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**LICENSING SUB-COMMITTEE**

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**MEETING TO BE HELD IN CIVIC HALL, LEEDS ON  
MONDAY, 16TH JANUARY, 2012 AT 10.00 AM**

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**MEMBERSHIP**

**Councillors**

G Hussain - Roundhay;  
J Dunn - Ardsley and Robin Hood;  
G Wilkinson - Wetherby;

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**Agenda compiled by:  
Tel No:  
Governance Services  
Civic Hall  
LEEDS LS1 1UR**

**Helen Gray  
247 4355**

# A G E N D A

Item No	Ward	Item Not Open		Page No
1			<b><u>PRELIMINARY PROCEDURES</u></b>  <b>ELECTION OF THE CHAIR</b>	
2			<b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b>  To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)  (*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)	

Item No	Ward	Item Not Open		Page No
3			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1) To highlight reports or appendices which:</p> <p>a) officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>b) To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>c) If so, to formally pass the following resolution:-</p> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p> <p>2) To note that under the Licensing Procedure rules, the press and the public will be excluded from that part of the hearing where Members will deliberate on each application as it is in the public interest to allow the Members to have a full and frank debate on the matter before them.</p>	
4			<p><b>LATE ITEMS</b></p> <p>To identify any applications as late items of business which have been admitted to the agenda for consideration</p> <p>(the special circumstances shall be identified in the minutes)</p>	

Item No	Ward	Item Not Open		Page No
5			<p><b>DECLARATIONS OF INTEREST</b></p> <p>Members are reminded to declare any interests at the start of the hearing on each application for the purpose of Section 81 (3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of conduct</p> <p><b><u>HEARINGS</u></b></p>	
6	Burmantofts and Richmond Hill;		<p><b>"IBIZA BAR" - APPLICATION TO TRANSFER A PREMISES LICENCE FOR IBIZA BAR, UNIT 10 SHAFTESBURY PARADE, HAREHILLS LANE, HAREHILLS, LEEDS LS9 6TA</b></p> <p>To consider the report of the Head of Licensing and Registration on an application received to transfer the Premises licence held at Ibiza Bar, Unit 10 Shaftesbury Parade, Harehills in order to specify Mr A Amiri as the Premises Licence holder</p> <p>(Report attached)</p>	1 - 20
7	Burmantofts and Richmond Hill;		<p><b>"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</b></p> <p>To consider the report of the Head of Licensing and Registration on an application received to vary a premise licence currently held by the Ibiza Bar, Harehills Lane, Leeds in order to specify Mr A Amiri as Designated Premises Supervisor</p> <p>(Report attached)</p>	21 - 38



Report author: Mrs Emma White

Tel: 0113 2474095

## Report of the head of licensing and registration

### Report to the licensing sub committee

**Date: 16th January 2012**

**Subject: Application to transfer a premises licence for Ibiza Bar, Unit 10, Shaftesbury Parade, Harehills Lane, Harehills, Leeds, LS9 6TA**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Burmantofts & Richmond Hill	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

### Summary of main issues

1. This is an application to transfer a premises licence held by Ibiza Bar, Unit 10, Shaftesbury Parade, Harehills Lane, Harehills, Leeds, LS9 6TA
2. The application is to specify Mr Arman Amiri as the licence holder
3. West Yorkshire Police have been served a copy of this application

### Recommendations

The committee is asked to:

4. to consider the application and the representation made by West Yorkshire Police.
5. Take any of the steps detailed at 4.2, if any, they consider necessary for the promotion of the licensing objectives.

## **1 Purpose of this report**

- 1.1 To advise Members of an application made under section 42 of the Licensing Act 2003 ("the Act") for the transfer of a Premise Licence in order to specify Mr Arman Amiri as the licence holder.
- 1.2 The Licensing Sub-Committee is required to consider this application due to the receipt of a representation from West Yorkshire Police. This is submitted in accordance with Sections 42(6) and 42(7) of the Licensing Act 2003.

## **2 Main Issues**

- 2.1 The applicant is Mr Arman Amiri
- 2.2 A copy of the application is attached at **Appendix A** of this report.
- 2.3 Relevant Representations
- 2.3.1 Under the Act, representations can be received from West Yorkshire Police and must be relevant to the prevention of crime and disorder. Please find attached a copy of the representation at **Appendix B**.
- 2.4 Matters relevant to the application
- 2.4.1 Members of the Licensing Sub Committee must make decisions with a view to promoting the licensing objectives which are:
- The prevention of crime and disorder

## **3 Corporate Considerations**

- 3.1 Consultation and engagement
- 3.2 The application was subject to a 14 days consultation period with West Yorkshire Police in accordance with the Licensing Act 2003.
- 3.3 Equality and Diversity / Cohesion and Integration
- 3.3.1 The council has adopted a Statement of Licensing Policy which sets out the principles the council will use to exercise its functions under the Licensing Act 2003 and in which care has been taken in matters of equality, diversity and human rights. This policy is reviewed every three years. The council has completed equality, diversity, cohesion and integration screening and impact assessments with regards to the consultation process undertaken during the review of the policy.
- 3.4 Council Policies and City Priorities
- 3.4.1 When determining an application the licensing sub committee must have regard for the Licensing Act 2003 Statement of Licensing Policy which sets out the

principles the council will use to exercise its functions under the Licensing Act 2003. Applicants are expected to read the policy before making their application and the council will refer to the policy when making its decisions.

3.4.2 The licensing regime contributes to the following aims:

**By 2030, Leeds will be fair, open and welcoming**

- Local people have the power to make decisions that affect them
- There is a culture of responsibility, respect for each other and the environment
- Our services meet the diverse needs of our changing population
- Everyone is proud to live and work

**By 2030, Leeds' economy will be prosperous and sustainable**

- Opportunities to work with secure, flexible employment and good wages

**By 2030, all Leeds' communities will be successful**

- Communities are safe and people feel safe

3.4.3 The licensing regime contributes to the following city priorities:

**Best city... for communities:**

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

3.5 Resources and Value for Money

3.5.1 The licensing process, including the licensing sub committee, generates a cost to the council. The majority of these costs are covered by the application fee. The fees are set by Statute, and there is little option to increase the fee to cover all the cost. However, the Police Reform and Social Responsibility Bill, due to receive Royal assent in November 2011, may allow local authorities to set their own fees in the future based on full cost recovery.

3.6 Legal Implications, Access to Information and Call In

3.6.1 Applicants and people making representations are able to challenge the licensing sub-committee's decision by appealing to the Magistrates Court. Legal advice is provided during the sub committee hearing and during deliberations to mitigate the risk to the council.

3.7 Risk Management

3.7.1 Full training and legal advice is provided to members sitting on Licensing Sub Committee in order to mitigate the risk of legal challenge.

## **4 Conclusions**

4.1 An application has been received under the Licensing Act 2003 which is brought before a licensing sub committee for determination.

4.2 The licensing sub-committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- Grant as requested; or
- Reject the application.

## **5 Recommendations**

The committee is asked to:

- Consider the application and the representation from West Yorkshire Police
- Take any of the steps detailed at 4.2, if any, they consider necessary for the promotion of the licensing objectives.

## **6 Background Papers**

6.1 Guidance issued under s182 Licensing Act 2003

6.2 Leeds City Council Licensing Policy





PREM4

Entertainment Licensing, Leeds City Council, Civic Hall, Leeds, LS1 1UR

Application to transfer premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

~~1774/003~~ ARMAN AMIRI (Insert name(s) of applicant) apply to transfer the premises licence under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PREM/01774/V01

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description IBIZA BAR (STARLIGHT BAR) UNIT 10 SHAFTSBURY PARADE, HAREHILLS LANE.	
Post town LEEDS	Post code LS9 6PJ
Telephone number at premises (if any)	

Please give a brief description of the premises  
THE PREMISES OF THE PLACE IS CURRENTLY A BAR. WHICH THE BAR IS LOCATED UPSTAIRS. AROUND THE PREMISES ARE SHOPS AND STORES DOWNSTAIRS.

ENTERTAINMENT LICENSING

12 DEC 2011

RECEIVED

Name of current premises licence holder  
MR NAWAZ KHAN

## Part 2 – Applicant Details

In what capacity are you applying for the premises licence to be transferred to you?

- Please tick  yes
- a) an individual or individuals\*  please complete section (A)
- b) a person other than an individual\*
- i. as a limited company  please complete section (B)
- ii. as a partnership  please complete section (B)
- iii. as an unincorporated association or  please complete section (B)
- iv. other  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) The proprietor of an educational establishment  please complete section (B)
- f) A health service body  please complete section (B)
- g) A person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of the Part) in an independent hospital in England  please complete section (B)
- h) The chief officer of police of a police force in England and Wales  please complete section (B)

\*If you are applying as a person described in (a) or (b) please confirm:

- Please tick  yes
- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
- o Statutory function; or
- o A function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

Surname

First names

AMIRI

ARMAN

Please tick  Yes

I am 18 years old or over

Current postal address if different from premises address

29 APPLETON COURT

Post Town

LEEDS

Postcode

LS9 7RS

Daytime contact telephone number

07516924466

Email address (optional)

ARMAN\_AMIRI81@YAHOO.CO.UK

SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

Surname

First names

Please tick  Yes

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint nature (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3**

Are you the holder of the premises licence under an interim authority notice? Please tick  yes  
Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above, please give the reasons why not. What steps have you taken to try and obtain consent?

Please tick  yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)


I have enclosed the premises licence

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE (£5,000) UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 4 – Signatures** (please read guidance note 2)

**Signature of applicant or applicant's solicitor or other duly authorised agent.** (See guidance note 3. If signing on behalf of the applicant please state in what capacity.

Signature ..... 

Date ..... 7-12-2011

Capacity .....

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent.** (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature .....

Date .....

Capacity if not the applicant .....

<b>Contact Name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>	

Entertainment Licensing, Leeds City Council, Civic Hall, Leeds, LS1 1UR.

**Consent of premises licence holder to transfer**

I/we [ NAWAZ UHIAN ] the premises licence holder  
full name of premises licence holder(s)

of premises licence number [ PREM/01774/V02 ] relating to  
insert premises licence number

[ IBIZA BAR (STARLIGHT BAR) ]  
name and address of premises to which the application relates

hereby give my consent for the transfer of premises licence number

[ PREM/01774/V02 ] to  
insert premises licence number

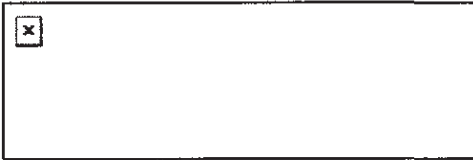
[ MR ARMAN AMIRI ]  
full name of transferee

[Signature] ..... signed

NAWAZ UHIAN ..... name (please print)

7-12-11 ..... dated

NOT PROTECTIVELY MARKED



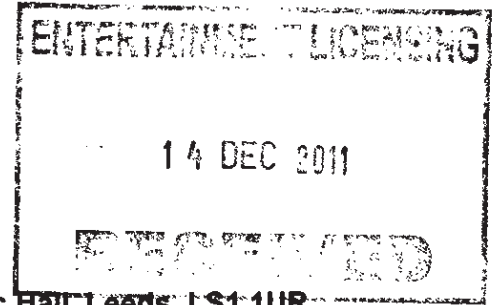
**Licensing Department**  
 Millgarth Police Station  
 Millgarth Street  
 Leeds  
 LS2 7HX

**Leeds District Licensing**

Tel: 0113-2414023  
 Fax: 0113-2413123  
 Email: lynn.dobson@westyorkshire.pnn.police.uk

14 December 2011

**Mr A Amiri**  
**29 Appleton Court**  
**Appleton Way**  
**Leeds LS9 7RS**



cc. Leeds City Council. Entertainment Licensing Section, Civic Hall, Leeds. LS1 1UR

Dear Sir,

**NOTICE OF OBJECTION – TRANSFER OF PREMISES LICENCE:**  
**SECTION 42 (6)&(7) – LICENSING ACT 2003:**

**AND**

**NOTICE OF OBJECTION -**  
**VARY PREMISES LICENCE - DESIGNATED PREMISES SUPERVISOR:**  
**SECTION 37(5) & 37(6) LICENSING ACT 2003**

**PREMISES SUPERVISOR: ARMAN AMIRI**  
**PREMISES: THE STARLIGHT BAR, SHAFTSBURY PARADE, LEEDS LS9 6PJ**

**PREMISES: THE STARLIGHT BAR, SHAFTSBURY PARADE, LEEDS LS9 6PJ**

I, PC 5783 Dobson, a Licensing Officer for West Yorkshire Police, hereby give you notice that I intend to object to your applications for the transfer of the licence at the premises indicated above and to vary the designated premises supervisor. West Yorkshire Police are satisfied that the exceptional circumstances of this case are such that granting this application would undermine the crime prevention objective.

West Yorkshire Police are so satisfied for the following reasons-:

An application was received by West Yorkshire Police on 14 October 2011 for a new premises licence for The Ibiza Bar at this same location. The applicant was Mr Arman Amiri and the application attracted a full objection. A copy of this objection is attached to this letter for ease of reference.

This matter went before the Licensing Sub-Committee on 28 November 2011. Having heard details of the application and the concerns raised by West Yorkshire Police it was the Committee's decision to

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## **NOT PROTECTIVELY MARKED**

refuse the application in full. A copy of the determination is attached to this application for ease of reference.

The application received on the 14 October 2011 was very detailed on paper, but the verbal submission at the hearing failed to convince the Committee that the premises would be operated correctly. The applicant failed to demonstrate what measures would be put in place to uphold the licensing objectives and failed to show he would have overall control of the premises.

This application simply seeks to transfer both the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) positions, of the existing licence into the name of Mr Amiri. By doing this the applications take immediate effect and the premises can trade immediately. Mr Amiri has been able to circumvent the system. The current licence has little by way of conditions to control customers, gather evidence or generally uphold the four licensing objectives.

Officers from Leeds City Council Entertainment Licensing Section have spoken to members of the community who have described Mr Amiri as a 'front man' for the premises stating that it is Honor Rafiq who will still be in charge of the premises. This has been a common theme over recent months and various applications, where has become apparent that the applicant would not be the person with overall responsibility for the premises.

West Yorkshire Police would ask any presiding Sub-Committee to refuse this application.

Lynn Dobson  
PC 5783  
North East Leeds Licensing

**NOT PROTECTIVELY MARKED**



**NOT PROTECTIVELY MARKED**



**Licensing Department**  
Millgarth Police Station  
Millgarth Street  
Leeds  
LS2 7HX

**Leeds District Licensing**

Tel: 0113-2414023  
Fax: 0113-2413123  
Email: lynn.dobson@westyorkshire.pnn.police.uk

8 November 2011

**Mr A Amiri**  
29 Appleton Court  
Appleton Way  
Leeds LS9 7RS

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

Dear Sir

**RE: IBIZA BAR, UNIT 10 SHAFTSBURY PARADE, HAREHILLS LANE, LEEDS LS9 6TA  
NEW PREMISES LICENCE – LICENSING ACT 2003  
POLICE – LETTER OF REPRESENTATION – FULL OBJECTION**

Thankyou for your application which was received at Millgarth Police Station on 14 October 2011.

This application is for a new premises licence, to allow the following hours and activities:

**Live Music**  
**Recorded Music**  
**Performance of Dance**  
**Facilities for Making Music**  
**Facilities for Dancing**  
**Sale by Retail of Alcohol**

**Every Day 1100hrs x 2300hrs**

It is the opinion of West Yorkshire Police, that your application contains insufficient information on how you would uphold the licensing objectives. In particular, we cannot be satisfied at this stage that, if granted the premises would not adversely affect crime and public nuisance in the locality.

This is a new application for a premises licence, but a licence in the name of The Starlight Bar does still exist but without the position of DPS being named.

Historically The Starlight Bar was synonymous with crime and disorder. The premises were frequently visited by West Yorkshire Police with many fights and scuffles spilling out onto Harehills Lane and the surrounding streets. However, at the time of conversion, the hours the premises were permitted to open, were significantly reduced and following a fire on 3<sup>rd</sup> April 2006 the premises were temporarily closed. The operator at this time did reopen the premises following the fire, but a temporary structure was

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## **NOT PROTECTIVELY MARKED**

erected around the fire damaged area to allow the premises to continue to trade. This area accounted for approximately fifty percent of the floor space.

The premises have previously been closed on and off for some time. Leeds City Council, West Yorkshire Police and other Responsible Authorities did receive an application in 2009 to licence the premises as Byblos Night Club, but following a number of representations this application was withdrawn.

Another application was then received under a different name. Within a very short space of time intelligence was received to suggest that The Starlight Bar was operating again, but was operating beyond its existing hours. Officers from Leeds City Council witnessed noise breakout from the premises at 0100hrs when the premises appear to have been operating beyond their permitted hours.

Officers from the Neighbourhood Policing Team (NPT) visited the premises and spoke to a male who identified himself to Officers as 'the owner'. Officers were told that the premises were not open to the public and he and 'his partner' would be applying for the appropriate licences and would speak to Leeds City Council. Officers were also told that there were no plans to open the venue as a nightclub and it was their intention to run the premises as a 'sports hall' with pool tables. The person spoken to said the loud music was due to the builders working during the evenings and nights.

A further visit was made by Officers from Leeds City Council, West Yorkshire Police and West Yorkshire Fire to the premises and issues were identified. After repeatedly questioning the applicant at this time, he would only describe his 'business partner' as 'an Eastern European man who was interested in the business.' This male was subsequently identified as Honor Jafar Rafik.

On a subsequent visit Officers from were met by Mr Honor Rafik, who described himself as a 'business partner' for The Starlight Bar. Enquiries were conducted with HMRC in relation to Mr Rafik. He was described by HMRC as a 'repeat' cigarette and tobacco offender. He is linked to a store in Harehills where seizures of illicit cigarettes and tobacco have been made at least 8 times within the last 18 months. These seizures range from 2000 – 120000 illicit cigarettes and 2Kg – 30Kg of illicit tobacco. HMRC feared that if the licence was granted for The Starlight Bar then Mr Rafik and any associates would have a further outlet for their 'business'. This application was subsequently refused by the Leeds Licensing Committee.

The premises have been visited on numerous occasions throughout this period and persons have been found to be on the premises. There have been claims that those present were having 'a private party' or that they were coming together to drink collectively, but from liaising with residents regarding their concerns it is believed that this was not the case. On one occasion Officers seized flyers from Leeds City Centre advertising under 18 events despite the correct authorisation not being in place.

In January 2011 Honor Rafik applied to transfer the licence for The Starlight Bar into his name with another partner. This application was objected to and was subsequently refused by the Licensing Committee. Evidence was brought to the hearing by West Yorkshire Police and HMRC.

Very little information has been received in relation to the premises since this time. The current application has then been received for Ibiza Bar.

On 5 November 2011 Officers from the Neighbourhood Policing Team have visited the premises and have spoken to Honor Rafik. He was present and telephoned you whilst the Police Officers were present. Rafik was questioned about his involvement and said that he was working at the premises. Officers made further visits over the weekend and spoke to residents and businesses. They report regular comings and goings at the premises and concerns over the premises operating despite there being no licence in place to do so. This application is still within the 'objection period' and should not be trading.

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

This application has been accompanied by a completed version 5 risk assessment proforma. Whilst it is accepted that you have offered extensive measures to uphold the licensing objectives concerns remain the same in relation to the premises. It would appear that the premises have been trading in some capacity and that Honor Rafik is still involved with the premises. The application is also accompanied by a number of documents including a business card for a door staff company who are to be employed by you. I have spoken to the door staff company and there is no agreement in place. This card was handed out several months ago when the premises intended to trade under a different name with a different applicant.

**FOR THE REASONS SET OUT ABOVE WEST YORKSHIRE POLICE ARE OF THE OPINION THAT THIS APPLICATION SHOULD BE REFUSED IN FULL.**

**WEST YORKSHIRE POLICE DEEM THIS OBJECTION RELEVANT, PROPORTIONATE AND NECESSARY IN ORDER TO PROMOTE THE LICENSING OBJECTIVES.**

*Lynn Dobson  
PC 5783  
Leeds District Licensing  
West Yorkshire Police.*

**NOT PROTECTIVELY MARKED**

**Notice of Decision**  
**Of the Licensing Sub Committee**



**Date of Hearing:** 28th November 2011  
**Determination Date:** 28th November 2011  
**Notice of Decision:** 1st December 2011

**Members:** Councillor Suzi Armitage (Chair)  
Councillor Karen Bruce  
Councillor Ryk Downes

**Legal Officer:** Anne-Marie Pollard

**Committee Clerk:** Helen Gray

**Licensing Officer:** Stephen Holder/Matthew Nelson

**Applicant:** Mr Arman Amiri,

**Premises:** Ibiza Bar, Unit 10, Shaftesbury Parade, Harehills Lane,  
Harehills, Leeds, LS9 6PJ,

**Application:** Grant of a Premises Licence

**Attendees:** Mr Arman Amiri, Mr Y Sina GDL (Applicants  
representative), Mr Denis Myers (Member of public), Pc  
Lynn Dobson, Insp Jacqueline, Bob Patterson (WYP),

This application was brought before the Licensing Sub Committee due to the receipt of relevant representations

The Licensing Sub Committee considered:

8. The report from the Head of Licensing and Registration.
9. Licensing Act 2003.
10. Guidance issued by the secretary of State of Culture Media and Sport pursuant to Section 182 of the act.
11. Relevant Licensing Objectives.
12. The statement of Licensing Policy 2011 – 2013.
13. Representations received from responsible authorities.
14. Representations received from interested parties.

Having taken all these matters into account the Licensing Sub Committee have agreed to **refuse** the application.

The reason for this decision is as follows:

The Licensing subcommittee considered the report and supplementary information provided by the Applicant. They listened carefully to the Applicant, West Yorkshire Police and a local resident Mr Myers.

They had serious concerns about the Application and representations by and on behalf of the Applicant. They saw the tenancy agreement which named a different landlord than that put forward by the Applicant and noted that there had been no Applications by a Mr Horwacka to be designated premises supervisor.

The Licensing subcommittee have concerns that Mr Amiri is not in control of the premises. That Alan Parsiani has free reign of the premises and had even held private events against the express instructions of the Applicant.

The Licensing subcommittee felt that these premises need a strong and clear management structure which does not appear to be the case here.

They preferred the evidence put forward by West Yorkshire Police especially in relation to the activities of 5 November 2011, and that they did not give the go ahead for a private party without a temporary events notice.

They also had concerns in relation to public safety as the Applicant believed he had had a fire risk assessment, but actually has a Fire Certificate in respect of the servicing of fire equipment.

The decision of the Licensing subcommittee was therefore to refuse the Application

#### **Right of Appeal**

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 receiving this notice.

Appeals should be addressed to the Magistrates Court at:

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

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

**Please note – Persons making appeals should be aware that the Magistrates have the power to award costs against any party as a result of appeal proceedings.**



**Leeds**  
CITY COUNCIL

**Licensing and Registration**  
Entertainment Licensing Section  
Civic Hall  
Leeds LS1 1UR

West Yorkshire Police  
West Yorkshire Police  
Millgarth Police Station  
Millgarth  
Leeds  
LS2 7HX

Contact: Mrs Emma White  
Tel: 0113 2474095  
Fax: 0113 2243885  
Email: emma.white@leeds.gov.uk  
Our Ref: A80/PREM/03082/001

1st December 2011

Dear PC Dobson

**Application for the grant of a Premises Licence - Notice of Determination**

**Premises: Ibiza Bar, Unit 10, Shaftesbury Parade, Harehills Lane, Harehills, Leeds, LS9 6PJ**

Please find enclosed a copy of the Notice of Determination which represents the formal decision made by the Licensing Sub Committee in relation to the above application.

Please do not hesitate to contact the Licensing Section on the above telephone number should you require any further assistance or information.

Yours sincerely;

Mrs Emma White  
Licensing Officer  
Entertainment Licensing Section



# Notice of Decision

## Of the Licensing Sub Committee



**Date of Hearing:** 28th November 2011

**Determination Date:** 28th November 2011

**Notice of Decision:** 1st December 2011

**Members:** Councillor Suzi Armitage (Chair)  
Councillor Karen Bruce  
Councillor Ryk Downes

**Legal Officer:** Anne-Marie Pollard

**Committee Clerk:** Helen Gray

**Licensing Officer:** Stephen Holder/Matthew Nelson

**Applicant:** Mr Arman Amiri,

**Premises:** Ibiza Bar, Unit 10, Shaftesbury Parade, Harehills Lane,  
Harehills, Leeds, LS9 6PJ,

**Application:** Grant of a Premises Licence

**Attendees:** Mr Arman Amiri, Mr Y Sina GDL (Applicants  
representative), Mr Denis Myers (Member of public), Pc  
Lynn Dobson, Insp Jacqueline, Bob Patterson (WYP),

**This application was brought before the Licensing Sub Committee due to the receipt of relevant representations**

The Licensing Sub Committee considered:

1. The report from the Head of Licensing and Registration
2. Licensing Act 2003.
3. Guidance issued by the secretary of State of Culture Media and Sport pursuant to Section 182 of the act.
4. Relevant Licensing Objectives.
5. The statement of Licensing Policy 2011 – 2013.
6. Representations received from responsible authorities.
7. Representations received from interested parties.

Having taken all these matters into account the Licensing Sub Committee have agreed to **refuse** the application.

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## Report of the head of licensing and registration

### Report to the licensing sub committee

**Date: 16th January 2012**

**Subject: 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**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Burmantofts & Richmond Hill	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

## Summary of main issues

1. This is an 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.
2. The application is to specify Mr Arman Amiri as the designated premises supervisor.
3. West Yorkshire Police have been served a copy of this application

## Recommendations

The committee is asked to:

4. to consider the application and the representation made by West Yorkshire Police.
5. Take any of the steps detailed at 4.2, if any, they consider necessary for the promotion of the licensing objectives.

## **1 Purpose of this report**

- 1.1 To advise Members of an application made under section 37 of the Licensing Act 2003 ("the Act") to vary a premises licence in order to specify Mr Arman Amiri as the designated premises supervisor.
- 1.2 The Licensing Sub-Committee is required to consider this application due to the receipt of a representation from West Yorkshire Police. This is submitted in accordance with Sections 37(5) and 37(6) of the Licensing Act 2003.

## **2 Main Issues**

- 2.1 The proposed designated premises supervisor is Mr Arman Amiri.
- 2.2 A copy of the application is attached at **Appendix A** of this report.

### 2.3 Relevant Representations

- 2.3.1 Under the Act, representations can be received from West Yorkshire Police and must be relevant to the prevention of crime and disorder. Please find attached a copy of the representation at **Appendix B**.

### 2.4 Matters relevant to the application

- 2.4.1 Members of the Licensing Sub Committee must make decisions with a view to promoting the licensing objectives which are:
- The prevention of crime and disorder

## **3 Corporate Considerations**

### 3.1 Consultation and engagement

- 3.1.1 The application was subject to a 14 days consultation period with West Yorkshire Police in accordance with the Licensing Act 2003.

### 3.2 Equality and Diversity / Cohesion and Integration

- 3.2.1 The council has adopted a Statement of Licensing Policy which sets out the principles the council will use to exercise its functions under the Licensing Act 2003 and in which care has been taken in matters of equality, diversity and human rights. This policy is reviewed every three years. The council has completed equality, diversity, cohesion and integration screening and impact assessments with regards to the consultation process undertaken during the review of the policy.

### 3.3 Council Policies and City Priorities

- 3.3.1 When determining an application the licensing sub committee must have regard for the Licensing Act 2003 Statement of Licensing Policy which sets out the

principles the council will use to exercise its functions under the Licensing Act 2003. Applicants are expected to read the policy before making their application and the council will refer to the policy when making its decisions.

3.3.2 The licensing regime contributes to the following aims:

**By 2030, Leeds will be fair, open and welcoming**

- Local people have the power to make decisions that affect them
- There is a culture of responsibility, respect for each other and the environment
- Our services meet the diverse needs of our changing population
- Everyone is proud to live and work

**By 2030, Leeds' economy will be prosperous and sustainable**

- Opportunities to work with secure, flexible employment and good wages

**By 2030, all Leeds' communities will be successful**

- Communities are safe and people feel safe

3.3.3 The licensing regime contributes to the following city priorities:

**Best city... for communities:**

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

3.4 Resources and Value for Money

3.4.1 The licensing process, including the licensing sub committee, generates a cost to the council. The majority of these costs are covered by the application fee. The fees are set by Statute, and there is little option to increase the fee to cover all the cost. However, the Police Reform and Social Responsibility Bill, due to receive Royal assent in November 2011, may allow local authorities to set their own fees in the future based on full cost recovery.

3.5 Legal Implications, Access to Information and Call In

3.5.1 Applicants and people making representations are able to challenge the licensing sub-committee's decision by appealing to the Magistrates Court. Legal advice is provided during the sub committee hearing and during deliberations to mitigate the risk to the council.

3.6 Risk Management

3.6.1 Full training and legal advice is provided to members sitting on Licensing Sub Committee in order to mitigate the risk of legal challenge.

**4 Conclusions**

4.1 An application has been received under the Licensing Act 2003 which is brought before a licensing sub committee for determination.

4.2 The licensing sub-committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- Grant as requested; or
- Reject the application.

## **5 Recommendations**

The committee is asked to:

- Consider the application and the representation from West Yorkshire Police
- Take any of the steps detailed at 4.2, if any, they consider necessary for the promotion of the licensing objectives.

## **6 Background Papers**

6.1 Guidance issued under s182 Licensing Act 2003

6.2 Leeds City Council Licensing Policy

17741004



**PREM3**

Entertainment Licensing, Leeds City Council, Civic Hall, Leeds, LS1 1UR

Application to vary a premises license to specify an individual as designated premises supervisor under the Licensing Act 2003.

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

~~NAME~~ ARMAN AMIRI

(Insert name of applicant)

being the premises license holder, apply to vary a premises license to specify the individual named in this application as the premises supervisor under Section 37 of the Licensing Act 2003 DEC 2011

ENTERTAINMENT LICENSING  
**RECEIVED**

Premises licence number

PREM/01774/V01

**Part 1 - Premises details**

Name of Premises		IBIZA BAR (STARLIGHT BAR)	
Postal address of premises or, if none, ordnance survey map reference or description			
UNIT 10 SHAFSBURY PARADE, HAREHILLS LANE.			
Post Town	LEEDS	Postcode	LS9 6PJ
Telephone number (if any)	07516924466		
E-mail address (optional)	ARMAN_AMIRI81@YAHOO.CO.UK		

Description of premises (please read guidance note 1)  
THE PREMISES OF THE PLACE IS CURRENTLY A BAR. WHICH THE BAR IS LOCATED UPSTAIR AROUND THEPRE PREMISES ARE SHOPS AND STORES DOWNSTAIRS.

Part 2

Full name of proposed designated premises supervisor

ARMAN AMIRI

Personal license number of proposed designated premises supervisor and issuing authority of that license (if any)

LEEDS/PERL105997/11

Full name of existing designated premises supervisor (if any)

Please tick ✓ Yes

I would like this application to have immediate effect under Section 38 of the Licensing Act 2003

I have enclosed the premises license or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

THE PREVIOUS LICENCE HOLDER, HAS LOST HIS PREMISES LICENCE.

Please tick ✓ Yes

I have made or enclosed payment of the fee

I will give a copy of this application to the chief officer of police

I have enclosed the consent form completed by the proposed premises supervisor

I have enclosed the premises licence, or the relevant part of it or explanation

I will give a copy of this form to the existing premises supervisor, if any

I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE [ £5000 ], UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**PART 3 - SIGNATURES** (please read guidance note 2)

**Signature of applicant or applicant's solicitor or other duly authorised agent.** (please read guidance note 3) **If signing on behalf of the applicant please state in what capacity.**

Signature \_\_\_\_\_ 

Date 7-12-2011


Capacity \_\_\_\_\_

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent.** (Please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature \_\_\_\_\_

Date \_\_\_\_\_

Capacity \_\_\_\_\_

<b>Contact Name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 5)	
	
Post Town <u>LEED</u>	Postcode <u>LS9 7RS</u>
Telephone number (if any) _____	
E-mail address (optional) _____	

**Guidance notes**

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

Entertainment Licensing, Leeds City Council, Civic Hall, Leeds, LS1 1UR.

**Consent of individual to being specified as premises supervisor or**

I/ ARMAN AMIRI ] of  
*full name of prospective premises supervisor*

[  ]  
*home address of prospective premises supervisor*

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

[.....] by ARMAN AMIRI ]  
*type of application* *name of applicant*

relating to a premises licence [ PREM / 01774 / VO1 ] for  
*number of existing licence, if any*

[ IBIZA BAR (STARLIGHT BAR) UNIT 10 SHAFTSBURY PARADE, LEEDS ] and any  
*name and address of premises to which the application relates* LS9 6PJ

premises licence to be granted or varied in respect of this application made by

[ ARMAN AMIRI ] concerning the supply of alcohol at  
*name of applicant*

[ IBIZA BAR (STARLIGHT BAR) UNIT 10 SHAFTSBURY PARADE ]. I also  
*name and address of premises to which application relates* LEEDS, LS9 6PJ

confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number [ LEEDS/PERL/05997/11 ]  
*insert personal licence number, if any*

Personal licence issuing authority

[ LICENSING DEPARTMENT, LEEDS CITY COUNCIL ]  
*insert name and address and telephone number of personal licence issuing authority, if any*

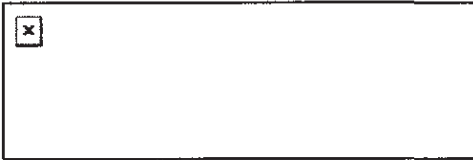
[  ] signed

ARMAN AMIRI name (please print)

7-12-2011 dated



NOT PROTECTIVELY MARKED



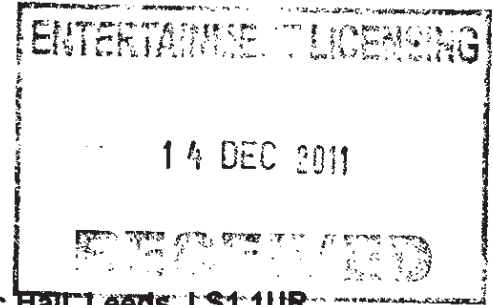
**Licensing Department**  
 Millgarth Police Station  
 Millgarth Street  
 Leeds  
 LS2 7HX

**Leeds District Licensing**

Tel: 0113-2414023  
 Fax: 0113-2413123  
 Email: [lynn.dobson@westyorkshire.pnn.police.uk](mailto:lynn.dobson@westyorkshire.pnn.police.uk)

14 December 2011

**Mr A Amiri**  
**29 Appleton Court**  
**Appleton Way**  
**Leeds LS9 7RS**



cc. Leeds City Council. Entertainment Licensing Section, Civic Hall, Leeds. LS1 1UR

Dear Sir,

**NOTICE OF OBJECTION – TRANSFER OF PREMISES LICENCE:**  
**SECTION 42 (6)&(7) – LICENSING ACT 2003:**

**AND**

**NOTICE OF OBJECTION -**  
**VARY PREMISES LICENCE - DESIGNATED PREMISES SUPERVISOR:**  
**SECTION 37(5) & 37(6) LICENSING ACT 2003**

**PREMISES SUPERVISOR: ARMAN AMIRI**  
**PREMISES: THE STARLIGHT BAR, SHAFTSBURY PARADE, LEEDS LS9 6PJ**

**PREMISES: THE STARLIGHT BAR, SHAFTSBURY PARADE, LEEDS LS9 6PJ**

I, PC 5783 Dobson, a Licensing Officer for West Yorkshire Police, hereby give you notice that I intend to object to your applications for the transfer of the licence at the premises indicated above and to vary the designated premises supervisor. West Yorkshire Police are satisfied that the exceptional circumstances of this case are such that granting this application would undermine the crime prevention objective.

West Yorkshire Police are so satisfied for the following reasons:-

An application was received by West Yorkshire Police on 14 October 2011 for a new premises licence for The Ibiza Bar at this same location. The applicant was Mr Arman Amiri and the application attracted a full objection. A copy of this objection is attached to this letter for ease of reference.

This matter went before the Licensing Sub-Committee on 28 November 2011. Having heard details of the application and the concerns raised by West Yorkshire Police it was the Committee's decision to

NOT PROTECTIVELY MARKED

## **NOT PROTECTIVELY MARKED**

refuse the application in full. A copy of the determination is attached to this application for ease of reference.

The application received on the 14 October 2011 was very detailed on paper, but the verbal submission at the hearing failed to convince the Committee that the premises would be operated correctly. The applicant failed to demonstrate what measures would be put in place to uphold the licensing objectives and failed to show he would have overall control of the premises.

This application simply seeks to transfer both the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) positions, of the existing licence into the name of Mr Amiri. By doing this the applications take immediate effect and the premises can trade immediately. Mr Amiri has been able to circumvent the system. The current licence has little by way of conditions to control customers, gather evidence or generally uphold the four licensing objectives.

Officers from Leeds City Council Entertainment Licensing Section have spoken to members of the community who have described Mr Amiri as a 'front man' for the premises stating that it is Honor Rafiq who will still be in charge of the premises. This has been a common theme over recent months and various applications, where has become apparent that the applicant would not be the person with overall responsibility for the premises.

West Yorkshire Police would ask any presiding Sub-Committee to refuse this application.

Lynn Dobson  
PC 5783  
North East Leeds Licensing

**NOT PROTECTIVELY MARKED**

NOT PROTECTIVELY MARKED



**Licensing Department**  
Millgarth Police Station  
Millgarth Street  
Leeds  
LS2 7HX

**Leeds District Licensing**

Tel: 0113-2414023  
Fax: 0113-2413123  
Email: lynn.dobson@westyorkshire.pnn.police.uk

8 November 2011

**Mr A Amiri**  
29 Appleton Court  
Appleton Way  
Leeds LS9 7RS

cc. Leeds City Council. Entertainment Licensing Section, Civic Hall, Leeds. LS1 1UR

Dear Sir

**RE: IBIZA BAR, UNIT 10 SHAFTSBURY PARADE, HAREHILLS LANE, LEEDS LS9 6TA  
NEW PREMISES LICENCE – LICENSING ACT 2003  
POLICE – LETTER OF REPRESENTATION – FULL OBJECTION**

Thankyou for your application which was received at Millgarth Police Station on 14 October 2011.

This application is for a new premises licence, to allow the following hours and activities:

- Live Music**
- Recorded Music**
- Performance of Dance**
- Facilities for Making Music**
- Facilities for Dancing**
- Sale by Retail of Alcohol**

**Every Day 1100hrs x 2300hrs**

It is the opinion of West Yorkshire Police, that your application contains insufficient information on how you would uphold the licensing objectives. In particular, we cannot be satisfied at this stage that, if granted the premises would not adversely affect crime and public nuisance in the locality.

This is a new application for a premises licence, but a licence in the name of The Starlight Bar does still exist but without the position of DPS being named.

Historically The Starlight Bar was synonymous with crime and disorder. The premises were frequently visited by West Yorkshire Police with many fights and scuffles spilling out onto Harehills Lane and the surrounding streets. However, at the time of conversion, the hours the premises were permitted to open, were significantly reduced and following a fire on 3<sup>rd</sup> April 2006 the premises were temporarily closed. The operator at this time did reopen the premises following the fire, but a temporary structure was

NOT PROTECTIVELY MARKED

## NOT PROTECTIVELY MARKED

erected around the fire damaged area to allow the premises to continue to trade. This area accounted for approximately fifty percent of the floor space.

The premises have previously been closed on and off for some time. Leeds City Council, West Yorkshire Police and other Responsible Authorities did receive an application in 2009 to licence the premises as Byblos Night Club, but following a number of representations this application was withdrawn.

Another application was then received under a different name. Within a very short space of time intelligence was received to suggest that The Starlight Bar was operating again, but was operating beyond its existing hours. Officers from Leeds City Council witnessed noise breakout from the premises at 0100hrs when the premises appear to have been operating beyond their permitted hours.

Officers from the Neighbourhood Policing Team (NPT) visited the premises and spoke to a male who identified himself to Officers as 'the owner'. Officers were told that the premises were not open to the public and he and 'his partner' would be applying for the appropriate licences and would speak to Leeds City Council. Officers were also told that there were no plans to open the venue as a nightclub and it was their intention to run the premises as a 'sports hall' with pool tables. The person spoken to said the loud music was due to the builders working during the evenings and nights.

A further visit was made by Officers from Leeds City Council, West Yorkshire Police and West Yorkshire Fire to the premises and issues were identified. After repeatedly questioning the applicant at this time, he would only describe his 'business partner' as 'an Eastern European man who was interested in the business.' This male was subsequently identified as Honor Jafar Rafik.

On a subsequent visit Officers from were met by Mr Honor Rafik, who described himself as a 'business partner' for The Starlight Bar. Enquiries were conducted with HMRC in relation to Mr Rafik. He was described by HMRC as a 'repeat' cigarette and tobacco offender. He is linked to a store in Harehills where seizures of illicit cigarettes and tobacco have been made at least 8 times within the last 18 months. These seizures range from 2000 – 120000 illicit cigarettes and 2Kg – 30Kg of illicit tobacco. HMRC feared that if the licence was granted for The Starlight Bar then Mr Rafik and any associates would have a further outlet for their 'business'. This application was subsequently refused by the Leeds Licensing Committee.

The premises have been visited on numerous occasions throughout this period and persons have been found to be on the premises. There have been claims that those present were having 'a private party' or that they were coming together to drink collectively, but from liaising with residents regarding their concerns it is believed that this was not the case. On one occasion Officers seized flyers from Leeds City Centre advertising under 18 events despite the correct authorisation not being in place.

In January 2011 Honor Rafik applied to transfer the licence for The Starlight Bar into his name with another partner. This application was objected to and was subsequently refused by the Licensing Committee. Evidence was brought to the hearing by West Yorkshire Police and HMRC.

Very little information has been received in relation to the premises since this time. The current application has then been received for Ibiza Bar.

On 5 November 2011 Officers from the Neighbourhood Policing Team have visited the premises and have spoken to Honor Rafik. He was present and telephoned you whilst the Police Officers were present. Rafik was questioned about his involvement and said that he was working at the premises. Officers made further visits over the weekend and spoke to residents and businesses. They report regular comings and goings at the premises and concerns over the premises operating despite there being no licence in place to do so. This application is still within the 'objection period' and should not be trading.

NOT PROTECTIVELY MARKED

**NOT PROTECTIVELY MARKED**

This application has been accompanied by a completed version 5 risk assessment proforma. Whilst it is accepted that you have offered extensive measures to uphold the licensing objectives concerns remain the same in relation to the premises. It would appear that the premises have been trading in some capacity and that Honor Rafik is still involved with the premises. The application is also accompanied by a number of documents including a business card for a door staff company who are to be employed by you. I have spoken to the door staff company and there is no agreement in place. This card was handed out several months ago when the premises intended to trade under a different name with a different applicant.

**FOR THE REASONS SET OUT ABOVE WEST YORKSHIRE POLICE ARE OF THE OPINION THAT THIS APPLICATION SHOULD BE REFUSED IN FULL.**

**WEST YORKSHIRE POLICE DEEM THIS OBJECTION RELEVANT, PROPORTIONATE AND NECESSARY IN ORDER TO PROMOTE THE LICENSING OBJECTIVES.**

*Lynn Dobson  
PC 5783  
Leeds District Licensing  
West Yorkshire Police.*

**NOT PROTECTIVELY MARKED**

**Notice of Decision**  
**Of the Licensing Sub Committee**



**Date of Hearing:** 28th November 2011  
**Determination Date:** 28th November 2011  
**Notice of Decision:** 1st December 2011

**Members:** Councillor Suzi Armitage (Chair)  
Councillor Karen Bruce  
Councillor Ryk Downes

**Legal Officer:** Anne-Marie Pollard

**Committee Clerk:** Helen Gray

**Licensing Officer:** Stephen Holder/Matthew Nelson

**Applicant:** Mr Arman Amiri,

**Premises:** Ibiza Bar, Unit 10, Shaftesbury Parade, Harehills Lane,  
Harehills, Leeds, LS9 6PJ,

**Application:** Grant of a Premises Licence

**Attendees:** Mr Arman Amiri, Mr Y Sina GDL (Applicants  
representative), Mr Denis Myers (Member of public), Pc  
Lynn Dobson, Insp Jacqueline, Bob Patterson (WYP),

This application was brought before the Licensing Sub Committee due to the receipt of relevant representations

The Licensing Sub Committee considered:

8. The report from the Head of Licensing and Registration.
9. Licensing Act 2003.
10. Guidance issued by the secretary of State of Culture Media and Sport pursuant to Section 182 of the act.
11. Relevant Licensing Objectives.
12. The statement of Licensing Policy 2011 – 2013.
13. Representations received from responsible authorities.
14. Representations received from interested parties.

Having taken all these matters into account the Licensing Sub Committee have agreed to **refuse** the application.

The reason for this decision is as follows:

The Licensing subcommittee considered the report and supplementary information provided by the Applicant. They listened carefully to the Applicant, West Yorkshire Police and a local resident Mr Myers.

They had serious concerns about the Application and representations by and on behalf of the Applicant. They saw the tenancy agreement which named a different landlord than that put forward by the Applicant and noted that there had been no Applications by a Mr Horwacka to be designated premises supervisor.

The Licensing subcommittee have concerns that Mr Amiri is not in control of the premises. That Alan Parsiani has free reign of the premises and had even held private events against the express instructions of the Applicant.

The Licensing subcommittee felt that these premises need a strong and clear management structure which does not appear to be the case here.

They preferred the evidence put forward by West Yorkshire Police especially in relation to the activities of 5 November 2011, and that they did not give the go ahead for a private party without a temporary events notice.

They also had concerns in relation to public safety as the Applicant believed he had had a fire risk assessment, but actually has a Fire Certificate in respect of the servicing of fire equipment.

The decision of the Licensing subcommittee was therefore to refuse the Application

#### **Right of Appeal**

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 receiving this notice.

Appeals should be addressed to the Magistrates Court at:

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

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

**Please note – Persons making appeals should be aware that the Magistrates have the power to award costs against any party as a result of appeal proceedings.**



**Leeds**  
CITY COUNCIL

**Licensing and Registration**  
Entertainment Licensing Section  
Civic Hall  
Leeds LS1 1UR

West Yorkshire Police  
West Yorkshire Police  
Millgarth Police Station  
Millgarth  
Leeds  
LS2 7HX

Contact: Mrs Emma White  
Tel: 0113 2474095  
Fax: 0113 2243885  
Email: [emma.white@leeds.gov.uk](mailto:emma.white@leeds.gov.uk)  
Our Ref: A80/PREM/03082/001

1st December 2011

Dear PC Dobson

**Application for the grant of a Premises Licence - Notice of Determination**

**Premises: Ibiza Bar, Unit 10, Shaftesbury Parade, Harehills Lane, Harehills, Leeds, LS9 6PJ**

Please find enclosed a copy of the Notice of Determination which represents the formal decision made by the Licensing Sub Committee in relation to the above application.

Please do not hesitate to contact the Licensing Section on the above telephone number should you require any further assistance or information.

Yours sincerely;

Mrs Emma White  
Licensing Officer  
Entertainment Licensing Section





# Notice of Decision

## Of the Licensing Sub Committee



**Date of Hearing:** 28th November 2011

**Determination Date:** 28th November 2011

**Notice of Decision:** 1st December 2011

**Members:** Councillor Suzi Armitage (Chair)  
Councillor Karen Bruce  
Councillor Ryk Downes

**Legal Officer:** Anne-Marie Pollard

**Committee Clerk:** Helen Gray

**Licensing Officer:** Stephen Holder/Matthew Nelson

**Applicant:** Mr Arman Amiri,

**Premises:** Ibiza Bar, Unit 10, Shaftesbury Parade, Harehills Lane,  
Harehills, Leeds, LS9 6PJ,

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**Attendees:** Mr Arman Amiri, Mr Y Sina GDL (Applicants  
representative), Mr Denis Myers (Member of public), Pc  
Lynn Dobson, Insp Jacqueline, Bob Patterson (WYP),

**This application was brought before the Licensing Sub Committee due to the receipt of relevant representations**

The Licensing Sub Committee considered:

1. The report from the Head of Licensing and Registration
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