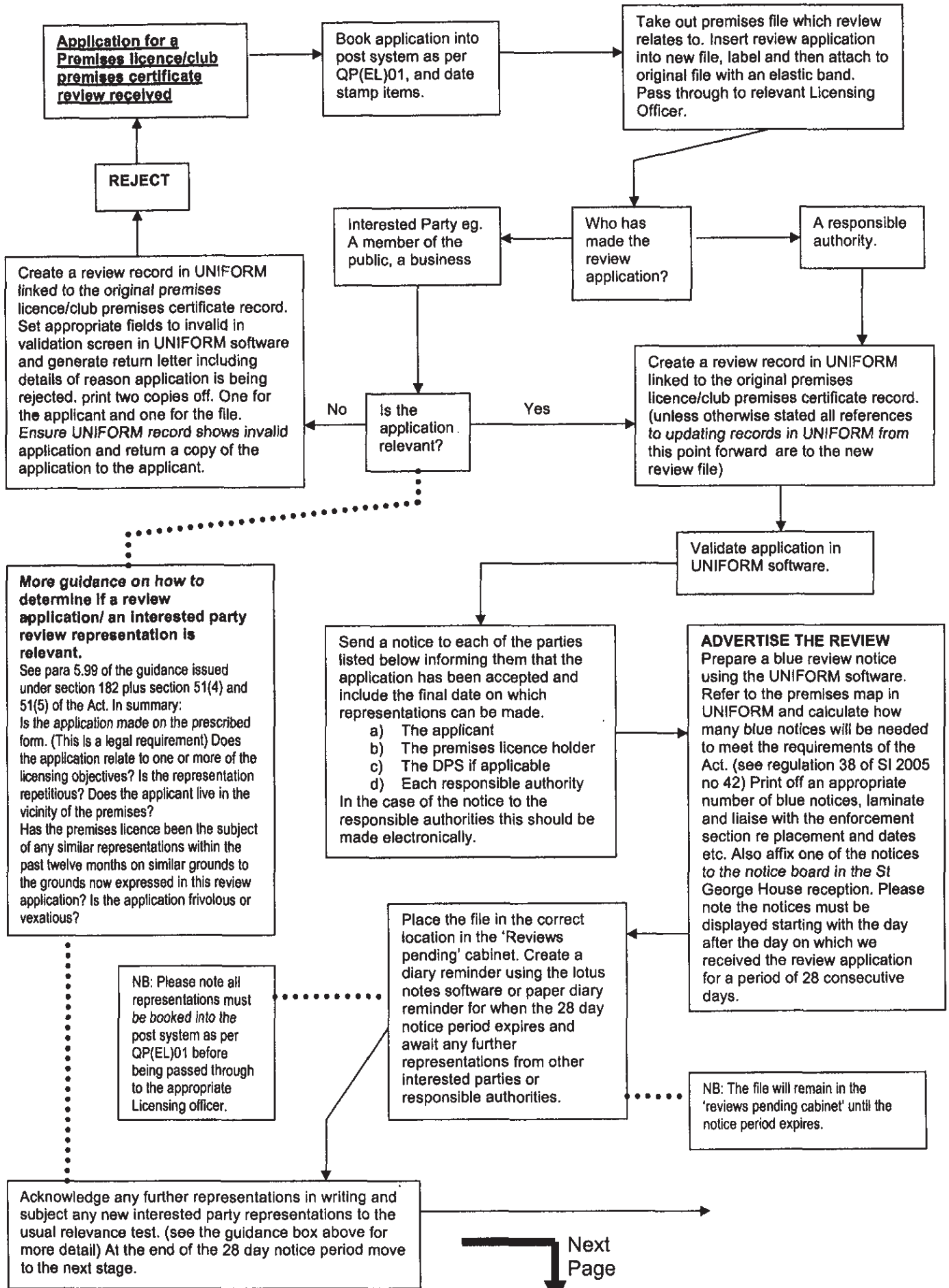
Yours Faithfully

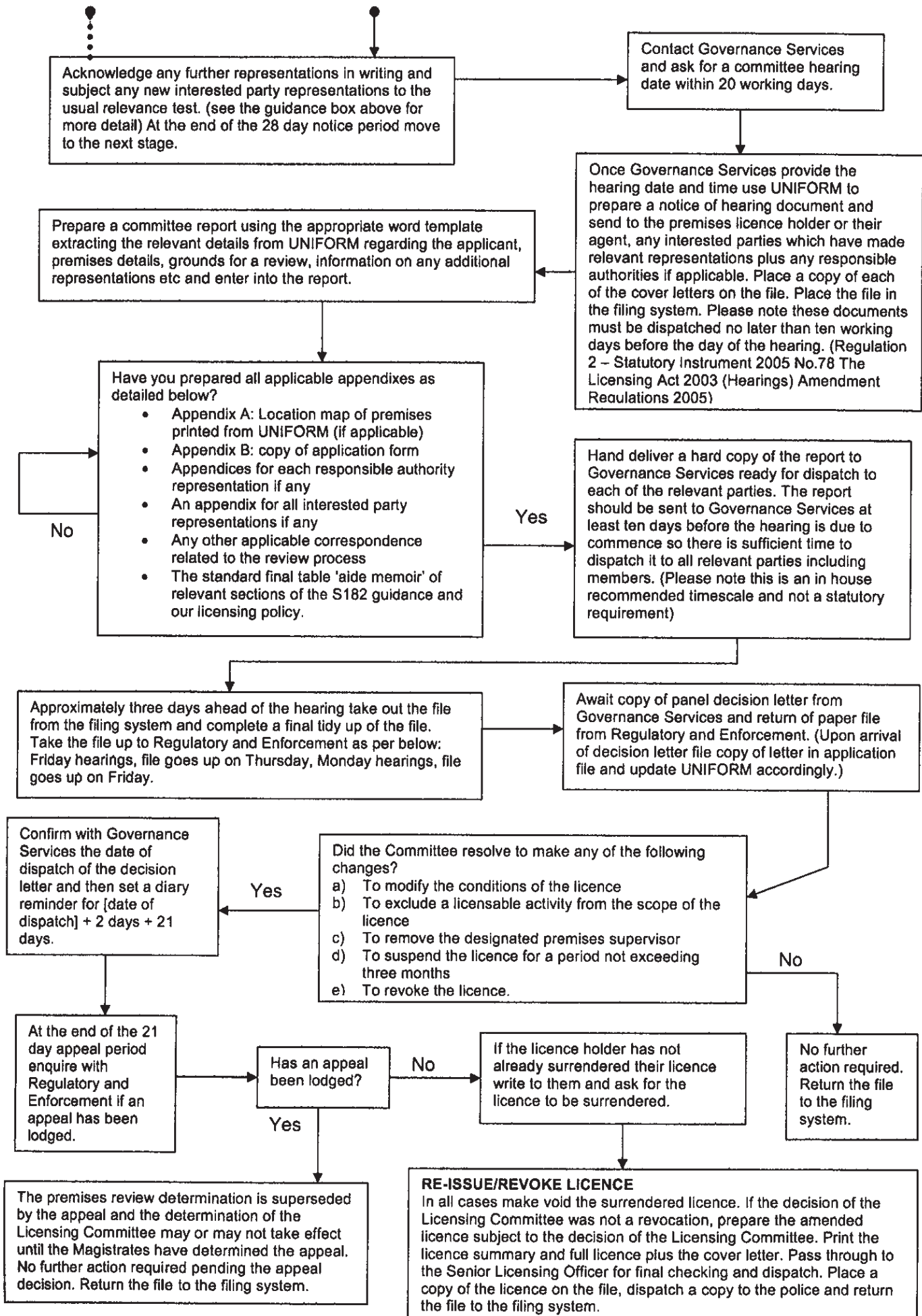


Helen Gray
Clerk to the Licensing Sub Committee
Governance Services

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11. Reviews

THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.
- 11.2 At any stage, following the grant of a premises licence, a responsible authority, or an interested party, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 The Regulations allow applications for reviews to be made electronically, as long as the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via businesslink or the licensing authority's electronic facility.
- 11.4 In addition, a review of the licence will normally follow any action by the police to close down the premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a notice of magistrates' court's determination sent to the licensing authority.
- 11.5 Licensing officers may not initiate their own reviews of premises licences, but elected members of the licensing authority may request reviews if they are concerned about licensed activities at a premises or such matters are brought to their attention (see paragraph 8.15 above). Officers of the local authority who are specified as responsible authorities under the 2003 Act, such as environmental health officers, may also request reviews on any matter which relates to the promotion of one or more of the licensing objectives.
- 11.6 Representations made by a department of the local authority which is a responsible authority should be treated by the licensing authority in precisely the same way that they would treat representations made by any other body or individual.
- 11.7 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. After a licence or certificate has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.
- 11.9 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common

aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. It is good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. A failure to respond to such warnings is expected to lead to a decision to request a review.

- 11.10 Where the request originates with an interested party – e.g. a local resident, residents' association, local business or trade association – the licensing authority must first consider whether the complaint made is relevant, vexatious, frivolous or repetitious.
- 11.11 Further information for interested parties about the review process is available in "Guidance for interested parties: applying for a review" which can be found on the DCMS website.

REPETITIOUS REPRESENTATIONS

- 11.12 Relevance, vexation and frivolousness were dealt with in paragraphs 9.8 – 9.13 above. A repetitious representation is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence which has already been determined; or
 - representations considered by the licensing authority when the premises licence was first granted; or
 - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement;

and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of the licence.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a second bite of the cherry following the failure of representations to persuade the licensing authority on earlier occasions. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, the Secretary of State recommends that more than one review originating from an interested party should not be permitted within a period of twelve months on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one request for a review of a premises within a 12 month period.
- 11.15 When a licensing authority receives a request for a review from a responsible authority or an interested party or in accordance with the closure procedures described in Part 8 of the 2003 Act, it must arrange a hearing. The arrangements for the hearing must follow the provisions set out by the Secretary of State in regulations. The details may be viewed on the DCMS website. The Secretary of State considers it particularly important that the premises licence holder is fully aware of the representations made in respect of the premises, any evidence supporting the representations and that they or their legal representatives have therefore been able to prepare a response.

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

- 11.16 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.
- 11.18 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:
- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - to suspend the licence for a period not exceeding three months;
 - to revoke the licence.
- 11.19 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 which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.
- 11.20 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.21 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.

11.22 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. 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 a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

REVIEWS ARISING IN CONNECTION WITH CRIME

11.23 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority

to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.

11.24 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. *It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence.* In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

11.25 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the

licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of *pirated or unlicensed films and music*, which does considerable damage to the industries affected;
- for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

11.27 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being

undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

11.28 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

REVIEW OF A PREMISES LICENCE FOLLOWING CLOSURE ORDER

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review. The determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within 10 working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than 5 working days before the first hearing day. There must be five clear working days between the giving of the notice and the start of the hearing.

