APPENDIX D

WEST YORKSHIRE POLICE

CA - City & Holbeck

Leeds District Licensing Department
Millgarth Police Station
Millgarth Street
Leeds
LS2 7HX

Tel: 0113-2413067
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Website:

Your ref:
Our ref

26 April 2012

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

RE: APPLICATION FOR REVIEW OF PREMISES LICENCE - (PREM/02156/VO6)

Dear Sir/Madam;

PREMISES:

D'Fusion
26-30 New Briggate
LEEDS LS1 6NU

In accordance with Section 51 Licensing Act 2003, I hereby serve additional papers concerning the above case, namely witness statements of Carmel Brennand and Richard Clarke on yourself and the following-:

PREMISES LICENCE HOLDER:

Longsky Leisure Limited
28 New Briggate
LEEDS LS1 6NU

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Yours faithfully,

Rob Fullilove
Police Sergeant 4581
Leeds District Licensing

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WITNESS STATEMENT

(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B;
Criminal Procedure Rules, r.27.2)

NICHE Ref. No: URN:

Statement of: Richard Clarke

Date of birth: Over 18 Occupation: Police Inspector

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

Signature: Date:

Check box if witness evidence is visually recorded ☐ *(supply witness details on rear)*

I am a Police Inspector within the West Yorkshire Police Service currently stationed at Millgarth Police Station. I am in charge of the City Centre Neighbourhood Policing Team. My area of responsibility includes the main City Centre from the Metropolitan University to Mabgate, South of the City boarding onto the M621 to the industrial area along Kirkstall Road. I have held this post since January 2011.

My Team is heavily committed to Policing the core City Centre during the night time economy. Driving down crime and disorder within the City. In order to do so we are involved with partnership agencies such as Pub Watch, BACIL (Businesses Against Crime In Leeds), Taxi Enforcement, Council Licensing department and our own Licensing Team.

We actively encourage pubs and clubs to engage with these agencies to proactively manage their own premises.

Our licensing department runs a matrix scheme to highlight premises that are suffering high levels of crime and disorder in and around their site. Data generated from calls for service, licensing visits and crime reports are all reviewed and assessed. The scheme is to document areas of concern and then to enable us to raise this with the individual Designated Premises Supervisor (DPS) to address these issues at an early stage.

The licensing department will work with the DPS providing expert advice, best practice working guidelines, legal boundaries and constraints. The focus is on early intervention to prevent problems escalating. This working model has been key in driving down violent crime in the City.

Only if this early intervention fails will more formal proceedings take place.

The City Centre has three hot spot areas which all have unique styles. One of these areas is around New Briggate. Police and uniform partnership patrols are focused in this area during peak times.

The D'Fusion, 28 New Briggate over the last 16 months has regularly been raised by my Officers as a problem venue. Over this time 8 formal licensing visits have been made to the establishment.

Concern has been raised regarding the style of events run by D'Fusion. Often attracting problematic clientele which then results in outbreaks of disorder. A lot of these incidents are under recorded with a

NICHE Ref. No:		URN:		

Continuation Statement of Richard Clarke

perception that staff at the premises do not report these matters. They are often either seen by Officers or caught on CCTV rather than by direct calls for service from the venue. This reluctance to engage with the Police raises my concern regarding the overall management and control of the premises and their own involvement in the disturbance.

Some premises are reluctant to report issues to avoid raising the profile of the establishment or potential fear of repercussions from individuals involved in the incident. This under recording masks problems and makes it much more difficult for the Police to support the DPS.

Incidents of disorder in one area of the City has a massive impact on the template of resources covering other areas. In order to resolve these outbreaks Police Officers respond from across the City and are pulled away from competing demands. This can often cause unrelated incidents take place in areas where staff have been taken from.

Hi visibility Patrols are now deployed outside the venue when resources permit in order to prevent disturbances at peak times and sudden surges in demand.

Signature: Signature Witnessed by:

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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 Carmel Brennand
Age/Date of Birth – Over 21 **Occupation** – Principal Liaison & Enforcement Officer

This statement (consisting of 10 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 10 April 2012

Signature : C Brennand

I am the above named person. I am employed full - time as a Senior Liaison and Enforcement Officer with Leeds City Council's Entertainment Licensing Section. My duties include the investigation of suspected offences under the Licensing Act 2003. I have delegated authority under the said Act.

Since the 24th November 2005, the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment are licensable activities under the Licensing Act 2003. This means that a premises carrying on this activity requires a Premises Licence or Temporary Event Notice (T.E.N.) authorising it.

On 3 October 2005 an application was received at the Entertainment Licensing Department of Leeds City Council for premises known as D'Fusion situated at 26 – 30 New Briggate, Leeds, LS1 6NU. The application for the grant of a Premise Licence to authorise the retail sale of alcohol to 3:00 am each day and for the performance of live music, recorded music and late night refreshment to 4:00 am each day was submitted and signed by Mr Peter Leung as a Director of D'Fusion Leisure Limited; with Mr Ho Yin Leung specified as the Designated Premises Supervisor.

As a result of representations from West Yorkshire Police, West Yorkshire Fire & Rescue and Environmental Health Services, the application was heard before the Licensing Sub Committee on 21 November 2005. Mr Caesar Cheung attended the hearing on behalf of the applicant Mr Peter Leung and addressed the comments of the responsible authorities. Mr Cheung confirmed that agreement had been reached with West Yorkshire Police and the Environmental Health Services by Mr Leung signing Part B's for both, agreeing to their suggested conditions. West Yorkshire Police requested the following :-
Implement a dispersal policy agreed with West Yorkshire Police
Maintain existing CCTV system to an acceptable standard to West Yorkshire Police. CCTV

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to operate and record during all operating hours. The Sub Committee were largely persuaded that granting the application would not contravene the licensing objectives, however reduced the hours of licensable activities by 30 minutes before closing time in order to ensure a responsible dispersal policy. The Premise Licence, PREM/02156, granted with effect from 22 November 2005 authorised the retail sale of alcohol 11:00 am to 03:00 am each day and the performance of live music, recorded music and the provision of late night refreshment 11:00 am to 03:30 am each day.

In January 2007 a complaint was received at the Entertainment Licensing Section of Leeds City Council that the premises at 26 – 30 New Briggate, Leeds known as Club Geisha at D'Fusion, which had been granted a Premises Licence under the Licensing Act 2003; were operating as a nightclub in contravention of the current planning permission and other than in accordance with the Licence.

On 14 May 2007 a new Premises Licence varied to include the performance of dance and the provision of facilities for dancing was granted by the Licensing Sub Committee, with D'Fusion Leisure Ltd remaining as the Premises Licence Holder and Mr Wood Chui Cheung being specified as the Designated Premises Supervisor.

Leeds City Council Enforcement Officers together with West Yorkshire Police attended the premises on several occasions to ensure that the premises were being operated in accordance with the terms and conditions of the Premises Licence. Despite repeated advice to the operators, both verbal and in writing, Officers continued to witness offences taking place at the venue and a decision to prosecute was made.

Leeds City Council issued 17 summons against both the Premises Licence Holder, D'Fusion Leisure Ltd and the Designated Premises Supervisor Mr Wood Chiu (Ceasar) Cheung. The majority of the summons were issued under Section 136 of the Licensing Act 2003, which could, if found guilty of the offence, result in a fine of up to £20,000 and/or 6 months imprisonment.

On Friday 29 February 2008 at Leeds Magistrates Court, Mr Wood Chiu Cheung on behalf the Premises Licence Holder, D'Fusion Leisure Limited, pleaded guilty to the following :-

1. On 20 January 2007, the company did carry on a licensable activity, namely the provision of the facilities for dancing at the premises other than in accordance with an authorisation, contrary to Section 136 (1) and (4) of the Licensing Act 2003.

The magistrates commented that this was a blatant breach of the Premises Licence and fined the company £1,500.

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2. On 20 January 2007, the company did carry on a licensable activity, namely the sale of alcohol on the premises other than in accordance with an authorisation, in that they did breach an undertaking not to admit people under 18, contrary to Section 136 (1) and (4) of the Licensing Act 2003.

The magistrates stated that the company had shown wilful inadequate provision to prevent under 18's from entering the premises and administered a fine of £2,000.

3. On 31 March 2007, the company did carry on a licensable activity, namely the sale of alcohol on the premises other than in accordance with an authorisation, in that a suitable CCTV system was not operational on the premises when licensed activities were being carried out, contrary to Section 136 (1) and (4) of the Licensing Act 2003.

The magistrates accepted the defendant's explanation and fined the company £500.
The Premises Licence Holder was also ordered to pay the Council's costs of £4097.90.

Prior to the hearing the Mr Cheung on behalf of the company D'Fusion Leisure Limited as the Premises Licence Holder accepted 6 cautions namely :-
On 20 January 2007 – allowing unlicensed Security Industry Authority (SIA) persons to act as door staff
On 10 March and 21 July 2007 – failing to display Part B of the Premises Licence
On 10 March and 31 March 2007 – carrying on an unauthorised licensable activity, namely the provision of facilities for dancing
On 17 June 2007 – the CCTV system was not operational.
Mr Cheung also accepted 3 cautions in his capacity as the Designated Premises Supervisor namely :-
On 20 January, 10 March and 31 March 2007 – carrying on an unauthorised licensable activity, namely the provision of facilities for dancing.
The remaining summons were withdrawn.

During 2007 the Entertainment Licensing Section received two further applications to vary the Premises Licence for D'Fusion. The applications were to redraft conditions, add more licensable activities i.e. karaoke, and to allow alterations to the 2nd floor of the premises to create VIP Karaoke rooms.

On 12 October 2011 an anonymous letter of complaint was received at the Entertainment Licensing Section. The letter titled ' *Information* ' states :-

I wish to report that defussion in New Briggate, on every Friday and Saturday night allow door staff to sell Mcat and pills to customers.

The door staff take payment of £30 from San D, and Jamie Armstrong and James Maltas to allow them to also sell pills and mcat.

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Samd has a girlfriend who is 16 and is always drunk the bar staff sell to her,

There are number of customers in defussion who are under 18 on weekley basis.

The venue is well known for pills and mcat.

Thank you

Due to the nature of the complaint I forwarded a copy of it to the West Yorkshire Police Licensing Department at Millgarth Police Station for their information and any action they deemed necessary. (I produce a copy of the complaint as my exhibit CB 1).

On Tuesday 1 November 2011 I attended at Millgarth Police Station for a meeting with the operators of D'Fusion, Mr and Mrs Cheung and PS Fullilove with PC Arkle. The meeting was at the request of West Yorkshire Police in regards to ' private ' events at the premises being advertised on facebook and issues with door staff discovered by officers during visits to the premises; one being that a member of door staff is being paid directly by Mr Cheung when he is not registered to employ them and another member of door staff who was working without a current Security Industry Authority (SIA) badge.

Mr Cheung explained that people came to him to book parties, for example, recently a very nice girl was having a party at D'Fusion but on the night some people he did not want inside, came to the party. PC Arkle explained that people were using him to hold all sorts of ' parties ' at his premises and then advertising them to anyone and everyone, therefore could not be described as private parties.

Mr Cheung explained that the door staff issue was a misunderstanding. One door man used to work for Protec, so he thought he was okay for him to use him. Mr Cheung was advised that he could not do this. Mr Cheung went on to say that , ' Sometimes door staff did not turn up, so what am I supposed to do ? Other times the door staff turn up and when I try to tell them what to do, i.e. not to be on their mobile phones all the time or not to be outside talking to girls, they tell me that they have a badge and I can not tell them how to do their job '. I advised Mr Cheung that as he is paying for them, he is the boss and he can tell them what to do. Mr Cheung replied that he sometimes rings Richard who has his own place in Morley, and complains about the staff he has been sent but Richard is too busy. Mr Cheung admitted that he himself has seen when people are trying to sneak in their own bottles and he has had to tell the door staff how to do their job. Mrs Cheung added that she monitors the CCTV and calls the staff on the radio and asks them to do something and they can not even use the radio. I again told Mr Cheung that he was paying for the door staff service, therefore he can tell them what to do and if they are not doing their job properly, he should change his service provider. Mr Cheung explained that as soon as he got his SIA Non Frontline Registration, he could employ his own head doorman who could kick the other door staff. PC Arkle asked Mr Cheung to clarify what ' kick' meant; not physically ? Mr Cheung replied, ' No. Strong. To tell them '.

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Mr White replied that he was going to have induction training for all staff, including drugs awareness so they are all aware of their responsibilities how to deal with issues. How to instruct and deal with door staff. He went on to say, ' If we put an Action Plan in place, would it prevent a review ?'

When PS Fullilove replied, ' No. I am afraid it is an issue of trust ', Mr Cheung tried interrupting but PS Fullilove asked to be allowed to carry on speaking. He continued stating that he had spoken to the operators numerous times about the sort of functions they were having; about the promoters they were allowing to use their premises and despite all this advice, still went ahead with them. Only the week before the warrant, there was mass fighting outside the premises and the main person they had been warned about, Armstrong, is clearly identified on the DVD footage, in the middle of it. PS Fullilove went on to list other issues including an assault on a customer by a staff member, that since the night of the visit a local resident had complained that there is drug dealing taking place at the rear of the premises, describing it as rife. ' Obsession and other events held in the building are causing crime and disorder on the street.

Mr White explained that today was the first time drugs dealing at the rear of the business had been brought to their attention. PS Fullilove asked, ' Why, after a warrant where drugs were found, was more not being done in and around the building to combat this ?' . Dave Fullerton, from the door staff company replied that since the warrant they had been using a female member of door staff on Friday nights to search females and that they now have a full search policy.

When PC Arkle suggested that the operators apply for a minor variation to add conditions in relation to door staff, PS Fullilove explained that on the night of the warrant and indeed during other visits to the premises, door staff were being used, especially on the first floor, however although they were dressed as door staff and had radios with earpieces, they were not wearing Security Industry Authority (SIA) badges. He went on to refer to Fabreze Cezo who was on site on that night and that the drugs dog had gone straight up to him and when asked initially, identified himself as door staff but then changed to just ' staff '. Mr Sam Cheung explained that they employed Fabreze as he knew a lot of troublemakers, but also to help with stock and checking toilets etc. There was further discussion about staff and door staff and confusion about how many were working that night and which supplied by the door company. The discussion did become a little heated with Mr Cheung saying, ' I always work with police and I am not the only place with drugs. It's all over Leeds, why am I being treated like this ?'

Mr White calmed Mr Cheung down saying that they had a lot to sort out but not here. He then asked PS Fullilove when it would be possible to meet up or talk again to discuss the way forward and the variation. PS Fullilove concluded the meeting saying that he expected an application for variation no later than 3pm on Friday 30 March 2012.

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PS Fullilove then asked Mr Cheung why he had not yet got his SIA badge when Mr Cheung had told him more than 12 months ago that he would apply for it. This was at a meeting to again discuss issues in regard to door staff at his premises. Mr Cheung explained that his son was getting married so he had to go to Hong Kong so he could not send his passport off and then the person who had signed the form as a witness had died.

PS Fullilove went on to say that he had received information that some bad and nasty people were coming to D'Fusion and that neither Mr Cheung nor his door staff appeared in control of the premises. Mr Cheung said he was going to speak to Richard about it again.

Mr Cheung then showed us an A4 poster for an ' Obsession Event ' on Friday 18 November Which was advertised as a charity event and handed to PC Arkle a completed risk assessment pro forma for the event. PS Fullilove indicated at the right hand corner of the poster where Jamie Armstrong was mentioned as co-promoter for the event. PS Fullilove reminded Mr Cheung that he had barred Jamie Armstrong for dealing drugs on the premises and asked Mr Cheung why he would have a function at his premises where Jamie was involved ? Mr Cheung replied that Russell was the promoter and as such he had signed the risk assessment. Mr Cheung admitted that he knew Russell was friends with Jamie but that he had been watching Russell and talking to him for a while and thinks he is okay. Russsell is going to advertise the event on the TV and radio and all the money is going to charity. I asked how Mr Cheung could guarantee this ? I had visited D'Fusion a few years ago with the police and had witnessed promoters collecting money on the ground floor for private parties. ' How can you be sure that when the money is counted the next morning or whenever, that Russell does not say, There's £56 for charity, after they have taken off expenses etc. ?'

Mr Cheung answered that he would not let that happen. When I asked how he could stop it from happening, Mr Cheung said that he would draw up a contract and have Russell sign it. ' But ', I continued, ' Regardless of charity or not, why allow these people to use your club. You are being hoodwinked by them saying it's for charity '. PC Arkle added that this promoter had worked at Fire and Gatecrasher previously and both Premises Licences had been reviewed after serious problems there. Mr Cheung's reply was that he would speak to Richard and get a good door team on. I asked Mr Cheung, ' You are already having problems with Richard supplying you with a good team for your normal Friday and Saturday nights, why do you think Richard will supply a better team for this night ? You are being naïve and taken for a ride by these people. If anything happens at these premises, you are the Designated Premises Supervisor, it is your licence and you are the one who could end up in Magistrates Court '. PS Fullilove agreed with all of this, reminding Mr Cheung that all the issues over the last 12 to 18 months, for example with the door staff, would be used.

PS Fullilove asked Mr Cheung, ' Are you really going to go ahead with this function despite all that we have said ?'. Mr Cheung's reply was to show a plan of the ground floor of the

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premises and indicated how many door staff at each door and a ' fenced area saying, ' I think the biggest problem is the smokers; maybe they could go round the back yard near the bins and Mint '. I quite strongly said to Mr Cheung, ' I think the smokers are the least of your problems '. PS Fullilove on seeing the plan with 4 X SIA door staff marked on it, asked Mr Cheung who would be paying for them. Mr Cheung had initially said he would be paying for them, but now said that he was going to speak to Russell and ask him for £2 or £3 from the £10 entry fee. Mr Cheung then went on to ask why there was no police van on New Briggate if he needed help and could he not have the video van parked up and Mr Francis had done before? PC Arkle said she would look into it. PS Fullilove said, ' So, after all that we have said about the risk of having this function, you are going ahead with it ? '.Mr Cheung replied, ' As long as I make sure some money goes to charity, I will make Russell sign the paper and then money will be from D'Fusion as well if it is going to be on the TV and radio '.
PS Fullilove pointed at the poster at Jamie's name and said, ' You could have this person in your premises on that night drug dealing ? '. Mr Cheung said, ' Yes; maybe; but money going for charity '.
The meeting had been going on for over an hour and we seemed to be going round in circles, so PC Arkle called the meeting to an end saying she would email Mr Cheung the details of what had been discussed.

On 17 November 2011 I received a telephone call from a female identifying herself as Mrs Nye. She was concerned for her two daughters aged 14 and 15. Mrs Nye alleged that her daughters regularly go to D'Fusion on New Briggate, Leeds. They are served alcohol and get very drunk and the doormen are fully aware of their ages. Mrs Nye stated that her daughters have told her they use fake ID and the doormen are aware of this also. Again I passed this information to the Licensing Department of West Yorkshire Police at Millgarth Police Station.

On Thursday 24 November 2011 Mr Cheung attended at Entertainment Licensing reception and spoke to my colleague Mr Barry Glover and I. Mr Cheung's initial enquiry was regarding the number of Designated Premises Supervisors allowed on a Premises Licence. Mr Glover explained there can only be one named DPS. Mr Cheung explained he was going on holiday. Mr Glover advised Mr Cheung that he should leave written authorisation nominating people to sell alcohol under his authority and that this should be readily available. When Mr Cheung referred to his sons acting in his absence and that they had been on licensing courses, Mr Glover told him that this made sense that whoever he nominated to act on his behalf had training and knew about the Licensing Act. Mr Cheung then went on to ask about having a deputy DPS. Mr Glover repeated that there can only be one DPS – there is no such authorised position as a deputy DPS specified under the Licensing Act. He may

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appoint a deputy manager but he would remain the named DPS. Mr Cheung then asked Mr Glover if the council had any literature explaining the role of a DPS. Mr Glover replied that he would have thought anyone who has been on a personal licence training course would have been made aware of the duties and responsibilities of the DPS.

I gave Mr Cheung a DPS Authorisation Form and explained how to complete it and then when officers from either the police or council attend the premises and ask how staff have been authorised to sell alcohol, they can show this form. I advised Mr Cheung to incorporate his authorisation as part of the staff training, i.e. selling to underage, selling to a person who is drunk. Mr Cheung then showed me his copy of the inspection sheet completed by my colleague Wan Malachi during a visit to D'Fusion the previous weekend and started talking about supervisors on each floor and that when police come they are always looking at his staff and stewards; he is trying to do his best but it is difficult as there are 3 floors. I explained it is no more difficult than for examples; Oceana or Gatecrasher , who have high occupancy over a number of floors. ' It is down to the DPS and his control of his premises ', I said. Mr Cheung replied, ' I am doing my best but it is very hard and the police always think I am up to something and I'm not doing things right. What am I supposed to do ?'. I told him that he had been running these premises for years now and he should know what he is doing; it is his licence and after the problems we had a few years ago... Mr Cheung interrupted me saying, ' Let's not talk about that '. But I went on, ' I can not give you legal advice, your solicitor Craig Burman did that licence and if you do not understand it, you should speak to a solicitor '. I looked at the inspection sheet and referred to a glass collector Tomasz Pietraszko wearing an ' Assistant Manager' badge. I asked Mr Cheung if Mr Pietraszko was his assistant manager. Mr Cheung replied, ' I employ him when I have ' chavvi ' functions '. ' So he is not full time ?', I asked. ' No ', just when I need him, replied Mr Cheung.

I explained that normally an assistant manager is someone you employ full time, who knows your business, how you operate and responsibilities under legislation, i.e. the Licensing Act, not someone you have in on an ad hoc basis. Mr Cheung went on to say that he interviewed people and had their CVs but wanting to do right thing about supervisors and stewards but that it was a lot for him to deal with. He stands on the door making sure the door staff doing their job and not on phones. I told Mr Cheung that I had to go but that if he wanted anything further to email me. As we were walking to the lifts he asked me again, ' What should I do as I am doing my best but it is difficult and police keep coming ? '.

I advised Mr Cheung that visits would continue as I was still getting complaints about the premises, so there were still problems. Mr Cheung left the building.

On 5 December 2011 an application was received at the Entertainment Licensing Section to transfer the Premises Licence for D'Fusion, New Briggate, Leeds from D'Fusion Leisure

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Limited to Longsky Leisure Limited with Mr Wood Chui Cheung remaining as the Designated Premises Supervisor. The Premises Licence PREM/02156/006 effective from the 5 December 2011 was issued from the section on 30 December. (I produce a copy of Part A and Part B of the Premises Licence PREM/02156/006 and covering letter dated 30 December 20011 as my exhibit CB 2). This is the current Licence in force for the premises.

At 2:30 pm on Wednesday 28 March 2012 I attended at Millgarth Police Station for a meeting with the operators of D'Fusion, Mr Cheung and his sons; their licensing consultant Mr John White; representatives from the door staff company as well as PS Fullilove and PC Arkle. Inspector Clarke started off the meeting explaining the reason for the recent visit to the premises under a drugs warrant and that as a result the police were looking to review the Premises Licence. ' However ', he continued, ' We need to move forward from now. We will continue to monitor the people who were present at the time of the warrant. Some have since come into the station to complain, but we have had nothing official yet '. Mr White stated official complaints were being made to the Independent Police Complaints Commission (IPCC). Inspector Clarke acknowledged this but that such issues would be dealt with separately, this meeting was about moving forward. Inspector Clarke then left the meeting.

PS Fullilove explained that information had come in over a long period of time before the warrant was applied for and that it was not the Licensing Department who had applied for it. Whilst he appreciated that Mr Cheung had not had an easy start at D'Fusion, problems with his partner and other issues with the landlord etc; agencies had tried to work with him but now it had got to the stage where formal action was required. PS Fullilove stated that in applying for a review the minimum ask would be more robust door staff conditions but that it was ultimately up to the Licensing Sub Committee. All that police wanted were things put in place to make the business run safely. Mr Cheung interrupted PS Fullilove agreeing that there had been problems in the beginning but that he was trying to work with the police but they had a misunderstanding. PS Fullilove interjected saying that the term ' misunderstanding ' had been used a lot over past years by Mr Cheung when the police have tried through various means; meetings with Mr Cheung as well as family members, spoken to the door staff company and advice given re the operation of the premises and events held there. Yet even when Mr Cheung has been supplied with minutes of these meetings, he has taken affront to them.

When Mr White asked, ' Please, don't go for review. We are on board now and there are going to be changes, give us a chance ? ', PS Fullilove asked him what Licensed Trade Consultants had done so far ? Since drugs were found on the premises during the execution of the warrant ? Mr White asked where the information had come from in respect of the drugs. PS Fullilove explained the intelligence had come in over a period of time.

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Mr White replied that he was going to have induction training for all staff, including drugs awareness so they are all aware of their responsibilities how to deal with issues. How to instruct and deal with door staff. He went on to say, ' If we put an Action Plan in place, would it prevent a review ?'

When PS Fullilove replied, ' No. I am afraid it is an issue of trust ', Mr Cheung tried interrupting but PS Fullilove asked to be allowed to carry on speaking. He continued stating that he had spoken to the operators numerous times about the sort of functions they were having; about the promoters they were allowing to use their premises and despite all this advice, still went ahead with them. Only the week before the warrant, there was mass fighting outside the premises and the main person they had been warned about, Armstrong, is clearly identified on the DVD footage, in the middle of it. PS Fullilove went on to list other issues including an assault on a customer by a staff member, that since the night of the visit a local resident had complained that there is drug dealing taking place at the rear of the premises, describing it as rife. ' Obsession and other events held in the building are causing crime and disorder on the street.

Mr White explained that today was the first time drugs dealing at the rear of the business had been brought to their attention. PS Fullilove asked, ' Why, after a warrant where drugs were found, was more not being done in and around the building to combat this ?' . Dave Fullerton, from the door staff company replied that since the warrant they had been using a female member of door staff on Friday nights to search females and that they now have a full search policy.

When PC Arkle suggested that the operators apply for a minor variation to add conditions in relation to door staff, PS Fullilove explained that on the night of the warrant and indeed during other visits to the premises, door staff were being used, especially on the first floor, however although they were dressed as door staff and had radios with earpieces, they were not wearing Security Industry Authority (SIA) badges. He went on to refer to Fabreze Cezo who was on site on that night and that the drugs dog had gone straight up to him and when asked initially, identified himself as door staff but then changed to just ' staff '. Mr Sam Cheung explained that they employed Fabreze as he knew a lot of troublemakers, but also to help with stock and checking toilets etc. There was further discussion about staff and door staff and confusion about how many were working that night and which supplied by the door company. The discussion did become a little heated with Mr Cheung saying, ' I always work with police and I am not the only place with drugs. It's all over Leeds, why am I being treated like this ?'

Mr White calmed Mr Cheung down saying that they had a lot to sort out but not here. He then asked PS Fullilove when it would be possible to meet up or talk again to discuss the way forward and the variation. PS Fullilove concluded the meeting saying that he expected an application for variation no later than 3pm on Friday 30 March 2012.

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I can confirm that since the meeting on 28 March and today's date 10 April 2012, no application to vary the Premises Licence for D'Fusion, New Briggate, Leeds 1, has been received at the Entertainment Licensing Section.

Despite mine and the police's continuous involvement with Mr Cheung since January 2007 when he has been given advice and support during visits to the premises, over the telephone, by email and in person both at the reception at St George House as well as at several meetings held with him, his family and door staff company and ultimately being prosecuted under the Licensing Act 2003; assurances given by Mr Cheung have failed to materialise. It is my opinion the operators of D'Fusion have only shown a blasé attitude in respect of their responsibilities under the Licensing Act 2003.

Signature: C Brennand

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Leeds CITY COUNCIL

Licensing and Registration
Entertainment Licensing Section
Civic Hall
Leeds LS1 1UR

Contact: Miss Janice Archibald
Tel: 0113 2474095
Fax: 0113 2243885
Email: entertainment.licensing@leeds.gov.uk
Our Ref: A80/PREM/02156/006

30th December 2011

Longsky Leisure Limited
28 New Briggate
Leeds
LS1 6NU

Dear Sirs

Premises Licence: PREM/02156/006
For: D' Fusion Leisure Ltd, 26 - 30 New Briggate, Leeds, LS1 6NU

Please find enclosed your new premises licence in two parts. The Part A full licence and the Part B summary licence.

Also attached is guidance produced by Leeds City Council Health and Safety team as an explanation of conditions that may be attached to this Licence.

Please check the details on the licence carefully. The licensing authority is prepared to correct clerical errors for up to 28 days upon receipt of this letter. Beyond that time, any change must be made as an application for a new licence or as a variation. This does not affect your statutory right of appeal.

Please now display the Part B summary licence (or a certified copy) on your premises. Please keep the Part A (or a certified copy) on the premises. In your absence the Part A must be under the control of a nominated person who has been authorised in writing by yourself for this purpose. This authority must also be displayed, preferably along side the Part B summary.

Can we remind you that it is an offence to operate other than in accordance with the provisions of your licence. The penalty on conviction for doing so is a fine of up to £20,000 and/or 6 months imprisonment. You will also need to ensure that you have the necessary planning and building control permissions for your property. Nothing in your new licence changes existing law in relation to these matters.

Please note that an annual fee of £295.00 will be required on the anniversary of the first grant of the premises licence for these premises. This will fall on the 24th November 2012.

D'FUSION

DOCUMENT REFERRED TO IN
MY STATEMENT AS -

EXHIBIT NO: CB 2

SIGNED..... CBrennard

Should you require any further information, please do not hesitate to contact the Licensing office on the above number.

Yours faithfully

Miss Janice Archibald
Licensing Officer
Entertainment Licensing Section

Premises Licence

Premises Licence Number: **PREM/02156/006**

Initial licence issued from: **22nd November 2005**

Part A

Schedule 12 Licensing Act 2003

Current licence effective from: **5th December 2011**

Part 1 – Premises Details

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

D' Fusion Leisure Ltd
26 - 30 New Briggate
Leeds
LS1 6NU

SCANNED

Telephone number

Licensable activities authorised by the licence

Sale by retail of alcohol
Provision of late night refreshment
Exhibition of a film
Performance of live music
Performance of recorded music
Performance of dance
Entertainment similar to live music, recorded music or dance
Provision of facilities for making music
Provision of facilities for dancing
Provision of facilities for anything similar to making music or dancing

Licence Issued under the authority of Leeds City Council

J. Archibald

Miss Janice Archibald
Licensing Officer
Entertainment Licensing
Licensing and Registration

Licence produced on 30/12/2011

Times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol	
Friday & Saturday	11:00 - 05:00
Sunday to Thursday	11:00 - 03:00
Provision of late night refreshment	
Every Day	23:00 - 05:00
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
Performance of dance	
Friday & Saturday	11:00 - 06:00
Sunday to Thursday	11:00 - 04:00
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 making music	
Friday & Saturday	11:00 - 04:00
Sunday to Thursday	11:00 - 03:00
Provision of facilities for dancing	
Friday & Saturday	11:00 - 06:00
Sunday to Thursday	11:00 - 04:00
Provision of facilities for anything similar to making music or dancing	
Friday & Saturday	11:00 - 04:00
Sunday to Thursday	11:00 - 03:00

The opening hours of the premises

Friday & Saturday	11:00 - 06:00
Sunday to Thursday	11:00 - 04:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is sold for consumption on the premises

Part 2

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

Longsky Leisure Limited
28 New Briggate
Leeds
LS1 6NU

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

Registered Business Number 7727304

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

Mr Wood Chui Cheung
[redacted]

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

Personal Licence Number: CYC-011482 Licensing Authority: City Of York Council

Annex 1 – Mandatory conditions

1. Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:-

   a. unauthorised access or occupation (e.g. through door supervision), or
   b. outbreaks of disorder, or
   c. damage

2. No supply of alcohol may be made under this licence

   a. At a time when there is no designated premises supervisor in respect of the premises licence, or

   b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

4. The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made

   a. By the British Board of Film Classification (BBFC,) Where the film has been classified by the Board, or

   b. By the Licensing Authority where no classification certificate has been granted by the BBFC, or,

   c. where the licensing authority has notified the licence holder that section 20 (3) (b) (74 (3) (b) for clubs) of the Licensing Act 2003 applies to the film.

5. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

   In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

   a. games or activities which require or encourage, or are designed to require or encourage, individuals to -

      i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

      ii. drink as much alcohol as possible (whether within a time limit or otherwise);

   b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

   c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

   d. provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -

i. the outcome of a race, competition or other event or process, or

ii. the likelihood of anything occurring or not occurring;

e. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

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

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

9. The responsible person shall ensure that -

a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

i. beer or cider. 1/2 pint;

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

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

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

Annex 2 – Conditions consistent with the Operating Schedule

Additional details in respect of Licensable Activities authorised by this licence

10. **Provision of late night refreshment**

Location where activity will take place:

This activity will take place indoors.

11. **Exhibition of a film**

Location where activity will take place:

This activity will take place indoors.

12. **Performance of live music**

Location where activity will take place:

This activity will take place indoors.

13. **Performance of recorded music**

Location where activity will take place:

This activity will take place indoors.

14. **Performance of dance**

Location where activity will take place:

This activity will take place indoors.

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

Location where activity will take place:

This activity will take place indoors.

16. **Provision of facilities for making music**

Location where activity will take place:

This activity will take place indoors.

17. **Provision of facilities for dancing**

Location where activity will take place:

This activity will take place indoors.

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

Location where activity will take place:

This activity will take place indoors.

19. **All Licensable Activities**

Non Standard Timings

ALL LISTED REGULATED ENTERTAINMENT

Bank Holidays and the day before Bank Holidays 11:00 to 06:00

SALE OF ALCOHOL

bank Holidays and the day before Bank Holidays 11:00 to 05:00

20. **Concerns in respect of children**

None

Conditions consistent with the operating schedule relating to the licensing objectives

The prevention of crime and disorder

21. The premises shall maintain and operated a digital colour CCTV system in good operational condition at all times that the premises trades. This system shall be to the satisfaction of the West Yorkshire Police and shall record and securely store images for at least 28 days.

22. Images shall be made available to police or responsible authorities upon reasonable request.

23. Defects shall be reported to West Yorkshire Police within 24 hours of detection and shall be repaired as soon as possible.

24. Door supervisors will be employed at the premises on the following basis:

a) on the ground floor buffet restaurant, door supervisors are not required at any time.

b) when the first floor operates as an al a carte restaurant/lounge or for a pre booked function, there must be a minimum of two doorstaff employed from 23:00 until closing on Friday and Saturday evenings and on any other day when this floor is open to the public beyond 01:00.

c) when the first floor operates as other than an al a carte restaurant/lounge or for a pre booked function, there must be a minimum of two doorstaff employed from 21:00 until closing.

d) when the second floor is open to the public and operates with any form of regulated entertainment, there must be a minimum of two doorstaff employed from 21:00 until closing.

e) where more than one floor is operating and requires doorstaff, the minimum number of doorstaff to be employed for the premises is town on the basis that access to the first floor and second floors is through the same entrance doors.

f) additional doorstaff shall be employed at the discretion of the premises licence holder/Designated Premises Supervisor.

g) where D-Fusion is trading as a restaurant (with karaoke facilities) and the regulated entertainment listed below is not taking place, then the requirement to have door staff shall not apply prior to 00:00 midnight, and from 00:00 midnight to closing, a total of two door staff will be required:-

1. Facilities for dancing
2. Live music
3. DJ

h) where any of the regulated entertainment listed above is taking place, door staff at the usual ratios and times will be required.

25. A door staff register covering the preceding 12 month period shall be maintained at the premises, recording the following information:

a) name, registration number and employer of each door staff member.

b) start and finish time, date and signature of each doorstaff member.

c) details of any incidences, including date, time and nature of incident and any follow up action or complaint, and name of doorstaff member who dealt with it.

26. The door staff register shall be made available to a responsible authority or licensing officer upon reasonable request.

27. The premises will be linked to West Yorkshire Police by means of radio link (Nitenet or equivalent) and this radio link shall be kept in good working order while the premises are open to the public after 00:00.

28. The premises shall operate the Challenge 21 proof of age scheme. All staff shall be trained in relation to this scheme and suitable signage will be displayed in the premises advising customers of the operation of this scheme.

29. Under 18's shall be permitted to remain on the premises as follows:

a) on the ground floor at all times that this floor is open to the public

b) on the first floor prior to 22:00 unless dining in the company of an adult or attending a bone fide pre booked function when the terminal hours shall be 00:00

c) on the second floor prior to 22:00

30. The premises shall implement a dispersal policy if required by the West Yorkshire Police, such a dispersal policy to address the following matters:

a) terminal time for the sale of alcohol and entry

b) taxi protocols and display of transport options to customers

c) style and volumes of music.

31. Where either the first or second floor of the premises is not operated ancillary to the restaurant operation, the premises shall have a drugs policy in place agreed by West Yorkshire Police which addresses the following matters:

a) search and seizure

b) safe and secure storage and disposal of any drugs seized

c) appropriate signage of drugs policies and procedures

32. Customers carrying open drinking vessels shall not be allowed to enter the premises. Staff will use their best endeavours to prevent customers removing open drinking vessels from the premises save for consumption in any designated outdoor drinking area.

33. The premises shall ensure that a designated member of staff is a member of pubwatch or equivalent scheme where it is operating in the area.

34. A manager/supervisor shall be employed on the second floor at all times that it is open to the public.

35. A manager/supervisor shall be employed on the first floor when it is open to the public as follows:

a) from 21:00 whenever regulated entertainment takes place on this floor

b) from 23:00 in all other cases

36. Staff levels on the first and second floor shall be 1 per 100 occupancy or part thereof.

Public safety

37. Regular safety checks shall be undertaken before and during opening hours to ensure that emergency access and egress routes are kept clear and the premises are accessible for emergency workers and vehicles.

38. All access doors shall be accessible and opened easily.

39. Written records of all accidents and safety incidents involving members of the public shall be kept and made available to an authorised officer upon reasonable request.

40. Regular safety checks by a suitably trained person shall be conducted at the premises and shall include the following matters:

a) decorative fixtures and fittings

b) floor surfaces and equipment (including electrical equipment) accessible to the public

c) portable electrical appliances (if used)

d) fire alarm (including automatic heat and smoke detectors)

41. Written records of the safety checks shall be kept and made available to an authorised officer upon reasonable request.

42. Staff will clear bottles and glasses on a regular basis, paying attention to stairs and landing areas.

43. Electrical installations will be inspected on a periodic basis (at least every three years) by a suitably qualified and competent person. If used, any temporary electrical wiring and distributions will also be inspected. Inspection records/certificates will be kept.

44. Written records of the electrical inspection records shall be kept and made available to an authorised officer upon reasonable request.

45. Members of the public will be prevented from accessing hot food and drink preparation areas to prevent risk of scalds or burns to them.

46. A suitably trained first aider or appointed person will be provided at all times when the premises are open.

47. Adequate and appropriate first aid equipment and materials will be available on the premises.

48. Where strobes, lasers, smoke machines or any other special effects equipment may be used, a written health and safety policy covering all aspects of their use will be provided, and staff will be appropriately trained.

49. No strobes, lasers, smoke machines or any other special effect will be used at the premises unless there is a clearly displayed warning at the entrance to the premises that such equipment is in use.

50. The overall capacity of the premises shall be 440. The premises licence holder shall have policies in place to monitor entrance and egress to the premises to ensure that capacities are not exceeded. Clickers shall be used by doorstaff.

51. The premises will maintain a fire alarm system including smoke and heat detectors.

52. Regular fire alarm tests will be carried out. Records of fire alarm tests shall be kept and made available upon request by an authorised officer.

53. Staff shall be trained in the operation of the fire alarm system and means of evacuation.

54. The premises shall maintain the existing emergency lighting system in good operational order. Any alteration to the existing system shall be with the consent of the WYFRS.

55. Regular emergency lighting system tests will be carried out in a manner which satisfies the WYFRS.

56. Records of fire alarm tests shall be kept and made available upon request by an authorised officer.

57. Existing fire extinguishers and fire blankets in existing locations shall be maintained in good operational condition.

58. Staff shall be trained in the operation of the fire fighting equipment.

59. All curtains and drapes in the premises will be fire retardant to the satisfaction of the WYFRS.

The prevention of public nuisance

60. No nuisance will be caused by noise or vibration emanating from the premises. Licensable activities will be conducted and the facilities for licensable activities will be designed and operated so to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure.

61. Noise from the premises shall be inaudible at the nearest noise sensitive premises (i) after 23:00 hours and (ii) at any time when entertainment, as defined by paragraph 2 of Schedule 1 of the Licensing Act 2003, takes place on more than 30 occasions per year.

62. There will be no external speakers.

63. Bottles will not be placed in the external receptacle after 213:00 hours, to minimise noise disturbance to adjoining properties.

64. The rating level of noise from plant and machinery will be no higher than 5dB below the lowest background level at the most affected noise sensiitve premises during the operation of the plant. Plant and machinery will be regularly serviced and maintained to continue to meet the rating level.

65. The licensee will ensure that lighting provided for the purpose of customer and staff safety, for the security of the premises and lighting associated with activities of entertainment and advertising, is such of an intensity, suitably positioned and operated so as not to cause nuisance to neighbouring or adjoining premises.

66. The premises will be operated in a manner which will prevent unwanted odours causing a nuisance to persons in the immediate or nearby properties.

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

None

Annex 4 - Plans

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

The plan for these premises is Drawing Number 05/22/02 C dated 06.06.07 Revision C, submitted with the variation application on the 29th August 2007.

Premises Licence

Part B
Schedule 12 Licensing Act 2003

Premises Licence Number: **PREM/02156/006**

Initial licence issued from: **22nd November 2005**

Current licence effective from: **5th December 2011**

Premises Address: D' Fusion Leisure Ltd, 26 - 30 New Briggate, Leeds, LS1 6NU,

Licensable activities authorised by this licence: Sale by retail of alcohol, Provision of late night refreshment, Exhibition of a film, Performance of live music, Performance of recorded music, Performance of dance, Entertainment similar to live music, recorded music or dance, Provision of facilities for making music, Provision of facilities for dancing, Provision of facilities for anything similar to making music or dancing,

Times for licensable activities

Sale by retail of alcohol
Friday & Saturday 11:00 - 05:00
Sunday to Thursday 11:00 - 03:00

Provision of late night refreshment
Every Day 23:00 - 05:00

Exhibition of a film
Friday & Saturday 11:00 - 06:00
nday 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

Performance of dance
Friday & Saturday 11:00 - 06:00
Sunday to Thursday 11:00 - 04:00

Entertainment similar to live music, recorded music or dance
Friday & Saturday 11:00 - 04:00
Sunday to Thursday 11:00 - 03:00

Times for licensable activities

Provision of facilities for making music
Friday & Saturday 11:00 - 04:00
Sunday to Thursday 11:00 - 03:00

Provision of facilities for dancing
Friday & Saturday 11:00 - 06:00
Sunday to Thursday 11:00 - 04:00

Provision of facilities for anything similar to making music or dancing
Friday & Saturday 11:00 - 04:00
Sunday to Thursday 11:00 - 03:00

Opening hours of premises

Friday & Saturday 11:00 - 06:00
Sunday to Thursday 11:00 - 04:00

SCANNED

Alcohol sales are permitted for consumption on the premises

Premises Licence Holder(s): Longsky Leisure Limited, 28 New Briggate, Leeds, LS1 6NU

..egistered number of holder(s): 7727304

Designated Premises supervisor: Mr Wood Chui Cheung

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

Licence Issued under the authority of Leeds City Council

J Archibald

Miss Janice Archibald
Licensing Officer
Entertainment Licensing
Licensing and Registration

Licence produced on 30/12/2011

SCANNED

12 OCT 2011

Information

I wish to report that defussion in New Briggate, on every Friday and Saturday night allow door staff to sell Mcat and pills to customers.

The door staff take payment of £30 from Sam D, and Jamie Armstrong and James Maltas to allow them to also sell pills and mcat.

Samd has a girl friend who is 16 and is always drunk the bar staff sell to her,

There are number of customers in defussion who are under 18 on weekley basis.

The venue is well known for pills and mcat.

Thank you.

D'FUSION

DOCUMENT REFERRED TO IN
MY STATEMENT AS -

EXHIBIT NO: CB 1

SIGNED.....

SCANNED

12 OCT 2011

Information

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