

**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, Sergeant 4581 Robert G Fullilove**

**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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> D'Fusion 26-30 New Briggate	
<b>Post town</b> LEEDS	<b>Post code (if known)</b> LS1 6NU

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Longsky Leisure Limited
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<b>Number of premises licence or club premises certificate (if known)</b> PREM/02156/V06
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**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

Sergeant R Fullilove  
West Yorkshire Police  
Leeds District Licensing  
Millgarth Police Station  
Millgarth Street  
LEEDS LS2 7HX

Telephone number (if any) 01132 413067

E-mail address (optional) robert.fullilove@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 protection of children from harm | x |
| 4) the prevention of public nuisance    | x |

**Please state the ground(s) for review**

The grounds for this review primarily, but not exclusively, relate to crime and disorder and public safety linked to the misuse of controlled drugs inside the premises. There is evidence that under -18's are allowed in the club and that public nuisance is caused by the antisocial activities of customers exiting the premises via ejection or their own volition. In addition there is ample evidence that for a lengthy period the management style of the venue has not been sufficiently competent and robust enough to cope with events being held at the club. There is also a lack of faith by police that the management have fully engaged with the risk assessment processes required to manage a city centre venue, or are willing and capable to do so in the future.

**Please provide as much information as possible to support the application**

D'Fusion opened in 2007 primarily as a karaoke/food led establishment with little problem up to 2009/2010 when the focus of the operation seemed to change and more events and private party bookings started to be made at the club.

At this time D'Fusion started holding music gigs centred around potentially risky themes such as Bassline, and accepting private bookings from clients whose associates were excluded from many other city centre clubs. In addition they persisted in accepting bookings on adjoining floors from those whose audiences had clear social, cultural and/or racial differences which ultimately caused conflict inside – which then spilled out onto the street.

Throughout the whole of the period mid 2010 to present day the club's management have had to be engaged by the police, local authority licensing staff and other responsible authorities to attempt to get them to comply with risk assessment procedures and run a safe venue, with only limited success. This was compounded by deliberate actions sanctioned by the club that undermined previous agreements and undertakings, leading to a reduction in faith and trust in them. This mainly related to the security provision at D'Fusion which in quantity, quality and supervision has been inadequate for a long time, amplifying current problems at the club.

Following warnings over a lengthy period it was apparent that drugs and violence in addition to under-age issues were not abating at the club and were primarily connected with one gig being hosted on Friday nights called Obsession. The manager/DPS Caesar Cheung was given specific warnings regarding the event in early 2011 and cancelled it after strong recommendations from the police. However, this was resurrected by the venue without consultation or notification in around summer/autumn 2011. Problems associated with this event resurfaced and despite being asked to do so Mr Cheung refused to cancel an alleged "charity" version of Obsession advertised for Friday 18 November until the last minute when notified of the dire personal consequences that would follow any serious incident occurring at the event.

A large scale fight took place in the early hours of Saturday 25 February 2012 on New Briggate, connected to this event, where Obsession's promoter was seen on CCTV footage participating in the fighting. This was a truly shocking incident undeniably connected with the event at that club whose operating schedule and procedures, and their security staff did nothing to either prevent it or alleviate it.

The following weekend in the early hours of Saturday 3 March 2012 D'Fusion was raided by a large number of police officers with a Misuse of Drugs Act search warrant. A large quantity of drugs bags, both full and empty, were seized from the room where Obsession was being held and five under-18's were found in the club – one who admitted he had been drinking inside and had been allowed in by door staff despite being asked for identification and telling the doorman he had "left it at home". An unregistered doorman was found working at the club and management attitude was poor.

Since that time the club has been offered the chance to make an appropriate voluntary premises licence variation to prevent a review of it taking place but have failed to do so by a given deadline.

The above facts are all explained in much greater detail in the witness statements and documentation provided with this application.

**Please tick yes**

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

If yes please state the date of that application

Day

Month

Year

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

Not applicable.

**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. x
- I understand that if I do not comply with the above requirements my application will be rejected. x

**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 2 April 2012

.....  
Capacity: Licensing Sergeant.  
.....

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

Robert Patterson  
West Yorkshire Police  
Leeds District Licensing  
Millgarth Police Station  
Millgarth Street

**Post town**

LEEDS

**Post Code**

LS2 7HX

**Telephone number (if any)**

01132 414023

**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

**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.

HT 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** Robert Geoffrey FULLILOVE

Date of birth: Over 18 Occupation: Police Sergeant 4581

This statement (consisting of: 14 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: 2nd April 2012

Signature:

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.

Within my area of responsibility is a nightclub called D'Fusion which is situated at 26-30 New Briggate, Leeds LS1 6NU (PREM/02156/VO6). This witness statement is to give an overview of problems

Signature: Signature Witnessed by:



Continuation Statement of Robert Geoffrey FULLILOVE

associated with the club to support premises licence review proceedings. The main body of evidence for this purpose relates to the period February 2011 to March 2012 but police issues with the premises since it commenced operation in 2007 have been frequent and it is necessary to refer to long-standing issues to give a flavour of the problems with the club being experienced to this date.

The club started its existence in 2007 and my department were involved with it from an early stage. The owner, person responsible for the management of the premises and the current Designated Premises Supervisor that I have primarily dealt with throughout the whole of this period has been Wood Chiu Cheung who is known by the name Caezar Cheung. Other family members have been involved in meetings to discuss and attempt to resolve issues at the club but Mr Cheung presents as the person in charge of any decision-making processes relating to it.

It is fair to say that Caezar Cheung did not have the easiest starts to his D'Fusion business in Leeds. There were problems surrounding the lease he purchased with the building and he had difficulties with at least one of his business partners. Up to 2009/10 there were isolated problems surrounding drunkenness and under-aged people drinking in the club that were dealt with by way of local engagement from West Yorkshire Police and Leeds City Council licensing staff.

In 2010 I began to have my first doubts about Mr Cheung's ability to tell the truth in his dealings with myself and other licensing staff. This began when he was asked about a risky Bassline event he was planning to hold at the club at which he expressed an intention to only employ just three door staff. His door company provider at that time recommended he employ ten staff but in the end we mediated a figure of eight. My level of concern at the fact I had to exert pressure on Mr Cheung to fully comply with the risk assessment process and my doubt that he would in fact comply with what had mutually been

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agreed was sufficient for me to have the event visited by uniformed staff on the night to check his compliance.

In 2010 D'Fusion was issued with a Section 19 Closure Notice for having an inadequate drug safe. The article at that time being utilised as such was in fact a biscuit tin.

About this time it became obvious that in addition to the single, risky gigs Mr Cheung was engaging he was also booking functions or events on the different floors of D'Fusion where often there were obvious social, cultural or racial differences between attendees, or a combination of those factors that often resulted in clashes. This frequently caused disorder inside the venue which, exacerbated by the insufficient quantity, quality or distribution/deployment of security personnel, spilled out onto the street.

A clear issue identified at this time, and still ongoing until recently surrounded the employment of door staff on an ad-hoc "cash in hand" basis by Mr Cheung when he did not have a non-frontline SIA licence enabling him to do so. He has recently received such a licence. However, from 2009-2011 he has persistently deployed an assortment of staff in the venue dressed in black, wearing armbands and radios/earpieces variously described as "managers", "assistant managers", "stewards" and "glass collectors" all of whom appear on face value to be SIA-registered door staff. This is confusing to responsible authority staff and customers alike and deliberately designed to create an impression that there are more security staff on duty than actually are. In addition, SIA-registered personnel are significantly more expensive to employ than non qualified/badged staff. In my opinion this factor is the main driver behind the club's decision to have their staff dressed in this manner.

In July 2010 I again spoke to Mr Cheung after a meeting was called by staff from this office regarding him booking potentially risky and problematic events for the venue and obviously scrimping on door

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staff provision. I was starting to have grave concerns that he was booking events that had clear and unequivocal security issues and potential risks to public safety which were either not being notified to the police or having voluntary risk assessments submitted. Even more worrying was the fact that where we found out about events (not always from the venue itself) and insisted on a risk assessment procedure, the subsequently agreed risk assessments particularly in relation to security staff numbers were altered by Mr Cheung after agreement. There were also concerns in relation to late booking of door staff and under-age issues on the premises and events being advertised on social networking sites stating that their finishing times were hours after D'Fusion's permitted operating hours ended.

In early August 2010 Mr Cheung was again spoken to regarding events he had booked at D'Fusion under the guise of being "parties". He either refused to acknowledge that these private bookings - a significant proportion being booked by criminal elements from the north-east Leeds area - were in fact organised music/social events. He either naively believed they were birthday parties or similar, or knew exactly what they were and used the descriptive term to try and mask the true nature of the events and therefore deflect the attention of the police and local authority. Either way, he had failed to properly risk assess the events and (where police had somehow found out about them) and asked for engagement he quite obviously failed to divulge the true nature and associated risks of some of them. He was clearly warned at this stage that a premises licence review was a possibility.

In August 2010 shortly following this meeting club staff called police to a large disturbance at one such "party". On attendance officers cleared the club of patrons and shortly afterwards received a report of two stabbings behind the club within a crowd that had just been removed from D'Fusion. Mr Cheung was called in for a meeting to discuss this scenario during which he refused to accept the police version of events, the need for SIA-registered door staff as opposed to "stewards" or the fact that it was he who had made the call to police.

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In November 2010 I received a written report from an officer working a night shift in the city where he had been called to repeated disorder and fights outside D'Fusion. Contributory factors were given as bad client mix, door staff not in control and generally poor staff. Mr Cheung was spoken to about this matter and was in denial, stating that what happened outside D'Fusion was not his problem.

Later that month my department ascertained that Mr Cheung was trying to hold a gig called "007 Bonfire Event" at D'Fusion which was to be hosted by an unsuitable promoter whose honesty had previously been called into question in another part of the Force area. After I raised objections Mr Cheung cancelled the event.

In December 2010 I objected to a proposed Boxing Day event at D'Fusion due to the club's proposed unsuitable staffing levels and concern about the competency of club management. The objection was only withdrawn after a face to face meeting with Mr Cheung and West Yorkshire Police had received assurances regarding extra security and management presence on the night.

This witness statement so far sums up the prelude to the twelve-month period leading up to the application for the premises licence review February 2011 – March 2012.

In February 2011 an inter-agency licensing visit was conducted at D'Fusion which identified issues around door staff being un-badged, ambiguous dress and deployment, risky events not being notified to the police and uncertain, if not insufficient security staffing. A meeting was held at Millgarth Police Station to discuss these matters on Monday 14 March 2011 where Mr Cheung argued with a lot of the facts put to him and would not readily accept the police point of view. Various events being held at

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D'Fusion were discussed and the need for proper risk assessments including one called Obsession which Mr Cheung claimed to have discontinued or refused to book due to its risky nature. I produce the Minutes of this meeting as an exhibit.

For about six months after this meeting there was very little need for police to have any engagement with the club or its management.

On 1 October 2011 PCSO 66 Julie Stead from City NPT emailed PC Arkle passing information regarding drug dealing inside D'Fusion on Friday 30 September 2011, and customers being excessively intoxicated through drink and drugs, and being allowed to smoke outside in a drunken state. I produce this email as an exhibit.

This was the start of a series of events and meetings stemming primarily from Friday night gigs held at D'Fusion where the event called "Obsession" had now been given a regular booking. As stated, earlier in 2011 PC Arkle had warned Mr Cheung that Obsession was a risky event and he had in fact cancelled it after being pressurised to do so. It was now obvious that he had resurrected that event against police advice.

I produce as an exhibit an email series between PC Cath Arkle dated 19-26 October 2011 pointing out that on a police visit to the premises on Saturday 15 October officers had discovered a very risky event "Casaloco Classic Special" being held there. There were again irregularities with un-badged door staff and illegal deployment by Mr Cheung. One of the door staff referred to in that communication was a male by the name of Fabrice Cizo, an individual formerly in possession of an SIA badge which had expired. It was not the first time he had been encountered at D'Fusion and who Mr Cheung had been

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spoken to specifically about. The series ends with clear instructions to Mr Cheung on how to operate his club correctly in the future and the potential consequences if he didn't.

Mr Cheung then asked to see the officer regarding this. He attended at the police station on Tuesday 1 November and I was present in the meeting where he was warned again about unlicensed and illegally deployed door staff, and events booked described as "parties" that were not. At this meeting he produced a poster for a planned forthcoming event "Obsession presents the breast cancer and baby care unit charity event" planned to be held on 18<sup>th</sup> November. Both PC Arkle and I expressed grave reservations about this event based on its history, artistes, promoters, attraction for the drug-loving audience, and the management style and quality at D'Fusion. Of the two promoters involved, one of them in particular, Jamie Armstrong gave particular cause for concern from a police perspective. In addition Mr Cheung could produce no evidence whatsoever that a charity was involved with the event or any proof that any of the money would be donated to charity. He refused to cancel the event despite being told in no uncertain terms that West Yorkshire Police did not support it, and that by holding it there were clear risks to his customers not to mention his staff, and I told him specifically "If someone becomes seriously ill or dies at this event through drug intoxication or overdose despite you being given these clear warnings you will very probably go to jail". As per our standard procedure due to communication issues with Mr Cheung he was sent a confirmatory email by PC Arkle summarising this meeting. This email dated 3 November 2011 I produce as an exhibit.

The Obsession charity event poster copy I produce as an exhibit.

Following further verbal communication with Mr Cheung in the form of a meeting I had with him on 9 November 2011 at Millgarth Police Station, where once again he refused to cancel the "charity" event I sent him a confirmatory email on 11 November clearly setting out the department's and West Yorkshire

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Police's opinions on the event. The last paragraph once again warns him about the potential consequences should he run this gig. I produce this email as an exhibit.

On receipt of this email Mr Cheung complained that I was threatening him to send him to jail if he held the "charity event". This was never the case. Nevertheless he, at this point, informed me that the event was cancelled. On 15 November I sent a clarification email to him explaining our position and giving him credit for cancelling the event. I produce this email as an exhibit.

Despite the cancellation I felt it necessary to arrange a police visit to D'Fusion on the night of 18 November to check what he had promised us was true. This action was based on a distrust that the event was going to be cancelled, both from my opinions on, and observations of the club management and also information gleaned from one of the social networking sites midweek prior to the 18<sup>th</sup>. This was allegedly posted by the promoters of the gig or their associates and complained that the police were "well out of order" for cancelling it (we didn't) and that a substitute gig was going to be held there on the same night which was going to be on a par with the cancelled event and in effect would be the same gig under a different name. Mr Wan Malachi from Leeds City Council Entertainment Licensing who attended at the club on this visit later sent me a report of his findings, dated 21 November 2011 during which he identified drunk and drugged patrons, yet more doorstaff issues along the same lines that the premises management had been warned about, and a positive cocaine indication wipe in the toilets. I produce the report as an exhibit.

On 29 November 2011 Mr Cheung attended unannounced and uninvited at a meeting I had arranged with one of the Obsession promoters, Russell McDonald, the meeting arranged at Russell's request, to discuss the Obsession event. I made it clear that I felt his appearance was not acceptable as I was uncomfortable talking with outsiders about club issues and things personal to Mr McDonald with Mr

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Cheung present. Mr Cheung said he was happy for this to happen and for the meeting to go ahead. He then seemed to suggest he was mentoring Mr McDonald in some way. The lengthy meeting discussed the usual issues and ended with Mr Cheung being given clear warnings as to what to do to run the club to the satisfaction of the police and the other responsible authorities. I produce the Minutes of this meeting as an exhibit,

On 22 December 2011 I again wrote to Mr Cheung by email. This was at a period when he had engaged another door company but was still employing in-house door staff to work in conjunction with them for financial reasons and it was apparent that having two or three sets of door staff working together did not work satisfactorily from the perspective of overall supervision of the premises. He was now legally employing these types of staff, having received a non frontline SIA licence but sought my opinion on his powers and options in deploying these staff. It is clear from what he asked me that financial expediency took preference over competent staffing of the premises. I produce this email as an exhibit.

On Saturday 7 January 2012 I received an email from SSO 8460 Milnes who had conducted a licensed visit to D'Fusion on the Friday evening following a call to the police. Drug use and intoxication were identified, white powder and drugs bags strewn about and another positive cocaine wipe test was carried out in the toilets. Mr Cheung was criticised for not doing his job properly and had a poor attitude. I produce this email as an exhibit.

On Friday 27 January 2012 police were called to D'Fusion to deal with a disturbance where a staff member had been punched. Mr Cheung was tardy in dealing with the incident and in co-operating with requests from officers. An email to me dated 28 January 2012 from the first officer on the scene, SO Ashley Franklin, details this, and I produce it as an exhibit.

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The same incident is described in a supplementary email sent to me by PS 5197 Mynard from City NPT on 29 January 2012 who attended after SO Franklin's attendance, with PS 5066 Corley to assist in clearing the premises. Both sergeants were unimpressed with Mr Cheung's capabilities, attitude and demeanour and it is clear that the premises were not far from being closed under Section 161 Licensing Act 2003. I produce this email as an exhibit.

At about 2.40am Saturday 25<sup>th</sup> February 2012 a large fight emanated from D'Fusion and spilled out into New Briggate. For a prolonged period dozens of youths are seen in a disturbance with punches being thrown and kicks used. I have seized the LeedsWatch footage for this incident and produce the DVD as an exhibit. During the fighting I can see Obsession promoter Jamie Armstrong appear from the right hand side of the screen and begin assaulting someone. At no time are any identifiable door staff from D'Fusion seen assisting injured parties, or in dispersing the incident or trying to calm it down. This is a shocking example of violence in a public place that would have been entirely preventable if D'Fusion was being run correctly and competently on the night and one can only imagine what must have been going through the minds of innocent, law-abiding bystanders or passersby witnessing this episode.

Just after midnight on Saturday 3<sup>rd</sup> March 2012 I was present when a large number of uniformed police officers, some of them police dog handlers with drugs detection dogs, attended at D'Fusion and searched it under a Magistrates Court search warrant sworn out under Section 23(3) Misuse of Drugs Act 1971. The operation was commanded by Inspector Richard Clarke of the City NPT. I attended as a licensing specialist. The busiest part of the building was the first floor where Obsession was the event being held, fronted by its promoter Jamie Armstrong. Although all parts of the venue were searched, the majority of a large quantity of drugs taken into police possession were seized from this room, mainly around the DJ booth. In total twenty three separate bags of white powder were taken into police

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possession, and seventeen that were empty, containing traces. A number of persons were subject of indications by the drugs dogs and either searched on the premises or taken away to police buildings to be strip searched. One of these was the promoter Jamie Armstrong who later returned to the club after a negative search.

In the initial stages of this operation I dealt with Mr Cheung on the ground floor. He was agitated and annoyed throughout, telling me that "You may search the ground floor and Obsession (first floor) but you may not search the karaoke bar on the top floor". I had to point out to him that all parts of the building and all persons would be searched. I asked him how many door staff did he have on duty and asked for the door staff register. He did not immediately know how many door supervisors were on duty and who they were employed by but between them, Mr Cheung and his son Sam worked out that there were five working at the premises that night. When the door staff register arrived only two of the five door staff were signed in, one of whom had not entered a signing-in time. After some enquiry it became apparent that three of these door staff had been sourced from Professional Security, and two of them were personally employed by Mr Cheung under a different type of arrangement via the privileges of his non frontline SIA licence.

After I had completed my enquiries on the ground floor and spoken to, and checked the SIA badges of the two door staff working there I moved up to the first floor and on the landing area identified myself to the sergeant in charge of this area whose staff had been asked to identify, locate and contain the door staff working here. I was somewhat surprised to hear him say "I've got your four door staff here". Directly inside the room on the left hand seating area I saw four males all dressed virtually identically, and in black, detained and being supervised by officers. On dealing with the first three, I found them to be legally employed and in possession of, and displaying SIA badges, as had the two staff on the ground floor I had spoken to. The fourth male identified himself as Fabrice Cizo. I asked why he was

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working at the club as a doorman if he did not have an SIA badge. He replied "I'm not a doorman". I asked why he was dressed in black, and virtually the same in appearance as his 3 colleagues and he made no reply. I asked the uniformed staff with the four men what Cizo had been seen doing when they initially entered the floor and they told me he had been standing on the entrance door with the other door staff acting as a doorman. The sergeant then informed me that when the drug dog had been deployed it went straight to Cizo and indicated he was/had been in possession of controlled substances. Having ascertained that these four men had not yet been searched I then asked that Cizo be taken away and strip searched which was carried out without gain. I then went up to the top floor to the karaoke bar area to discuss issues up there with the police supervisor in charge.

Shortly afterwards on my way back down to the ground floor I stopped on the first floor landing and spoke again with officers regarding the door staff issue and asked if they were certain that Cizo had been standing on the entrance door as they arrived, and were they sure he was acting in the capacity of a doorman. A female officer I hadn't spoken to before said "Absolutely. When we came in he was on the door. He was wearing a radio and earpiece but he quickly took it off and gave it to someone else. As soon as he'd been searched and you went out and we'd finished with him I saw him take it back and put it on again".

On my return to the ground floor I spoke with officers collating results of the operation to discuss the drugs seizures, licensing and door staff issues. I was informed that five persons under eighteen years of age had been found on the premises and their details recorded on the incident log. I have seen the pocket note book of SSO 8640 Milnes who detained one of these youths, a male of seventeen, for a strip search and who appeared inebriated. The youth was asked if he had consumed alcohol this evening to which he replied "Yes at D'Fusion, I've had a few Budweisers". The officer asked him if he had at any point been asked for identification and the answer he gave was "Yes but I said I left it at

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home and they still let me in". The youth has then signed that written record in the officer's pocket book as a true record of that conversation.

As the operation was winding down and police staff were being released I went to talk to Mr Cheung to tell him what had been found and that I would now be looking to review D'Fusion's premises licence. As I spoke to him Jamie Armstrong walked into the room, approached us and shouted "Don't let him fucking talk to you like that, Caezar. Tell him to fuck off!" I told Armstrong that it was a private conversation and to mind his own business. I could see that Armstrong was under the influence of drugs. His general demeanour, speech and the huge eye pupils were all classic signs of Class A drug intoxication. Armstrong continued to rant stating that the police were trying to ruin his life and he was building up an event and a name for himself. He was eventually controlled and prior to leaving I assured Mr Cheung that despite everything dialogue was still possible between D'Fusion and West Yorkshire Police.

It is widely acknowledged that there are links between Class A drug use and alcohol consumption with violent crime and that these substances are a major causation factor in assaults and disturbances. This is magnified in areas where people are concentrated in high volumes such as sports stadia, pubs, clubs and other licensed premises.

I have prepared a document for the period March 2011 – March 2012 detailing the chronology of crime and disorder at D'Fusion with associated intelligence received in relation to the club, and this is attached to the premises licence review file.

Crime and disorder and drug misuse are not the only issues with D'Fusion as the evidence in this case shows. The critical thread running through the whole of the club's operation and their interaction with

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the responsible authorities is an unwillingness to comply with advice and clear direction given to them, or to heed warnings. This, in my opinion, is done on the basis of Mr Cheung's personal methodology which is in turn directed by financial expediency. In addition, his actions, certainly over the last eighteen months to two years, have led me to routinely distrust what he tells me.

No other operator in Leeds who has been under police scrutiny has been given as much repeated help, leeway, advice and warnings as Mr Cheung has without formal action being taken against them.

Since the search warrant was executed at D'Fusion on 3 March 2011 I have continued to offer a channel for communication with D'Fusion, part-facilitated through the club's door staff provider and licensing consultant. At a meeting on 28 March 2012 at Millgarth Police Station between those parties, police, local authority licensing staff and Mr Cheung and his staff I made a last-ditch offer for D'Fusion management to formulate a serious and credible offer in writing to be used as a premises licence variation to offer conditions that would alleviate matters at the club to prevent the need to go to review. No such offer was received. The club still continue to run "Obsession" and since the execution of the search warrant the only known change to the operation of the club is that they now employ a female door staff member.

I have serious concerns that should the club continue to operate the way it does now through 2012 and beyond there is a very real risk of serious injury or death occurring there due to the prevalent and ongoing drink, drug and security issues which the management continue to fail to tackle.

In light of these facts, a premises licence review is applied for.

Signature:

Signature Witnessed by:

O:\901019\D'FusionPLRCJA.doc

**Meeting re D'Fusion, New Briggate – 1430hrs Monday 14 March 2011,**  
**MILLGARTH POLICE STATION**

**MINUTES**

**PRESENT:**

**Caezar Cheung (Owner/DPS)**

**Sam Cheung, Alex Cheung (sons of above, club staff)**

**PS 4581 Rob Fullilove**

**PC 5548 Arkle**

**Wan Malachi – Leeds City Council – Entertainment Licensing**

CA opened the meeting by saying that it had been called following issues having been raised after a joint (inter-agency) visit to D'Fusion in mid-February 2011. A suspicion had been raised that a "manager" on duty was in fact acting as a doorman but not SIA badged. CC said he remembered who CA meant. This male was a friend who doesn't work at the club regularly and he was a customer care assistant, dealing with lost property and toilet issues. He communicates via an internal radio (not Nitenet) and clears up bottles and spillages. He definitely did not do security work.

CC was asked about the armband the manager was wearing. SC said the man was stupid to wear it. WM stated that he was dressed all in black, had a radio/earpiece and a fluorescent band on his arm – even SIA registered staff rarely wore earpieces. AC said there was an internal radio present on each floor of the club. CC/SC said the gear he was wearing was personal to him and not provided by the club. WM said that this was confusing to customers and they would confuse this "manager" with an SIA registered staff member. WM continued that the person had a badge with "security" on it and stated that he was a security operative when asked. WM stated that he doesn't ask "Are you security?", but "What is your role here tonight?" and that on this occasion the person said he was a security operative. CC said the proper security staff were on the door. He complained regarding the door staff always needing to be supervised because they were on their mobile phones or talking to girls. There was also an issue re alcohol being smuggled in, mainly by girls. CC said he had already applied for an SIA non-frontline licence so he could deploy his own door staff. CA said this was a good move as it allowed them to employ who they liked and not rely on a contracted company. CC said that the quality of the door staff was variable and getting good ones depended a lot on luck.

CA reminded CC that stewards should not be getting involved in fights or crowd regulation. CC replied that he understood and that he used them as extra eyes only. When asked, CC replied that the doormen were dressed differently to the stewards.

CA asked about several forthcoming events at D'Fusion she had become aware of via Facebook and the internet generally, in particular DeathRay, I Love House Music and Meld. CC said these were all student typed events. The promoters for the 1st one were Ash Carr and "Dan". Meld was a techno event hosted by Luke Stringer, Brett Brown and Lucy Mager. I Love House Music was promoted by Matthew Anthony Wong.

CC showed those present 3 similar fliers for an event being advertised at D'Fusion on 25 March called Obsession. He said that he had refused this event due to the risk involved and didn't want agencies to think he was still holding it. RF queried the poor quality of the advertising - names misspelt and the phrase "No nob heads" to describe admittance policy. CA complimented CC on his wise decision based on that, and the artistes listed who were considered a concern.

General discussion followed about planning issues associated with the premises. CC said they were in the process of being sorted. CCTV issues were discussed. CC said some police officers had complimented him on the quality of the club's CCTV system.

CA raised the issue with glassware getting on to the street. SC stated D'Fusion was not solely responsible. Local supermarkets and "Texas" were also to blame.

Doorstaff numbers were discussed. The Cheungs said that there would be "more than two" for the student events. WM said that there were 4 last time visited, although there was an issue with one who didn't have a badge. SC said police should take this up with Protech, the company supplying the door staff. CA reiterated this was a matter for the venue management to deal with as staff arrived for work and any un-badged staff sent away and a replacement requested. SC complained that the un-badged doorman just walked off without even signing out. WM pointed out that D'Fusions PL had a condition stipulating that door staff should be SIA registered and that if they were not there would be a breach of PL conditions.

CC said the head doorman was John Kuzmenko. He had been with them a long time and he (CC) had given him some pressure recently to improve performance.

CA enquired whether the venue was still doing Russian nights. CC said not for a long time. CA stated they were a magnet for trouble, some nasty people had attended them and drinking to excess and associated violence was a big problem with them. CC said that it wasn't down to D'Fusion; it was people that were smoking outside that caused the problem. RF said that it was excessive drunkenness of their clientele that was a definite problem at the Russian nights. At one of them an officer had been assaulted. CC and SC tried to maintain that the clientele were half drunk when they arrived for these nights. CA reminded them that it was their responsibility to ensure that drunks were not sold alcohol, or admitted to the premises, and any people found intoxicated should be removed. SC alleged that people left the club and got

alcohol from "off-licences". RF said not at 3 or 4am. SC then said that they stored it in their cars nearby which CA, WM and RF refuted.

CA stated that generally these were big guys who needed firm handling, throwing out and not letting back in again.

WM told the Cheungs that the venue does have a problem with excessive drunkenness inside, and has been seen every time he has visited. On the last occasion he witnessed a man inside so drunk his associates had to physically carry him upstairs. This should not be allowed to happen. The bar staff AND management had a responsibility to prevent excessive intoxication inside the club. The karaoke booths upstairs were the worst area. People found drunk inside the club MUST be made to leave.

CC complained that often too many organisations/people were present on inter-agency visits to the club.

SC said that they will keep an eye on the drunken customer situation in D'Fusion but police must understand that customers don't get all their drink inside the club.

CC said he thought he was working better with police and the local authority as his refusal of the Obsession event showed, and that he was learning, and he thanked police for giving him a chance.

1545hrs – Meeting concluded.

~~R G Fullilove~~  
PS 4581



✓  
Julie Stead/721866/BRAD/WYP

01/10/2011 17:47

NPM covering CONF

To Catherine Arkle/964248/POLICE/WYP@WYP

cc

bcc

Subject D-Fusion, New Briggate. : NPM covering CONF

Cath

Just wanted to bring to your attention ongoing problems at D-Fusion on New Briggate. Last night (30-09-11) whilst on Op Capital D-Fusion had some party on upstairs. present were groups of males and females of around 20yrs, some of which are known nominals for drugs supply/use. Bags of what was believed to M-CAT were found on the premises by door security and dealing/taking of drugs was been done within the club and also at the rear of the premises next to Mint. People were also been aloud to take bottles of alcohol from the premises and been drunk outside while having cigarettes. Mr. ~~CHUNG~~ DIN stated that he has a meeting with you next week so I thought I would let you know about this prior to your meeting.

Regards

Julie Stead  
PCSO66  
Millgarth NPT3

0113 2413101 (office)  
07738028142 (blackberry)  
julie.stead@westyorkshire.pnn.police.uk

>> CC: robert.fullilove@westyorkshire.pnn.police.uk  
>> From: catherine.arkle@westyorkshire.pnn.police.uk  
>> Date: Wed, 19 Oct 2011 16:03:43 +0100  
>>  
>> Mr.Cheung  
>>  
>> I hope you are well.  
>>  
>> D-Fusion was visited by officers in the early hours of last Saturday  
>> morning as I had found 'Casaloco Classic Special' advertised on Facebook.  
>> This is not a birthday party - these are events which are advertised all  
>> over the social network and attract an element who are trouble makers.  
> The  
>> very fact you may think they are real birthday parties means the people  
>> organising them are lying to you. Why would they do that if the event was  
>> not a problem?  
>>  
>> Officers reported back to me that you had 3 door staff working at the  
>> venue. John Kuzmenko, Fabrice Cizo and Frances Agbeja.  
>>  
>> Cizo did not have an SIA badge but said he had applied for one. Officers  
>> took details of his application number. I have contacted Pro-Tech to see  
>> why they supplied you with a door man who has no badge. Pro-Tech say they  
>> did not supply you with Cizo or Agbeja - just Kuzmenko.  
>>  
>> You are therefore paying Cizo and Agbejo directly which is illegal as you  
>> do not have a frontline licence from the SIA - I have checked.  
>>  
>> I am advising you now to stop employing your own door staff directly. We  
>> have spoken about this before and you have been advised that it is  
> illegal.  
>> You did tell me that you would apply to the SIA for a non-frontline  
>> licence. I have checked the register and you do not appear on there.  
>> If you do not stop deploying door staff illegally we will be forced to  
> take  
>> action against you and/or your premises licence.  
>>  
>> Regards  
>>  
>> Cath  
>>  
>>  
>> PC Catherine Arkle  
>> Divisional Licensing Officer  
>> City & Holbeck  
>> Int: x53072  
>> Tel:0113 2413072  
>> Fax: 0113 2413123  
>>

SECRET

>  
>  
>  
>

> Dear Cath,

>

> Thank you for your e-mail. I would like to take this opportunity to explain  
> the issues raised within your e-mail.

>

> With regards to the advertisement on Facebook, we try our very best to  
> monitor Facebook, but it is out of my hands what is advertised on Facebook.  
> "Casaloco Classic Special" was not one of the events that I came across  
> what was advertised. With regards to this event, I genuinely thought it was  
> a Birthday Party and did not know what was being promoted on Facebook  
> behind us until you told me that "Casaloco Classic Special" was advertised.  
> It is very hard to make judgements to party bookings, I try my very best to  
> monitor what is being booked.

>

> Regarding the issue of the door staff, John Kuzmenko was supplied by  
> Pro-Tech, but the other 2 door staff, we were not expecting the "birthday  
> party" to be busy. But when we had more information regarding the  
> "birthday party" on that evening, it was too late for us to order another 2  
> door staff from Pro-Tech. I was just trying to resolve this issue to make  
> things run smoothly and ask one of the ex Pro-Tech door staff to cover for  
> that evening and another to act as a steward.

>

> Regarding to the Non-frontline licence, I was going to resolve this issue  
> and make an application, but due to unforeseen circumstances, I had to go  
> to Hong Kong for personal issues. I believe that making an application for  
> the Non-frontline licence, my Passport had to be sent off with the  
> application form. Hence, I had to hold up the application. After my trip to  
> Hong Kong, the application was going to be sent off, but then my signature  
> witness for the application passed away, therefore a new application had to  
> be made. I am still waiting for the new application form from SIA to arrive  
> and this will be sent off once everything is in place.

>

> I am sorry for all the inconvenience caused, but we try our very best to  
> make sure everything runs smoothly in my venue. I am just trying to survive  
> within this climate. Anything you want to raise to me, I am happy to fully  
> cooperate with you. Would it be possible to make an appointment to come and  
> see you to talk about the raised issues? Looking forward to hearing from  
> you soon.

>

> Kind Regards

>

> Caezar Cheung

>

>> Subject: Door Staff - ILLEGAL : NOT PROTECTIVELY MARKED

>> To: caezarcheung@hotmail.com

> Subject: RE: Door Staff - ILLEGAL : NOT PROTECTIVELY MARKED  
> To: caezarcheung@hotmail.com  
> CC: robert.fullilove@westyorkshire.pnn.police.uk  
> From: catherine.arkle@westyorkshire.pnn.police.uk  
> Date: Wed, 26 Oct 2011 16:06:13 +0100

>  
>

> Dear Mr.Cheung

>

> Thank you for your reply. It will be best to arrange a meeting for next  
> week as I am not free until then.

>

> In the meantime you need to check and get Sam to check all the 'parties'  
> you have booked. I have attached a printout from Facebook - this is just  
> one - there will be more!

>

> It shows advertised events for every Thursday at D-Fusion - the 'Sunrise  
> After Party' - advertised as running up until 8am - your licence finishes  
> at 3am!

>

> It shows an event called 'Fresh & Obsession' taking place on the first  
> Friday of every month. It shows the Casa Loco Special we have been talking  
> about, and then it shows an event called 'Obsession - Hallowe'en Special'  
> taking place on 28th October - this coming Friday.

>

> These events are not birthday parties and if you choose to go ahead with

> them you MUST have the correct number of door staff on duty to deal with  
> the people who are likely to attend. It is illegal for you to deploy door  
> staff yourself, and calling one of them a 'steward' is not helping matters  
> as really he was acting as a doorman if we are going to be honest about  
> this. Both of the extra door staff identified themselves as doormen to the  
> officers who attended that evening.

>

> Regards

>

> Cath

On 3 Nov 2011, at 16:08, catherine.arkle@westyorkshire.pnn.police.uk wrote:

> Mr.Cheung  
>  
> Thank you for attending the police station on Tuesday 1st November.  
> The persons present were you, your wife, Carmel Brennand from Leeds City  
> Council Licensing Enforcement, PS Rob Fullilove and PC Cath Arkle.  
>  
> You had asked to speak with the police after I had sent e-mail messages  
> warning you about the use of unbadged door staff and deploying your own  
> door staff without a non-frontline licence. Also I had expressed my  
concern  
> regarding the events you call 'birthday parties' which are actually not  
> birthday parties but events put on by promoters and advertised across  
> social networking sites such as Facebook.  
>  
> You said you had had problems with the quality of door staff and getting  
> the numbers right for the types of events you were running and this had  
> brought about some of the problems with door staff. PS Fullilove and I  
> suggested that if you were not happy with Pro-Tech and the door staff  
they  
> provided you should change door staff provider. For some reason you have  
> not done this and did not appear to want to do this.  
>  
> You showed us a copy of a poster which advertised an event on Friday 18th  
> November - 'Obsession presents The Breast Cancer & Baby Care Unit Charity  
> Event'. I said I did not believe it was a real Charity event and that the  
> organisers were lying to you. You did not believe this and would not  
listen  
> to our concerns about the promoter, Russell McDonald, and another named  
> person on the poster, Jamie Armstrong, a person who is known to the  
police.  
>  
> You said you were aware that some of the events you ran attracted a  
'nasty'  
> crowd and you said it made you ashamed to see them in and outside your  
> premises. You said you found it difficult to know when the events were

real

> 'birthday parties' and when they were bigger events which were being  
> advertised.

>

> PS Fullilove said warnings had been given over a number of years about  
door

> staff/stewards/violence and we were no further forward. We are still  
> discussing the same problems. Carmel Brennand said you admitted you were  
> not in control of the premises - not in control of the door staff or  
what

> events were booked and ran in the premises.

>

> PS Fullilove warned you that the premises could be closed down if  
problems

> spilled out on to the street like they were doing at the moment. You said  
> you were seeing an estate agent this Friday(4th Nov) to see if you could  
> hand the keys back to the landlord or have somebody else rent the  
premises

> - the rent was too high. PS Fullilove warned that there could be a  
serious

> injury or death at the premises and that you would be the person in  
charge

> and therefore might go to prison if you were not in proper control of the  
> premises when something like this happened. You said you knew this.

>

> Despite all these warnings you still said that you would run the  
'charity'

> event on Friday 18th November. You have written on the risk assessment  
for

> this event that there will be 6 SIA regd door staff on duty. I told you  
> that you will get a visit from the police on this night to assess the  
event

> and make sure the appropriate security measures are in place - you  
welcomed

> this.

>

> You said the police did not patrol New Briggate anymore since Gatecrasher  
> was closed and that the van which Mr.Francis had promised you was not  
put

> out on the street anymore.

>

> I have spoken to the Inspector about the police van and he says it will  
be

> put out on New Briggate again. I hope this helps you and that it will  
deter

> the more troublesome customers from causing problems.

>

> Regards

>

> Cath

>

>

> PC Catherine Arkle

> Divisional Licensing Officer

> City & Holbeck

> Int: x53072

> Tel:0113 2413072

> Fax: 0113 2413123

>

>

> \_\_\_\_\_  
> REPORT MINOR CRIME ONLINE: Report a West Yorkshire crime online, request  
a callback or report lost property, all via our website  
<http://www.westyorkshire.police.uk/>

>

>

FRIDAY 18TH NOVEMBER

ALL PROCEEDS  
WILL BE  
SHARED  
BETWEEN THE  
TWO  
CHARITIES!

**OBSESSION** PRESENTS

# THE BREAST CANCER & BABY CARE UNIT CHARITY EVENT!

.....  
**PHAZE 2** PERF. SPACESHIP & SUMMERTIME  
**NICOLE** PERF. COME BACK & KISS AND TELL  
**RAE RAE** PERF. THE CLASSIC "LESS OF YOU"  
**CARLA D** PERF. GIVE ME ALL YOU GOT  
.....

**BIZZ // JAMES MALTAS // MILNER  
TY-C // ASH HUNTER // LIAM COWAN  
BASSINE BRUVAS // BUZZBY // EVERLAST  
CHRIS NAYLOR // FUCKIN JACKO // HEELEY // ~~SON~~  
STONEY // DOCTOR WATSON // SLEEKER  
FLOOR JACKER // FRANKY BEE**  
.....

IN ASSOCIATION  
WITH:

CANCER RESEARCH UK

**BABY CARE UNIT**

**d-fusion**

28 NEW BRIGGATE • LEEDS • LS1 6NU

TIME: 9:30PM-6AM ALL NIGHTER!  
ENTRY: £10 (ALL PROCEEDS GO TO CHARITY)  
MESSAGE JAMIE ARMSTRONG FOR MORE INFO

----- Forwarded by Robert Fullilove/901019/POLICE/WYP on 15/11/2011 22:43 -----

Robert  
Fullilove/901019/POLICE/WYP  
11/11/2011 14:42

To caezar cheung <caezarcheung@hotmail.com>  
cc Catherine Arkle/964248/POLICE/WYP@WYP, Robert  
Patterson/717958/BRAD/WYP@WYP  
Subject Event At D'Fusion Friday 18 November 2011 : NOT  
PROTECTIVELY MARKED

Dear Mr Cheung:

I refer to the meeting you had with Mr Patterson and myself in our office on Wednesday evening, 9th November and summarise the main points as follows:-

I, this department, and West Yorkshire Police do not agree with, and do not support this event. You have not taken our advice and not co-operated with our wishes.

We are not happy with the initial risk assessment process, the promoters or the artistes, and based on our dealings with you since you opened the club, particularly in respect of doorstaff employment and deployment we cannot be sure that you will adequately staff the event with adequate security personnel to keep the event safe for the whole of the night.

As I promised you, I have contacted Richard Dyson at Protech and he has assured me that he will provide eight capable SIA registered door staff for this event. They are to be used as the only security staff on the night.

This event is not suitable for deployment or use of non-SIA staff, stewards or glass collectors in security-style uniforms.

I repeat that holding events of this nature and ignoring police concerns and recommendations puts your business, livelihood and Premises Licence at risk.

Regards

Rob Fullilove  
Sergeant  
Leeds District Licensing  
01132 413067



PROTECTIVELY MARKED

Robert  
Fullilove/901019/POLICE/WYP  
15/11/2011 23:03

**NOT PROTECTIVELY  
MARKED**

To caezar cheung <caezarcheung@hotmail.com>  
cc Catherine Arkle/964248/POLICE/WYP@WYP,  
carmel.brennand@leeds.gov.uk, Robert  
Patterson/717958/BRAD/WYP@WYP  
bcc  
Subject Fw: Event At D'Fusion Friday 18 November 2011 : NOT  
PROTECTIVELY MARKED

Dear Mr Cheung:

I refer to our meeting last night between 4.50pm and 6.20pm which you requested in response to the email (below) being sent to you last week.

You complained that you viewed the email as being "threatening" based on the last line which you saw as a direct promise to close D'Fusion down if you went ahead with the charity event scheduled for Friday 18 November 2011. This was never meant to be the meaning of that line of text and if you read it again I think you will see that.

I hope we have cleared up the matter and that now you understand that this was not a threat, just an indication that if you continue to hold risky events and either do not tell the police or the local council licensing staff about them, or tell us and then do not stick to promises you make when discussing risk assessments and something serious happens at a risky event, the further action by ourselves is made even more likely. The main issue I am talking about is the number and quality and deployment of security staff

It is more important now than ever before that you take care to think carefully about who you allow in to your premises and not to immediately trust as the truth things that customers say to you.

I give you credit for cancelling Friday's charity event.

You have indicated that Bob Thompson and John White of Licensed Trade Consultants are acting on your behalf and that I can talk to them about D'Fusion and the issues that are causing problems at the moment.

Regards

Rob Fullilove  
Sergeant  
Leeds District Licensing  
01132 413067



"Malachi, Wan"  
 <Wan.Malachi@leeds.gov.uk>  
 21/11/2011 09:27

To Cath Arkle <ca120@westyorkshire.pnn.police.uk>, "robert.fullilove@westyorkshire.pnn.police.uk" <robert.fullilove@westyorkshire.pnn.police.uk>, "bob.patterson@westyorkshire.pnn.police.uk" <bob.patterson@westyorkshire.pnn.police.uk>, "neil.harrison@westyorkshire.pnn.police.uk" <neil.harrison@westyorkshire.pnn.police.uk>, "Bradford, Jack" <Jack.Bradford@leeds.gov.uk>, "Brennand, Carmel" <Carmel.Brennand@leeds.gov.uk>, "Kennedy, Seamus" <Seamus.Kennedy@leeds.gov.uk>, "Longfellow, Samantha" <Samantha.Longfellow@leeds.gov.uk>, "Rix, Paul" <Paul.Rix@leeds.gov.uk>, "Waters, Michael" <Michael.Waters@leeds.gov.uk>

cc

bcc

Subject Operation Capitol, 18.11.11

<p>PREM/02156/V04          LIENF/00153          D'Fusion          26 - 30 New Briggate          Leeds          LS1 6NU</p>	<p>Ceazer Cheung on site. Ground floor in use, approximately 7 patrons, middle floor in use, approximately 40 patrons (very young and looked to be drunk/drugged), Mr Cheung stated that event not booked by Jamie Armstrong and introduced Russell McDonald, [REDACTED], [REDACTED], telephone [REDACTED] who advised that he had paid £100 for the hire of the room and was charging £5 a head. Event called Freaky Loco. Male stood on door on middle floor wearing a badge stating Assistant Manager, spoke to Tomasz Pietraszko, [REDACTED], [REDACTED] who stated that he was a glass collector, another male seen wearing a badge but unable to establish details as he disappeared. Drug swipe taken in gents toilets which proved positive. Spoke at length with Mr Cheung regarding drug use on his premises and also under agers attending. He kept saying that he couldnt do more and he was in</p>	<p>Liaise with WYP re: further action</p>	<p>3 x doorstaff on duty working for Protech.          0130 0138 9368 6435, Jason Potter, 29/10/91          0130 0119 6940 2214, John Kuzmenko, 01/12/78          0130 0142 5446 5608, Nouman Qureshi, 03/12/81</p>
--	---	---	---

	<p>constant discussions with his door company about the doorstaff that they supplied. I advised Mr Cheung that he should take more responsibility as to how the premises were being used as it was his licence that would be in jeopardy. He asked how he could do this. I advised that the premises had been monitored for some considerable time and that plenty of meetings and action plan meetings had taken place and yet still problems persisted and that I was suprised that more formal action hadnt yet been taken. Advised that I would report my findings to WYP.</p>		
--	--	--	--

Minutes of Meeting at Millgarth Police Station  
On Tuesday 29th November 2011 at 1.45pm  
Regarding D'Fusion

30/11/11

**Present were:**

Mr Caezar Cheung – DPS (CC)  
PC 5548 Cath Arkle – Licensing Officer (CA)  
Sgt 4581 Fullilove – Licensing Officer (RF)  
Thomas Chiang – family friend (TC)  
Alex Cheung – son of DPS (AC)  
Russell McDonald – promoter – 'Obsession' (RM)

**Minutes**

RF thanked RM for attending and made the point that it had been arranged as a meeting between the police and RM and not everyone else. CC said RM had asked him to attend so that all the issues could be spoken about. RF said he felt uncomfortable discussing CC's issues at the premises in front of RM who was just a promoter, and any issues surrounding RM's past and business dealings in front of CC and the others. Both parties agreed that they did not have a problem with this.

RF asked if Jamie Armstrong was supposed to be joining the meeting as his name was used on the promotional material for the Obsession event. RM said he was not coming to the meeting and that JA's only involvement with the event was to do the guest list.

RM asked what issues there were with his event. RF said there was the suspicion that RM had a connection with drugs. RM denied this and said he had been searched once in Leeds market. RF asked if RM was a drug user. RM said he was not but that he had tried drugs in the past. RF thanked him for his honesty.

RF said to CC that there were still issues at the premises re a lack of security despite all the recent talks and advice, and said he asked Chief Inspector Francis if he could look at the premises licence with a view to making some changes. Mr.F had agreed in principle.

CC said he had had a meeting with Joe Grinion from Pro-Tech last night. CC said he agreed with police concerns about his premises. RF asked what had happened at the meeting with Pro-Tech. CC said they had spoken about the security. RF said CC took no notice of what the police advised. CC showed highlighted conditions on his premises licence to RF and said he had been to the Council and spoken to Carmel(Brennand). There was a discussion about the condition to do with managers on each floor of the premises. RF said he understood the condition but some events that CC put on needed more staff than just the required managers on each floor, and specifically security staff, not managers. RF said risk assessments had been completed in the past and a certain number of door staff agreed, and then when the premises were visited there were not enough SIA badged security staff on duty. He said he was getting annoyed with CC doing things behind his back and urged him to listen to WYP advice.

CC said he was tired of the security issue and constantly talking about it. He said he did not accept that he had reduced the number of agreed door staff and that there must have been a misunderstanding. RF said there was no misunderstanding and

there would be no continuation of the argument. RF said there had been a recent misunderstanding by CC of something he had written in an e-mail to CC but that they had sorted this out.

CC said he would keep quiet for a while so that RF could speak to RM.

RF asked RM what kind of events he put on. RM said it was electro/jacking – dance music. He said he tended to use the same DJs but different PAs, and that he booked them through Facebook. He said he was 20 years old but was experienced in the music business. He said he currently sold CDs from a shop in Morley which he now had. CA asked if the shop was Jamie Armstrong's as that is what she had heard. RM said no, that it was his, but that Armstrong liked to tell people it was his. He said he realised he had to get Armstrong's name out of the way. RM said his events tended to attract a crowd much the same as him when asked who they appealed to.

RF asked how many events he had done at D-Fusion. RM said about 15 to 20 Obsession, and another event called Freaky Locos, mainly on a Friday night. He said they tended to get 100-200 customers, and that he'd charge £5/£10 entrance fee. He said he hired the room from CC, and that he took the admission fee.

RF then asked CC what the outcome of the chat with Joe from Pro-Tech had been. CC said they had talked about an increase in security. He said the problem was that he didn't regularly need so many door men each weekend – it depended on the events. He said last Saturday he had booked 6 door staff and only 10 people had attended. He had had a 'party' on the first floor for a guy called 'Jermaine' who had arrived in a pink Hummer. 30/40 people attended the party but on the ground floor he had no more than 10 customers.

CC said he had booked 5 door staff for this coming Friday's Obsession event. He said they had increased the door staff since RF had advised him to do so and he had put the 2 assistant managers on the required floors as per his licence. CC said he did not understand why the Licensing Enforcement Officers think his assistants are door staff whenever they do a licensed visit.

RF said that he had concerns that CC was not in proper control of the premises. He stated that he'd been told about another 'birthday party' with a flyer where there had been 3 to 4 serious fights and that 2 door staff had been seriously injured. RF said he thought this was Saturday just gone. TC said it could not have been Saturday as it had been a very peaceful night and that the police could check the CCTV if they didn't believe him. RF said it must have been Friday then at RM's Obsession event. RM was asked if there had been any fights. He said he hadn't noticed.

AC said no door staff had been seriously injured. He said he had been present at the meeting with Pro-Tech yesterday and that Joe and Richard(Dyson) had not mentioned it.

RF said he had been told that one door man had a leg injury and the other had a head injury. RF said he'd received a phone call from other premises nearby to say they had had to treat the door man with the head injury who had run away from D-Fusion. RF said there was just not enough control at the premises. There was an insistence that RF was confusing Saturday night with Friday night. RF asked how the door staff were injured. AC said the toilet attendant had prevented a male and female going into a toilet cubicle together and had been hit. The door staff intervened and there was a fight.

TC said that Joe had said the Asian door man had a leg injury. TC said that this guy had been jumping about at the end of the night when the customers had gone. He said he thought he wanted to stab them in the back because he hadn't wanted to work on Saturday.

CC said their problems were sometimes because they didn't get a regular team of door staff.

RF said Saturday may have been confused with Friday. CC said they had had 6 door staff on duty because of 2 parties on the Friday(?)

RF asked what event had been on the Saturday. TC said DJ Obi had been on. It had been a last minute decision to take him. He was supposed to have appeared at Phono, the old Boudoir, but they were double booked so D-Fusion had taken it at the last minute. RF stated the advertising "flyer" said the event was a birthday party but had a £10 admission fee. There was a deception here.

CA asked what they meant when they referred to 'parties'. AC and TC said it was groups of people who booked to come to the premises. CA clarified then that 'party' did not mean a conventional birthday party. It was agreed that it did not mean that.

RF said he would have expected a risk assessment for an event such as Obsession. TC said they didn't know when they should submit RAs. RF said that it was whenever there was an added element of risk and if they weren't sure they could always ask. It had been made quite clear in the past 2 to 3 years what type of events risk assessments were required for.

CC said they were the victims of jealous gossip.

TC asked where the premises were on the points matrix. CA said not high up but that was mainly due to the kind of clientele they attracted who did not report things to the police and didn't want police involvement when police spoke to them. CA said there was a problem in working out who was responsible for what, given the close proximity of Gatecrasher, Mint and D-Fusion. CC said they had radioed the police about a problem on Mon or Tues night. D-Fusion was closed but they had heard banging on the windows and there were people fighting. CA thanked CC for doing this and said she always looked closely at incidents to see where they had come from but that sometimes it was impossible to tell.

RF repeated his concern over the door staff issue. CC said he was upset. He felt he was complying with his conditions with the managers on each floor who didn't need to be SIA regd.

RF said that the time for a review of his premises licence may have come and that conditions might be imposed in relation to SIA staff conditions for all floors. RF mentioned that advice had been given over a year ago for CC to apply for a non frontline SIA licence so that he could deploy his own door staff. This had never been done despite the advice and CC saying he had done it. AC said there had been a problem over sending the passport i/d and someone dying. He said it had now been applied for and they had received notification from the SIA that it was being processed. CA said she had checked the SIA website after the last time CC had said he had applied for his non frontline licence and there had been nothing on the system.

CC said he did have problems with some of the door staff which Pro-Tech supplied. One had turned up and said he had to go after 2 hours instead of working the minimum of 4 because he had to be somewhere the next morning. Another had taken a call on his mobile and said he had family problems and had to leave – these were the kinds of things they did sometimes. CC said when he got his non frontline SIA licence he would still have a problem because he would have to be able to find SIA regd door staff to deploy. He would need a core team but also, for bigger functions, he would need to employ them through a security firm as he didn't have contacts for that many door staff and the companies did.

RF asked how he would be moving forward with Pro-Tech.

CC said he and Joe respected each other and that Joe understood his situation. CC started talking about his 'assistant' DPSs. He mentioned 'Blacka' who had helped him, he said, in managing the 'black' customers and knowing how to speak to them etc. He said that was the only reason he employed people like Blacka – not as extra security.

He then mentioned 'Frenchy' who he stated was currently his assistant manager. CA asked CC to clarify who 'Frenchy' was. It was said his name was Fabrice. CA said this was someone who had worked as a door man and been found working on the door illegally at the premises recently. He had no SIA badge and officers had been told that he had been deployed by Pro-Tech. This was not correct as CA had checked with Pro-Tech. CA asked if they really expected the police to believe that 'Frenchy' was not being used as a door man, albeit illegally. CC said he used him to keep an eye on things. He passed messages on the radio and acted as an observer. If he saw a fight he would direct the legally deployed door staff to deal with it. RF asked if CC honestly expected the police to believe he wouldn't act as a doorman. CC said 'Frenchy' followed him everywhere and that he was his assistant DPS with his radio.

RF said he could call him what he liked but at the so called 'charity event' which the Council had visited, 'Frenchy' was probably the male they described disappearing into the crowd in their report and evading the council licensing officers.

RF said that RM and CC were business partners and agreements they came to were between themselves. He said that when CA and he first had dealings with CC they agreed that he had had a rough start, especially given that his business partner had left him in the lurch. RF said he had been given the benefit of the doubt for most of the time but it had now become extremely frustrating with CC unable or unwilling to see the police point of view.

CC said he knew the police concerns and had had a meeting with Joe from Pro-Tech about it.

CA said he needed to be back on track immediately. RF warned of a Premises Licence Review if there was no improvement.

CA said the police required a risk assessment from the premises re the 'Obsession' event. RM said he didn't know how to do one. CA said D-Fusion staff should be able to help and that was agreed. CA said if the event had problems they would have to re-evaluate the risk assessment on a week by week basis until they got it right but they couldn't afford to have any problems.


CC said he still needed to improve his core team of security staff. RF asked who it would be and CC said they would be provided by Joe(Pro-Tech)or another security team.

Meeting concluded at 3pm



Robert  
Fullilove/901019/POLICE/WYP  
22/12/2011 08:47

NOT PROTECTIVELY  
MARKED

To caezar cheung <caezarcheung@hotmail.com>  
cc Catherine Arkle/964248/POLICE/WYP@WYP  
bcc d.fullerton@professionalsecurityuk.com  
Subject RE: Short notice appointment : NOT PROTECTIVELY  
MARKED 

Mr Cheung;

Your non-frontline licence allows you to employ door staff on an individual and/or private basis who do not need to belong to a door security company. They **must**, however, have a current, valid and in-date SIA badge. There are no exceptions to this.

If you are going to employ your own door staff in this way then there will obviously be a conflict if you still continue to use Professional Security staff as well because effectively you will have a two-tier team with difficulties in retaining control;

Regarding this I mean:

Who will be head doorman? There must be someone in charge, giving the orders.

If so, who will this be?

If not, will D'Fusion club management be in overall charge of them?

If an incident occurs, who will direct which security staff to deal with it. That means that if an incident occurs on the 1st floor staffed by one set of door staff from Professional, will the ground floor staff working on a non-frontline basis refuse to help out their colleagues from another organisation upstairs?

What will you do about insurance for doormen employed on a private basis? They will not be covered by Professional's company insurance. If they get hurt and are not insured you will be liable via your company insurance.

It seems to me that at the moment with Professional Security employed at your premises there has been a lot of good work done and a lot of issues look like they are being resolved to our satisfaction. It would be dangerous to change that, although who you choose to carry out the security function at D'Fusion is entirely a matter for yourselves.

I am not free for a meeting before Christmas but I am available by telephone if there is anything in this email that you are still unsure about.

If I don't get to speak to you before the weekend I hope you and your family have a good Christmas and New Year

Regards

Rob Fullilove  
Sergeant  
Leeds District Licensing  
01132 413067

caezar cheung <caezarcheung@hotmail.com>



caezar cheung  
<caezarcheung@hotmail.com>  
21/12/2011 23:54

To <robert.fullilove@westyorkshire.pnn.police.uk>,  
<akyc88@hotmail.com>, <samoman69@hotmail.com>,  
<thomis00@hotmail.com>



Christopher Milnes  
SO5403/BRAD/WYP

07/01/2012 03:40


RESTRICTED

To Robert Fullilove/901019/POLICE/WYP@WYP, Catherine  
Arkle/964248/POLICE/WYP@WYP

cc Martin Mynard/963468/POLICE/WYP@WYP, Cheryl  
Corley/961957/POLICE/WYP@WYP, Gregory Shaw  
SO4082/BRAD/WYP@WYP, Neil  
Harrison/SO3189/BRAD/WYP@WYP

bcc

Subject D'Fusion : RESTRICTED

**History:**       **This message has been replied to and forwarded.**

Sgt, Cath,

Log 48 of 07/01/12 relates to an anonymous public complaint regarding underage drinking and drug use at D'Fusion on New Briggate, Leeds.

I attended to conduct a cursory licensing check to assess the complaint. A majority of customers appeared to be youthful in appearance, but identification was checked in officers presence which proved they were 18 and over. The head door man confirmed that every single person would be checked for proof of age on entry and refused if underage. No signs of underage drinking at time of visit.

I also checked for signs of drug use and found several concerning issues:

- Dealer bags located under several tables in the private party room (2nd floor - Jamie ARMSTRONG present)
- Dealer bags located in bins of female toilets
- White powder present on cisterns in female toilets
- Cocaine wipes positive in both male and female toilets.
- Many of clientele within premises appeared under the influence of more than just alcohol!

Cesar Cheung was NOT happy (he never is) at police visit and was very irate due to us not allowing him to do his job (which he is clearly struggling to do). There were 3 door men on duty at time of visit and 1 'in-house' security guard checking toilets.

I did suggest a female member of door staff be used as major signs point to female use on premises.

If you require any further information then please let me know.

Regards,

Chris Milnes  
Senior Section Officer 8460  
Special Constabulary  
City and Holbeck  
Internal - 77388  
External - 01274 376788  
Mobile - 07921 711343

SECRET

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**From:** Franklin, Ashley  
**Sent:** Saturday, January 28, 2012 2:02 PM  
**To:** Towers, Ritchie; Milnes, Christopher; Mynard, Martin  
**Cc:** Fullilove, Rob; Arkle, Catherine  
**Subject:** D FUSION VISIT and MINT WAREHOUSE 27/01/2012 [RESTRICTED]

All,

## **D FUSION**

As requested, I performed a bronze service licensing visit at D'Fusion on Friday 27/01/2012 at approximately 2310 hours. As also requested, in company with SC Bainbridge, PC Crossland and PC Roo, I performed a discreet check on how many were present in the premises. At the time of our visit, there were around eight patrons on the ground floor and 40-50 patrons on the first floor.

There were three door staff (the usuals) on duty and this was to be the case for the whole evening. Mr Cheung stated that he expected the club to close between 0200 and 0300 hours.

The BACIL radio was once again behind the bar at the time of visit and both the door staff and Mr Cheung were advised on this. There were no other issues at the time of visit.

20 minutes later, however, an emergency call was made from locus. 24 hour report for log reads as follows:

Incident at D Fusion, which initially came in as a glassing. This was not the case but, member of door staff had been punched in face causing minor cut above his eye. Problems with getting DPS, Mr Chung to assist with the matter. Report to be completed to licencing dept. Staff had made decision to turn music off and empty the premises, which caused some congestion outside. This was cleared by officers without incident. S47 assault recorded and to be dealt with by PC 3533 Read CNPT.



"Mynard, Martin"  
<martin.mynard@westyorkshire.pnn.police.uk>  
29/01/2012 18:02

To "Towers, Ritchie"  
<ritchie.towers@westyorkshire.pnn.police.uk>, "Milnes, Christopher"  
<christopher.milnes@westyorkshire.pnn.police.uk>, "Arkle, Catherine" <catherine.arkle@westyorkshire.pnn.police.uk>, "Fullilove, Rob"  
<robert.fullilove@westyorkshire.pnn.police.uk>  
cc "Clarke, Richard"  
<richard.clarke1@westyorkshire.pnn.police.uk>  
bcc

Subject FW: D FUSION VISIT and MINT WAREHOUSE 27/01/2012 WEEKEND REPORT [RESTRICTED]

All,

Further to Ash's e-mail. I have got the full on bit between teeth now for Mr Cheung!

I attended with Cheryl for the emergency call and assisted with emptying the 1st floor of its patrons with a doorman, it was full of the lower end clientele that comes into Leeds!!

Mr Cheung seemingly got a dressing down by Cheryl whilst I was upstairs, but I continued it when I got hold of him, he was blaming the door team for the premise failure, he was obstructive and unco-operative around the cctv to the point that I took hold of him, and had to tell him what he was to do to assist.

I strongly contemplated contacting the Duty Insp to issue a 161 but the problem had been cleared and we had restored order to the proceedings, I have a full PNB entry about Mr Cheung and would be happy to be in attendance at any meeting you have with him.

He is highly strung and emotional and cannot run the premises its too big a job for him, and told him this fact, he tried to blame the new door team for letting some people in that they shouldn't have, I then explained it was his place when a new door team to put someone with knowledge on the door to help them in their role; preferably himself. He just couldn't understand this!

He tried to blame the doorman that was assaulted for this as he was talking to a girl, from reviewing the cctv he was being spoken to by a girl but was still looking around and doing his duties, the numbers in the venue had jumped from the initial visit to the time of the incident 20 minutes later.

Nominals that were present - [REDACTED]

D'Fusion, New Briggate, Leeds LS1 6NU

Chronology

Date/Time	Action/Offence/Intelligence	Outcome/Involved
040311 – 0230hrs	Log 0115 – call received that there was a fight outside the premises. Victim exits the venue with two friends to have a cigarette. They are approached by a group of males and a fight ensues. The complainant receives a broken jaw in two places.  13110104198 & 1311010375 refer	Police and Ambulance attendance. Victim requires hospital stay and
040311 – 0210hrs - 0230hrs	13110104198 - Victim has been socialising and leaves nearby club and is on roadside at locus. Victim is in drink at time of incident. Victim's friend is involved in an argument with a group of males. Suspect from group of males approaches victim and punches him to face causing victim to fall to floor and suspect kicks victim to head area. Injuries to victim are a broken jaw. Incident is seen on cctv and police are called to scene. Suspect has made off prior to police arrival. Ambulance is called and victim is taken to hospital for medical treatment.	Extensive Police investigation, no arrests.  1311010375 – Refers to seized CCTV.
130311 – 0306hrs	Log 0254 – Report of ongoing fight. Possible feud between two males which had resulted in one male being seriously assaulted.	The victim required hospital attention for a small break to his nose. He refused to give details of what had occurred and refused to make a complaint of assault.

<p>130311 – 0608hrs</p>	<p>Log 0375 – Further call regarding a fight between two males. One had left the other 'in a bad way'. Assailant leaves the scene with a view to get 'tooled up' believed he would return to shoot the victim</p>	<p>As above.</p>
<p>270311 - 280311</p>	<p>13110145298 - Complainant is with friends in busy nightclub and becomes involved in an altercation with known female. Bouncers intervene, take victim's shoes, Victim's bag falls to the floor during altercation and bouncer picks up same and removes mobile phone, seen by victim. Victim confronts the bouncer who denies having the phone. Victim is dragged from nightclub initially by another bouncer who passes the victim over to the suspect who throws the victim out of the nightclub, causing injuries - lump on shin and bruising to knee.</p>	<p>Crime investigated. Unable to access the CCTV. Crime finalised.</p>
<p>020411</p>	<p>13110153382 - INTELL: Other - ***** is now working at D-FUSION, 28 NEW BRIGGATE, CENTRE, LEEDS as a Steward. (A11).</p> <p>However, he informed officer that he is the Assistant Manager. (E41).</p> <p>When approached he was stood on the door and appeared to be working as a Doorman. (A41).</p> <p>He was challenged about his SIA badge and informed officer that he was the Assistant Manager. (E41).</p> <p>He showed officer his works pass which said he was a Steward. (A11).</p>	<p>No front line door badge. Monitor premises.</p>

120411	13110171547 – Restricted intelligence regarding well known suspects linked to the premises following earlier report of crime.	Unable to disclose full details due to the nature and source of the intelligence
220411 – 0039hrs	Log 0060 – Report of a female being aggressive at the premises.	Report of Theft. Female had placed her bag in the male toilets and left it. She returned some time later to find it gone.  13110186410 refers.
220411 – 0039hrs	Log 0063 – As log 0060hrs	See below.
220411 – 0030hrs – 0039hrs	13110186410 - Complainant places handbag down in male toilets, and forgetting it is there walks out, complainant returns after significant amount of time has passed to find bag is gone.	Negative on CCTV due to location. No arrests.
290411 – 0215hrs – 0230hrs	13110196337 - Suspect in busy centre nightclub socialising with victim. Victim decided to go to the toilet and suspect followed. Suspect looked over toilet cubicle at victim and victim tried to leave but suspect placed both arms round victim from behind touching both breasts. Victim made good escape and informed police on patrol. Pointed suspect out who was arrested.	One male arrested for sexual assault. Later NFA'd.
270511 – 0110hrs	Log 0060 – Report of an aggressive female at the premises.	Area search, no gain.

020611	13110252645 – Restricted intelligence regarding very well known nominals throwing a party at D’Fusion.	Unable to disclose full details due to the nature and source of the intelligence
300611	13110298812 – Restricted intelligence regarding the employment of illegal immigrants.	Unable to disclose full details due to the nature and source of the intelligence
070711 – 1658hrs	Log 1218 – report of theft. 13110310835 refers	As below.
060711 – 2230hrs	13110310835 - Victim places jacket over back of her chair in busy bar, suspect/s pick up the jacket and make off with same unseen.	Report of theft, no arrests. No CCTV available due to the nature of the crime.
160711 – 0539hrs	Log 0493 – Call from a female locked in the toilets and the club is closed. She has collapsed and when she awoke she was scared.	No crime. Female released by a cleaner.
060811 – 0229hrs	Log 0336 – A report of twenty people fighting with the door staff.	Officers attend and all quiet upon arrival. No complaints made by persons present.
210811 – 0345hrs	Log 0382 – Report of rape. Female located in the toilets with her knickers around her ankles. Had been in the toilets with a male who was seen to leave the same toilet cubical.  Female described as being ‘out of it’.  Victim taken to Leeds General	Full arrest enquiries and rape investigation. One male arrested on suspicion of rape but later NFA’d.  13110385955 refers.



	Infirmary.	13110384936 refers to seized items from the forensic examination.
210811 – 0358hrs	Log 0394 – Second call rape allegation. Finalised and all action on Log 0382.	As above.
210811- 0230hrs – 0345hrs	13110385955 - Female found in semi conscious state in cubicle of toilet in club, with knickers down by ankles, male seen to leave cubicle having been seen, as the report describes, "shagging her"	Recorded crime for above logs.
260811	13110394559 – Drugs Intelligence - **** is dealing drugs (M-cat, cocaine, cannabis) on Friday and Saturday nights at ****, D-FUSION ****	Continue to monitor the premises.
280811 – 0030hrs – 0806hrs	13110396635 - Whilst victim is in club she places her bag under a table near the DJ booth. When she returns she finds that person/s have removed purse and phone and made off from scene with same.	Crime investigated and finalised.
151011	Silver visit at 0130 by SC8046 Hodgson, PS5197. Reason: Casa Loco Classic Special' advertised. Thought it will attract old Casa Loco crowd. DJ is same as 'Precious' event which used to run at Puro (licence reviewed) and then at Gatecrasher (licence reviewed). Check for authentic door staff (compare with names in door staff register), search policy for drugs. Check for under-agers (recent intell). Premises not set up well enough to run problematic nights. Anecdotal evidence of numerous fights outside premises. Conflicting information from	Licensing Visit.

	<p>Mr Cheung as two birthday parties running at venue. Spoke to drunken male who stated he was the promoter and it was four birthday parties. When pushed further about Casa Loco Night he asked where that came from as he runs the night every three months or so. He states he was from Middleton. Before I would get his details he moved into crowded dance floor. Promoter found: Russell McDonald (01/01/1991) *****. Three door staff on duty from Protec Security – one on each door, third on ground floor dance floor: SIA check required – badge presented out-of-date. Cizo asked friend to bring laptop to premises to show/prove he was in possession of accreditation from SIA – looked like an application, number 0014614639842, that had not been granted. Intel on Niche for Cizo and previous - was ex-French army and his friend who brought the laptop was ex-Foreign Legion. DPS and 180 customers on site at time of visit. BACIL radio in use at front door and test call carried out. Check 21 posters displayed at front entrance. Premises License available for inspection in back office and Part B displayed. Drugs safe in office in order and does not require emptying. No lost property being stored on site. Illegal drug use on premises evidenced by small clear plastic bags found in both male and female toilets. No excess/broken glass/bottles lying about. All bar staff authorised to sell alcohol. CCTV in operation and storage for a month all in order. Random search policy in place/being implemented. No unsuitable drinks promotions. Acceptable incident book in use.</p>	
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181111	<p>Silver visit. Reason: issues re door staff illegally deployed - call themselves stewards as have not been supplied by a company - was to have held an alleged charity night but has told police he has cancelled it. Licensing had expressed grave concerns re organisers of the event and fake charity claim. Please check if that event is not being held and report back on door staff numbers, names and which company has supplied them. Chapeltown/Quartz nominals seen frequenting the premises. Recent log complaining that 14 and 15 year old girls are frequenting the place on a regular basis. Please check some of the younger looking customers' IDs. Ceazer Cheung on site , Ground floor in use - approximately 7 patrons Middle floor in use - approximately 40 patrons (very young and looked to be drunk/drugged) Mr Cheung stated that event not booked by Jamie Armstrong and introduced Russell McDonald, 01/01/91, ***** who advised that he had paid £100 for the hire of the room and was charging £5 a head. Event called Freaky Loco. Male stood on door on middle floor wearing a badge stating Assistant Manager. Spoke to Tomasz Pietraszko, 24/11/78, ***** who stated that he was a glass collector, another male seen wearing a badge but unable to establish details as he disappeared. Drug swipe taken in gents toilets which proved positive. Wan Malachi spoke at length with Mr Cheung regarding drug use on his premises and also under-agers attending. He kept saying that he couldn't do more and he was in constant discussions with his door company about the doorstaff that they supplied. Advised Mr Cheung that he should take more responsibility as to how the premises were being used as it was his licence that would be in jeopardy. He asked how he could do</p>	Licensing Visit.
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	<p>this. Advised that the premises had been monitored for some considerable time and that plenty of meetings and action plan meetings had taken place and yet still problems persisted and that was surprised that more formal action hadn't yet been taken.</p>	
<p>171211 – 0020hrs</p>	<p>13110576881 - At stated time and location suspect approached comp from behind. Grabbed by hair and punched to face. Further punched to face. Kicked to face. Complainant sustained visible injuries. Cut and bruising to face. Swelling to right hand.</p>	<p>One female arrested as a voluntary attendee at the Police Station.</p>
<p>070112 – 0325hrs</p>	<p>13120008706 - INTELL: Drugs/ Use/ Cocaine - It is believed that females have been taking drugs within D'FUSION, 28 NEW BRIGGATE, LEEDS. Upon officer's visit at the location, dealer type bags are located underneath several tables at a private party on the second floor. Toilets at the premises were also checked and within female toilets there is strong evidence of drug use, cocaine wipes positive, white powder present on cisterns and dealer bags within toilet bins.</p>	<p>Premises to be monitored.</p>
<p>070112</p>	<p>Log 48 of 07/01/12 relates to an anonymous public complaint regarding underage drinking and drug use at D'Fusion on New Briggate, Leeds. Officer attended to conduct a cursory licensing check to assess the complaint. A majority of customers appeared to be youthful in appearance, but identification was checked in officer's presence which proved they were 18 and over. The head door man confirmed that every single person would be checked for proof of age on entry and refused if</p>	<p>Licensing Visit.</p>

	<p>underage. No signs of underage drinking at time of visit. Dealer bags located under several tables in the private party room (2nd floor - Jamie ARMSTRONG present) Dealer bags located in bins of female toilets White powder present on cisterns in female toilets Cocaine wipes positive in both male and female toilets. Many of clientele within premises appeared under the influence of more than just alcohol.</p>	
<p>270112 – 2326hrs – 2330hrs</p>	<p>13120042401 - Complainant is a doorman at locus. At time stated, he is on first floor dance floor. An altercation takes place between complainant and suspect and group of friends, resulting in the suspect punching the comp to the face. Comp receives a small cut under his left eyebrow, and also a swollen cheek as a result of the comp biting the inside of his mouth when punched. Suspect makes off in unseen direction</p>	<p>Complainant refused to provide an account. CCTV insufficient. Crime finalised.</p>
<p>080212 – 0412hrs</p>	<p>Log 0131 – Report of fight involving Chinese community. Unsure if this is attributable to the premises. Call initially comes in as The Mint Club but possible connection to D'Fusion.</p>	<p>Police attendance but no complaints made.</p>
<p>080212 – 0414hrs</p>	<p>Log 0132 – Duplicate log of 0131.</p>	<p>Police attendance but no complaints made.</p>
<p>120212 – 0143hrs</p>	<p>Log 0172 – Reports of fighting and assaults. Males assaulting females. Upon Police arrival all parties have dispersed. Unsure if this is attributable to the premises. Fighting at the side of D'Fusion.</p>	<p>Police attendance but no complaints made.</p>

<p>120212 – 0144hrs</p>	<p>Log 0173 – Duplicate log of 0172. Reporting a fight down the side of D'Fusion</p>	<p>Police attendance but no complaints made.</p>
<p>160212 – 0001hrs – 0014hrs</p>	<p>13120071643 - Complainant leaves items in jacket pocket which was left on chair next to him. Unknown suspect removes items and makes off unseen.</p>	<p>No arrests. Crime finalised.</p>
<p>190212 – 0204hrs</p>	<p>Log 0174 – Report of a fight where caller states that he and his wife have been attacked with a knife. Caller states that he was at a Russian party at D'Fusion. 13120079014 refers.</p>	<p>Full Police investigation. Please see below.</p>
<p>190212 – 0001hrs – 0204hrs</p>	<p>13120079014 - Between times stated complainant and witness was at locus drinking when an argument ensues with the 2 suspects. Complainant and witness then decide to leave where they are followed by the 2 suspects. Both suspects then punch the complainant in the face, head and body, causing him to fall to the floor unconscious. Complainant suffers injuries and makes his way to St James hospital.</p>	<p>Crime investigated and finalised. No arrests.</p>
<p>250212 – 0240hrs</p>	<p>Log 0257 – Report of fighting at locus. Log states that this fight is opposite D'Fusion.</p>	<p>Video exhibit RGF/1 depicts this incident.</p>
<p>260212 – 0314hrs</p>	<p>Log 0287 – Report of a robbery. No violence used. Extremely intoxicated female had lost her property.</p>	<p>No further action.</p>
<p>020312 – 1914hrs</p>	<p>Log 1515 – Warrant – drugs seizures and empty dealer bags located.</p>	<p>Further evidence gathering.</p>

<p>040312 – 0412hrs</p>	<p>Log 0314 – Call of a man having been stabbed outside The Grand Theatre. Ambulance attending outside D’Fusion. Uncertain if this call is attributable to the premises.</p>	<p>Male with small injury located No complaints of assault.</p>
<p>050312</p>	<p>13120101304 - INTELL: Premises Searched/ Search Warrant Executed - Drugs/ Other - At 2359hrs on 02/03/2012 a drugs warrant was executed at D-FUSION, 28 NEW BRIGGATE, CENTRE, LEEDS. During the search of the venue a substantial amount of drugs was found discarded on the dance floor on the 1st floor.</p> <p>This was a result of customers discarding it as officers entered the building.</p> <p>Licensing department is already preparing to take action with regard to a review.</p>	<p>Intelligence following Log 1515 020312</p>
<p>090312 – 2254hrs</p>	<p>Log 1852 – Report of drug use around the back of The Grand Theatre. Unclear if this is attributable to the premises.</p>	<p>Further evidence gathering required.</p>
<p>100312 – 1811hrs</p>	<p>Log 1426 – Report of fighting at the premises. 13120111147 refers.</p>	<p>Crime recorded and</p>
<p>100312 – 1809hrs – 1811hrs</p>	<p>13120111147 - Complainant is bar supervisor at locus. Witness is member of staff. Comp and witness are Chinese males. Between times stated witness and comp approach suspect who is with group of friends at locus and ask them to leave due to being too drunk. Suspect faces up to witness and starts shouting "get out my country you fucking chinks" and "get a proper visa." staff members then try and usher suspect and friends out of the locus, resulting in a fracas</p>	<p>One male arrested and charged</p>

	<p>whereby suspect punches complainant to the head causing no injury. Suspect ejected and police called. Suspect located on cctv and arrested a short distance away after running from police.</p>	
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# WITNESS STATEMENT

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

## Statement of Wan Malachi

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

This statement (consisting of 5 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 the 20<sup>th</sup> day of March 2012

Signature :

I am the above named person. I am employed as a Senior Liaison and Enforcement Officer by Leeds City Council. My duties include the inspection of premises licensed under the Licensing Act 2003. I have delegated authority under the said Act.

On Friday 1<sup>st</sup> October 2010 I attended premises known as D-Fusion, 26-30 New Briggate, Leeds, LS1 6NU with officers from the West Yorkshire Police as part of Operation Capital to ensure compliance of the premises licence issued by Leeds City Council as the Licensing Authority for the area. The premises benefited from a premises licence, reference PREM/02156/VO4, which authorised the following licensable activities:

### **Provision of Facilities for Dancing**

Friday & Saturday 11:00 - 06:00

Sunday to Thursday 11:00 - 04:00

### **Performance of Dance**

Friday & Saturday 11:00 - 06:00

Sunday to Thursday 11:00 - 04:00

### **Exhibition of a Film**

Friday & Saturday 11:00 - 06:00

Sunday to Thursday 11:00 - 04:00

### **Performance of Live Music**

Friday & Saturday 11:00 - 06:00

Sunday to Thursday 11:00 - 04:00

### **Performance of Recorded Music**

Friday & Saturday 11:00 - 06:00

Sunday to Thursday 11:00 - 04:00

Signed:

**Entertainment similar to live music, recorded music or dance**

Friday & Saturday 11:00 - 04:00

Sunday to Thursday 11:00 - 03:00

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

Friday & Saturday 11:00 - 04:00

Sunday to Thursday 11:00 - 03:00

**Provision of facilities for making music**

Friday & Saturday 11:00 - 04:00

Sunday to Thursday 11:00 - 03:00

**Late Night Refreshment**

Every Day 23:00 - 05:00

**Sale by Retail of Alcohol**

Friday & Saturday 11:00 - 05:00

Sunday to Thursday 11:00 - 03:00

The Designated Premises Supervisor Mr Wood Chui Cheung was onsite, Mr Cheung is also known as Caesar. At the time of the inspection there was karaoke taking place on the ground floor, a DJ was on the second floor and the karaoke booths on the third floor were also in use. Three doorstaff were on duty and were employed by Protech, 0130 0119 6940 2214, John Kuzmenko, date of birth 01/12/78, 0130 0114 2588 2439, Alfred Onwujuba, date of birth 26/03/77 and 0130 0125 8712 7713, Russell Garland, date of birth 19/08/70. Mr Kuzmenko was deployed outside the premises as part of the Street Marshall scheme. On moving to the second floor I observed an afro Caribbean male in plain clothes wearing a badge which stated 'Security'. When I asked what his duties were he replied that he provide protection for Mr Cheung. He confirmed that he did not have a licence and that he was a friend of Mr Cheung and was just helping him out. Under the Private Security Industry Act 2001 anyone undertaking a licensable activity requires a licence issued by the Security Industry Authority authorising that activity. Two other males inside the premises were also dressed in black clothing and wearing radio earpieces. Mr Cheung explained that these individuals were glass collectors and assistants and were not acting as door supervisors. I advised Mr Cheung that he must ensure that he does not use unlicensed doorstaff. A search

Signed:

of the toilets revealed an empty drugs bag which was highlighted to Mr Cheung.

On Saturday 26<sup>th</sup> February 2011 I was on duty with my colleague Michael Waters, Senior Liaison & Enforcement Officer. At 0105hrs we attended D-Fusion, 26-30 New Briggate, Leeds, LS1 6NU with officers from the West Yorkshire Police, United Kingdom Border Agency and Her Majesty's Revenue & Customs as part of Operation Capital to ensure compliance of the premises licence issued by Leeds City Council as the Licensing Authority for the area. The Designated Premises Supervisor Mr Wood Chui Cheung was onsite. At the time of the inspection there was four doorstaff on duty employed by Protech, 0130 0124 4627 8706 Jan Palencik, date of birth 01/07/81, 0130 0137 1510 4507 Mark McCabe, date of birth 28/10/81, 0130 0119 6940 2214 John Kuzmenko, date of birth 01/12/78 and 0130 0118 4382 0780 Brad Conway, date of birth 04/10/81. Also on duty was Simon Bearson, date of birth 22/05/72 who was dressed in black with a radio and earpiece and wearing a florescent armband the same as door supervisors are seen to wear to display their licences. When questioned as to what his duties involved Mr Bearson advised that he was an Assistant Manager. I advised Mr Bearson that he should not dress in similar fashion to that of a door supervisor as it would cause confusion to a member of the public or agencies.

On Monday 14<sup>th</sup> March 2011 I attended Millgarth Police Station, Leeds, LS2 7HX at the request of Sergeant 4581 Rob Fullilove, District Licensing Officer, West Yorkshire Police for an action plan meeting regarding D-Fusion, 26-30 New Briggate, Leeds, LS1 6NU. Also present was PC 5548 Cath Arkle, West Yorkshire Police, Mr Wood Chui Cheung, Designated Premises Supervisor, Sam Cheung and Alex Cheung, both sons of Wood Chui Cheung and also staff at the premises. The meeting was called to discuss recent joint agency visits to the premises in which a number of issues had been identified that required action, with particular reference to suspected unlicensed door supervisors and problematic

Signed:

events held at the premises. Mr Cheung advised that he had applied for a non front line licence from the Security Industry Authority which would allow him to deploy his own security staff. He confirmed that he currently utilised stewards and that he used them as extra eyes. He was advised that stewards should not undertake the duties of a door supervisor and he confirmed that stewards were dressed differently. There was then discussions regarding the types of events held at the premises, in particular events in which drunken fighting was a regular occurrence. Mr Cheung advised that patrons were already in drink when they attended and that sometimes alcohol was stored in cars near his venue. Mr Cheung was reminded of his responsibilities not to serve patrons who were drunk, particularly as at a previous licensing visit a male had to be physically carried from the premises as he was unable to walk himself.

On Friday 18<sup>th</sup> November 2011 I attended D-Fusion, 26-30 New Briggate, Leeds, LS1 6NU with officers from the West Yorkshire Police as part of Operation Capital to ensure compliance of the premises licence. The Designated Premises Supervisor Mr Wood Chui Cheung was on duty at the time. Three doorstaff were on duty employed by Protech, 0130 0138 9368 6435, Jason Potter, date of birth 29/10/91, 0130 0119 6940 2214, John Kuzmenko, date of birth 01/12/78 and 0130 0142 5446 5608, Nouman Qureshi, date of birth 03/12/81. The ground floor was in use with approximately 7 patrons. The middle floor was in use with approximately 40 patrons. Mr Cheung stated that the event located on the middle floor was not booked by Jamie Armstrong and introduced me to Russell McDonald, date of birth 01/01/91, [REDACTED] who advised that he had paid £100 for the hire of the room and was charging £5 a head. He advised that the event was called Freaky Loco. I noticed a male stood on door on middle floor wearing a badge stating Assistant Manager. I spoke to Tomasz Pietraszko, date of birth 24/11/78, [REDACTED] who stated that he was a glass

Signed:

collector. I saw another male seen wearing a badge while I was talking to Mr Pietrasko but was unable to establish his details as he disappeared and couldn't be found in the premises.

I utilised a drugs wipe in the gents toilets which gave a positive indication for trace amounts of cocaine . I spoke at length with Mr Cheung regarding drug use on the premises and also under age patrons attending. He stated that he couldn't do more and he was in constant discussions with his door company about the doorstaff that they supplied. I advised Mr Cheung that he should take more responsibility as to how the premises were being used as it was his licence that could be in jeopardy if the situation did not improve. I advised that the premises had been monitored for some considerable time and that plenty of meetings and action plan meetings had taken place and yet still problems persisted. I advised that I would report my findings to the West Yorkshire Police Licensing Department.

Signed:

Dated the 20<sup>th</sup> day of March 2012