

**Defence bundle**

**Digital Bar, Wellington Street, Barnsley**

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### Proof of Evidence of Barry Smith

1. My name is Barry Smith I am the Premises Licence Holder of the premises known as the Digital Bar, Wellington Street, Barnsley.
2. I have been in the licensing industry for over 31 years which is more than most policemen's careers. A number of years ago I operated a night club in Barnsley called Japanese Whispers. As a result of the operation of Japanese Whispers I was invited to London to an awards ceremony where I was presented with the award for the best night club of the year in the United Kingdom. I was very proud for the club and even more proud for the town.
3. As a result of the award I was also invited to sit on the Committee of BEDA (British Entertainment and Discotheque Association). My role on the BEDA committee was to travel up and down the country visiting bars and night clubs and write reports for a better way forward for the industry. I have also given lectures on the subject; the industry is better managed now than at any time previously.
4. I have read the statements that have been provided by Chief Inspector Andrew Hodgkinson, Police Licensing Officer Kirsty Green and Sgt Andy Norton. I would like to make the following comments in respect of all of the comments that have been made as the picture that they painted is not one that is recognised by me or the premises that I hold Premises Licences for in Barnsley.
5. Chief inspector Andrew Hodgkinson states that one of his primary functions is policing the night time economy. The night time economy needs to see, know and communicate with Police Officers. Policing is a joint enterprise and really said to be a partnership between the operators in the late night economy and the Police. It is difficult therefore to understand how Chief Inspector Hodgkinson can claim that one of his primary functions is policing of the night time economy when he does not allow himself out on to the streets late at night due to him being in poor health and in his words to me at a recent function "he has to be careful not to get stressed due to an existing medical condition."
6. Amongst other things Inspector Hodgkinson states that "despite action plans the venue is still not compliant and that a recent violent assault was mishandled by the management of the premises and door staff."

7. I would like to say that the Digital is not a premises that has issues associated with ongoing crime and disorder. No matter how good the venue management or security is at any premises, an assault where out of the blue (with no prior warning) a man assaults another man cannot be foreseen or prevented. Faced with the situation, the management and door staff had to deal with on the particular evening all members of staff did what they believe to be in the best interests of the person who had been assaulted.
8. There is an interesting but also quite worrying aftermath to the event that took place in the Digital night club.
9. Two weeks later an article appeared in the Chronicle (Barnsley paper) stating that the assault had taken place in the venue and that Police were seeking a man who they believed to be responsible for the incident and anyone who could help should contact the Police. The night that the paper was published, Darren Donoghue, Manager of the premises spotted the same man on Wellington Street and rang the Police to inform them. The response to Mr Donoghue was that the Police had resolved the matter and there was no need to send Officers round to apprehend the assailant. After protestations from Mr Donoghue to the Police it was quite obvious that the Police were not interested and the call ended.
10. Approximately an hour later Mr Donoghue spotted a Police Officer and told him about the assault and that the Police were looking for a man and that he had spotted him and tried to ring the Police to come and arrest him. The Police Officer told him that he knew nothing about it and that it was nothing to do with him and walked away.
11. Frustrated by the response from Barnsley Police, Mr Donoghue made his way into the town centre to find an Officer who would listen and take some action. Mr Donoghue spotted an Inspector of Police sitting in a police van and following discussion with the Inspector was able to confirm that the Police were continuing to look for the person who was believed to have assaulted the person in the Digital night club. Mr Donoghue was asked to walk around the town with the Inspector in order to point out the person who was found in the Shakespeare public house.
12. Sometime later (morning 9 November) a door supervisor at Rio's opposite Digital advised Mr Donahue that he believed the perpetrator to be in Rio's. Confirmation was made and the



police took him away only for him to return some two hours later to should at and berate the door staff of both Digital and Rio's, by this time the police had left for the evening.

13. After a further period of time (some days later) the investigating Detective telephoned Mr Donoghue and after informing him that the assault victim was OK and was up and around, proceeded to ask if he would make a statement of the incident to which Mr Donoghue replied that he had already done so. The Detective was not interested in having a statement about the assault but about the trouble that Mr Donoghue had had in attempting to persuade the police on two occasions that the man should be arrested. Mr Donoghue confirmed that he would make a statement to the Detective however, due to ill health could not attend the appointment. The Detective never contacted him again.
14. There are many incidents that can be related however, a further incident that Mr Donoghue can relate was when he saw one person assaulting another outside of the chippy takeaway on Wellington Street. Mr Donoghue called the Police to inform them that an assault was taking place and the Police confirmed that they were too busy and that they would not have time to attend. Whilst on the telephone to the Police Mr Donoghue saw the man walk towards Peel Square and assault another man and he informed the Police again who once again informed him that they could not respond at the moment as they were busy. Mr Donoghue at this point stayed on the telephone and decided to follow the man who then was seen to take off his belt and hit a man who was accompanying a woman – still no response from the Police.
15. The assailant then made his way up Market Street with Mr Donoghue providing a running commentary for the Police and at some point after using his belt as a weapon against shop shutters he went across the car park and started a brawl outside Peel's bar. All this time Mr Donoghue had been following the man giving a running commentary to the Police. After several further assaults the police van arrived and arrested the man and he was taken away. Mr Donoghue appeared at a video ID parade as a result of that and identified the person responsible for the assaults. Not one person from the Police either uniformed or civilian ever contacted Mr Donoghue to thank him for his tenacity in ensuring that the person who had assaulted a number of people in the town centre was brought to justice. The Chief Inspector however, can continue to claim that Mr Donoghue is a person who is not compliant and doesn't care.



16. I further note that Chief Inspector Hodgson in his statement claims that the surrounding licensed premises are affected by the reputation of Digital and that they are increasingly failing to attract customers from the night time economy. This only goes to amplify the Chief Inspector's ignorance of what is actually going on in Wellington Street. I own several licensed premises on the street and not only does Wellington Street attract a number of people from the town but also attracts people from other towns and cities because of the reputation that it has for a great night out which is safe.
17. Chief Inspector Hodgson claims that he is working successfully with other Licence Holders in the area. However, this is not a claim that is recognised by me or other Licensees. In fact the Police and the Licensing Officer Kirsty Green were told not to attend a Pubwatch meeting as the Licensees attending the Pubwatch meeting were proposing a vote of no confidence in Barnsley Town Centre policing.
18. As a community of Licensees we need to work with the police, I was asked by the Chairman of Pubwatch to attend the Pubwatch meeting to give my thoughts on the matter. I explained to the meeting that Inspector Barry Stones and I had set up the very first Pubwatch in Barnsley many many years ago with a view to enabling Licensees and the Police to work together to make the town a better place for the community. The same continues to be true; we want to make Barnsley a safe place for the community and everyone who wishes to come to enjoy their nights out. To propose and make a vote of no confidence in town centre policing would be significant and detrimental to the ethos that Inspector Stones and myself planned those years ago. As a community of Licensees we need to work with the Police. The vote never took place and I believe that everyone including Licensees and the Police are the better for it.
19. There were many horror stories reported that day from attending licensees which are far to numerous to recount. During the meeting one Licensee reported that he was standing on the door of his premises on Peel Street when he saw a man further down the street in the middle of the road get knocked unconscious. Fearing the man would get run over he quickly (with assistance from his doorman) carried the man to his premises and put him in the recovery position and called for an ambulance which arrived with the Police. The man was taken away and hopefully made a recovery. However, the Police informed the Licensee who had gone to assist that as the unconscious man had been picked up at the Licensee's premises it would be recorded as an assault at his premises.

20. Another Licensee stated that he was on the police's hit sheet as Police had reported that while on duty outside his premises they were approached by a man who said that he had been assaulted the night before at his premises. The Police wrote down his details but the man refused to give his name and address and quickly left. This was held to be an incident at the Licensee's premises despite the Police not being aware that that particular individual had threatened staff within the premises the night before and been asked to leave. When he came to the premises the next evening requesting admission he was refused entry by security and as a result the man who was probably peeved at not being able to gain entry to the premises had fabricated the assault to the Police.
21. Another report identified a Licensee who was advised by Kirsty Green (WPC Licensing Officer) during a telephone call that she wanted to discuss an alleged assault outside his premises. The Licensee could not recall any incidents that took place outside the premises however, PC Green advised that it was at 2.50 in the morning to which the Licensee had responded that he closes at 2am and would have been in bed by 2.30am. how could an assault then be identified to the Licensees premises when he was not open?
22. Whilst the meeting identified significantly more cases of mis-reporting. I stated that Kirsty Green was not to blame as she was only the messenger of the bad news and it was probably not her fault that the Police had got it wrong. In closing, that Pubwatch meeting where a vote of no confidence was avoided I informed everyone that it was time to build bridges and work together with the Police which originally were the objectives and still continue to be the objectives of Pubwatch. I persuaded the licensees not to take the vote and I believe that everyone including Licensees, police and more importantly the town benefitted from the decision.
23. That particular meeting was recorded by Ms Liz Kaye one of the Council Town Centre Managers who clearly would have reported the proceedings back to the Police. A few days later I received a text message from Kirsty Green thanking me for sticking up for her and the Police in Barnsley.
24. Since that meeting I have tried to take a more active role in meetings with the Police but at every meeting the Chief Inspector seems to want to talk more about budgets and how he spent over £30k more on overtime than was within his budget. Interestingly, not so long ago one Licensing Sgt used to do the work of up to 4 people currently doing that same job



and previously Licensees never got all of these reports saying that they were not doing the job correctly. I wonder what has gone wrong. There are too many people writing too many reports and nobody appears to be willing to build relationships and partnerships with a very necessary part of the revenue which is generated in Barnsley. Without a night time economy the revenue from council taxes etc would be a catastrophe for the town.

25. Wellington Street is the hub of Barnsley's night time economy and the Police don't seem able or willing to manage that fact. There is only one dedicated night club in Wellington Street now where just a few years ago they was a total of 4 on that same street. One has got to ask how would they cope with 4 now.

26. It is a well-known fact in the industry (recently reported on a TV documentary about the night time policing) the most important time for policing is 4am in the morning when the late night premises close and there is a good chance of trouble on the streets resulting from takeaway queues and taxi queues. However, in our town at 2.45am up to a dozen Police on Wellington Street get into their vans and go home to bed leaving little or no policing in the town (please see Appendix 1).

27. Only a few weeks ago around about 03:10 in the morning, two girls started arguing and pushing each other. A man tried to intervene and was assaulted then the problem escalated with over a dozen people involved. All venues on the street acted responsibly and closed their doors to further admissions. One or two Licensees rang the Police to inform them of the problem and when they eventually arrived they had to quell the problem with dogs and pepper spray. This problem could have easily have been prevented if there had been proper policing in force at 03:10, just one Police Officer to part the two girls in the first place would have been sufficient but they had all gone to bed. Confidence in the police at the moment is at an all-time low!

28. On 10<sup>th</sup> October I attended a meeting at the Police Station together with the Pubwatch Chairman, various representatives from Police and people from different licensing bodies. The Chief Inspector once again went through his budgets and overtime payments and came up with a proposal of shutting all late night premises at 3am. I stated that this would be acceptable if the likes of Sheffield, Doncaster, Wakefield and Leeds did the same as if they did not, Barnsley would be a ghost town as people would migrate to those other towns and cities for their late night entertainment and also why should Barnsley be put behind these towns and cities. Barnsley is as good as if not better than most. The MOOD changed



considerably and the Chief Inspector said that I "having the most Premises Licences held the key to his proposals and stated that he would have to start taking a big stick to me". I was taken aback with this statement and looked around the table and most people were embarrassed by his comments and were just sat there staring down looking at the table. After the meeting finished away from the table I went to the Chief Inspector to clarify my point of view. The Chief Inspector said to me that Wellington Street was a "shit hole", again, I was dismayed by his comments and thought the better of trying to alter his opinion and left it at that. Indeed this year like previous years, Council employees had their Christmas party at Rio's on Wellington Street after visiting other establishments on that very same street. I am sure this would not be so if they thought it was a "shit hole".

29. A few days later after getting thoughts together I rang Debbie Rimington who works in the Licensing Department, she had attended the meeting. I asked her if prior to the meeting the Chief Inspector had informed the Licensing Authority or at the very least the Chairman of the Licensing Sub-Committee of his proposal to shut Barnsley down at 3am. Ms Rimington said that to her knowledge he had not. Surely a proposal of this magnitude is not the decision alone of the Chief Inspector but for Barnsley Council itself. I do have however sympathy with the Chief Inspector as I believe that he is hamstrung in policing the town centre efficiently due to all the Government cuts in budgets but he has got it wrong in his opinion of Wellington Street. It is a place where people of all ages go to enjoy a great night out in Barnsley. The night time economy is not just about giving people a good night out but is also responsible for creating a significant number of jobs especially jobs for students who without those jobs could not afford to go to university or college. I employ 190 people in the licensing industry with over 130 employed in Barnsley alone. Can you imagine the reaction from my staff especially the students if I had to tell them they were having to have shorter hours and less pay because the police cannot cope.

30. "In addition, (the Chief Inspector states) Digital has an impact on resources that the city provides within the night time policing with it currently holding a licence until 04:00 and the majority of incidents occurring after 01:00. I am convinced that Digital has a negative impact on the community around it and wider and I foresee further problems within the town centre should this licence not be reviewed by the City Licensing Board". The Inspector errs in several major ways in that paragraph. Barnsley is a town in South Yorkshire and has never to my knowledge been a city, further, City Licensing Boards are a product of the Licensing Act (Scotland) 2005. The licensing authority in Barnsley has a Licensing Sub-Committee. I have to wonder whether the Chief Inspector knows our town or the late night

economy at all. Has the Chief Inspector copied the statement from another statement in Sheffield where he came from or does he not know if he works in a town or a city. South Yorkshire Police have been found to have altered or copied statements made during both the miners' strike and the Hillsborough football disaster and there is an ongoing enquiry about this.

31. I would like to reflect on the statement that has been made by Sergeant Andrew Norton. I note firstly that he led a raid on the Digital premises on the 12<sup>th</sup> December 2014. The word raid was his and a dog associated with the Police apparently identified Mr Donoghue as someone who was either involved in drugs or was carrying drugs. The Sergeant claims that he received intelligence stating that Mr Donoghue had been seen snorting a material in a bar in Barnsley. For the Licensing Sub Committee and also for Sgt Andrew Norton it is no secret that Mr Donoghue is awaiting a transplant of a kidney. Mr Donoghue suffers from end stage kidney failure/end stage renal failure and is currently on Hemodialysis three times a week. The snorting or taking of any drug apart from those prescribed for his condition is therefore denied in the strongest possible terms and the making of such a statement which is now in the public domain amounts to a slander on Mr Donoghue. Andrew Norton has never bothered to check Mr Donoghue's situation but has been seen to smirk during the raid when the dog identified Mr Donoghue as a potential person who was involved in drugs. He should be aware that sniffer dogs get it wrong on 4 out of 5 occasions in respect of identification of those allegedly involved in drugs (see Appendix 2).
32. I was informed that the alleged anonymous information related to Rio's nightclub and when I followed the comments up with security personnel who were on the scene at the time that the allegations were made, the security personnel confirmed that they had not seen Darren snorting anything and that the actual information stated that someone was acting "dodgy" in the toilets. When the security at the premises followed up they found no evidence of drug taking. As Mr Donoghue cannot even eat bananas because of his condition the alleged misuse of drugs would kill him.
33. Mr Donoghue will go through the points that have been made by the Sgt in detail however, he identifies two incidents (11 and 12) which took place on the same evening allegedly, I have to wonder whether the same point system is adopted for the Metrodome when it is running boxing events. Incidents which took place at a boxing match earlier in the year when assaults and bottle throwing resulted in one man receiving a fractured skull must have provided the Police with sufficient points to Review the Premises Licence three times



over. The incidents can certainly not be identified as being a one off as similar incidents took place several weeks later (see Appendix 3) and premises had to be shut down early.

34. Number 13, 20 and 21 refer to people seen leaving the venue with bottles and glass, the venue only uses polycarbonate plastic glasses and the police are aware of this but I suppose glasses sounds better than plastic to put things in a bad light. Yet, recently a woman Police Officer came to the door of Digital with three empty bottles and told Mr Donoghue that they were from his premises. Mr Donoghue quickly replied that they were not as they were Stella cidre bottles and that Digital does not sell that product. Mr Donoghue did however put the bottles in the bottle bin for the WPC. It appears that anyone seen with a bottle on Wellington Street must have originated at some point in Digital or that is the way the Police Officers believe.
35. The Sergeant states that one night he was on a plain-clothes operation in Digital. This is difficult to believe as everyone knows the Sergeant and it would be impossible for him to enter the premises without being recognised. However, he identifies that he saw four or more males go into a toilet cubicle in the gent's toilets. I would suggest that four or more males can't fit in a toilet cubicle in Digital and I have a photograph to prove it (Appendix 4). Whilst he uses the observation to allege that the security staff are not interested in catching or controlling people who may be taking drugs, he uses the fact that "M CAT" was found on a person and as a result the Police were alerted and the seizure used as a further incident against the premises. If he was aware of persons responsible for drug misuse I wonder why at the very least he did not alert the security staff or take appropriate steps to have the males arrested. He further goes on to state at number 24 that he received anonymous information that a security guard was dealing drugs. If that statement is true why hasn't the security guard been arrested.
36. Digital has an enviable record in respect of fake IDs that have been removed from persons attempting entry and have been advised by the Police Licensing Officer that we are the best operator in the town for recognising and removing fake IDs. However, the Sergeant indicates that there are issues with the security company and security operatives that are responsible for the security management of the Digital premises, I can confirm that the same door firm is used by the Council and that a meeting that was arranged between the Police and the security firm confirms that there were no problems with the company.



37. The police are making too many mistakes in their reports without properly looking into anonymous information they say they received. I firmly believe that because I would not agree to closing my premises at 3am the Chief Inspector is now trying to close the premises by stealth. The report from Mr Paul Denton, Senior Pollution Officer from Barnsley Town Council states in his last sentence "I was satisfied by the response that I have received from the management of Digital and they showed me that they were willing to take matters on board and put matters in place to rectify them.
38. It is great to see that the Pollution Control Department has sufficient confidence and belief in the premises and the Premises Licence Holder that such a statement should be made. If only the police had the confidence to work with the Licensees in Barnsley I am sure that they would discover how easy partnership working actually is.

### Proof of Evidence – Mr Darren Donoghue

- 1.1 My name is Darren Donoghue. I am over the age of 18 years of age. I live at 9 Blenheim Road, Barnsley.
  
- 2.1 I have worked in the licence industry for a number of years starting behind the bar and later as a bar supervisor at Retro. I currently own my own company which runs Digital. Digital employs 14 people and is predominately a night time economy premises. The capacity of the premises is identified as the 300 persons based upon the fire risk assessment and assistance from the Fire Safety Officer at Barnsley.
  
- 3.1 During the last 8 years I have worked in the industry the clientele of the Retro (now Digital) has changed. Originally the premises attracted an older age group 25-50 but now attracts a younger age group.
  
- 4.1 When I started Retro (now Digital) used to open at 8pm and it was finished by 01:30am. Now the staff do not generally clock on before 11:30pm-Midnight and we close at 04:00am. The premises attract a mixed crowd which generally know Digital to be a safe place to enjoy a good evening.
  
- 5.1 Approximately 30 months ago the premises were renovated and we removed the carpet which had existed in the premises, this exposed a wooden floor. We determined at that time that we would change from glass to polycarbonate as with a wooden floor glasses that are dropped are easily broken. As a general comment, in the Review papers the Police claimed that people were seen to be leaving the premises with glasses but this could not be the case since there is no glass in the Digital premises as everything is polycarbonate. If people are seen to be leaving the premises with a bottle the bottle is removed prior to them being allowed to proceed onto Wellington Street.
  
- 6.1 Initially Retro operated with two door staff for the 300, however at the request of the Police we increased the door staff to five at weekends with two on the door and the rest of the door supervisors working inside and ensuring that there are no issues either on the ground floor or on the first floor where the toilets are situated.
  
- 7.1 I can honestly say over the eight years that I have worked at the premises there has been very little change in respect of the crime and disorder even though the demographic has

changed significantly. Sergeant Barker and Sergeant Steve Thomas the Police Licensing Officers understood the problems associated with the night time economy and also the late night time economy has since changed. When I look back a large proportion of my time working at the premises there was never any Police presence. This however, changed about two years ago and there is now more Police around than ever before. They worked with premises in partnership to ensure that if there were issues they could be resolved immediately. When those Police officers moved on new Police officers came in, however, they did not have any experience of licensing and learned as they went along. As a result there is no partnership working, no constructive dialogue. Even at Pubwatch the Police talk down to licensees who have operated premises for many years satisfactorily. I have to wonder what has changed as the Police see the Pubwatch meeting as a forum for telling everybody how bad they are.

8.1 I would like to go through the individual incidents that are identified in Sergeant Andrew Norton's statement. However before I do I would like to recount an incident that took place on the 12<sup>th</sup> December before the premises opened. The premises were ready for operation on the Friday evening however we didn't have any customers. Customers do not generally come into the premises until approximately 11:30-12:00 having been to other premises prior. The Police came through the front door with a dog and Sergeant Andrew Norton identified the presence of the Police as a "raid". No attempt was made to view any licensing documentation however, the dog when prompted came and sniffed and made a fuss of me. I was not aware what this meant however Sergeant Andrew Norton sneered at this point and I was led outside of the premises where I was searched for drugs. No drugs were found and my name and address and other details were recorded by the Police officers.

9.1 I am currently undergoing dialysis three times a week awaiting a new kidney. I do not and never have taken or been involved with drugs. I am responsible for taking drugs that are removed from customers on search at the premises and placing them in the drug safe. I am also responsible for ensuring that the Police are given the drugs following confiscation from the potential customers. I am unsure whether the dog identified that I had been involved with or was carrying drugs. My health currently is regulated by haemodialysis three times a week and the taking of any drugs would probably kill me. I have a very strict diet and I am on medication appropriate to patients who have chronic renal failure. I am extremely upset by the comments that have been made by Sergeant Norton regarding me being seen snorting something in the toilets of a licensed premises within the town centre



(number 15 of his incident sheet) There clearly has been no investigations into the appropriateness or validity of the information that he received anonymously. He has never spoken to me about drugs or about my personal health. The information contained in the statement is extremely detrimental to my reputation within the licensed industry in Barnsley and I take it as a slander personally.

10. Review of incidents reported by Sgt. Norton:

10.1 Two gay lads were in the premises and whether something was said or not we are not aware however, one of the lads was approached and was then punched as a result of comments that were made during the altercation.

We have not been aware of the attack. No CCTV was requested by the Police. No report was made to the door team and the Police advised us of the incident that took place on the following Wednesday after the event on Saturday/Sunday morning. The incident was identified as a homophobic attack and whilst not wishing to make any excuses for the assault that took place it is well known that the alleged victim flaunts his sexuality and wants attention. There was never any follow up by the Police in respect of the alleged assault and one has to wonder why in the circumstances no corroboration was requested by the Police.

10.2 As late night economy premises we are encouraged to search customers prior to entry to the premises and drugs found are to be confiscated. The drugs are then put in a safe and provided to the police. It is our policy that customers who have had drugs confiscated are not allowed entry to the premises. As the list of Sgt Norton has provided confirms his statement that "a disproportionate amount of police time and resources have been focused upon the following licensed premises". Why is number (2) included in the list at all as it demonstrates that the security staff are working or attempting to work in partnership with the police in removing drugs that are found on customers who wish to use the premises.

10.3 There is absolutely no evidence that a 17 year old intoxicated or otherwise had ever been in the premises. It stands to reason that if she has been drinking in a premises she will not identify the premises that she was in as she is probably aware that she can go back and drink again in that premises. The police did not request any CCTV to confirm or otherwise that the female had been in the premises.

- 10.4 If this incident did occur the police did not request CCTV which would have confirmed one way or another the allegations that had been made. There is no actual evidence that the incident ever took place.
- 10.5 The suspect in the assault was apprehended by the door staff (another clear example of the door staff doing their job that they are required to do) and was then handed to the police for them to deal with the issue.
- 10.6 A male was asked to leave the premises after refusing to pay for drinks that he had ordered at the bar; the evening was known as mad Friday, the last Friday before Christmas. As the gentleman in question started to lash out at both staff and doorman, the doorman took the necessary action and restrained the person prior to him being handed over to the police. There is absolutely no evidence that security staff at the door were going to punch the male, they merely restrained him until such time as the police took over. No CCTV was requested which would have identified the issues relating to the non-payment and the conduct of the male prior to him being restrained.
- 10.7 The alleged incident could not have taken place in respect of a glass as there is no glass in the Digital premises. The victim did not know what had hit him and nothing was reported either to the premises staff or to the security team. The Police Licensing Officer may have reported this to staff after the event however, there was no request for CCTV and there was certainly no report made on the night in respect of the incident.
- 10.8 An investigation which took place with the door staff identified that the 14 year old person had never been in Digital and was talking to an off duty security guard from another venue around the back of the Digital premises. There is no access and there would be no access from the outside even for a security guard at the rear fire exit as it does not have a handle which would enable the door to be opened. The premises however, are more vigilant than ever and there has never been a failed test purchase demonstrating that the premises staff and the door team is doing its job.

- 10.9 I am struggling to understand why this is included in the list of alleged incidents which took place at the premises.
- 10.10 Did the incident take place either at or inside the Digital premises. Nothing has been reported to the premises and no CCTV was requested. We do not have a crime report or incident from the police and cannot comment further.
- 10.11 There was nothing identified at the time of the incident and we were not aware of the incident until the police advised later on. I wonder whether this could be the report that is in the paper (Appendix 5) and still await a crime report or incident report from the police in respect of this incident.
- 10.12 This was a section 18 wounding. As soon as the staff were made aware of the incident, the music was stopped the lights were turned up and the premises were totally evacuated. The CID branch came and CCTV was provided immediately to them. A statement was given to CID and they later thanked the premises and staff for the way in which the incident had been dealt with. The wounding took place as a result of one punch. Only the police can say whether the victim was carrying fake ID and we have no report in respect of the ID that was found on the victim. We are however, aware the charges were dropped against the perpetrator with no further action notwithstanding the CCTV being available to the police.
- 10.13 Police identify that the alleged victim was hit with a glass. However, there is no glass in the venue. No report to the premises operators in respect of any incident was made by the Police or alleged victim.
- 10.14 A thorough investigation of all the door team that were on the premises on the alleged evening of the assault identify that no one reported an assault to the police. Where and how was this information provided to the police as there is no record of any member of security being assaulted?
- 10.15 This is a significant slur on the integrity of me which I consider to be slanderous. I am on dialysis three times a week for end stage kidney failure; I have to wonder why the police would make a reference to such anonymous information without any contact with the alleged perpetrator. The investigation by the Premises Licence Holder has confirmed that there was no issue with any snorting of any substance in the premises which were Ric's. The doorman reported someone confirming that



there was some "dodgy" activity going on in the toilets however, when searched nothing was found.

- 10.16 There has been no report to the premises, no request for CCTV. When did this incident take place and can the police effect an investigation without CCTV to corroborate such an assault.
- 10.17 How were the police made aware of this alleged incident and why is it logged as an incident against the premises; the victim could remember nothing about the incident which could have occurred anywhere.
- 10.18 20, 21 and 22. There is no glass in the Digital establishment and bottles that were retrieved by Police Officers and brought back to the premises are not products that are sold by Digital. The bottles brought back to the premises by the WPC were Stella cidre which is not sold by the premises and could not have originated in the premises.
- 10.19 The alleged incident related to two females and a male who went into the premises. One of the girls is alleged to have asked the other girl whether "they were going to have a threesome". The girl who had been asked the question took exception to the comment and pulled the questioner's hair. The Police Constable who related this occurrence was laughing as she recounted the tale to the operators of the premises. Whilst there was no report to the premises either by the alleged victim or the Police until well after the incident is alleged to have occurred the police confirm that three points would be added to the premises taking it back into the red zone in terms of the traffic light system that is operated by the police in Barnsley.
- 10.23 I find it highly unlikely that Andrew Norton could have been working in a plain clothes operation in the town centre as he is well known to everyone. He would certainly have been identified as soon as he entered the premises. His claim that he observed evidence of drug misuse in the male toilets is not credible as four males could not be accommodated in a cubicle at the same time in the gents' toilets. He also suggests that there were "groups" of four or more males which suggests that there was a significant number of males who were involved in this particular incidents of drug misuse. The plain clothes Police Officer did not consider the occurrence sufficiently important to make the security staff aware of what had been seen. He goes on to say that there is no evidence of any toilet checks being carried out but also advises that the premises was relatively empty. The time of the

.....

alleged occurrence would suggest that the premises had yet to become busy when toilet checks would have been automatic.

10.24 Anonymous information from whom and whether any checks were made. Door teams that are employed Digital do not deal drugs at the back door of the premises.

10.25 CCTV has been requested for this incident and relates to what would appear to be a difference of opinion between two Somalis and a third white male. We are aware that the white male leaves the building via the fire door at the rear and after a period of 3 to 4 minutes walks back into the premises through the front door. The person who re-enters walks up to one of the Somalis and assaults him before leaving the premises again. Door staff were immediately alerted who picked the victim up and carried him outside. The incident was not very nice; I called the police and ambulance and administered CPR. CCTV was provided to the Police regarding the incident and assistance provided in respect of identifying and apprehending the perpetrator. The Police requested assistance via an article in the Chronicle (a Barnsley paper) regarding the apprehension of the suspect in the assault and the night that the paper was published I spotted the same man on Wellington Street and called the police to inform them that their suspect was on Wellington Street. I was advised by the police that the issue had been resolved and that there was no need to send officers around to apprehend the suspect. I advised the police that that was not the case and that the local paper had confirmed that they were still looking for the suspect however, it was quite evident that the police were not interested and I ended the call. Sometime later in the evening I spotted a Police Officer and confirmed to him the information that I had provided to the police earlier on. The Police Officer said that he didn't know anything about it and it had nothing to do with him as he walked away. I then went into the town to see whether I could find a Police Officer who would be interested in the issue of the suspect and found an Inspector who was sitting in a police van. I recounted the tale to the Inspector and as a result we did a walk around of the licensed premises in the town centre and the suspect was identified in Shakespeare's public house. In the early hours of November 9<sup>th</sup> the door supervisor from Rio's night club (opposite Digital) shouted across to me, when I went across to talk to him he informed me that he suspected that the male responsible for the assault on the Somali gentleman may be in Rio's. I took a walk around the club and confirmed that the male who assaulted the Somali gentleman in Digital was present. The door supervisor went to get other members of the security team to eject the male. I went



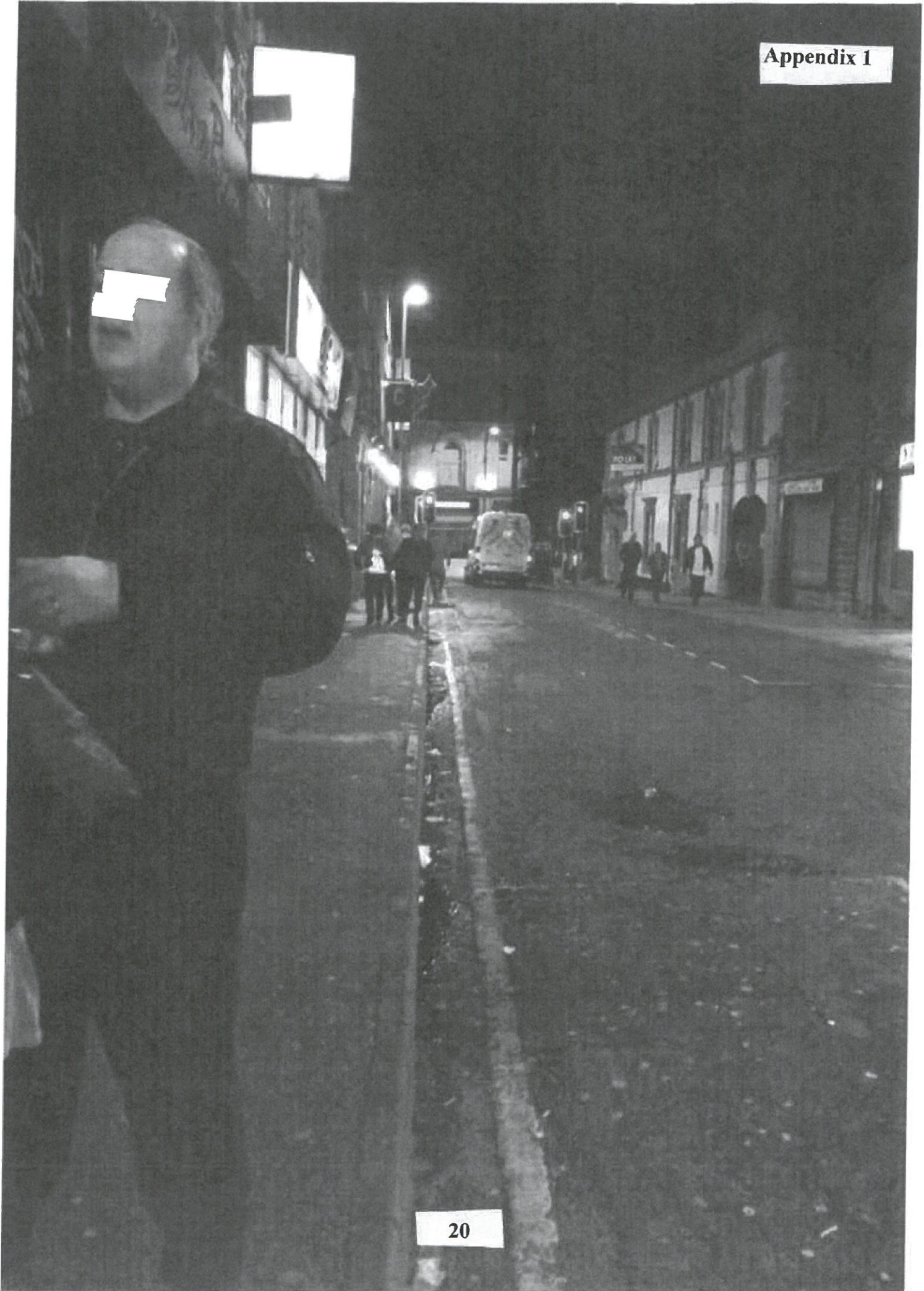
outside the premises to inform the Police that the male was being ejected and that he was responsible for the incident in Digital two weeks previously. I was shocked that the male was in town as I believed that he had been arrested two weeks previously when I had identified him to the Police. The Police took the person from the door supervisors and after searching him, took him away in a riot van. Unbelievably, the same youth appeared approximately 2 hours later (approximately 3am) in the street shouting at the door team of both venues. The Police of course by this time had left and we had to put up with the unnecessary ranting of the youth. Approximately two weeks after my second attempt at having the youth arrested and off the streets, I received a call from a CID Officer who I had previously assisted with the CCTV of the original assault. She requested that I provide her with a statement and after reminding her that I had previously provided a statement about the assault she confirmed that the nature of the further statement was to explain the unfortunate way in which the Police had handled the efforts that I had made and the information I had provided to the Police regarding the two times I had tried to get the male apprehended. Again, I found this to be a strange request, but confirmed I would be willing to provide a statement. Unfortunately because of my health I was unable to attend the arranged meeting and let her know; I have not heard from her since.

Police activity outside the premises has increased significantly of late with both cars and vans parked outside and Police officers standing outside the premises as if expecting to be involved in crime and disorder imminently. The presence of the police in such a threatening manner is not constructive and sends the wrong message to customers who wish to enjoy an evening at Digital. I firmly believe that the reason for the ramped up presence of the police is due to Mr Barrie Smith's comments made to Chief Inspector Hodgkinson regarding the 3am closure. It appears that the Police almost wish for something to occur to justify the stance that has been taken by Chief Inspector Hodgkinson in respect of the opening times of premises in Barnsley.



### Proof of Evidence of Darryl Mitchell

1. My name is Darryl Mitchell. I have worked in the licence industry for 24 years obtaining my first Justices' licence in 1998. Since 1995 I have worked in the Sports Bar which became Retro and then Digital and I became the DPS for the premises in 2005.
2. I have always enjoyed a good working relationship with the Police and have looked to their assistance and guidance in respect of the operation of late night premises.
3. Relationships with the Police I believe have deteriorated since the current Licensing Officer took over and Detective Chief Inspector Hodgson arrived. We are continually told at Pubwatch meetings how bad we are and how we are required to clean up our act because we are in the red zone in the traffic light system. The previous Licensing Officers have worked with the licensees in Barnsley and we all worked together to ensure that Barnsley was a safe and welcoming place to the late night economy.
4. I have always attempted to work with the Police and take note of their comments and recommendations. This is self-evident by the changes that have been made following consultation with the Police specifically in respect of the action plan that was instituted by the Police on the 13<sup>th</sup> January 2014.
5. At Christmas 2013 I issued four Temporary Event Notices until 06:00. These were not objected to by the Police. There were no issues and the premises operated normally.
6. We have a fantastic team working at Digital who have all contributed to making a success of the venture.
7. We demonstrate again and again our partnership working with the police who appear indifferent to efforts we make (Appendix 9, 10 and 11).
8. We run a tight ship and are all aware of our responsibilities to promote and uphold the licensing objectives.
9. Complaints from some people are purely as a result of them not being allowed entry to the premises, they know if they make allegations the police add a point to our premises which makes it more difficult for me to operate.



# Sniffer dogs get it wrong four out of five times

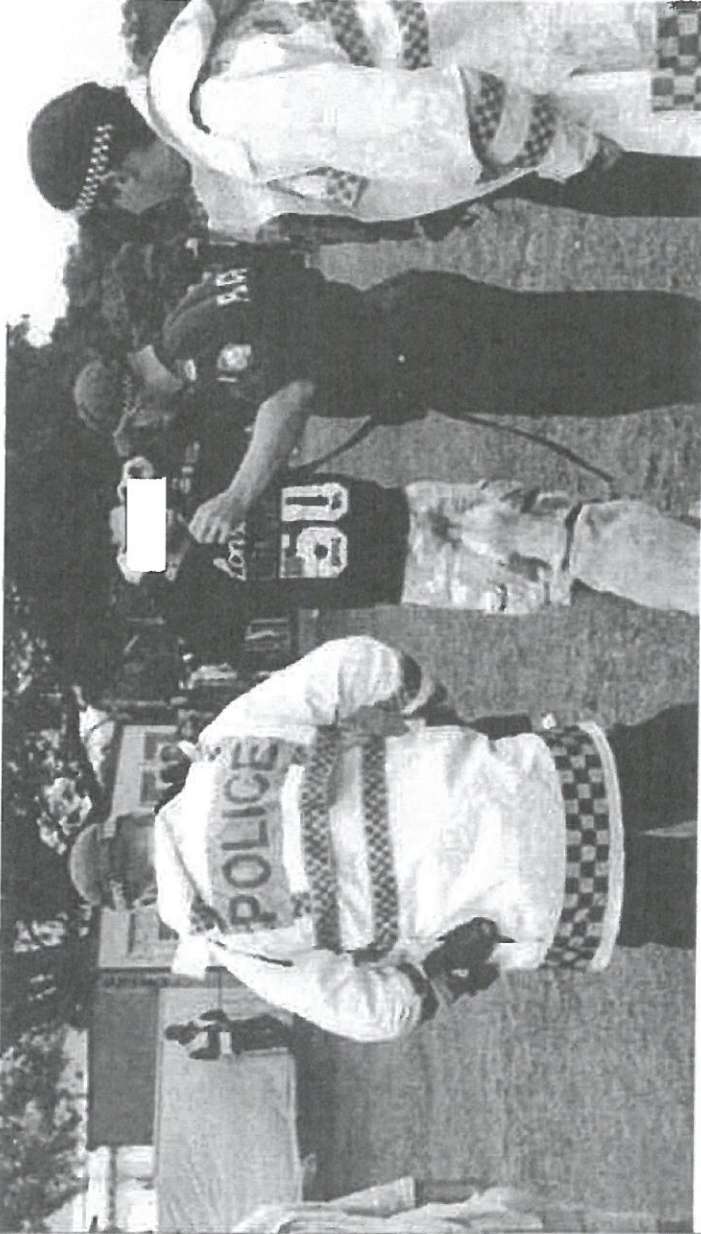
December 12, 2011

Anna Patty

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Police say "accurate" ... a sniffer dog at a festival. Photo: Dean Sewell

**A RECORD 80 per cent of sniffer dog searches for drugs resulted in "false positives" this year, figures show.**

The figures obtained from the state government in response to parliamentary questions on notice show 14,102 searches were conducted after a dog sat next to a person, indicating they might be carrying drugs. But, in 11,248 cases, no drugs were found.

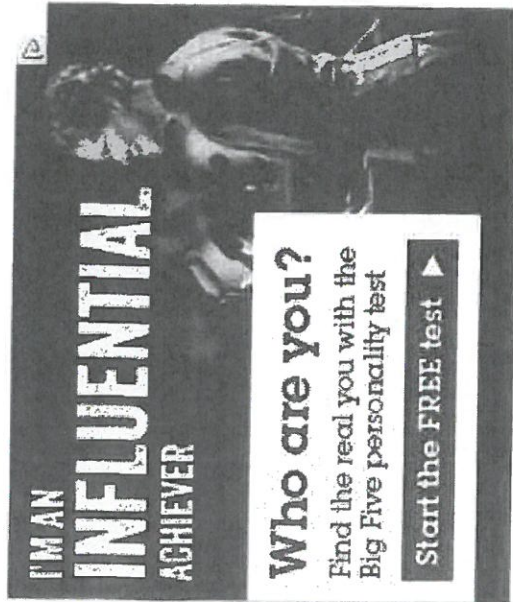
Only 2854 searches - 20 per cent - in the first nine months of this year, resulted in drugs being found, the figures show.

Last year, of the 15,779 searches conducted after police-dog identification, no drugs were found in 11,694 cases. Drugs were found in 4085 cases, resulting in a "false positive" rate of 74 per cent, said the Greens MP David Shoebridge, who obtained the figures.

Advertisement

Matthew Pels, 22, of Erskineville, a hospitality student, said he was one of the thousands searched in a public place and found not to be carrying drugs.

Mr Pels said a police dog sat next to him at Redfern station before he underwent a search about six months ago. When his pockets were emptied, a packet of dog treats was found.



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"The whole thing was unnecessary," he said. "I think it was a violation of my privacy."

Mr Shoebridge said the figures showed thousands of innocent people were being "ritually humiliated" publicly.

"No test which has an 80 per cent error rate could be considered a reasonable basis on which to conduct an intrusive public search of a citizen going about their daily business," Mr Shoebridge said.

"Now that we know the error rate is so high, the program needs to be halted. Because of where they operate, police sniffer dogs tend to target young people and Aborigines. If this was happening in the car parks of merchant banks, there would be outrage."

The secretary for the NSW Council for Civil Liberties, Stephen Blanks, argued the use of sniffer dogs infringing people's freedoms and could only be justified if it resulted in a high rate of detections.

But police strongly defend the use of the dogs, saying they are reliable and can detect remaining traces of drugs on people, even after they have been disposed of.

Inspector Chris Condon of the NSW Police dog unit said the detection dogs were extremely accurate, adding that more than "80 per cent of indications by the dogs result in either drugs being located or the person admitting recent contact with illegal drugs.

"Any suggestion otherwise is incorrect," Inspector Condon said. "Drug-detection dogs are an important facet of the overall harm-minimisation strategy of the NSW Police Force. Drug-detection dogs are an extremely effective deterrent to persons transporting drugs for the purpose of supply."

The NSW Police Association supports the dogs' use. Its president, Scott Weber, has said they have been valuable deterrents at events such as The Big Day Out.

A spokesman for the NSW Police Minister, Mike Gallacher, said the government fully supported the use of dogs because police had found them effective.

Don Weatherburn, the director of the NSW Bureau of Crime Statistics and Research, has said the high number of searches relative to detections is not an indication of failure. "The question is how many people would carry drugs if not for sniffer dogs," Dr Weatherburn said.

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## Recommended

'Now everyone knows': Hacked Sony emails give

## From Around the Web

Celebrities Showing More Than Their Perfect







8 - Barnsley Chronicle, Friday, December 5, 2014  
More details call 01783075125.

## Crowd trouble at Metrodome boxing

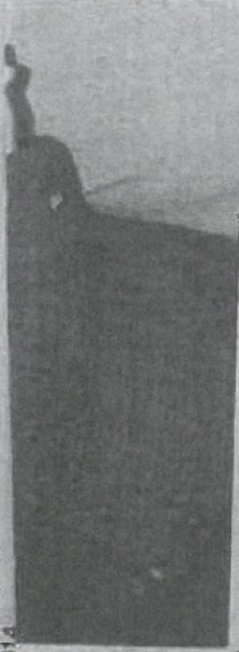
A BOXING show at the Metrodome was halted because of crowd trouble. Aaron Kirkwood, marketing manager for Barnsley Premier Leisure which runs the venue, said four customers were asked to leave the event on Sunday and management and promoters agreed to end the show early. He added: "The Metrodome hosts many boxing nights and we always ensure that the safety and security of our customers is paramount." The police were notified of the incident by security staff, but no arrests have been made.

## Parkway closed after

...nearly £14 every  
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**CLOSE SHAVE:** Grey Horse landlord Craig Lomas, see Lee Burrows (Hair Revolution) watched by pub reg

# Idea to in

By Mike Cotton

A CHARTER ...  
(seven to 11-year-olds)



colleague Steve Land.

# Drinking led to fight with ex

By Ian Thompson

A MAN who gave his ex-girlfriend a bearhug and then spat at her has been given a 24 week jail sentence, suspended for a year.

James Michael Nathan Roberts, 23, got hold of Courtney Holmes around her neck and stomach and squeezed, Julie Grant, prosecuting, told Barnsley Magistrates' Court.

Mrs Grant said Roberts was trying to get a mobile phone off Miss Roberts in a Wellington Street bar just after midnight.

Sean Fritchley, defending, described what happened as 'unpleasant'. He said Roberts had dealt with the break-up with Miss Holmes badly.

Mr Fritchley added: "He lacked emotional maturity. He could have committed outright violence on Miss Holmes, but he did not."

"He said sorry to Miss Holmes when he saw her in passing."

"If he had not been drinking, the incident would not have happened. He has now admitted he has a drink problem."

District Judge John Foster said he was astonished it had taken so long for it to dawn on Roberts that he drank too much.

Mr Foster also gave Roberts, of Doncaster Road, Barnsley, an ear-bashing for denying he was responsible for the attack and changing his plea at the last minute.

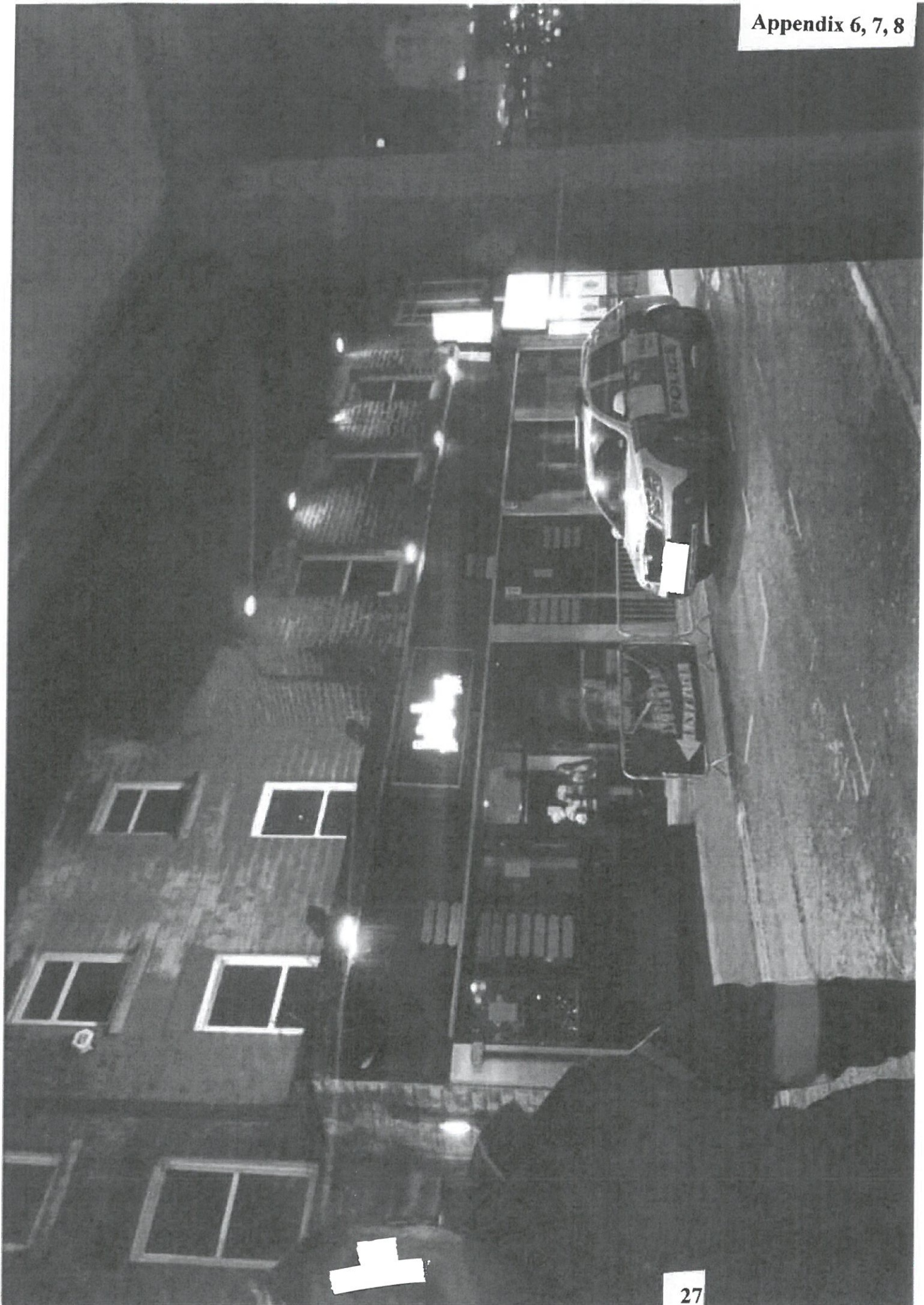
Roberts, who admitted assault, was ordered to undergo six months of alcohol treatment and pay Miss Holmes £200 in compensation.

He was also given a 20 week curfew, ordered to pay £100 in costs and an £80-victim surcharge.

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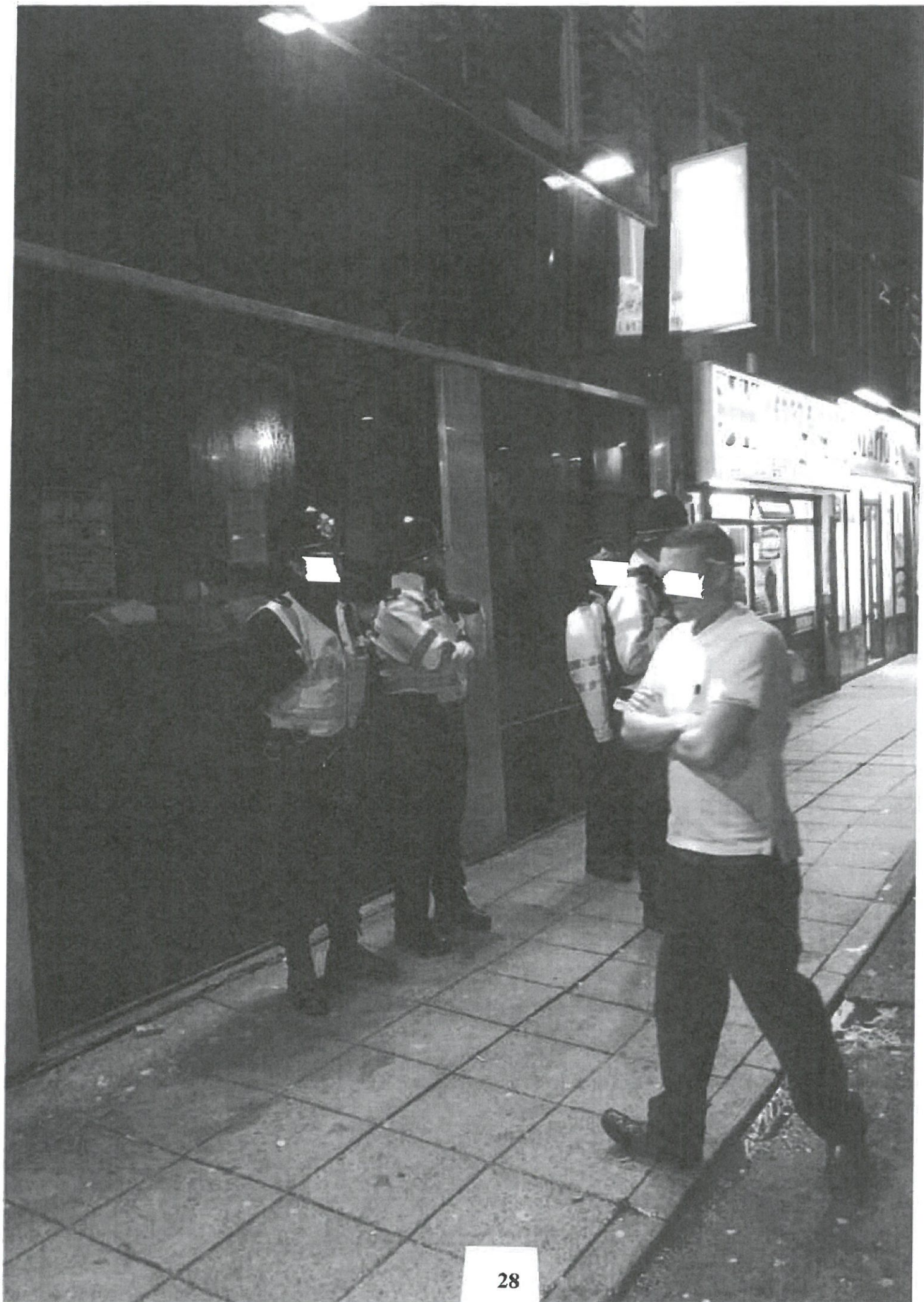






[Redacted]











1. [REDACTED]  
 2. [REDACTED]  
 3. 29-01-1995 ENGLAND  
 4. 20-07-2011 to 19-07-2021 in DVLA  
 5. 23-09-2012-01-04 02  
 6. [REDACTED]  
 7. [REDACTED]  
 8. 23 HERLAND AVENUE, GUDMOUTH, BARNLEY, WYKES  
 9. [REDACTED]  
 10. [REDACTED]

1. [REDACTED]  
 2. [REDACTED]  
 3. 29-01-96 UNITED KINGDOM  
 4. 12-05-08 to 17-09-17 in DVLA  
 5. 24-09-2008-01-05 34  
 6. [REDACTED]  
 7. [REDACTED]  
 8. 23 DONCASTER ROAD, STARBUCK, BARNLEY, WYKES  
 9. [REDACTED]  
 10. [REDACTED]

**PROVISIONAL DRIVING LICENCE**  
 1. [REDACTED]  
 2. [REDACTED]  
 3. 04-10-91 ENGLAND  
 4. 26-10-10 to 24-10-10 in DVLA  
 5. 01-07-2012-01-02 02  
 6. [REDACTED]  
 7. [REDACTED]  
 8. 26 OLDFIELD ROAD, ATHWOLEY, BARNLEY, WYKES  
 9. [REDACTED]  
 10. [REDACTED]

**PROVISIONAL DRIVING LICENCE**  
 1. [REDACTED]  
 2. [REDACTED]  
 3. 05-01-88 UNITED KINGDOM  
 4. 09-10-11 to 02-10-21 in DVLA  
 5. 14-07-2012-01-04 33  
 6. [REDACTED]  
 7. [REDACTED]  
 8. 27 HOLT STREET, WOODS, WYKES  
 9. [REDACTED]  
 10. [REDACTED]

**PROVISIONAL DRIVING LICENCE**  
 1. [REDACTED]  
 2. [REDACTED]  
 3. 27-05-81 UNITED KINGDOM  
 4. 25-07-12 to 24-09-20 in DVLA  
 5. 04-07-2012-01-04 34  
 6. [REDACTED]  
 7. [REDACTED]  
 8. 1 LANGFORD CLOSE, BOOTHAM, BARNLEY, WYKES  
 9. [REDACTED]  
 10. [REDACTED]

**PROVISIONAL DRIVING LICENCE**  
 1. [REDACTED]  
 2. [REDACTED]  
 3. 24-12-1985 UNITED KINGDOM  
 4. 28-08-2013 to 19-04-2023 in DVLA  
 5. 00-08-2012-01-04 42  
 6. [REDACTED]  
 7. [REDACTED]  
 8. 24 LINDA DRIVE, WOODFIELD, WYKES  
 9. [REDACTED]  
 10. [REDACTED]

**DRIVING LICENCE**  
 1. [REDACTED]  
 2. [REDACTED]  
 3. 08-01-81 UNITED KINGDOM  
 4. 28-05-05 to 20-09-20 in DVLA  
 5. 20-09-2012-01-04 02  
 6. [REDACTED]  
 7. [REDACTED]  
 8. 24 ADDED ROAD, WOODFIELD, WYKES  
 9. [REDACTED]  
 10. [REDACTED]

**DRIVING LICENCE**  
 1. [REDACTED]  
 2. [REDACTED]  
 3. 05-08-91 ENGLAND  
 4. 05-04-12 to 21-07-21 in DVLA  
 5. 12-09-2012-01-04 02  
 6. 26 WINDFORD ROAD, GUDMOUTH, BARNLEY, WYKES  
 7. [REDACTED]  
 8. [REDACTED]  
 9. [REDACTED]  
 10. [REDACTED]

**PROVISIONAL DRIVING LICENCE**  
 1. [REDACTED]  
 2. [REDACTED]  
 3. 02-05-1986 UNITED KINGDOM  
 4. 25-11-2011 to 23-11-2011 in DVLA  
 5. 14-07-2012-01-04 02  
 6. [REDACTED]  
 7. [REDACTED]  
 8. [REDACTED]  
 9. [REDACTED]  
 10. [REDACTED]

**DRIVING LICENCE**  
 1. [REDACTED]  
 2. [REDACTED]  
 3. 01-07-1981 UNITED KINGDOM  
 4. 28-06-12 to 27-07-21 in DVLA  
 5. 00-07-2012-01-04 34  
 6. [REDACTED]  
 7. [REDACTED]  
 8. [REDACTED]  
 9. [REDACTED]  
 10. [REDACTED]





FAO Designated Premises  
Supervisor/Manager  
DIGITAL  
WELLINGTON STREET  
BARNSELY  
S70 1SS

Date: 10/06/2014

**RECENT TEST PURCHASE OPERATION  
DECLINED TO SELL ALCOHOL TO A PERSON UNDER THE AGE OF 18 YEARS**

Dear Sir/Madam,

On the 6 June 2014, a Police operation relating to the sale of intoxicants to under-aged persons took place in various districts of Barnsley. The above premises, of which you are the Designated Premises Supervisor (DPS) was one of those premises visited by an underage person, who attempted to make a purchase of alcohol from you or a member of your staff.

I am pleased to inform you that no such sale was made, and you or your staff at that time made a correct decision in identifying this person as being under age to purchase alcohol.

Please pass on our congratulations to the member of staff concerned and highlight this success to the rest of your staff members.

Sheffield Liquor Licensing Department record all known test purchase passes and fails, and firm action is taken against those premises which fail to come up to an acceptable standard.

Please continue to be vigilant and use the 'Challenge 21' initiative. If you or your staff have any doubt about the age of a young customer after challenging them, it would be wise to decline a sale.

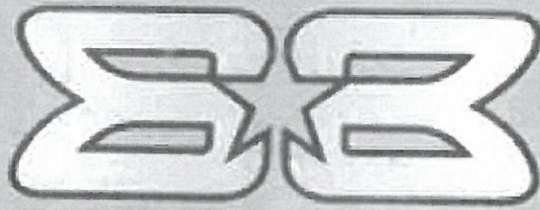
Once again, well done to you and your staff.

Regards

Linsay Fletcher

Police Liquor Licensing Dept.  
Attercliffe common  
Sheffield





**BARNSLEY**  
**BEST BAR NONE**  
2011 | 2012

Retro

Accredited Bar

Winner

Awarded Distinction

Barnsley



SOUTH YORKSHIRE  
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