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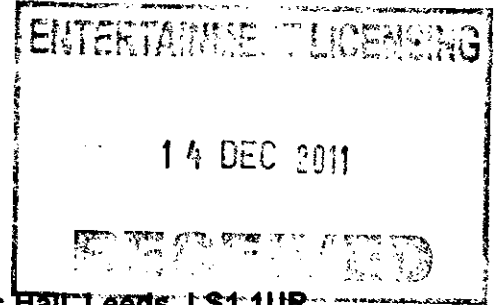
Licensing Department
 Millgarth Police Station
 Millgarth Street
 Leeds
 LS2 7HX

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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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

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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 3rd 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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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.

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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.*

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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

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

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

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



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Notice of Decision: 1st December 2011

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