

Licensing Sub-Committee

Monday, 16th January, 2012

PRESENT: Councillor J Dunn in the Chair

Councillors G Hussain and G Wilkinson

184 Election of the Chair

RESOLVED – Councillor J Dunn was elected Chair for the meeting.

185 Declarations of Interest

Councillor G Hussain declared a personal interest in view of his association with Mr Honor Rafik who was a tenant of one of his son's businesses. In addition to this declaration, he also made the meeting aware of his connections with Mr Mohammed Rafiq, Solicitor in a business capacity only (Agenda Item 6) (Minute 186 refers).

186 "Ibiza Bar" - Application to transfer a premises licence for Ibiza Bar, Unit 10 Shaftesbury Parade, Harehills Lane, Harehills, Leeds LS9 6TA

The Sub-Committee, having regard to the Licensing Act 2003, the Section 182 Guidance and the Authority's own Statement of Licensing Policy, considered an application to transfer a premises licence for Ibiza Bar, Unit 10 Shaftesbury Parade, Harehills Lane, Harehills, Leeds 9.

The Sub-Committee was required to consider the application due to the receipt of representations from West Yorkshire Police.

The following were present at the hearing:-

Mr A Amiri – the applicant

PC L Dobson – West Yorkshire Police

Inspector J Hawkes – West Yorkshire Police

The Sub-Committee heard representations from Mr Amiri who outlined the intended style of operation of the premises which would be run as a restaurant and bar. In his submission he confirmed that he had no business connection to Mr H Rafik and that he was not the 'front' man.

He informed the meeting that despite objections to this transfer from West Yorkshire Police, he had a clean record and would take measures to run the premises on a safe and secure basis with CCTV and employed security staff.

In summary, Members queried the following specific areas:-

- the previous allegations of licensable activities undertaken at the premises
- the measures in place to alleviate previous disturbances
- the activities to be undertaken at the premises
- whether any alcohol was located on the premises

- the background details behind the private parties held at the premises without a licence in November and December 2011 (New Year's Eve)

The Legal Adviser to the Sub-Committee sought further clarification from the applicant in relation to the sale and distribution of tickets for the above mentioned party on New Years Eve; contractual arrangements; insurance details and on the availability of a copy of a tenancy agreement between the landlord and Mr Amiri.

In his submission, Mr Amiri outlined the background details and informed the meeting that Mr H Rafik was not controlling the premises and that Mr Mohammed Rafiq, an employed Solicitor was now the new landlord.

PC Dobson and Inspector Hawkes then addressed the Sub-Committee highlighting the following areas:-

- the complexity of the application which had been subject to numerous applicants
- the concern that Mr H Rafik was a serial offender in the illegal distribution of cigarettes and alcohol and was a key holder and linked to the premises
- the fact that West Yorkshire Police had not given permission for a Temporary Event Notice for the private party on 31st December 2011 and that appropriate entertainment licences should have been obtained
- the confusion around the previous contractual agreement between Mr A Parsiani and Mr M Rafiq
- the concerns that Mr Amiri was not in control of the premises and that Mr H Rafik had free reign of the building and had held an event at the premise on 5th November 2011 against the instructions of Mr Amiri
- the concerns that a polish gentleman was sleeping rough at the premises arising from a police visit on 18th October 2011

Members and the Legal Adviser to the Sub-Committee then queried the employment history of Mr Amiri with particular reference to his previous involvement in operating and managing licensing premises, both abroad and in this country.

The Sub-Committee carefully considered the report and listened to the verbal representations of West Yorkshire Police. Members had been keen for the applicant to demonstrate that he maintained full control of the premises. However they maintained serious concerns about the application and the applications made by the applicant.

In reaching their decision, Members considered that this premise in this location required a strong and clear management and felt that this was not the case in this instance.

The Sub-Committee preferred the evidence of West Yorkshire Police and noted the contents of their report of events on 5th November 2011 and 31st December 2011 and of the fact that West Yorkshire Police had not given permission for a Temporary Event Notice and would not in any case for a private party.

In conclusion they were also of the opinion that the applicant was not conversant with the objectives of the Licensing Act 2003.

RESOLVED – That the application be refused.

187 "Ibiza Bar" - Application to vary a premises licence held by Ibiza Bar, Unit 10 Shaftesbury Parade, Harehills Lane, Harehills Leeds LS9 6TA to specify an individual as Designated Premises Supervisor

(At the request of the applicant, Mr A Amiri, this item was withdrawn)

(The meeting concluded at 11.30am)