



# LICENCE TRADE CONSULTANTS

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



14<sup>th</sup> May 2012

Dear Sir or Madam,

**Ref: D'Fusion Hearing; 22<sup>nd</sup> May 2012**

We are appointed representatives for our client, Longsky Leisure Limited/D'Fusion.

Please find enclosed our client's responses to the evidence and witness statements submitted by West Yorkshire Police and York City Council Licensing.

Could you please enter them as our evidence as follows:

**Pages 1-3** "In response to Statement of Robert Geoffrey Fullilove"

**Pages 4-5** "Response to Witness Statement (Carmel Brennand)"

**Pages 6-8** Various responses to evidence

**CCTV from 03/03/2012**

+ PHOTOGRAPHS

We shall also be referring to evidence and witness statements already submitted by West Yorkshire Police and Leeds City Council.

Yours Sincerely

John White  
Associate Consultant

Background about door supervision issues:

During the time between the beginning of 2009 to 22/11/2011, there has been on going issues with the quality of door supervisors provided by the old security company Pro-Tech Security LTD. The door supervisors were never consistent whereby meaning, not the same every week, late to start their shifts and even at times, not turn up at all.

As there were ongoing issues with the security company Pro-Tech Security LTD, we took the step to apply for our own non-frontline licence early in 2011. There were some issues with obtaining the non-frontline licence but however, we managed to get it on 29/11/2011.

After numerous meetings with Robert Fullilove at Millgarth, we both gathered that the security company Pro-Tech Security LTD was not fulfilling our venues needs and hence advised us to change to a different Door Supervision company. After further discussions, we were happy for Professional Security to undertake the door supervision at d-fusion and this started on the 2/12/2011.

Professional Security has proved to both Robert Fullilove and I that crime and disorder was reduced since the undertaking of the doors where by problems were being resolved to their satisfaction. E-mail from Robert Fullilove dating 22/12/2011 was sent with his comments.

"Managers", "Assistant managers", "Stewards", "Glass Collectors" all whom appear on face value to be SIA-registered door staff. (Mentioned on Sheet number 3, third paragraph):

There are no grounds on whereby the police can accuse us in doing this. All bar staff, supervisors, assistant managers, stewards, glass collectors all wear black uniform and generally all with radios with earpieces. This is because d-fusion runs over 5 floors and the only way of quick and responsive communication is to use these radios.

Risk assessments (Mentioned on Sheet number 4, first paragraph):

Risk assessments always are always filled in whereby where we think there is a high-risk element to the parties that have been taken. These are always then submitted to the police as soon as the party has been taken. Though not always on time (require 28 days notice) but with the climate and nature of this business, parties can be taken at short notices and its business at the end of the day.

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After the submission of the risk assessments to the police, on many occasions, the police response is nearly always, if not, always negative. We have had to cancel many of the party bookings as we try our very best to work closely with the police. For obvious reasons, we would always want to know as to why these parties cannot be held at d-fusion and find out ways that we can improve and also take on the party. We are only trying to survive in this business climate and to create more work for people.

Obsession presents the breast cancer and bay care unit charity event (Mentioned on sheet number 7, first paragraph):

With numerous visits to Millgarth Police Station, we had hoped to get support from the police so that we can hold this charity event for a good cause. Risk assessments were submitted for this night that was supposed to be held on the Friday 18<sup>th</sup> November 2011. Yet again, the police was negative as to hold this event. Quoting from e-mail sent by Cath Arkle on 3<sup>rd</sup> November 2011 "I did not believe it was a real Charity event and that the organisers were lying to you". Breast Cancer awareness kit was sent out to us for this event and that this event was definitely a charity event. I was then willing to undertake this event, if I had the support from the police. Following on further discussions, the police had no choice but used very threatening tone about the consequences of running a night and that I had not taken their advice and not co-operated with their wishes. This made me feel extremely uncomfortable and made me feel as though I had no choice but to cancel this event.

Door supervision problems (Mentioned on sheet number 9, second paragraph):

As explained, Door supervision company changed over to Professional on 2/12/2011 and that the non-frontline licence was also obtained on 29/11/2011 so that we can deploy our own door supervisors. We asked the police advise as to how to use it and what was suitable. Communication with the police was our priority to avoid any misunderstanding. We took in as much advise from the police and as always, work along side with the police.

An e-mail not been produced as exhibit "financial preference over competent staffing of the premises".

With regards to the security arrangements with professional, we had agreed that professional were to undertake the side entrance to the first floor where by Obsession is held weekly on a Friday night. Professional and solely Professional were to be used for Obsession held on a Friday and that the Ground Floor, were looked after by in-house SIA registered door supervisors.

Saturday 3/3/2012 Police Raid (Mentioned on sheet number 10-13):

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Police stormed into d-fusion for a raid. The warrant was not shown to the DPS till at least 10-15 minutes into the raid. EXTREMELY UNPROFESSIONAL.

Police treated the member of staff working at d-fusion with an extremely disgusting manor.

Samuel Cheung was hurt as a result of incompetent bunch of police officers being extremely rude and abused their authority. A formal complaint has been put in to the IPPC.

Door staff on duty:

Professional: L. Burke, P. Hennig, E. Busma (E. Busma was late and hence forgot to sign in)

In-House: D.Scarfe, S.Scarfe (Sign in sheet available)

LARGE AMOUNT OF DRUGS that apparently were seized from the venue was logged down (not sure if its an ambiguous figure) were then forced upon Caezar Cheung the DPS to sign off without seeing the evidence. (YET AGAIN UNPROFESSIONAL AND INCOMPETENT BUNCH OF OFFICERS JUST WASTING TAX PAYERS MONEY TO EXECUTE THIS WARRANT)

Yet again accused that Cizo was working as a Doormen. We have now got Professional to look after our doors and the use of the non-frontline licence, is there any reason for me to then employ someone else whom appear on face value to be SIA-registered door staff whereby its legal for me to now employ in-house SIA-registered door staff? Cizo was acting as the Assistant Manager and yet again, the use of radios was to communicate with all the staff working on all the floors at d-fusion.

Unreasonable time frame to draft up a Premises Licence Variation (Mentioned on sheet number 14):

A meeting was held on 28/4/2012 to discuss about the search warrant. Then a draft of a Premises Licence Variation had to be submitted to the police on the 30/4/2012 by 3pm. This was extremely unfair. Hence we have now been taken to a review.

At this moment in time Obsession is still running but with an extremely water tight policy on searching for drugs. 4 security from Professional are being employed and that 1 of them are a female. Both male and females are searched every time when entering the premises. 2 in-house SIA-registered security are also employed.

**RESPONSE TO WITNESS STATEMENT (Carmel Brennand)**

In response to Exhibit CB 1:

As a DPS I am completely aware of my responsibility which would include proper correspondence and honest information exchange with the police to ensure smooth operation. I am however disappointed as I was not notified of such crucial information as provided in Exhibit CB 1. Such information if correct only proves that the door staff supplied by the previous security company (Pro-Tech Security LTD) provided a flawed service (bribery on duty) and your awareness of the situation without notifying me provides the implication that your assessment of the situation is biased in favour of the security company.

It is crucial and important that for smooth operation of the premises, both for license compliance and to ensure safety both in the premises and it's surrounding, that there is an unbiased assessment of threats and information sharing. Finally, with this elaboration it is unfair for the allegation derived from Exhibit CB 1 to be placed on us.

In response to the second paragraph on page two about the door staff performance and the impending issues created, a resolution was reach by changing the security company to Professional Security. This security company was chosen out of the three companies suggested by the police (Mr R Fullilove) and this proves the reliance of our decisions on their advice.

To draw your attention to the information received from "Mrs Nye" as stated in the witness statement which we do not believe. We have a door policy for ID checks and declining under-aged individual's access to our premises as is our responsibility and the door staff is reminded all the time about this. On several occasions, individuals who look under-aged and have no ID have threatened us stating "that if we refuse them entry, that they would provide false information to enable the police close the premises down" if we do not let them in. Incidents like that make information from the public not completely reliable. I hope you give consideration to this in order to provide a fair opinion.

In reference to the last paragraph about "my blasé attitude", I'm sorry if the wrong impression has been gotten about me and I appreciate the effort to help me. I disagree with such impression as I am willing to learn and work with the system but it is hard to make the police and enforcement officers believe me and I believe I am not being fairly and reasonably treated.

- I was falsely charged of using unauthorised SIA badge staff to perform security tasks, when this was a personal assistant helping me to relieve part of my work.
- I always tell the security to check ID all the time and refuse under-aged persons access to the premises, yet we are unable to make the police believe so. Some of the police officers were also very aggressive to us.

In conclusion, most of the problem is from the previous security company which has caused the police to lose trust in us the general public to gossip (also among the promoters) creating a lot of misunderstanding about the venue to the police and public.

**In Response to the minutes provided for a meeting on 14/3/2011 at Millgarth Police Station**

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Glassware associated on the street shouldn't be from us as when the first floor is booked, plastic cups are only use and glass is coming from people getting out of taxis to go to the clubs surrounding the New Briggate area.

Street Marshall scheme was an excellent idea and we at d-fusion fully support these scheme.

**In Response to the e-mail sent to Cath Arkle from Julie Stead dating 01/10/2011**

There is no evidence that the people are carrying bottles from our premises as we only use plastic cups on the party floor. Therefore there is no evidence that dealing and taking drugs at the rear of the premises next to Mint Club were from d-fusion or going to d-fusion. Please look at chronology 151011 Silver Visit, no glass bottles or broken glassware lying around the premises.

**In Response to the e-mail sent to Caezar Cheung from Cath Arkle dating 26/10/2011**

Our licence allows us to open till 4am Sunday-Thursaday and 6am Friday-Saturday. (Simple facts and figures and yet they can still get it wrong!)

**In Response to the Chronology**

040311 – Log not part of d-fusion. Friday morning 0230hrs, d-fusion is not opened till that late on Thursdays, diary can be provided to prove that we were not opened. Maybe part of Mint Club? Call to the police was made by d-fusion as a matter of good will to keep crime to a minimum.

130311 – No grounds to prove that it was from d-fusion.

020411 – As explained about the situation of "Managers", "Assistant managers", "Stewards", "Glass Collectors" all whom appear on face value to be SIA-registered door staff.

There are no grounds on whereby the police can accuse us in doing this. All bar staff, supervisors, assistant managers, stewards, glass collectors all wear black uniform and generally all with radios with earpieces. This is because d-fusion runs over 5 floors and the only way of quick and responsive communication is to use these radios.

120411 – Unable to disclose full details so should it be disregarded?

220411 – No CCTV in toilets for obvious reasons. More than happy to assist the police with regards to this matter.

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290411 – Full co-operation with the police and the venue was closed off for the forensic unit to come in and to tests.

020611 – Unable to disclose full details so should it be disregarded?

300611 – Unable to disclose full details so should it be disregarded?

160711 – Due to the incompetent door supervisors provided by Pro-Tech not checking the toilets thoroughly after being asked to do so.

060811 – Negative evidence, possibly a prank to the police?

210811 – Full co-operation with the police and the venue was closed off for the forensic unit to come in and to tests.

260811 – No Further information to expand on.

151011 – As explained about the situation of “Managers”, “Assistant managers”, “Stewards”, “Glass Collectors” all whom appear on face value to be SIA-registered door staff.

There are no grounds on whereby the police can accuse us in doing this. All bar staff, supervisors, assistant managers, stewards, glass collectors all wear black uniform and generally all with radios with earpieces. This is because d-fusion runs over 5 floors and the only way of quick and responsive communication is to use these radios.

070112 – New door team professional already employed and there are strict searches on everyone who comes to the venue. There is also a strict ID policy so there should be no underage drinking



270112 – Yet again fully co-operated with the police. Incident logged on incident book. CCTV was provided

080212 – Chinese party at Bed Club. (Its great to see that everything that seems to be Chinese or foreign i.e. Russians, Africans seems to be associated with d-fusion) incident logged at 04.12hrs and d-fusion was in fact shut early that evening.

120212 – Cannot be used against d-fusion. New Briggate is an area know to be the last stop for people on a night out for food and hence there are always clashes with people.

040312 – Not From d-fusion, all door supervisors signed out at 0400 hours

090312 – Unclear if from d-fusion. Therefore not evidence

100312 – Members of staff assaulted and the suspect has already accepted his offence and waiting for his court hearing.

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Wedding Party at Infusion  
in year 2011

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photo taken ~~at~~ at  
Dfusion 12-5-2012

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Singing  
talent contest event  
held in this year  
at diffusion

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photos of new night  
party. recently this year  
at refraction