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19<sup>th</sup> April 2007

**APPLICATION FOR THE GRANT OF A PREMISES LICENCE AT NORTHERN LIGHT,  
CROSS YORK STREET, LEEDS, LS2 7EE**

On 19<sup>th</sup> March 2007 the Licensing Sub Committee heard an application by Northern Light Bar Limited, 16/24 Underwood Street, London, N1 7JQ for the grant of a premises licence at the above premises.

The applicant sought the following:

Films, live music, performance of dance, provision of facilities for making music and provision of facilities for dancing:

Monday to Sunday 11:00 hours until 06:00 hours

Recorded music:

Monday to Sunday 00:00 hours until 24:00 hours

Late night refreshment:

Monday to Sunday 23:00 hours until 05:00 hours

Supply of alcohol:

Monday to Sunday 11:00 hours until 04:00 hours

Hours premises are to be open to the public:

Monday to Sunday 11:00 hours until 06:30 hours

This letter represents the formal decision of the Sub Committee in respect of the application.

**Preliminary Procedural Issues**



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The Sub Committee considered preliminary matters of a purely procedural nature. There were no declarations of interest made.

The Sub Committee then decided that the procedure for the hearing would not be varied. 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 the application as 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 and the written representations received from West Yorkshire Police and local residents.

No time limit was imposed on verbal representations given the complexity of the application and issues surrounding it. The Sub Committee then went on to consider the application.

### **The Hearing**

The Sub Committee considered the verbal submissions of the applicant's barrister, Mr Foster, which addressed the application and the comments of the responsible authorities.

In determining the application the Sub Committee took into account written submissions from the above responsible authorities contained within the report and the Notices of Hearing. These had been circulated to the Parties prior to the hearing.

After considering the evidence and submissions the Sub Committee needed to satisfy itself that granting the licence would promote the licensing objectives.

In reaching this decision the Sub Committee had regard to the provisions of the Licensing Act 2003, guidance under Section 182 of that Act and the Council's own Licensing Policy.

In particular the Sub Committee took into account Sections 34 & 35 of the Act because these were the most relevant to the application and Chapter 7 of the Guidance relating to the prevention of crime and disorder, public nuisance and public safety

The Sub Committee then went on to consider the following paragraphs of the Licensing Policy as the Sub Committee took the view these paragraphs had bearing on the application.

11:05 to 11:10	Crime & Disorder
11:11 to 11:22	Public Safety
11:23 to 11:28	Public Nuisance

### **Reasons for the decision**

The following parties attended the hearing:

Mr S Foster, barrister representing the applicant

Mr B Chesterfield, the applicant

Mr A Pride, the proposed Designated Premises Supervisor

Ms H Pearson, solicitor representing West Yorkshire Police

Inspector A Kaye, West Yorkshire Police

Inspector V Francis, West Yorkshire Police

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PC Cath Arkle, West Yorkshire Police

PC D Senior, West Yorkshire Police

The Sub Committee began by considering the verbal representations made by Ms Pearson, the solicitor acting on behalf of West Yorkshire Police. Ms Pearson briefly outlined the history of the club, which had held a premises licence until January 2007 when it had lapsed under the 2003 Licensing Act due to a winding up order being issued against the company. Since that time the premises had opened on a number of occasions under a Temporary Event Notice (TEN.) However during one such event in February 2007, Members were informed that WYP had conducted a raid at the premises which had led to a large quantity of class A drugs being discovered.

Ms Pearson then requested that Insp. Kaye be permitted to address the Sub Committee to give more details of the Police operation. Insp. Kaye began by confirming that the statement circulated with the agenda papers was a true record of events. Members heard that WYP had established Operation Longside following intelligence reports suggesting drug dealing was being carried out in a number of clubs in Leeds city centre. A number of premises were visited by undercover officers and those which proved to have a drug problem were targeted in a series of raids intended to send out a clear message.

Insp. Kaye reported that Northern Light were identified as one of the worst offenders following a number of undercover operations from May 2006 onwards. Members heard that Officers had visited the club posing as patrons and had witnessed open dealing and bought drugs. The evidence gathered during these visits was enough to enable WYP to apply for a warrant to raid the club on 3<sup>rd</sup> February 2007. A number of people were arrested during the raid, including three individuals who were suspected of dealing drugs. Insp. Kaye reported that all three were involved in promotions at the club and had been observed entering the premises without queuing or paying.

When officers entered the club they had found over 1,000 patrons on the premises, despite the fact that the TEN limited the capacity to 499. Due to the sheer volume of individuals within the premises it had not been possible to search every individual, the Sub Committee heard. This had led to a large quantity of drugs having been discarded on the floor of the club, a fact which was illustrated by a video shown by WYP later in the hearing.

Ms Pearson then invited Insp. Francis to address the Sub Committee to expand upon the information contained within his statement. Insp. Francis informed Members that he had been in charge of operations on the ground during the raid and had supervised the evacuation of the premises. He again confirmed that the premises had admitted around 1,000 patrons on the night. On entering the club Insp. Francis had spoken to the door staff who had confirmed that a 'clicker' had been in use on the door. However when Police later tried to recover the 'clicker' they were informed that it was unavailable as a member of door staff had taken the equipment home with them.

PC Senior was then invited to address Members regarding the circumstances surrounding the Police raid on the premises. PC Senior explained that as a member of the district drugs team his role had been to visit the club on the evening of the raid, posing as a customer. In doing so he and other undercover officers had observed two individuals entering the premises without queuing. Once inside the club, PC Senior had then located the two men and observed them openly dealing drugs. These individuals had subsequently been arrested by Police on suspicion of drugs offences. PC Senior informed Members that both men were involved with promotions work at the club.

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The video recorded by WYP illustrating the amount of substances found in the premises once it had been cleared of patrons was then shown. PC Senior talked Members through the footage, pointing out various Class A drugs, including crystal MDMA, and illustrating that some of these packages were too large to be for personal use and were likely to have been discarded by dealers as soon as the Police entered the club.

The Sub Committee then went on to hear from PC Arkle who had previous dealings with the premises on licensing matters. PC Arkle confirmed that she had met with Alex Pride in his capacity as the DPS on a number of occasions, including on the issue of the Temporary Event Notice. Members heard that PC Arkle had stressed that although the physical capacity of the club was for 1,000, a TEN only allowed up to 499 persons onto the premises. PC Arkle had advised Mr Pride to liaise with his door staff to reinforce this point. In concluding her submissions, PC Arkle stated that the Police had serious concerns regarding crime and disorder at the premises, as illustrated by the drugs raid, and therefore asked Members not to grant the licence.

Ms Pearson, the Force Solicitor, then summarised the concerns of WYP to conclude their submissions. As had been expressed during the hearing, the Police had concerns surrounding the alleged supply of drugs at the club which constituted a serious breach of the crime prevention objective. It was the belief of the Police that this situation was not a one-off incident and that drug dealing went on in the club unnoticed by the door and security staff. The fact that the two individuals arrested for drugs offences on the night of the raid were involved with promotions at the club was another worrying aspect, Ms Pearson continued. The management of the premises had failed to enforce the conditions of the premises TEN and it was suspected that they turned a 'blind eye' to the drugs problem in the club. For these reasons Ms Pearson asked that the Sub Committee reject the licence in its entirety.

The Sub Committee then turned to consider the submissions made by the applicant's barrister, Mr Foster, in support of the application. Mr Foster opened his representations by introducing Mr Chesterfield, the applicant, and Mr Pride, DPS at the premises, to Members. Both men had significant experience of the licensed trade. Mr Foster explained that the company had been trading at the premises for over four years until a recent dispute with the Inland Revenue had led the licence to lapse under the provisions of the 2003 Licensing Act. Therefore this was a straightforward application for a new licence, Mr Foster reminded Members, and was not a review of the licence.

Mr Chesterfield was then permitted to address Members in support of the application. Mr Chesterfield informed the meeting that Northern Light ran venues in London and Leeds and he believed enjoyed good relations with the Police. The company also had significant investment in a number of residential developments within Leeds city centre, Mr Chesterfield continued, and it was therefore not within their interests to run a problem premises that caused any disturbance to local residents. Environmental Health had raised no objections to the proposals, Mr Chesterfield pointed out.

Mr Chesterfield explained that he wished for the club to be a viable long-term venture in the city and he always expected his staff to uphold standards at the venue. Promoters were brought in to try new ideas for club nights and whilst Mr Chesterfield admitted that his staff had little input into these events, he did point out that one such night had been cancelled due to fears surrounding public order. Bad publicity was not in the interests of the venue, Mr Chesterfield continued, and he himself had been appalled by the results of the Police raid. The club had not opened since the incident, causing substantial financial loss to the company. However Mr Chesterfield told Members that he wished to resolve all the outstanding issues, which he acknowledged were present, before re-opening.

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The Sub Committee heard that the door staff had since been dismissed. Whilst he had considered changing Mr Pride as the DPS, Mr Chesterfield had since decided that this was not the most appropriate action to take as he felt it was the door staff who had caused the problems of over-crowding on the night in question. Mr Chesterfield went on to say that he personally visited the premises twice a month and was unaware of any drugs problem. Of the two individuals arrested, one was known to the company as a promoter, Mr Chesterfield admitted, and had been allowed free access to the club on the night. Drug dealing would not be tolerated by any staff in the club and any persons found to be taking drugs would be ejected from the premises.

Members were then addressed by Mr Pride, DPS at the venue. Mr Pride explained that he had been employed at the club since May 2006 and had ten years experience in the licensed trade. Since commencing employment at the premises Mr Pride had removed a couple of events from the venue as it was considered that they were attracting an undesirable clientele. Prior to the club opening under the TEN in February, Mr Pride told Members that he had met with staff and stressed the importance of complying with the terms of the notice and remaining vigilant for drugs activity. However, Mr Pride acknowledged that searches had not taken place on the night as should have been the case and he put this down to the fact that a senior member of door staff was away on holiday at the time. Following the arrests made during the raid, Mr Pride assured Members that he had distanced himself from the promotions company who had employed the individuals in question.

Mr Foster finally addressed the Sub Committee to conclude the applicant's submissions. Mr Foster acknowledged that there were real Police concerns as regards the venue, but he informed Members that steps had been taken to address these, for example through the replacement of the door staff team. Mr Foster stated that the company had asked to meet with Police to discuss the current situation on several occasions, however they had yet to do so. Members heard that the applicant would be willing to install internal CCTV, should it be deemed necessary for the grant of the licence.

Whilst Mr Foster accepted the seriousness of the situation with regard to drugs found at the club, he pointed out that the Police had never contacted the management of the premises prior to the raid to discuss the intelligence received. On the night of the raid, several other premises were also raided, with a similar level of arrests, Mr Foster pointed out. To deny the licence outright was not a considered view, given the changes that had been made by the management since the raid, Mr Foster argued. The premises had operated well for the past four years, Mr Foster concluded, and he therefore asked that Members consider the application on its merits and apply any conditions deemed necessary rather than reject it entirely.

### **The decision**

The Sub Committee had regard to the written and verbal submissions made by West Yorkshire Police in respect of the application. Members also carefully considered the representations made by the applicant's barrister and the applicant in support of the application.

The decision of the Licensing Sub Committee was to reject the application in its entirety on the grounds of the prevention of crime and disorder and public safety.

On the grounds of prevention of crime and disorder, the Sub Committee felt that the management team did not take all due precautions for the safety of the public and employees. The management team did not retain control over all areas of the licensed premises and allowed the premises to become involved in drugs misuse.

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On the grounds of public safety, the Sub Committee felt that the management team permitted persons in excess of the number specified on the licence to enter or occupy the licensed premises. The management team did not ensure that staff were familiar with the maximum capacity of the premises and they were not aware of the number of patrons on the premises at all times whilst the premises were in use.

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the Sub Committee. You must make this appeal within 21 days of this letter reaching you.

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

and accompanied by a copy of this decision letter and the court fee of £75.00.

Yours faithfully,

**Hannah Bailey**  
**Clerk to the Licensing Sub Committee**