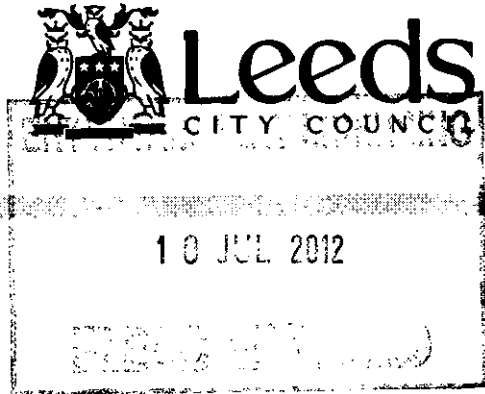


# Parties Notice of Intention

## Licensing Act 2003



Application No: PREM/00733/005

Name of Applicant/premises: True Reason Limited / Fire  
Date of Hearing: 18th July 2012

I am:

The applicant/licence holder

A responsible authority

An interested party

Name: Catherine Arkle

Address: West Yorkshire Police  
Millgarth  
Leeds  
LS2 7HX

I will be attending the hearing

I will not be attending the hearing

I will be represented at the hearing by:

Paddy Whor  
Woods Whor LLP  
Devonshire House  
38 York Place  
Leeds, LS2 2ED

NB if you complete this section all further correspondence will be sent to your representative

### Note to interested parties

If you say that you will not be attending the hearing the committee will make it's decision based upon your written representation.

If you wish to withdraw your representation please tick here

or

If you consider that a hearing can be dispensed with please tick here

Please give details as to why you think a hearing can be dispensed with.  
(e.g. because you have reached agreement with the other party on conditions)

## WITNESSES

Please set out below the name of any person you wish to appear at the Hearing (other than your representative) and give brief details of what you want the witness to tell the Committee. You will only be allowed to call the witness if the Committee gives permission.

Name	Evidence to be given
PC Cath Arkle	
PS Michael Jackson	

## DOCUMENTS

Please list below and attach any documents (other than your application or written objections) that you wish the Committee to consider and indicate whether copies have already been sent to the other parties.

Document	Copy sent
1. Schedule of photographs of injuries and photographs attached.	
2. Statement of Jacqueline Wilson dated 6th July 2012.	
3. Statement of Gary Heseltine dated 24th May 2012.	
4. Statement of Jason Paul Ridgway dated 2nd June 2012.	
5. Statement of Michael Andrew Jackson dated 19th June 2012.	
6. Statement of Peter Shaw dated 18th June 2012.	
7. Notice of determination of review of same premises (formerly known as Puro) dated 2nd September 2009.	
8. CCTV footage: a) Offence GBH - CO11006727/12 b) Offence GBH - CO11015783/12 c) Wounding - CO1101264/11.	

Please return this form to:

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

Fax: 0113 224 3885

Email: [entertainment.licensing@leeds.gov.uk](mailto:entertainment.licensing@leeds.gov.uk)

## WITNESS STATEMENT

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

URN

Statement of: Jacqueline WILSON

Age if under 18: OVER 18 (if over 18 insert 'over 18')

Occupation: Detective Constable 0588

This statement (consisting of 1 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 6<sup>th</sup> JULY 2012Tick if witness evidence is visually recorded  (supply witness details on rear)

I am the above named officer currently based in the Criminal Investigation Department at LEEDS CITY RAIL STATION. I am currently investigating an offence of THEFT where two males were arrested at FIRE NITECLUB on 16<sup>th</sup> JUNE 2012 following a report of the theft of two mobile telephones from customers of the club. I am relatively new to this department and this is my first involvement with the club or its management.

On Thursday 6<sup>th</sup> July I viewed CCTV which had been taken from the club which captured the offence. The same day it came to my attention that doorstaff at the club wear body cameras during the normal working shift which makes both visual and sound recordings. As it was clear from the CCTV footage that one of the offenders, having left the club for a short time had spoken to one of the doorstaff, I was interested in viewing the footage taken from that bodycam, to establish what had been said which could identify where the suspect had gone during his absence. It is my belief that during this time away from the club that the stolen mobiles had been discarded.

I contacted the Manager of FIRE, Mike GIBSON as I had been informed that as part of the licensing agreement all recordings were downloaded at the end of each shift. I contacted GIBSON via my work issue mobile telephone. GIBSON stated that there was no footage of the incident and nothing had been recorded or downloaded.

Explaining that the doorstaff having not witnessed the incident and police already in attendance when they pointed out the offenders, there was no reason to record the incident. Having no knowledge of the body cams or their existence prior to this day I asked him to explain how they worked. He informed me that the cameras were worn by staff and should an incident occur they would start recording at that time. Any footage would then be downloaded onto a disk to be available to police if required. I ended the telephone conversation at that point thanking him for his assistance. I was disappointed that this line of enquiry had not led to further evidence being obtained.

When I returned to the office I spoke with PS JACKSON and relayed my conversation with Mr GIBSON. As a result of that discussion I was asked to provide a statement about my telephone conversation with Mr GIBSON.

Signature:

Signature witnessed by:

RESTRICTED (when complete)

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

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Statement of: GARY HESELTINE

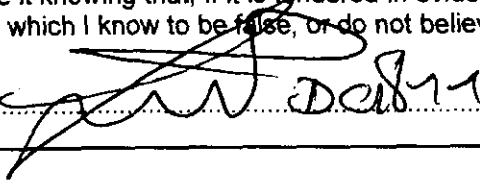
Age if under 18: OVER 18

*(if over 18 insert 'over 18')*

Occupation:

DETECTIVE CONSTABLE 1877

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:  (witness) Date: 24/05/2012

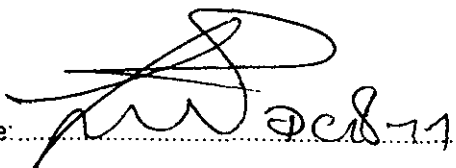
I am Detective Constable 1877 HESELTINE of the British Transport Police currently based at Leeds City railway station, New Station Street, Leeds, LS14JZ. I have been asked to supply information in relation to Ken DOLECKI regarding an incident in the Bar Fire nightclub in Leeds which is on BTP jurisdiction. On the 11<sup>th</sup> September 2010 there had been a wounding inside the club. I was subsequently tasked with leading the investigation of the incident which involved several offenders and numerous witnesses (including several door staff). On 20/09/2010 I met with him for the first time and obtained his statement about his involvement in the incident. I asked him to provide me with contact details for a number of door staff that were on duty the night of the incident. I also asked for copies of the staff register and the incident log. He said he would supply the information right away however this was not forthcoming. On 02/10/10 - 12 days after taking his statement I rang his mobile which went straight to answerphone. I subsequently left messages on that day and the 4<sup>th</sup> and 5<sup>th</sup> October but he failed to respond to them. Due to work commitments I was not able to see DOLECKI until 19/10/2010. When I did speak with him he stated that one of his door staff - ANDREW MASHINTER did not work for his company and was not able to provide any contact details. However on 21/10/2010 after a number of enquiries to trace MASHINTER I met with him. He told me that he did work for Bar Fire despite the fact that DOLECKI had told me that he did not. MASHINTER also provided details that did not correspond to what DOLECKI had said about the staffing levels at the club on the night of the incident. MASHINTER was fearful of being sacked for speaking out about the true staffing levels at the club. He also cast doubt about DOLECKI's attitude to informing the police about the incident on the night in question. This is highlighted in a report I report for PS 1882

Signature:  Signature witnessed by: .....

2010/11

**RESTRICTED (when complete)**

JACKSON about DOLECKI and the activities of the club itself. That same night I attended the club and saw MASHINTER who took me up to see DOLECKI. He was surprised to see me and appeared nervous in my presence. I asked him to provide the incident log for the night in question and the staff register. He and a newly installed manager spent several minutes looking for the forms without success. I then stated my surprise to find that MASHINTER was working at the club after he had told me that he had left the club's employment. DOLECKI's body language clearly showed that he had been lying about MASHINTER's employment status. I believe that DOLECKI had been less than honest with me in all of our dealings to the point of near obstruction. Given this position at the club I found this to be unacceptable and subsequently raised my concern with PS JACKSON.

Signature:  Signature witnessed by: .....

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

URN

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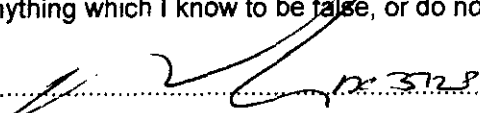
Statement of: Jason Paul Ridgway

Age if under 18:

(if over 18 insert 'over 18')

Occupation: Police Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

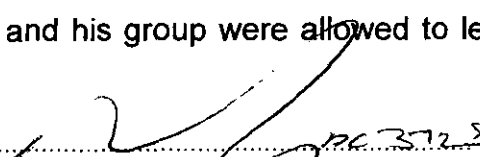
Signature:  (witness) Date: 02/06/2012

I am Detective Constable 3728 Jason Ridgway of the British Transport Police stationed at Leeds. This statement is in relation to a licencing review of Fire club situated in Call Lane Leeds. Fire club is partly built inside a railway arch and as such falls under British Transport Police jurisdiction. The more serious type of offences committed inside the club are generally investigated by detectives and I have investigated numerous offences associated with the club.

I have been asked to comment on investigations which have been frustrated by inaction of staff at the club and other areas which have had an adverse impact on investigations I have conducted.

29/01/2012 a serious assault occurred inside the club on the main dance floor area at approx 01:00hrs. The victim was assaulted causing him to lose consciousness and suffering serious facial injuries including a broken cheekbone, jaw, eye socket, nose and chipped teeth. The suspect was ejected physically by doorstaff who once outside the premises simply allowed him to leave without detaining him and informing police. The victim was left lying on the floor for approx 4 minutes by himself before he was helped by other members of the public clearly still knocked out and receiving no medical aid or assistance. Due to poor quality CCTV inside the club and on the door no clear facial identification could be made of the suspect and he was never arrested.

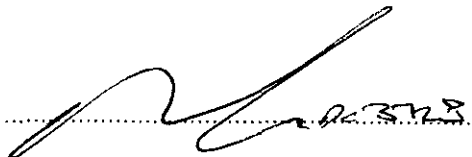
01/07/2011 at approx 05:00hrs, victim and his friend were attacked by a male who used a champagne bottle to hit him about the head and then he suffered a puncture type stab wound to the abdomen in the confrontation. Again doorstaff were quickly on scene and again the suspect and his group were allowed to leave without being detained and or police being

Signature:  Signature witnessed by: .....

informed. It was only when the victim attended hospital for his wound and contacted police the following day were we aware of the seriousness of the offence. CCTV was viewed and stills were produced of the suspect. He was arrested the following week when he attended the same club and was recognised by the manager at the time Mr Pinnegar who alerted BTP to attend.

04/12/2011 02:30hrs. the victim and his group were on the raised stage dance area at the club and a confrontation started with the suspect and his group. The victim was stabbed in the stomach during the confrontation. Both groups were ejected and once outside the victim friends were telling doorstaff and pointing out the suspect stating he had stabbed their friend but he was allowed to leave and again not detained. There is no CCTV on the raised dance area and due to poor quality CCTV the suspect was never arrested. The victim suffered a serious injury which quite clearly could have been life threatening.

These are 3 of the most serious recent offences that I have dealt with where the investigations have been frustrated by in action by doorstaff and or poor quality CCTV.

Signature:  Signature witnessed by: .....

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

URN

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Statement of: Michael Andrew Jackson

Age if under 18: Over 18 yrs (if over 18 insert 'over 18')

Occupation: Police Officer

This statement (consisting of 02 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:  P51882 (witness) Date: 19/06/2012

I am Police Sergeant 1882 Michael Andrew Jackson of British Transport Police currently based at Leeds. I make this statement in relation to FIRE (Formerly known as PURO), 50a Call Lane, Leeds, LS1 6DT. At 2305 hours Friday 25<sup>th</sup> May 2012 I was on full uniformed patrol duties in Leeds city centre in the company of Police Sergeant 3726 Pedley. My patrol was in relation to public order and reassurance in relation to Licensed Premises British Transport Police have jurisdiction for.

At that time we approached the front entrance to FIRE on Call Lane. Present were a couple of door supervisors, identifiable by their SIA cards being publicly displayed and them wearing dark jackets with white reflective strips. The jackets being worn I assumed in response to a new premises licence condition Fire had recently self imposed along with eleven others. Having an interest in this new variation I was aware of another new condition relating to door staff being provided with and wearing body cams throughout their shifts. I asked the door staff re this and they had no knowledge and no equipment. I asked if the Designated Premises Supervisor, Michael Gibson was available. The door staff contacted Mr Gibson who attended the door.

I enquired into the new conditions generally and was surprised at Mr Gibson's vague response and apparent lack of knowledge in the detail. I asked him about the door staff being provided with body cams and the fact the cams were to be worn throughout shifts. He replied that as yet the equipment had only been ordered but had not yet arrived.

At that time I was unsure if the new conditions were 'live' or not so gave Mr Gibson the benefit of the doubt advising him I would be interested in seeing how the equipment performed when it arrived.

Subsequent checks have however confirmed to me on Monday 28<sup>th</sup> May 2012 that the new



conditions on the licence were in fact in force from Friday 11<sup>th</sup> May 2012 meaning the body  
cams should have been in use from that date.

A handwritten signature in black ink, appearing to be 'P. 1882' with a stylized flourish above the name.

Signature:..... Signature witnessed by:

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

URN

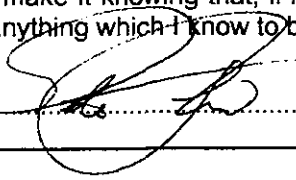
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Statement of: PETER SHAW

Age if under 18: 018 (if over 18 insert 'over 18')

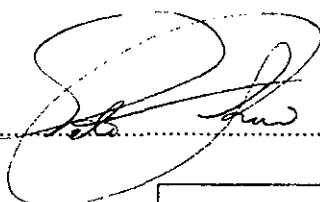
Occupation: POLICE SERGEANT 3841

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:  ..... (witness) Date: 18<sup>th</sup> June 2012

At around 01:00 hours on Sunday 10<sup>th</sup> June 2012, I was on duty, in full uniform, at FIRE Nightclub CALLS, LEEDS, WEST YORKSHIRE. At this time I spoke to a Member of Doorstaff stood outside the main entrance to the premises but whose name I did not take. This member of Door staff was wearing a black coat with some sort of reflective strip. He was with two other member of Door staff, one of which became detached from us. I asked the first Door Staff member whether the club were wearing Bodycams now. He pointed to a colleague stood next to him and showed me a camera that was poking out from his clothing at the top of his chest. The first Member of Door Staff stated that he did not have a Bodycam on himself as his colleague was wearing one. He added that if he were to go back inside the club, he would put one on. In a subsequent conversation with this Door Staff member, I got the general impression that they were not positively viewed by him, even when I pointed out the benefits of negating false or drunken allegations. The member of Door Staff then explained that the Bodycams needed to be initiated by a button (i.e. switched on) before they started recording.

Later that morning I checked the new Operating Conditions for the nightclub and noted that Bodycams should be worn at all times and that they would be used to record throughout each shift. This appeared at odds with what I had been previous told.

Signature:  ..... Signature witnessed by: .....

2010/11

**RESTRICTED (when complete)**

RECEIVED

07 SEP 2009

25/2

**Leeds**  
CITY COUNCIL

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

**Governance Services**

4<sup>th</sup> Floor West  
Civic Hall  
Leeds LS1 1UR

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

Date 2 September 2009

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

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

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

**Background**

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

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

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

**FINAL**  
**In Attendance**

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

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

Mr B Patterson – Licensing Officer WYP

**Observers**

Nicola Ellis – member of the public

**Preliminary Procedural Issues**

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

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

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

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

## **FINAL**

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

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

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

### **The Hearing**

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

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

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

### **Reasons for the Review request**

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

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

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

## **FINAL**

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

### **Interim Measures**

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

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

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

## **FINAL**

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

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

### **Submissions and evidence of the Premises Licence Holder**

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

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

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

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

### **Decision**

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

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

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

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

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

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

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

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



**FINAL**

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

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

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

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

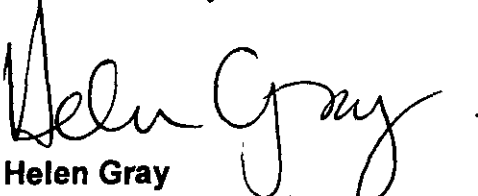
Appeals should be addressed to the Magistrates Court at:

Clerk to the Justices  
Leeds Magistrates Court  
Westgate  
Leeds  
LS1 3JP

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

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

Yours Faithfully



**Helen Gray**  
**Clerk to the Licensing Sub Committee**  
**Governance Services**

<p>02:33:16 hr 04/12/11</p>	<p>GBH With Intent</p>	<p>C01/101264/2011</p>	<p>CCTV shows IP being ejected by door staff and making staff, including DPS aware of injury (stab wound). Is taken to office by DPS for First Aid. Staff seen to take suspect to front door, search and allow back into club where says farewell to friends and leaves through rear door. No attempt to detain suspect or report to police by club.</p>
<p>00:30:45 hrs 29/01/12</p>	<p>GBH With Intent</p>	<p>C01/006727/2012</p>	<p>CCTV shows assault on dance floor. IP knocked unconscious laying prone. Door staff take hold of and eject suspect from dance floor at 00:30:49 and escort to door where is allowed to leave. IP is still unattended by staff when coverage ends at 00:33:21 hrs.</p>
<p>01:36:50 hr 02/03/12</p>	<p>GBH, AOBH X 2</p>	<p>C01/015783/2012 C01/018683/2012 C01/018685/2012</p>	<p>CCTV shows Disorder on the dance floor. Door staff escort suspects from dance floor down steps through downstairs bar and out of front door at 01:38:01. Suspects remain outside front door calm and orderly until they leave area of own</p>

			<p>accord at 01:38:55. At no time whilst waiting outside do door staff appear to attempt to engage suspect in conversation, detain or make effort to obtain details.</p>