

Public Document Pack

**Licensing Sub-Committee
Monday, 27 January 2014**

Supplementary Information

- **Supplementary Information received from the applicant (pages 1 to 40)**
- **Decision notice of 11 February 2008. This is included in the Agenda pack at pages 69 to 83 and has been re-issued (pages 41 to 57)**

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MEXI KHANA HALAL LTD
SUMMARY
HEARING 07 OCTOBER 2013

1) **Representations contain false statements in accordance with Section 158 of the Licensing Act 2003**

Formal complaints have been made to Leeds City Council for offences committed under the Licensing Act 2003 for false statements. We would like the panel to view the details of this complaint in detail as many false statements have been made and cannot be taken into consideration.

SCH 1

PAGE 3 - 17

2) **Objections from previous evidence, is based on Racist opinions and not relevant representations to the Licensing objectives.**

We would like the panel to consider that racially motivated opinions will not be tolerated by Leeds City Council. It is proven from statements that Wazim Manzur's objections are racially motivated.

SCH 2

PAGE 18 - 25

3) **No complaints have been made to Leeds City Council Environment Protection since 12/01/2007 from Copgrove Road in relation to noise complaints.**

All residents from 2-12 Copgrove Road experienced problems with noise to the date of May 2007. The premises were horrified to learn these issues and made improvements to tackle these issue. No complaints were received by Leeds City Council after this point.

SCH 3

PAGE 26 - 27

4) **Leeds City Council Noise team having viewed this information are satisfied that the risk of causing nuisance is low.**

Leeds City Council EPT are experts in the field of noise nuisance. They have evaluated the information from previous and the application to come to the conclusion that the risk of any noise nuisance is low.

SCH 3

PAGE 26 - 27

5) **Leeds City Council Noise team have provided us with complaints of noise that are not related to our premises as we were closed on these particular days.**

The evidence shows that residents of Copgrove Road having made complaints on loud music, especially when our premises were closed, have other issues of noise in the area. These issues are not related to the previous premises Bar Noir.

SCH 3

PAGE 26 - 27

SCH 4 6)
PAGE 28 - 33
SCH 2
PAGE 18 - 25

Having made improvements in May 2007 to tackle all noise issues, resident letters prove that the problems were resolved.
Resident letters prove all issues on noise were resolved. The letters are factual to the actual events and not false statements to fabricate the truth in these proceedings.

SCH 5 7)
PAGE 34 - 35

The closest noise sensitive premises are that of Clock Hotel. These premises are opposite our premises on the same road and have not experienced any issues with noise.
Clock Hotel as a business is reliant on customers having a good sleep with zero disturbances. Clock Hotel's statement proves there are no issues of noise.

SCH 6 8)
PAGE 35 - 36

The closest resident is located on Easterly Road. There have been no complaints from these residents. Upland Road residents are about the same distance as Copgrove Road. There have been no complaints from Upland Road.
The ordnance map shows the location of residents. Residents of Easterly Road have direct view to the front of our premises. No complaints from these residents have ever been made.

SCH 7 9)
PAGE 37 - 39

West Yorkshire Police have made no objection. They are experts in crime and disorder and are satisfied that the management team can operate in accordance to the licensing objectives.
The Police being experts in this field have raised no objection. The Police having had the same management team at 2 reviews are satisfied on the evidence that is no issue. The panel should consider that if what has been claimed by the residents is true, then why is there no objection from the experts. Our Crime and Disorder record proves that issues have been resolved by the management team.

10) **The previous premises have never been uncooperative with the authorities. Legal opinions do not deem a lack of cooperation.**
It was proved that despite advice from Licensing and the Police during 2009, that they were wrong and incorrect on legality. This does not entail that the management team were uncooperative with authorities. The fact remains that all matters of the previous licence were done in accordance with law and the courts. When an authority is incorrect on law, its our right to challenge that aspect through the courts.

SCH 1

FALSE STATEMENTS

Official complaints have been submitted to Leeds City Council for offences committed under section 158 of the licensing act 2003.

Evidence in relation to each statement as reported is provided with evidence. These documents have not been provided in this bundle due to the amount.

These offences simply outline our rights under law for fictional comments. Many statements are false and show's these representations misleading these proceedings.

The panel are to consider:

Are fictional comments allowable within these hearings for gain of their own purpose?

Do Leeds City Council simply allow any persons in these hearings to simply lie?

MEXI KHANA HALAL LTD
14 WELL HOUSE ROAD
LEEDS, LS8 4BS
COMPANY NO: **08621381**

Stephen Holder
Legal, Licensing Section
Civic Hall
Leeds
LS1 1UR

Sent via email and post

19 September 2013

Dear Stephen,

INVESTIGATION INTO OFFENCES UNDER LICENSING ACT 2003
AMMER IQBAL, 2 COPGROVE ROAD, LEEDS LS8 2SP

With reference to the above we advise Licensing that offences under the Act have been committed.

Under the Licensing Act 2003 – Section 158

- (1) *A person commits an offence if he knowingly or recklessly makes a false statement in or connection with-*
 - (a) *an application for the grant, variation, transfer or review of a premises licence or club certificate,*
- (2) *For the purposes of subsection (1) a person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.*
- (3) *A person found guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.*

- A) FOLLOWING OUR APPLICATION ON THE 05/08/2013 we now submit further details as required.

On the 30^h August 2013 Licensing received an objection from Ammer Iqbal in connection with the application for a premises licence, the resident relied on a document that contained false statements. This document has been extracted as at Sch A where an offence was committed.

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We now request Licensing to investigate and proceed with prosecution under this section of the Act.

We hope this is sufficient information for you to use this section of the Act.

Please contact me if you require any further information.

Yours Sincerely,

Gurpal Singh Chana
Director

CORRECT STATEMENTS & EXPLANATIONS: Ammer Iqbal

It is reported that:

- a) *"Maxi Khana Halal Ltd", is portraying itself as a neighbourhood friendly, socially disciplined restaurant bar.*

The statement makes the assumption the venue does not cater socially and is not friendly for the neighbourhood. It also makes the statement that it is only portraying to be a restaurant/bar. The fact remains that the previous premises provided a vital function to the neighbourhood and surrounding residents. Many private bookings for Christenings, birthdays and even wedding receptions have been done at the premises. I refer you to the temp (**Sch 1**) events during 2011-12 which prove that the venue catered for families and the neighbourhood. We also refer you to resident letters (**Sch 2**) in 2008 of actual support of the residents. The venue has always been disciplined and successfully reduced all crime and disorder on unwanted patrons during 2007. Incident analysis (**Sch 3**) attached proves that issues in 2007 have been resolved.

Assumptions & opinions must be backed with evidence. No evidence has been provided to give any justice to this statement. We attach our analysis and Police record to prove & show the credit of our efforts.

- b) It is reported that:
its proprietors are the same individuals who were the owners of ill-fated and troubled venture, formerly known as "bar Noir"..

This statement is false and defamatory. The statement implies that Bar Noir always had trouble. Apart from 2007 all issues on crime and disorder and noise problems for residents were resolved. We provide statistics (**Sch 3**) to prove that the venue was never ill-fated and troubled.

We also rely on our crime and disorder record (**Sch 3**).

This statement is false and has misled the application based on an assumption. No evidence has been submitted and is deemed false.

Its is reported that:

- c) *I feel this is a disguised attempt by the owners to open up another "Bar Noir"*

This statement is incorrect. The fact remains that Bar Noir no longer exists. The new venture is food orientated, serving halal food till 02.30. The application contains the provision of late night refreshment (**Sch 4**). Although it is themed as a 60's and 70's wine bar, at no time is it going to be a disguise as Bar Noir. Themed music to accompany good food does not mean it is a disguise.

No evidence has been provided to prove that this is a disguise to open Bar Noir.
This statement is false. We refer to the actual application.

d) It is reported that:

Saffron its generally visited by families, friends and couples looking to have a nice meal.

Mr ammer Iqbal is not an expert on this premises. He has not conducted no research or provided any evidence on what customers attend. A general opinion can still be deemed false. The fact also remains that Saffron opten let the upstairs of the premises for private parties, which has a balcony. These parties had very loud music exactly opposite 2 Copgrove Road. No noise complaints were made as they are fellow Muslims.

Without evidence and adequate research this opinion has not been proved.

It is reported that:

e) I feel the real intent of the owners of Maxi Khana Halal Ltd, is to operate this as a bar/nightclub.

Statement is false. The application confirms what it is seeking. Please refer to section c) as repeated. There is no mention of a nightclub in the application (**Sch 4**).

The opinion & statement is false. No evidence provided.

It is reported that:

f) the previous management and handling of Bar Noir, was a shambles.

This statement is not only false but subject to a libel case. It is proved with all statistics and evidence that the management team not only resolved issues but created one of the safest places in Leeds. In 2007 the management team interacted with all the residents and visiting each. Putting in place improvements (**Sch 5**) on issues of noise, the management team continued to speak to residents apart from 4 Copgrove Road (racist). We refer to resident letters (**Sch 2**) dated in 2008 to prove the continued contact. The management team also changed security another two times up to 2009 to tackle other issues of crime and disorder. We refer to

MEXI KHANA HALAL LTD
14 WELL HOUSE ROAD
LEEDS, LS8 4BS
COMPANY NO: **08621381**

Stephen Holder
Legal, Licensing Section
Civic Hall
Leeds
LS1 1UR

Sent via email and post

19 September 2013

Dear Stephen,

INVESTIGATION INTO OFFENCES UNDER LICENSING ACT 2003
G BEGUM, 8 COPGROVE ROAD, LEEDS LS8 2SP

With reference to the above we advise Licensing that offences under the Act have been committed.

Under the Licensing Act 2003 – Section 158

- (1) *A person commits an offence if he knowingly or recklessly makes a false statement in or connection with-*
 - (a) *an application for the grant, variation, transfer or review of a premises licence or club certificate,*
- (2) *For the purposes of subsection (1) a person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.*
- (3) *A person found guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.*

- A) FOLLOWING OUR APPLICATION ON THE 05/08/2013 we now submit further details as required.

On the 30th August 2013 Licensing received an objection from G Begum in connection with the application for a premises licence, the resident relied on a document that contained false statements. This document has been extracted as at Sch A where an offence was where an offence was committed.



We now request Licensing to investigate and proceed with prosecution under this section of the Act.

We hope this is sufficient information for yourselves to use this section of the Act.

Please contact me if you require any further information.

Yours Sincerely,

Gurpal Chana
Mexi Khana Halal Ltd
Director

A handwritten mark or signature, possibly a stylized '9' or a similar character, enclosed in a circular loop.

CORRECT STATEMENTS & EXPLANATIONS: G Begum

It is reported that:

- a) *We have previously experienced severe problems with Bar Noir which was located at the exact same spot and managed by the exact same people.*

The statement is deemed false. No evidence is provided to prove this resident had problems with Bar Noir. There have been zero complaints made to Leeds City Council Noise team and the Police. The venture does not have the same management team. Shahid Bashir has been appointed to run the late night wine bar restaurant.

Statements must be backed with evidence. No evidence has been provided to give any justice to this statement.

It is reported that:

- b) *My Family and other neighbours at the bottom of Copgrove Road suffered extremely at the hands of Bar Noir.*

This statement is false. Repeated as per section a). Any issues the residents had in 2007 were solved. We provide resident letters (**Sch 1**) to give confirmation.

This statement is false and has misled the application based on an assumption. No evidence has been submitted and is deemed false.

Its is reported that:

- c) *Me and my family could not sleep from Thursday to Sundays due to the unsavoury customers that Bar Noir attracted*

This statement is incorrect. The fact remains that Bar Noir on Thursdays and Sundays closed around 11.30. Very few customers visited on these days and were our quietest days. The comment on "unsavoury customers" is racist in nature. Bar Noir had many thousands of customers over years from many different backgrounds and ethnicities. It is extremely prejudice to say that Bar Noir only attracted unsavoury customers. We can confirm that Leeds City Councillors have been to the premises. We also had celebrities such as Lucas Radebe, General Levy, Mich Richards and others visit the premises. Are these Councillors and celebrities unsavoury? Are all the local businesses and hardworking people within the area unsavoury?

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No evidence has been provided to prove any item in the statement.

It is reported that:

- d) *Most nights we were awoken by people under the influence of alcohol fighting, shouting, littering and urinating in our street. The customers of Bar Noir would park their cars outside our houses playing loud music, slamming the car doors, laughing shouting and often fighting. This affected our sleep and also made us feel unsafe in our own homes.*

The statement is false and fabricated. Actual and factual events are that residents in early 2007 had an issue with patrons parking cars outside their homes. Slamming car doors and possibly talking loud was an issue. The fact that this resident has fabricated the matter without any evidence to claim patrons would shout, fight and urinate is outrageous. No complaints have been made from this resident to the authorities. It is also not proven that these members of the public were patrons of Bar Noir. Why would customers walk 200metres down the street and around the corner to urinate and fight? Bar Noir had facilities for toilets. In June 2007 we employed a parking attendant to stop the very few patrons parking on Copgrove Road. No patrons of Bar Noir parked on Copgrove Road past this date. The resident has also claimed that this was most nights. Sun – Thurs were very quiet days with an average customer base of around 8. Claiming this was most nights is false and misleading. If this resident often witnessed people often fighting, then why was no report made to the Police? Due to me being a local resident, I would inform the Police on any Crime and Disorder. The statement claims that this was most nights! The fact remains that apart from the fabrication of the truth, residents had no issues post June 2007. We refer to resident letters (Sch 1) of improvements (Sch 2).

The statement has been fabricated to actual events. The resident has no evidence to succeed on any of the claims and is deemed false.

It is reported that:

I

- e) *I feel the management of Bar Noir did not have any consideration for the local residents and our lives were affected by their inconsistencies to comply by their license terms.*

This statement is not only false but subject to a libel case. It is proved with all statistics and evidence that the management team not only resolved issues but created one of the safest places in Leeds. In 2007 the management team interacted with all the residents and visiting each. I personally visited No 8 and sat with the father having tea to find out any issues. His reply to this matter was that he cannot stop his son continuing any action in the review. He said he had no issues. Putting in place improvements on issues of noise, the management team continued to speak to residents apart from 4 Copgrove Road (racist). We refer to resident letters (Sch 1) dated in 2008 to prove the continued contact. The management

team also changed security another two times up to 2009 to tackle other issues of crime and disorder. We refer to Police incident report and statistics (**Sch 3**) to prove the excellent policies of the management. The management team introduced other polices for continued improvement (**Sch 2**).

The opinion & statement is false. No evidence provided.

It is reported that:

- f) Now after more than five years the same management of Bar Noir have requested the same license to operate the same kind of business that will once again with any doubt cause us the same problems it did previously.

The application confirms what is requested and it is not a similar business. The claim is made that they will have the same problems. There is no evidence of any resident problems post June 2007. The management team includes 3 new managers named Shahid Bashir, Sirbjit Panesar and Deborah Wilkinson, and is not the same team as Bar noir. We refer to resident letters (**Sch 1**) of all noise issues as resolved.

The statement is false. No evidence is provided to prove the management team employed.

It is reported that:

- g) *We feel the late night operating hours they have requested are more suited to centrally located businesses and not residential areas.*

It is agreed that premises operating to these hours must follow the licensing objectives and not cause no nuisance of any kind to the City of Leeds. It is also fact that the City Centre now has a big residential population. The statement to suggest this business would suit city centre is false. The venture specializes in providing a function to residents of the area. Previous success of Bar Noir from financial accounts and public demand prove that the premises are what the area seeks. The application (**Sch 4**) contains all the control measures of successful policies adopted from Bar Noir to eliminate any issues as required by the licensing objectives.

No evidence proves that this new venture is more suited for City Centre or that this particular area has no public demand.

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14 WELL HOUSE ROAD
LEEDS, LS8 4BS
COMPANY NO: **08621381**

Cllr Bill Urry
Leeds City Council
Leeds

Sent via email and post

19 Sep. 13

Cllr Urry,

RE: NOTICE OF OFFENCES COMMITTED

With reference to your objection letter received by Leeds City Council on the 09/09/2013, we can confirm our intent of further legal action.

We are quite horrified to the extent of your false statements and disregard to the actual truth. You have not presented any evidence to substantiate your claims and are deemed absolutely fictional.

False Statements

We will now formally make a complaint under Section 158 (1) (a) and (2) under the Licensing 2003. A person found guilty under this offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale. A full report will be available from Leeds City Council Entertainment.

Defamation (may not be applicable)

The objection letter also contains personal attacks on the management team who are Gurpal Chana and Rushpal Chana. These objections are public record and can confirm that offences have been committed under the Defamation Act of 2013 Section (1).

Under Civil procedures rule 3.1 Pre-action Protocol for defamation, we Gurpal Chana and Rushpal Chana give you notice. A letter of claim shall follow this by 23/09/2013 under rule 3.2 and 3.3.

You will have 14 days to file a response under 3.4 and 3.5. We advise you seek legal advice and provide us with your solicitor's details.

If for any reason, you were not the author of this objection then please advise us immediately.

Please contact us on 07970 647722 if you would like to discuss the above.

Yours sincerely

Gurpal Chana

CORRECT STATEMENTS & EXPLANATIONS: B Urry

It is reported that:

- a) But I am not persuaded that there would be a significant demand in this older age group for a late night drinking – equalities law could make it impractical to enforce an age limit.

The statement is deemed false. Mr Urry is neither an expert in this field or has he conducted any research to state this opinion. The fact remains that there is a massive demand for this age group. This is extreme prejudice on ageism. The previous premises changed its music policy late 2008 and its target audience was that of over 30's. Crime and disorder record proves that this policy was successful. The premises licence operated till July 2010 and there after operated under TENS. We attach a TEN application of events with 70's themed music.

The new venture has never said that it has an age restriction for over 40's. The venue under law is open to over 18's and governed by check 25 as the application states. Through practical experience the type of music isn't enjoyed by a younger audience and the majority of custom will be of a more mature nature. We will never stop or discourage younger customers coming to the premises to enjoy a meal accompanied by classic music.

Opinions must be backed with evidence and research. No evidence has been provided to give any justice to this statement. The statement is prejudice to mature citizens of Leeds.

It is reported that:

- b) In my view there is a real danger that a facility opening for the sale of alcohol at 11.00 pm with sale and drinking up continuing to 3.00 am, would mainly attract clients who had already drinking at other establishments.

The opinion is deemed false. No evidence has been provided to suggest that clients have already been drinking at other establishments. The premises specializes to a specific audience who must be members. Most of the previous customers of the Bar Noir came specifically to one venue. No research has been conducted to prove this statement.

This statement is false and has misled the application based on an assumption. No evidence has been submitted and is deemed false.

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Its is reported that:

- c) This could exacerbate local disturbance and anti social behaviour, particularly during main egress around 3.00 am.

This statement is incorrect. No evidence is provided and documents prove that there has been, no local disturbances and anti social behaviour post June 2007. No complaints have been made or reported to any authority. The control measures to uphold the licensing objectives as per the application eliminate any issues from this statement. The statement is misleading in suggesting any premises, that operates in early hours could exacerbate disturbances and anti social behaviour. Times of operating, has nothing to do with what is opinionated, and is more based on an individual to create disturbances and anti social behaviour. This could happen at any time of the day at any place within Leeds. Do we really need to provide Police statistics on Crime and Disorder to prove what times local disturbances and anti social behaviour occurs throughout Leeds? The statement without evidence is deemed false.

No evidence has been provided to prove any item in the statement.

It is reported that:

- d) The historic video evidence provided by neighbours on Copgrove Road suggests that local residents in Copgrove, and very likely Easterly, and Upland Roads too could be seriously affected by noise and other anti social behaviour in the small hours – especially if people had been drinking before arrival and then walk home.

The statement is false. Neighbours did not provide a video evidence as only one resident provided footage of disturbances unrelated were customers of bar Noir. The footage was also edited with dates and enhanced sound that distored the mic. The footage shows cars driving past Bar Noir through Copgrove Road. What does this have to do with Bar Noir? The fact also remains that Gipton Lodge has a high volume of African residents of which is 5 doors away from the main complainant. The residents have complained according to Leeds City Council of loud music/discos within Copgrove Road. This has been complained when Bar Noir was closed to the public. We attach email from M Ward of Leeds City Council.

Video footage shows members of the public attending house parties on Copgrove Road nad not attendees of Bar Noir. The footage is also limited to show where these people actually came from or attending.

The closest resident that has a full view to the entrance of Bar Noir is Easterly Road. Houses on Upland road are closer to the entrance of the premises then those of Copgrove Road. **NO COMPLAINTS HAVE BEEN MADE** by these residents. Mr Urry has no evidence to prove these residents are likely to have noise problems. We attach ordnance map of the area.

The statement is false and misleads these proceedings. No evidence is provided to show noise issues post June 2007.

MEHRA/CHANA/CHANA ETC
14 WELL HOUSE ROAD
LEEDS, LS8 4BS
COMPANY NO: **08621381**

Mr N & M Manzur
8 Copgrove Road
Leeds
LS8 2SP

Sent via email and post

19 Sep. 13

Mr N & M Manzur,

RE: NOTICE OF OFFENCES COMMITTED

With reference to your objection letter received by Leeds City Council on the 30/08/2013, we can confirm our intent of further legal action.

We are quite horrified to the extent of your false statements and disregard to the actual truth. You have not presented any evidence to substantiate your claims and are deemed absolutely fictional.

False Statements

We will now formally make a complaint under Section 158 (1) (a) and (2) under the Licensing 2003. A person found guilty under this offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale. A full report will be available from Leeds City Council Entertainment.

Defamation

The objection letter also contains personal attacks on the management team who are Gurpal Chana and Rushpal Chana. These objections are public record and can confirm that offences have been committed under the Defamation Act of 2013 Section (1).

Under Civil procedures rule 3.1 Pre-action Protocol for defamation, we Gurpal Chana and Rushpal Chana give you notice. A letter of claim shall follow this by 23/09/2013 under rule 3.2 and 3.3.

You will have 14 days to file a response under 3.4 and 3.5. We advise you seek legal advice and provide us with your solicitor's details.

If for any reason, you were not the author of this objection then please advise us immediately.

Please contact us on 07970 647722 if you would like to discuss the above.

Yours sincerely

Gurpal Chana

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SCH 2

RESIDENT LETTERS

Racism:

The letters from all other surrounding residents show the actual events. Some have reported that Wazim Manzur made racist comments. Although we cannot rely on this as proof, but does show a suggestion that the representation may be possibly racially motivated.

Noise:

The letters prove that all noise issues in 2007 have been resolved. Each letter shows that the residents did have problems and are satisfied that they were solved

The panel are to consider:

Is racism a reason to object?

Do Leeds City Council simply allow racist views?

All other residents prove that issues on noise were solved.

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Richard Singer
14 Copgrove Road
Leeds
LS8 2SP

Dear Council,

I live very close by to Bar Noir and can confirm that we have no problems with noise or anti social behaviour.

I am generally awake during the hours between 12am to 5am due to my illness and my bedroom is situated at the front of house usually with the window open. There were a few problems with noise in the early parts of 2007 but since a car parking attendant has been present there has been no cars parked near any of the premises on Copgrove Road. I have young children and would without a doubt close down the bar if I felt noise was a issue. I have contacted the owners in March to express any problems I have faced and can say that owners have solved all issues.

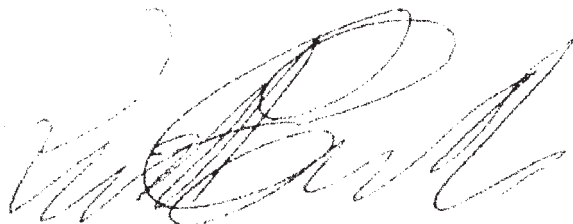
I am very active in any problems arising in our street and usually residents come to me if there are problems. I can tell you that any objections you get are total lies. I have noticed that Nos 2, 4 & 8 Copgrove Road tend to stick together as they are all meerpuri muslims. This is type of cast system and if you receive a complaint from 1 then the others will 100% follow.

I can also tell the council that Wazim of 4 Copgrove Road verbally said to me that he wants to close the bar. His reasons were that he did not want blacks in our area (he used the N***** word instead of blacks). I found this to be very racist and he has also put extreme pressure on other residents to close the bar. I understand from previous conversations with Wazim he has had problems at his work (when he worked for unity housing) with the black community. I have cut of all ties as a neighbour as his extreme views are very offensive.

I have also witnessed him harassing residents at no 6 to try and get them to write letters. I have spoke to no 6 and they have said that he wrote letters without there knowledge. I found wazim to be a liar and a racist over the past year. Closing the bar would be very harsh as problems within our street are non existant.

I hope the council see the real truth and not follow lies told by no 4.

Richard Singer
Kind regards.



19

24-1-07

Stephen Holder
Entertainment Licensing
Civic Hall
Leeds
LS1 1UR

Paul Le Blue
12 Copgrove Road
Leeds
LS8 2SP

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17 Dec 07

Dear Stephen,

RE: BAR NOIR – OPERATING HOURS

We do not have any problems what so ever with the operating hours of Bar Noir. We will say that any reports of noise and litter are not true.

I am very shocked that people are trying to close down a venue that is so good for this area. We have also been very pressurised from Waz at No.4 to make a complaint for which we have none.

Yours Sincerely,

Naila Mughal
6 Copgrove Road
Leeds
LS8 2SP

13th January 2008

To whom it may concern,

RE: Letter of complaint – Bar Noir, Clock Building, Roundhay Road, Leeds LS8

We refer to correspondence dated 30th March 2007 addressed to PC McGlennon. I write to advise you that this correspondence was not written by my mother (Mrs S. Mughal) but was written on behalf of my mother by my neighbour Mr Wasim Manzur. My mother was not fully aware of the content of this letter but does agree with the incident that took place in the early hours of 18th March 2007. Since the said incident we contacted the owner of Bar Noir and have resolved any issues we have had.

With reference to para 2 we do not have any issues with regards to blocking my drive by Bar Noir customers. We have not witnessed any people swearing, shouting, arguing and behaving very drunk and disorderly since measures have been taken by the owner of Bar Noir from June/July 2007.

I would like to retract all communications/correspondence you may have received on or behalf of Mrs S. Mughal and can confirm that we have no objection to the opening hours of Bar Noir.

If you would like to discuss the content of this letter please do not hesitate to contact me.

Yours faithfully



Naila Mughal

Enc. Copy letter dated 30th March

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Mr & Mrs Jeffers
7 Copgrove Road
Leeds LS8 2SP

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January 26, 2008

Licensing Department
Leeds
LS1

Dear Sir or Madam:

We can confirm that our street remains peaceful and that we have no reasons for Bar Noir to close

We do not have any problems with noise or litter. We did between Jan 07 to May 07 have many vehicles parked on our street which did cause some disturbance. Since they had a Car Parking attendant no cars park on Copgrove Road

I will also say that Bar Noir is positive place for the black community to go and my understanding is that it is peaceful place to go.

Sincerely

16 Copgrove Road
Leeds
LS8 2SP

Joyce Maynard & Nick Fry

18-Jan-2008

Licensing Dept
Civic Hall
Leeds

Dear Sir or Madam:

We at the above address find it very wrong that Bar Noir's hours are being decreased. We had no problems on our street with customers coming or going. There are no noise issues near our premises. The only thing at night we can hear are vehicles going up and down Roundhay Road.

We can also confirm that there have been a lot of house parties on our street which may be seen to be related to Bar Noir. Somebody from number 4 recently has visited us and has asked us to make complaints about Bar Noir. When we replied that we don't have any issues. He has then asked for us to do him a favour and make up complaints. We replied that we were not going to make problems up. He has most probably done this to all the other residents.

We feel the Bar Noir is good for the area as it is somewhere for locals to go. We have attended Bar Noir once or twice and find it a very peaceful place to go. We cannot understand why anybody would want object to a trendy wine bar in our area.

Sincerely



Joyce Maynard & Nick Fry



MRS, MR FRY

Mr P M Flakowski,
10 Copgrove Road,
Leeds LS8 2SP

To Council,

I can say that I have no problems with opening hours of Bar Noir. We don't have problems with noise or cars parking. I can say that our area is still very quiet on a night.

I have been to Bar Noir and can say it is very nice. We have never had a problem when we have been there.

Mr P M Flakowski

Robert Flakowski

24

Mr. A Kotia
3 Copgrove Road
Leeds
LS8 2SP

19 December 2007

Leeds Licensing Team
Civic Hall
Leeds
LS1 1UR

Dear Sir or Madam.

RE: BAR NOIR

I was the only resident to object to the original license and was in attendance with councilor Kendall at the first hearing. I must stress that if bar noir cause I or my family any problems. then we will without a doubt be sending a letter of complaint to you.

We are the closest house to Bar Noir and can confirm that we do not have any problems on our street with noise or litter. Although there were many cars parked on our streets in April 2007 which did cause some noise, a car parking attendant has resolved that issue. We did contact Bar Noir in March 2007 to express our views for improvements needed and can say that all issues were 100% completed. We can say that any complaints you may have are totally false. My property is installed with CCTV from which the car park of Bar Noir is covered. If you would like to see recordings then please contact me as it is clear on footage that our street is of a peaceful nature.

I would like to bring to councils attention that Wazim Manzur. a neighbour residing at 4 Copgrove Road has approached me and other residents on many occasions. On his visits to me and other residents he has expressed racist views. He has constantly said that we need to get the niggers out of this area (please excuse my language) and have explained to him that those comments are offensive. He also said to me that it is my **Islamic Duty** to side with fellow Muslims. As a true Muslim it is in our religion that lying is forbidden That is why I must stress that Wazim Manzur has used our religion to get other residents to complain for his personal racist views

I hope that the council take my findings on board and not punish Bar Noir for wrongful accusations.

Yours faithfully,



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SCH 3

LEEDS CITY COUNCIL EVIRON PROTECT

The email from Mike Ward shows that no complaint from residents of Copgrove Road for noise issues have been made since 15/01/2007.

The statement shows they have raised no objections based on the previous premises Bar Noir. The historical facts prove that there were no noise issues post 2007.

The additional complaints in 2011 also proves that the residents have other issues with noise from loud music since Bar Noir closed in 2010. It may even be possible that complaints and issues in 2007 may be unrelated to Bar Noir and more to do with house parties within the area.

The panel are to consider:

Leeds City Council Experts in noise have rec'd no complaints since 2007?

Leeds City Council EPT have raised no objections based on historical facts?

All other residents prove that issues on noise were solved.

Other complaints on noise have been made even though Bar Noir was shut.

26

From: Ward, Mike (Environmental Prote (Environmental Prote <Michael.Ward@leeds.gov.uk>
 To: achananumerics <achananumerics@aol.com>
 CC: Mudhar, Gurdip <Gurdip.Mudhar@leeds.gov.uk>
 Subject: RE: Mexi Khana Halal Ltd
 Date: Fri, 27 Sep 2013 14:56

To Mr Chana

Please be advised that we did not approve your application; rather, we did not raise any objection to it. We raised no objection on the basis of the complaint history, which gave us little substantive evidence to suggest we should object. We are however aware of the problems experienced at a time when the venue was regularly open and active. We will of course respond to allegations of disturbance should we receive any in future and do so according to our policies and procedures.

In response to your request for information I am able to offer the following detail in relation to historic complaints on our books for Bar Noir. This information would have been considered whilst we looked at your application. Complaints alleging noise arising from other businesses often help show sensitivity to noise where we have no previous history for a new premises (where for example the venue has come about as a result of a change of use).

The thing to note in this instance is that we are not certain if there has been any activity at all at the premises more recently and so a lack of complaint may actually underline a lack of activity rather than good practice to prevent noise.

reference	type	General area complainant resided	Date received	Named and address of premises	Allegation made
07/00484/NOILIC	NOILIC	Copgrove Rd	09/01/2007	Bar Noir Clock Buildings Roundhay Road Leeds LS8 2SH	Noise nuisance - loud music from club/bar - open 5am. Caller is a council employee and has been diary. Advised that he will be contacted within 5 w
07/00885/NOICOM	NOICOM	Copgrove Rd	15/01/2007	Bar Noir Clock Buildings Roundhay Road Leeds LS8 2SH	Noise until 5am - Sat + Sun - large crowds outside thinks they are drug users
08/01089/XNOILI	XNOILI	Copgrove Rd	12/01/2008	Bar Noir Clock Buildings Roundhay Road Leeds LS8 2SH	Car alarm sounding outside
10/14137/NOILIC	NOILIC	Brookfield Avenue	13/05/2010	Bar Noir Clock Buildings Roundhay Road Leeds LS8 2SH	Description Of Noise : Thumping bass coming from last couple of months, which is a street away and main road (Roundhay Road), this has become loud last few weeks and it is no longer possible to block sound of this
Complaints of a similar nature concerning other premises close by					
07/27097/XNOCOM	XNOCOM	Copgrove Rd	30/11/2007	*** Roundhay Road Leeds LS8 ***	Noise from disco
11/10103/XNOCOM	XNOCOM	Copgrove Rd	16/04/2011	*** Roundhay Road Leeds LS8 ***	loud bass beat (music)
11/15376/XNOILI	XNOILI	Copgrove Rd	15/06/2011	*** Roundhay Road Leeds LS8 ***	Loud music

Thank you

From: achananumerics@aol.com [mailto:achananumerics@aol.com]
 Sent: 24 September 2013 10:19
 To: Ward, Mike (Environmental Prote
 Subject: Mexi Khana Halal Ltd

Dear Mr Ward,

RE: PREM/03361/001- MEXI KHANA HALAL LTD

With reference to the above, we would like to thank you for your approval on the application.

I have spoke to Mr Gurdip Mudhar about historical issues with the former premises named Bar Noir and he has referred me to yourself in order to get confirmation on certain issues. Mr Mudhar has confirmed all the details from your systems but would require it by writing (email preferable).

Could you please confirm the last time any resident on Copgrove Road complained on noise issues?

Having spoken to Mr Mudhar, we understand that it was on the 14/05/2007.

We should be so grateful for your assistance.

Gurpal Chana

Director

The information in this email (and any attachment) may be for the intended recipient only. If you know you are not the intended recipient, please do not use or disclose the information

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SCH 4

IMPROVEMENTS

The following documents show that after an action plan meeting, extensive improvements were made to the premises. SCH 2 ALSO PROVES THAT RESIDENTS WERE SATISFIED WITH THE NOISE ISSUES.

The panel are to consider:

Improvements were made in 2007 to rectify issues with noise residents had?

Letters from residents prove these measures were successful?

ACTION PLAN MEETING

Please will the panel consider that we attended the action plan meeting and did everything required and effectively delivered our plans for improvements.

During May 2007 I was away on holiday having not had free weekend for 2 years due to commitments to Bar Noir. Rushpal Chana was contacted by Srgnt Chesters to attend a meeting in regards to improving problems that residents were having. I had arrived back from holiday a day earlier and contacted Carmel Brennand to confirm the location and time. During the conversation I heard that the meeting was at Stainbeck Police Station. Due to noise in the background I only heard beck Police Station and assumed it was Killingbeck. I never knew Chapletown Police Station had been renamed to Stainbeck. Rushpal Chana doesn't drive a vehicle and hasn't had much dealing with Police. Knowledge of what Police Station is which is very minimal. He assumed I knew where I was going. Forty-five minutes before the meeting we where having lunch at the Three Hulats which is only situated around the corner from Stainbeck Police Station. Having finished our meal we saw Carmel Brennand enter the building and speak to the management. On her leaving I said to her "Are you on your way there now" as it was still 30mins before the meeting. She replied "Yes, the meetings at 2.30". According to the Police's pack it is reported that she re-confirmed the venue. I will confirm that this was not the case. We then set off 15mins later towards Killingbeck Police Station. I will state again that Statinbeck Police Station was a 1min drive from Three Hulats. It then took 15mins to reach our destination and were stood in a queue for a further 15mins. Having then been attended to, we were told that the meeting was at Stainbeck. **Please will the panel consider that this was a small misunderstanding of address rather than mismanagement.**

The meeting concluded 30mins late and was very surprised to how formal and the number of attendees. Rushpal Chana was told by Srgnt Chesters that it would be a meeting between us, Carmel Brennand and himself.

I was fully aware of all the resident's complaints and had already previously visited all nearby houses. Wazim Manzur of 4 Copgrove Road had previously said to my face that he wants Bar Noir shut, so it was no surprise that he was in attendance. Wazim Manzur voiced his concerns about attendees of Bar Noir and came clear that the main problem was customers parking outside their houses. This problem had caused issues with patrons arriving to our venue with bottled drinks purchased elsewhere. These bottles were then disposed of on Copgrove Road and sometimes in the resident's gardens. Other problems arose as when customers were returning to their vehicles they would be talking loud. We voiced our concerns and told Wazim Manzur as I did previously that we were disgusted with how our premises were causing distress to our surrounding areas. We then confirmed how we were

going to tackle the problem and listed all areas we felt were necessary needed improvement. We also stated that some of Wazim Manzur's claims were a bit exaggerated and that the problems very easily resolved by means of having a parking attendant. It was also stressed to Wazim that he needed to contact myself if he felt he was still experiencing problems. I explained that this would help speed up any matters that needed resolving and that complaining to authorities would only delay in issues being resolved. I then told him that if I am made aware of any small problems he is having I can then do something about it. Wazim Manzur declined this offer and confirmed that he carry on dealing with authorities.

In the meeting our door charge was brought up. We were advertising £3 entry buy 1 drink get 1 free on entry. I explained that the door charge was a policy to discourage people entering simply to loiter and that it wasn't a money making scheme. We did this to push away certain undesirable customers and to drop our attendance levels. The Buy 1 free element was simply for our loyal and good customers a way of reimbursing the door charge. We have never had drinks promotions nor advertised our beverages. I explained that if a straight door charge was introduced it would push away our very good customers. Neither Carmel Brennand nor Sgnt Chesters could understand how this system worked. I confirmed that the policy would be monitored over the next few weeks. Although the policy is difficult to manage it has been 100% successful since introduced. It has pushed away undesirables and kept the very good clientele we have. I also confirmed that Licensing was contacted before the entry charge was introduced to find out if this encouraged binge drinking. Calls to Licensing confirmed that the policy was fine. Also at a later it was confirmed by the head of licensing on visit to our premises that the policy was fine.

In the meeting it was also noted that we were not taking any notes. My reply was *"Why do I need to take notes? I have to complete these tasks by this date to make improvements for complaints this resident has. It's not rocket science or neither do I need to write an essay about it"*.

Please find listed all improvements and measures taken to bring peace to the residents.

- **Double doors fitted – to stop sound escaping on customers entering & exiting.**
- **Removal of window fan – where sound was escaping**
- **Boarding of window where previous fan was located**
- **Sound proof foam around the fire door**
- **Sound proof foam between removed foam and board**
- **Employment of parking attendant**
- **Educating customers on quiet leaving**
- **Move speaker location so sound is directed into premises.**
- **Employment of Smoke area supervisor**



SOUND SERVICE (OXFORD) LIMITED

Noise and Vibration Reduction Specialists



55 West End, Witney, Oxon, OX18 1JG
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 Email: sales_ssoli@btconnect.com
 www.soundservice.co.uk

Invoice SP 16165

INVOICE ADDRESS

R Charner
 14 Well House Road
 Leeds
 LS8 4BS

DELIVERY ADDRESS

Contact: 07971 145365

INVOICE

DATE	YOUR REF	TAX POINT	DELIVERY VIA:-	No. OF PACKS
15/06/2007	Verbal	15-06-07	Next Day AM Delivery	2 x boxes
QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	COST	
3.00	Acoustical M20AD nom 1x1mx20mm		£	84.60

SOUND SERVICE

55 WEST END

WITNEY

OXFORD

OXFORD OX18 1JG

TEL: 01993 704981

FAX: 01993 779569

DATE

CHECKHOLDER COPY

PLEASE KEEP THIS COPY FOR YOUR RECORDS

AMOUNT

£142.00

PLEASE PAY BY PRESENT

THANK YOU

15/06/07 15:06:07

AUTH CODE:

015317

RECEIPT 2181

CALL

ON

Paid CC With Thanks

VAT No: GB 434 5018 73

CARRIAGE

£ 36.25

SUB TOTAL

£ 120.85

17.50%

VAT

£ 21.15

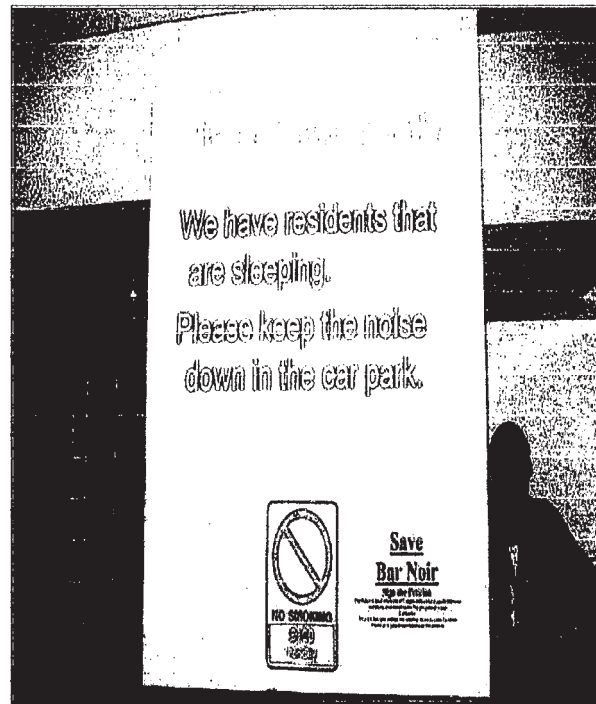
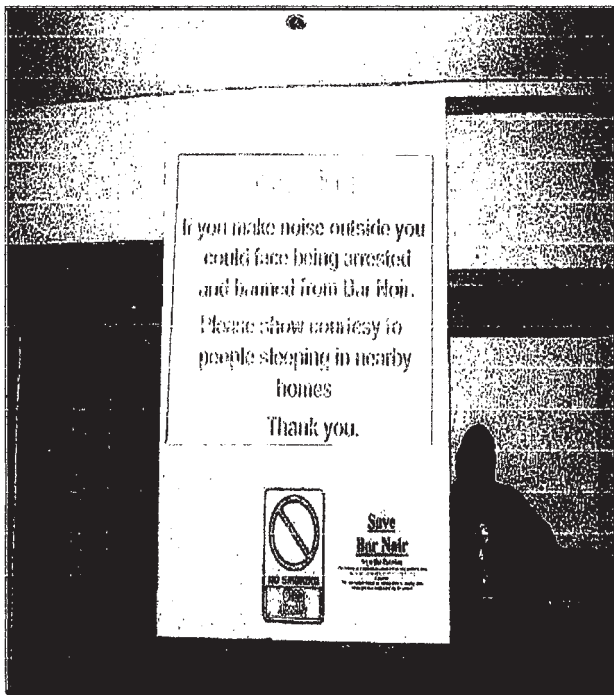
TOTAL DUE

£ 142.00

32

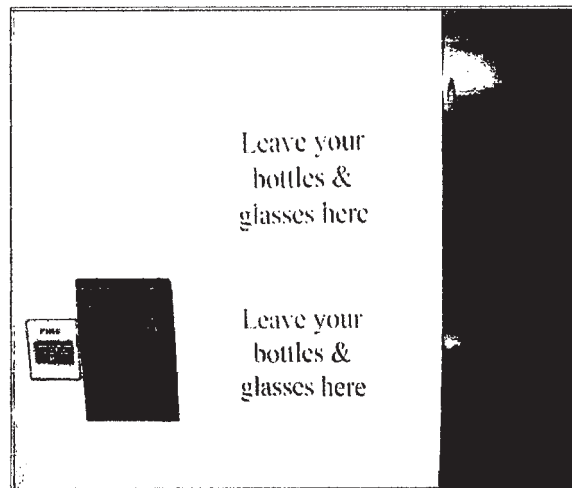
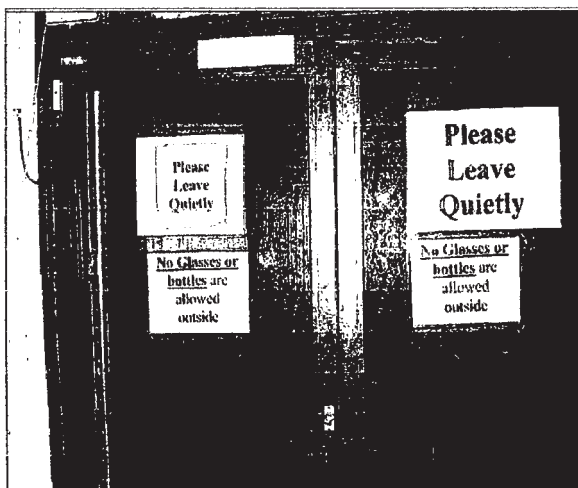
TERMS:
30 Days Net

PICTURES OF POSITIVE PROMOTION



THE ABOVE PICTURES ARE OF OUR POWER POINT PRESENTATION THAT DISPLAYS EVERY 3 MINUTES. NOBODY IN THE PREMISES CAN MISS THE PROJECTOR AS IT IS VERY BRIGHT.. THE VIDEO WALL SIZE IS ABOUT 60 INCHES AND PLAYS A PROMINENT ROLL IN ANY NOTICES WE NEED TO GIVE CUSTOMERS.

PICTURES BELOW ARE AT THE EXIT POINT. THERE ARE FURTHER NOYICES IN THE CAR PARK. CARMEL BRENNAND. HAS WITNESSED SIGNS IN CAR PARK ON HER VISIT IN MAY 2007



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SCH 5

CLOCK HOTEL

Clock Hotel is almost directly opposite our premises. Their statement proves that the closest noise sensitive premises have no issues with noise. Clock Hotel is dependant on customers having a good sleep and there have been no complaints from these premises.

The panel are to consider:

A business dependant on customers sleeping, have not made one complaint of noise.

The Clock Hotel is directly opposite our premises on Roundhay Road.

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SCH 6

MAPS

The attached map shows the closest premises to the premises.

Clock Hotel is the closest and almost directly opposite to the premises.

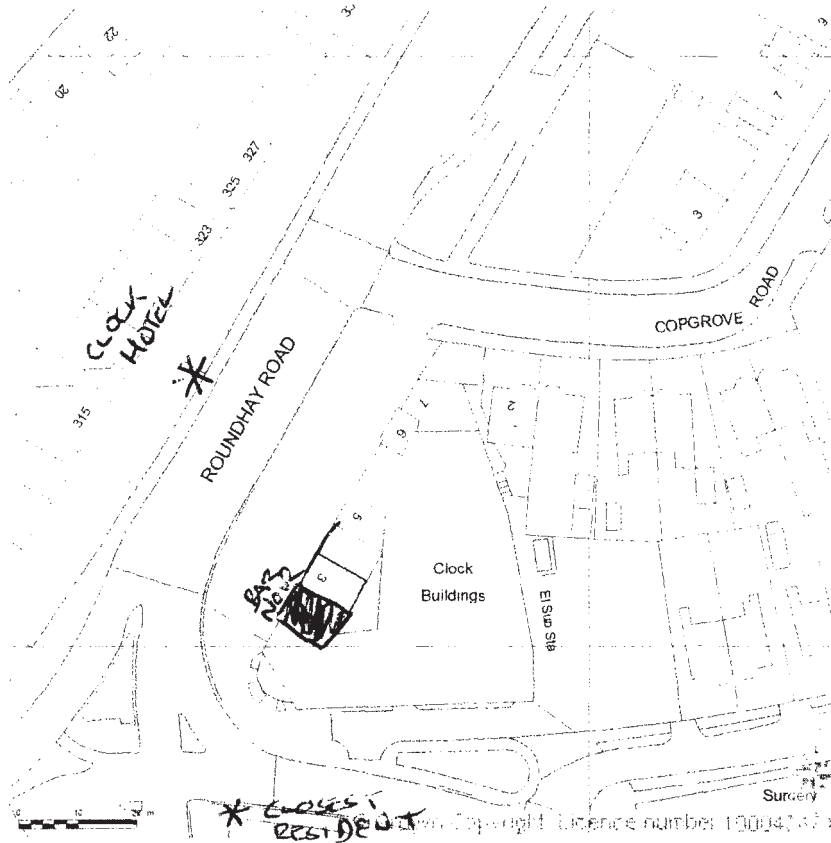
The closest resident is that of Easterly Road who can actually view the front of the premises from their window. There have been no complaints from these residents. Equally residents on Upland Road that are of equal distance to Copgrove Road have made no complaints

The panel are to consider:

The closest noise sensitive premises have made no complaints.

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SITE LOCATION PLAN
AREA 2 HA
SCALE: 1:1250 on A4
CENTRE COORDINATES: 432072 , 435938



Supplied by Streetwise Maps Ltd
www.streetwise.net
Licence No: 100047474

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SCH 7

CRIME AND DISORDER

West Yorkshire Police experts in the field of crime and disorder have raised no objections. We have had various meetings over the last two years with the Police to plan and execute an effective plan on Crime and Disorder.

Attached is our crime and disorder record. These documents prove that any issue on Crime and Disorder as reported by residents is FALSE. The statistics show that it is one of safest places in Leeds. Not many venues can boast a record like this and proves that effective policies from management solved earlier problems.

The panel are to consider:

Experts in crime and disorder have rased no objection.

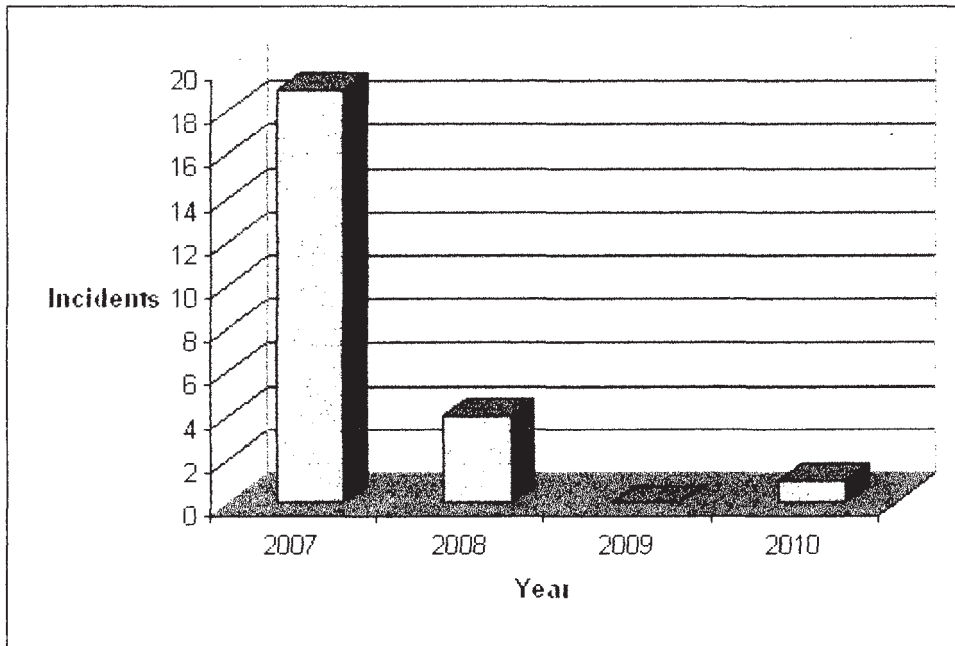
Why would experts approve the application?

The Police prove that residents aobjections in relation to Crime and disorder are lies.

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GRAPHS & STATISTICAL ANALYSIS

Incidents that required the Police to attend or needed to be reported:



Information is recorded from actual Police IBIS system & Police documents.
All incidents can be referenced to the Police.

The record clearly shows the reduction in Crime & Disorder.

2007 - many calls were made to prevent crime and not of serious issue. This was a waste of Police time and due to inexperience adopted the wrong strategy. We changed the security in Aug 2007.

2008 - Crime & disorder was reduced significantly with the new security and only had 4 incidents.

Unhappy with the 4 incidents and security, another change of security team was adopted in Jan 2009.

2009 - No crime or disorder. New security working correctly. We were shut for 4 months during this period.

2010 - Only 1 incident that required the Police.

This record not only shows the reduction in crime but also proves that the DPS policy to change security when needed worked.

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OPENING STATISTICS

2007

Total days open	363
Days with no incidents	341
Days with incidents	22
Percentage of good nights	93.94 %
Percentage of nights with incidents	6.06 %

2008

Total days open	363
Days with no incidents	358
Days with incidents	5
Percentage of good nights	98.62 %
Percentage of nights with incidents	1.38 %

2009

Total days open	266
Days with no incidents	266
Days with incidents	0
Percentage of good nights	100 %
Percentage of nights with incidents	0 %

2010

Total days open	298
Days with no incidents	297
Days with incidents	1
Percentage of good nights	99.66 %
Percentage of nights with incidents	0.34 %

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FINAL

Mr B Patterson
Leeds Area Licensing Officer
Operations & Licensing Department
West Yorkshire Police
Millgarth Street
LEEDS LS2 7HX



Contact: Helen Gray
Tel: 0113 247 4355
Fax: 0113 395 1599
Email: helen.gray@leeds.gov.uk
Your reference:
Our reference: A61/hg/Bar Noir
9th April 2008

“BAR NOIR”, CLOCK BUILDINGS, ROUNDHAY ROAD, LEEDS LS8 2SH - REVIEW OF A PREMISES LICENCE FOLLOWING AN APPLICATION MADE UNDER SECTION 51 OF THE LICENSING ACT 2003

On 11th February 2008 the Licensing Sub Committee met to consider a Review of the Premises Licence currently held at the premises known as “Bar Noir”, Clock Buildings, Roundhay Road, Leeds LS8 2SH. The Review had been necessitated following application made by West Yorkshire Police under Section 51 of the Licensing Act 2003 having regard to all four licensing objectives for the City adopted in order to promote the prevention of crime and disorder, the prevention of public nuisance, promotion of public safety and the protection of children of harm.

This letter represents the formal decision of the Committee in respect of the Review.

The current Premises Licence allowed the following:

Supply of alcohol:

Monday to Thursday	11:00 hours until 02:30 hours
Friday & Saturday	11:00 hours until 04:00 hours
Sunday	11:00 hours until 03:00 hours

Provision of recorded music

Sunday to Thursday	11:00 hours until 02:30 hours
Friday & Saturday	11:00 hours until 04:30 hours

Late night refreshment:

Sunday to Thursday	23:00 hours until 03:00 hours
Friday & Saturday	23:00 hours until 04:00 hours

The premises were open to the public during the following times:

Monday to Thursday	11:00 hours until 03:00 hours
Friday to Saturday	11:00 hours until 04:30 hours
Sunday	11:00 hours until 03:30 hours

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Preliminary Procedural Issues

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

The Sub Committee decided that the procedure for the hearing would not be varied and set a time limit of 30 minutes for the parties to make their case.

The Sub Committee also considered if the public should be excluded from any parts of the hearing. The Sub Committee decided to exclude the public from that part of the hearing where Members would deliberate on submissions and evidence presented. This would allow them to have a full and frank discussion on all matters put before them and this fact outweighed the public interest in not doing so.

Prior to the hearing the Sub Committee had considered the Licensing Officers Report containing a copy of the application as made by West Yorkshire Police (WYP) and supporting evidence which included several witness statements supplied by WYP officers and local residents. Following notice of the Review, LCC Environmental Health Services (LCC EHS) had also submitted a representation, along with several local residents who had written independently. All of the above documentation appeared between pages 20 and 257 of the report

The Sub Committee was also in receipt of submissions from the Premise Licence Holder (PLH) which included a petition of approximately 350 signatories in support of the PLH. This submission appeared in the report from page 258 to the end. The PLH also tabled colour copies of his submission which had reproduced photographs in the pack to a better quality. The PLH stated the pack did not contain any new evidence and the Sub Committee did refer to it at the hearing.

It was noted that the site location map included within the report had annotated the premises incorrectly. A correct version of the map had been despatched to the Sub Committee and all parties prior to the hearing.

The Sub Committee then went on to consider the review of the Premise Licence.

The Hearing

The Sub Committee considered the verbal submissions from Mr Bob Patterson – Leeds Area Licensing Officer on behalf of WYP – the applicant who was accompanied by the following:
Acting Inspector E Chesters
PC Kay - observing

Mr R Bilsborough – LCC Environmental Health Services
Mr G Mann – LCC Environmental Health Services

Mr W Manzur – local resident
Mr A Iqbal – local resident
Mr M Nazeib – local resident
Mr N Manzur – local resident observing



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Mr M Manzur – local resident observing

Mr M Yasin – local resident observing

Mr Sohbat – local resident observing

The Sub Committee also considered the verbal submissions of Mr Antonio Chana – on behalf of the PLH. Mr A Chana was accompanied by

Mr Rushpal Chana – the Designated Premises Supervisor (DPS)

Mr Merlin Halliday – Security Manager

Ms Karen Dupor't – observing, regular attendee at Bar Noir

In considering the Review, the Committee took into account the written submissions contained within the Licensing Officers report plus the verbal submissions made at the hearing by the interested parties.

The Sub Committee also had regard to the provisions of the Licensing Act 2003, guidance under Section 182 of that Act and the Council's own Licensing Policy and in particular Section 13 (Enforcement and Reviews) with reference to the cause or causes of the concerns which the representations identified and those matters to note when considering possible courses of action

The Sub Committee then went onto consider the Section 11 the Guidance (Reviews) as the Sub Committee took the view the following paragraphs had bearing on the application:

11:1 – 11:9 The Review process

11:15 -11:21 Powers of a Licensing Authority on the determination of a Review

Reasons for the Review request

In brief, WYP presented a case that since 1 January 2007 WYP had received 23 incident calls relating to Bar Noir. These had been logged on IBIS – the Police command and control system - all of the calls referred to fighting, violence or threats of violence either in the premises itself or outside. The incidents usually occurred in the early hours of the morning, and had involved weapons such as a knife, bricks and/or bottles. Large groups of people had been seen to be fighting. WYP stated that such incidents of crime and anti social behaviour had generated noise and disturbance to local residents and WYP were in receipt of letters and e-mails from local residents to this effect

Furthermore WYP had established the PLH did not adhere to several Conditions on the existing Premise Licence and was therefore in breach of the Licence. WYP stated that they, along with other agencies, had made attempts to contact the PLH in order to seek remedial action and address the problems. WYP did acknowledge that some issues had been successfully addressed; however remained concerned at the level of crime and anti social behaviour which could be attributed to the premises and was directly linked to its late opening hours through the early morning and at weekends.

WYP set out measures for the Sub Committee to consider during the course of the Review

- a) To modify the conditions of the Premises Licence i.e. – to end all licensable activity at 23:30 hours and end the permitted opening hours at 12 midnight on all days of the week



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- b) To remove the DPS on the grounds that he had allowed the conditions of the licence to be breached on repeated occasions and had not acted when the breaches have been pointed out or worked with other agencies.

Prior to the commencement of the verbal submissions, the legal adviser to the Sub Committee clarified the status of Mr Nazeib who had submitted a statement for WYP but was attending the hearing on behalf of his grandmother who had written independently. It was agreed that Mr Nazeib would appear as a witness for WYP.

Mr Patterson referred to video evidence supplied by Mr W Manzur and the Sub Committee stated this would be dealt with at the appropriate time when all parties were present.

Submissions and Evidence on behalf of the applicant – West Yorkshire Police

The Sub Committee heard representation from Mr Patterson who began by outlining the case being brought by WYP – namely that outlined above but also by highlighting WYP continued concerns over the predominantly long periods of crime and disorder at night associated with Bar Noir; concerns regarding the clientele the premise attracted and the perception that there was an inept management structure in place at Bar Noir.

Mr Paterson then called **Acting Inspector Chesters** (formerly Sergeant Chesters) as a witness who confirmed the following evidence in response to questions from Mr Patterson:

- The incidents recorded in the application had involved responses from WYP, LCC EHS and LCC Entertainment Licensing Enforcement.
- This matter had taken a long time to come to Review, therefore in his opinion the PLH had had ample time to address the problems
- WYP took the view that the blatant breach of licensing conditions and disregard displayed by the PLH by their non response to correspondence now required the attentions of the Sub Committee to take steps to reduce the nuisance caused by Bar Noir. He believed the presence of the premise within the locality clearly undermined the licensing objectives
- AI Chesters explained that he had a dual role as AI in the North East Leeds area and as Neighbourhood Policing Sergeant. This area included Roundhay. He had been Neighbourhood Policing Sgt for 18 months and one of his principal functions was to provide reassurance to the local residents, this involved close liaison between the residents and took the form of personal visits; tasking meetings and community forums.
- In March 2007 the community forum meeting had raised concerns about Bar Noir. He explained the neighbourhood policing was about the public, police, service providers and local communities working together to achieve proportionate solutions to any local problems. In all cases, the solution was well considered and taken in steps. In March 2007 he had been assigned to look at residents concerns regarding Bar Noir and received written representations from local residents on the adverse impact of Bar Noir. He added the neighbourhood was previously regarded as peaceful
- AI Chesters outlined the steps the neighbourhood policing approach would normally take to any problems:
 - 1) Undertake a research programme driven by the WYP statistics, to monitor calls received regarding a premises
 - 2) Make contact and liaise with the complainants



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3) To contact the PLH to discuss the concerns and seek resolution

- He had not been mindful to instigate a Review in March 2007 as he felt it more appropriate to investigate the complaints and collate evidence at that time. The investigation linked with LCC Entertainment Licensing Enforcement officer Ms C Brennand who had made him aware of her initial concerns. Al Chesters added that at that time, WYP were also embarking on a new Pubwatch scheme for the NE area, so he had felt that the problems could be dealt with through the Pubwatch meetings

Pubwatch

- Membership of Pubwatch was a condition on the existing Premises Licence which Bar Noir had previously agreed to, this had not been imposed upon them
- 12 other premises had been likely to join the NE Leeds Pubwatch scheme. He reiterated the importance of Pubwatch schemes borne out by the fact they
 - aimed to create responsible drinking environments
 - provided links to other agencies
 - aimed to provide a peaceful environment
 - instigated information sharing between premises and WYP, beneficial to the PLH
- Al Chesters personally delivered an invitation to Bar Noir to attend the first Pubwatch meeting in March 2007 but no representative attended the meeting. He liaised with Ms C Brennand on how to proceed and at that time it was decided to enter into dialogue with the PLH as the Pubwatch scheme was very new and it was felt to be harsh if punitive action was taken at that point. However Al Chesters confirmed Bar Noir missed 3 out of the 5 Pubwatch meetings held between March/June 2007
- Al Chesters reiterated his principal concern was that, despite opportunities to address the stated problems experienced through Pubwatch, through personal visits undertaken by himself and Ms C Brennand and with plenty of support available, at no stage had they taken the opportunity to do so. 8 out of 12 Pubwatch meetings had been missed. He added that although he was aware that Mr Chana had tried to make contact with him and complained that this had not been possible, he responded saying that equally he too had tried to contact Mr Chana to no avail

Action Plan

- After this an “Action Plan Meeting” was arranged in accordance with Neighbourhood Policing policy – this would afford all parties the opportunity to work together. The aim was to work together to discuss concerns and resolve them
- The meeting was the next step in the phased approach and was well attended by the PLH and Bar Noir representatives, LCC EHS, residents and WYP who discussed issues relating to noise nuisance; the way licensable activities were conducted and related matters such as litter; crime and disorder prevention of public nuisance and protection of children from harm to reinforce the licensing objectives.
- A deadline of 12 June 2007 was set to address the issues of soundproofing to the premises, litter and traffic regulation necessary to control the overspill car parking.
- A specific concern was that after the Action Plan Meeting, Mr Chana had disclosed in private that he had concerns a patron had been in possession of a firearm. During the conversation Mr Chana had said he had not informed WYP because if he had challenged the person there would have been implications to himself. Al Chesters stated it was imperative the incident should have been reported at the time, or very soon after, so that WYP could have implemented action to deal with it.
- He was also concerned that Mr Chana had described his clientele as “corporate clientele” to previous Sub Committees which suggested “city types” stopping off for a quick drink. However he had personally visited the premises and had received reports from other officers and stated this description was inaccurate.



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At this point Mr A Chana interjected but was advised not to interrupt as he would have the opportunity to address any comments during his own submission

The White Stag

- Al Chesters then confirmed that on 21 May 2007 he became aware that Mr Rushpal Chana had submitted an application to become DPS at the White Stag public house in Sheepscar.
- He stated that neither he nor Ms C Brennan had been made aware of his intention during any of their earlier visits. WYP lodged an objection and so the application had been withdrawn.
- Al Chesters explained that Mr R Chana himself did not know that the application had been made in his name although he had signed the application and this raised further concerns

IBIS Log

- The IBIS log was the command and control system which registered all telephone calls from the public, other agencies and WYP officers. This was a detailed log of incidents and the statistics were then used to allow WYP to target resources to particular areas of concern following the necessary risk assessment. Each incident description is coded and the graded in severity
- He believed an IBIS log really revealed the “iceberg effect” in that calls actually made did not reflect the whole situation as there would be a number of incidents not reported, because people felt they didn’t get an adequate response, or mistakenly thought someone else had already called.
- A normal IBIS log would pull in data from beyond the search remit. However the log presented to the Sub Committee (at pages 96 – 150 & 211- 234) was very specific to the premises, and it was likely that there had been other incidents slightly further away from the premise address related to the premise but not included here.
- The data collected from the IBIS log had encouraged him to instigate wider patrols of the area. This had been done in conjunction with LCC entertainment Licensing Enforcement – if there was sufficient cause for concern he could be authorised to give extra resources to pay particular attention to an issue or premises. This was not a decision taken lightly as it had resource implications for policing the rest of the North East Division area.

The premises

- In September 2007 as his role changed, he was afforded the opportunity to visit the area on an evening to observe the premises. He added that to visit alone would have personal safety implications and those officers who attended the premises on routine and planned visits were advised to attend in parties of four.
- He had attended the premises between 02:00 and 04:00 hours in a patrol car or unmarked vehicle to observe the area outside the premises and had witnessed groups of 20 to 50 people outside the premises drinking and shouting. He suggested the smoking ban may exacerbate the problem of people outside any premise, but LCC EHS had met with licensees to advise on how to deal with this prior to the implementation of the smoking legislation. In his opinion Bar Noir had not availed itself of his advice
- In answer to a question from Mr Patterson, Al Chesters confirmed he believed that support had been offered to Bar Noir to address the problems adding the whole ethos of neighbourhood policing was to offer support and work together for a resolution. Referring to human rights legislation, he added there should be a balance between



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the rights of an individual to enjoy his business and the rights of local residents to enjoy their homes

Noting the end of the submission from this WYP witness the Sub Committee went onto ask questions and Al Chesters provided the following information

- 3 arrests had been made at the premises, one for affray, one for breach of the peace and one for S18 wounding and serious assault. However he contended the number of arrests did not reflect the level of problems at the premises. Often by the time WYP attended the scene, the perpetrators had left or the situation had resolved itself so there were no witnesses or persons to question
- No-good reason had been given for non-attendance at Pubwatch meetings
- Residents had raised complaints regarding noise. He had spoken to the DPS about measures to combat noise who had referred to the original business plan which stated the premises would only ever play low level background music. He therefore suggested that if this was the case, noise from the premises should not cause problems and not require soundproofing
- With regards to the fire door, this should have been soundproofed, but was treated with only a draught excluder which was not attached properly
- The venue was a double unit with floor to ceiling plate glass windows to the street frontage. The fire door was located to the middle of this frontage. The venue had a double door entranceway, and on entry the bar was immediately facing. Internally was a single level area incorporating the dance floor, bar and seating. This was not a particularly large venue. He added he did not know the layout to the rear of the premises
- With regards to the crowds he witnessed outside the premises, he could not identify what they were drinking although he had clearly heard the clink of glasses/bottles
- Mr Chana had been advised in person that he was breaking the conditions of the premise Licence both by Al Chesters and Ms C Brennand

Mr Patterson then called **Mr Naseib** as a witness who provided the following evidence

- When he had returned from University he continued to study at home but was unable to concentrate with the noise and nuisance outside his home. He was unable to study, hit his course targets or study a particular topic overnight for the following day due.
- Bar Noir had not affected his family for the first 6 months it was open; there had been no nuisance or problems with cars. This changed when the extended hours were granted
- He resided at No 8 Copgrove Road with Mrs Begum (Grandmother who was unable to attend due to illness. Her letters appeared at pages 87 & 254). He stated his father had received a visit from Mr Chana and Mr Singh as representatives of Bar Noir inviting him to withdraw his witness statement. His father would have attended this hearing but was attending the hospital with Mrs Begum.
- Mr Naseib noted Mr Chana stated he had good relations with Mr Naseib Snr and had called for a cup of tea, but he stated that no such relationship existed

Mr Naseib responded to questions from the Sub Committee as follows:

- Noise and disturbance was definitely worse through Friday and Saturday nights. Weekends were vital for him to study but the noise problems meant he lost his nights sleep through the noise and then the subsequent day though catching up on sleep



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- On many occasions the noise nuisance was generated by people outside his garden or at the bottom of the street and he these people were patrons of Bar Noir as this sort of behaviour had not occurred before Bar Noir opened. He added this behaviour was not evident on any other street and felt that it was like living in the city centre rather than the suburbs

The Chair having noted the conclusion of WYP witnesses invited **Mr R Bilsborough** to make representation on behalf of the LCC EHS. Mr Bilsborough supplied the following information:

- EHS supported WYP in seeking a Review of the Premise Licence. He referred to the site plan and highlighted the fact that the premise was in close proximity to local residents homes.
- The premise was also close to a busy road junction. Up until 12 midnight, in that location there would be quite a bit of traffic noise which would drown out entertainments noise, noise from patrons and noise from patron's cars. After 12 midnight, background noise levels such as traffic noise reduced significantly, therefore any disturbance would be much more disturbing for neighbours as the noise will travel further.
- There had been a history of noise complaints at the premise between January and May 2007, a total of 9 complaints had been made to EHS by residents from Copgrove Road regarding shouting, screaming, fighting, loud car stereos, revving car engines and banging doors. Additionally the Out of Hours team investigated a complaint of loud music which had been found to be audible in the residents' home, but not found to constitute a statutory nuisance.
- EHS had attended the Action Plan meeting previously discussed by WYP, and had made recommendations at that time to reduce noise emissions, namely
 - install a noise limiting system
 - install a lobby to the premises to prevent breakout when persons enter/egress
 - install directional speakers

He reported these measures had actually been implemented and since May 2007 no noise complaints had been received.

- EHS still had concerns about the external areas and noise generated there. Noise recording equipment had been installed at a local resident's home and the EHS Scientific Officer had analysed the results finding the noise measured could disturb sleep. Therefore EHS remained concerned about the noise generated and activities of the patrons outside the premises, particularly due to the very late opening hours and supported WYP request to for a reduction to the hours of operation at the premise to 12 midnight as it was felt this would reduce noise
- In conclusion he asked the Sub Committee to note that although the DPS had been able to address noise from music, he remained unable to control the patrons outside and noise associated with them. In response to a query fro the Sub Committee confirmed that the noise experienced by residents could be attributed to Bar Noir

The Sub Committee then heard the submission of **Mr W Manzur**, a local resident.

- He confirmed that he lived in Copgrove Road and that the nuisance already referred to had been ongoing for 18 months.
- His children were unable to sleep in their bedroom, especially on Friday and Saturday nights, as they were scared by the noise and disturbance outside. They woke up crying and were scared.
- He referred to the 8 minutes of videotape evidence he had produced, which he explained was edited footage condensed from approximately 12 hours of footage



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- The Sub Committee and all parties viewed the edited videotape which contained footage recorded between May 2007 until August 2007. People were seen shouting, arguing and drinking in the street. On one occasion when asked to move on they were abusive. Mr Manzur confirmed this footage was taken from his daughters' bedroom window.
- He concluded by stating his family had lived at that address for 20 years, and had never complained before, but they now felt that they may have to move

Mr Manzur then answered questions put forward by the Sub Committee as follows

- § He confirmed the video recorded incidents at 4 am and 5 am and he believed the bar did not close at 3 am but remained open until 5am. At that time it was the only business open and that would be the only place the people on the video could be coming from
- § he confirmed he was sick and tired of phoning WYP and LCC EHS and said his standard of living was going down because of the place

The Sub Committee then heard from **Mr Iqbal**, resident of 2 Copgrove Road who stated his home was closest to Bar Noir.

- He explained that he worked 2 jobs, 7 days a week which was physically tiring, it was therefore imperative that he slept well. However the nuisance caused by Bar Noir and the noise generated by patrons were having a profound effect on his sleep and his life, he added that he was now taking medication to assist his sleeping and had been to the doctors
- His brother who lived at the same address was a prison officer, and sleep patterns were important to him. His father was taxi driver who worked nights and he reported that his father quite often felt intimidated by the large groups of people outside their home what he returned home from his shift.
- Mr Iqbal confirmed his support for the statements made by earlier witnesses regarding noise and nuisance.
- He had no issue with the daytime working of Bar Noir it was just the late hours that were a problem.
- He was affected by the bar and his managers at work had pointed out that his lack of sleep was affecting his work.
- Mr Iqbal referred to page 265 of the documents and noted there appeared to be a dispute over the letter included at that point from Mrs Mughal. He stated he was present when she approached Mr W Manzur to write it on her behalf as she did not want her daughters to. He referred to page 277 and the letter contained there which had his name and address on, but he categorically stated he had not written that letter, nor did he have any knowledge of it

Having noted the conclusion of the submissions on behalf of the applicant, the Sub Committee permitted Mr Chana the Premises Licence Holder to ask questions of the witnesses through the Chair. Mr Chana referred to a comment made by WYP however the Sub Committee noted that this was not a relevant question and the Sub Committee would make a decision on the comment, having regard to all the documentation before them.

The Sub Committee then moved on.

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Submissions and evidence of Mr A Chana – on behalf of the Premises Licence Holder Firearm incident

- Mr Chana explained that this had been only a suspected firearm; the doorstaff had refused entry to the person and had reported their suspicions to him. In previous discussions with Al Chesters, Mr Chana had understood the advice was to ring WYP whenever they suspected weapons were on the premises; however on this occasion he had no evidence to support his suspicion the person had a gun.

Moving on, he explained he was majority shareholder in Bar Noir and invested a lot of time there, especially at weekends, and he also patrolled the outside of the premises. He was a qualified accountant, and ran an accountancy business with staff, so he had management skills

Noise & disturbance

- In March 2007 he received complaints which had distressed him as he had suffered similar problems of noise and disturbance from a venue near his own home and firmly believed Bar Noir should not cause pain or distress to other residents. He added that his accountancy clients attended Bar Noir for meetings, so he did not want any problems associated with the bar.
- He had approached the local residents, except Mr Manzur. With regards to the letter at page 277 of the documentation, he explained that Mr Iqbal had played an important role in his approach to the local residents and since June 2007 things had improved drastically
- He felt the main issue was cars; patrons attended Bar Noir in cars, brought their own alcohol with them and then discarded it before entering the premises. This disturbed the residents so he had employed a car parking attendant to prevent patrons from parking on Copgrove Road. The situation had improved and people parked across the street and not outside residents' homes. He added that Mr Iqbal had confirmed this
- Mr Chana commented on the way he felt he had been treated personally by the Entertainment Licensing Section. He stated he had at least 5 or 6 conversations with Ms C Brennan, the Enforcement Officer, and in November 2007 he had asked her directly whether there was a problem with Bar Noir Premises Licence. He stated that Ms Brennan replied "no, none at all" and he had reported this response to his staff.
- In December 2007 he received notification of this Review. He described the Review application as a joke and the evidence put forward by WYP as very weak in his opinion.
- He noted that residents still felt there was a problem with shouting and abusive behaviour but he stated that Gipton Lodge was close by and a lot of noise was generated by the residents. Plus, there were a number of take-aways locally so noise was generated by their customers returning from the city centre and stopping off for food on the way home.
- He had spoken to residents recently, who confirmed things had improved, but he had responded to them that he thought it ought to be "perfect" as that is what he wanted. He stated his personal telephone number had been provided to the local residents so they could contact him directly should they suffer any problems. Furthermore he had undertaken noise testing himself, but had forgotten the machine today which showed the readings.
- Mr Chana stated his view that LCC EHS involvement in this Review was ridiculous as they had not been involved with the premises since May 2007 so he did not understand the reason for the detrimental comments made now.



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- He confirmed there had been an issue with people leaving and playing music, so he had introduced a second car parking attendance to marshal those cars to prevent them from beeping horns and creating noise.
- He stated his opinion that it was impossible for noise travel round the corner where some of the residents lived.

IBIS log and incidents

- He agreed there had been problems at the premise during May/June 2007. At that time he had met with Al Chesters and had asked what support WYP could offer Bar Noir as they currently had to wait 35 to 40 minutes for WYP to respond to incident calls. Mr Chana reiterated his pride in the security at the premise, but stated they received nothing in return. In the end he changed the security at the premise in order to prevent undesirable customers getting in
- He referred to the colour copies of the submission and noted that 53% of WYP calls recorded related to Bar Noir. He urged the Sub Committee to remove that two month period from consideration; they would then see that call outs were reduced in all other months with none at all during the Christmas period. He reiterated that May/June had been just a bad period for them.
- He confirmed there had been a serious incident at Bar Noir in November 2007 when a member of staff had been assaulted by a customer. He stated the customer had stood outside the venue after the incident waiting for 15 minutes for the police to attend. Mr Chana noticed the person start to walk away, so had followed him in his car whilst talking to WYP by telephone so that the perpetrator did not get away.
- He stated the ethos of Bar Noir was to prevent crime and disorder, he would call the police at the first sign of trouble in order to protect the peace, and he added that he would continue to do so.
- A "paying in" scheme had been introduced which had been successful. The number of customer attending had significantly dropped, and the car park was nearly empty.
- Mr Chana highlighted the fact that he had talked to Mr G Mann, LCC EHS; Ms C Brennan LCC Entertainment Licensing Enforcement and Mr Iqbal who had all confirmed that improvements had been made. The only person he had not been able to speak to was Al Chesters who had not returned any phone calls since 18 June 2007. He enclosed copies of his phone bills to show a record of the calls he had made due to his concerns about residents reported problems
- On receipt of the agenda pack for the hearing, he had felt he was being punished for calling WYP to incidents as the log showed so many calls. He suggested that if the same amount of effort was made responding to calls as was shown to creating the log, the situation would be better
- Mr Chana commented on the credibility of the evidence supplied by Mr Manzur and then stated he would not tolerate exaggeration or lying, and urged the Sub Committee not to be taken in by it.
- With regards to Pubwatch, Mr Chana stated that although WYP described them as useful he had not found them to be so. Bar Noir opened till late and Pubwatch meetings were held at 10.00 am. Of 3 non attendances mentioned by WYP, on one occasion he had been ill and on the other 2 he had to attend other meetings. He assured the Sub Committee that he would now make the effort to attend.

Video evidence

- Mr Chana stated he had spoken to a friend who worked in the video industry. His friend had studied the video and concluded the video had been edited, the microphone had been set to high sensitivity and then the volume increased. He suggested there was no way that the level of sound as heard on the video was the



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actual level as it appeared the volume began at a normal level and then additional sound had been added in

The Chair of the Sub Committee confirmed that they were aware of the change on noise levels which were at one point quite obvious

The premises

- 16 staff were employed at Bar Noir.
- The venue itself was approximately the size of the meeting room (which is 65m² or 699sqft)
- He referred to page 299 of the documentation which outlined the proposals he had made to improve the layout of the car park in an application to LCC Planning. He reported the decibel reading of cars leaving the car park was actually lower than those going past on Roundhay Road. The entrance was now proposed to the middle of the car park in order to deter cars using Copgrove Road
- He truthfully believed there was a wonderful community on Copgrove Road
- Bar Noir did not generate much revenue but he took joy in the fact that old and young, rich and poor cultures mixed in the bar where everyone was the same.
- He suggested that there had been undesirable patrons but there would be at any premises.
- Mr Chana refuted the claim made by Al Chesters that groups of up to 50 persons stood around outside the premises, as this would constitute half of his customers. He added that there was a CCTV camera placed across the road which faced the premises and this was controlled by WYP. He thought it noteworthy that evidence from that camera had not been presented by WYP and suggested this was because the video from this camera did not show any trouble.
- He reported there was a projector screen inside the premises which displayed public information including signs to remind patrons to leave quietly and he reported that this had had an impact

The White Stag

- Mr A Chana stated that Mr R Chana had trusted a friend. He had signed documents without reading them as the text was covered up and he had known what he had signed. Mr R Chana had not known he was applying to be DPS at the White Stag. Mr A Chana said this would not happen again as they had learnt not to trust a friend

In conclusion and with regards to noise levels Mr Chana noted that Al Chesters had attended Bar Noir during opening hours and they had been able to have a conversation and hear each other speak and he reiterated that the implemented noise measures had worked. Mr Chana confirmed there had been problems at the premise but these had been identified at the Action Plan meeting and then acted upon. He also confirmed they had made errors.

Mr Chana then introduced **Mr Merlin Halliday** to the Sub Committee as a witness who provided the following submission:

- He ran the security firm who provided doorstaff to Bar Noir, as well as being an Area Housing Manager and acting as doorstaff at other premises in the City Centre and Chapel Allerton. Community safety was a high priority for him.
- He had been made aware of the problems at Bar Noir and had looked at the impact of the smoking ban as he was concerned about people outside. Car park attendants had been employed to address the noise coming from the car park. He explained that to



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remedy some of the problems, they had erected fences to guide patrons who smoked to stand under the Empire Electrics canopy situated along from the bar.

- In his opinion Bar Noir employed quite a lot of security considering the size of the bar.
- He attended Bar Noir regularly, and had been outside the premises, he said he didn't know what all the fuss was about – as you couldn't hear the music outside, plus he didn't know how the residents could hear it over 100 yards away.
- He had not had any contact either with WYP, LCC EHS or LCC Entertainment licensing Enforcement with regards to Bar Noir. He had occasion to deal with the police about an incident which took place across the road from the premise, but this was unconnected. To conclude, he confirmed that he had never seen Ms C Brennan at this premises, although he had met her at the other premises he worked at in Leeds.

Having noted the conclusions of the submissions on behalf of the Premise Licence Holder, the Sub Committee moved to ask questions during which the following information was provided

- Pubwatch - Mr Chana responded it was inexcusable that they had missed the meetings but he added other local premises also failed to attend. He had attended 4 meetings, but had not felt they were important. He missed the first meeting because he had attended at 10 pm rather than 10 am. He attended the second meeting and had informed Al Chesters of problems they were experiencing with certain customers and they were encouraged to call WYP, but he added they didn't receive any help
- Petition - the Sub Committee calculated 350 signatures; however Mr Chana reported he thought he had collected 1000 signatures. Signatures had been obtained at the venue, customers had been asked if they agreed with the 2 policies stipulated at the top of each page and asked to sign if they agreed. The petition had been placed at the bar, but individuals had walked around the venue seeking signatures, which may explain why many signatures appeared to be signed in the same pen. Ms Du Port confirmed this information. The petition commenced once notice of the Review had been given. The Sub Committee noted that some signatories simply stated their address as "Poland" "Sheffield" and some were simply illegible. Mr Chana confirmed those patrons did live locally.
- "Paying In system" - Mr Chana further explained this was a basic entry charge of £3.00 which seemed to deter some patrons – however loyal patrons would then receive a drinks voucher to the value of £3.00 to be spent at the bar. He said that LCC Entertainment Licensing had been unable to advise him whether this was a good idea however he wanted to charge admission to push away the undesirable customers who loitered, but it was too small a business for them to lose all the custom, hence the drinks voucher which provided a "refund". He had explained the system to Al Chesters; Mr S Kennedy and to Ms C Brennan of LCC Licensing Enforcement but no clarification had been forthcoming on the system. The system was difficult to manage in terms of stock control and had not been welcomed by the bar staff but it had controlled attendance and pushed away undesirable clientele as intended.
- Alcohol pricing - No drinks promotions were utilized at the venue. He conceded the price of a pint was low but was similar to other premises but bottle beer was more expensive. The bar stocked Blue Label, Dom Perignon and cognac and its goods were more in line with city centre premise, not a social club or a pub and the pricing system pushed away undesirable clientele
- Mr Chana stated the bar did not operate Buy One Get One Free drinks promotions. The only "free drink" would be that one obtained by using the voucher



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- Turning to Page 277 and the unsigned letter purported to be from Mr Iqbal, Mr Chana confirmed that Mr Iqbal was not the author and he had included a note explaining this in the colour copies of his submission. He stated that Mr Iqbal had actually agreed with the contents of the letter but he had not been able to contact Mr Iqbal to ask him to sign it, but he had felt it was right that it be included in his submission as Mr Iqbal had been instrumental in evidence gathering. The Sub Committee commented that they found the practice of including an unsigned and uncorroborated letter to be unacceptable
- Staffing - There were 16 members of staff, including doorstaff and he agreed this was a high proportion considering the size of the premises, however public safety was paramount. He had put in extra security where needed. Initially he had been on watch, to be alert to the potential of trouble so he could inform the doorstaff, but as he also needed to be elsewhere he now employed registered doorstaff to undertake "spotting".
- The Sub Committee referred to page 188 of the report which detailed an earlier sub committee decision on a variation application at which time Mr Chana had stated music would be played at background level as the venue was not a club and commented that he now charged admittance like a club and had installed a noise limiter. Mr Chana responded Bar Noir was not a nightclub, rather a trendy wine bar with late hours. Any music was provided at a level where you could still hear yourself speak and he noted that background music level was slightly higher than restaurant level. He had never felt noise was a problem so had been surprised by the resident's complaints. He confirmed he regularly stood outside the premise and at No.2 Copgrove Road to monitor the noise, and confirmed that at one time there had been a problem with the speakers which directly faced the doors but these had now been re-located
- Breach of Conditions - With regards to failure to display the Part B and being unable to locate the Licence Part A, Mr Chana responded they had not known they had to display the Part B and this had been negligent on their part. It was displayed in time for the next visit by officers. They had believed the Part A was in the safe but had not had the key. Mr Chana confirmed that he now understood this to be a breach of the licence. The Sub Committee referred him to page 189 of the documentation and a letter from Entertainment Licensing which clearly stipulated the Part B should be displayed. Members commented the PLH/DPS seemed unclear as to their responsibilities which could reflect incompetence. Mr Chana responded by stating that wasn't the case at all and that they were very strict on licensing law. He could not recall receiving that particular letter and reported a problem with the postal address for Bar Noir as post did not always arrive. Members responded the letter was addressed to Mr Chana's home and he replied that he often didn't get post there either.
- In reply to further comments from the Sub Committee Mr Chana said they had responded to the calls to display the Part B properly, Ms Brennan had told them only once to display it and they had done so immediately
- With regards to non communication with AI Chesters the Sub Committee commented that the issues Mr Chana had wished to raise with AI Chester could have been raised at the Pubwatch meetings. Mr Chana responded that he had only ever received 2 invitations to Pubwatch meetings and it was often he who contacted Ms Brennan to check the dates, times and availability. He rebuffed the suggestion that they did not follow or understand licensing laws, simply that they hadn't placed enough significance upon them.



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- Mr Chana explained he had made application to the Planning department to relocate the entrance whilst retaining the existing entrance on receipt of the Notice of the Review hearing. He was awaiting a response which would involve liaison with highways.
- Ms Du Por't was invited to speak. She confirmed that she and her friends attended Bar Noir and had experienced no problems at the entrances and exits or any trouble

The Sub Committee noted the end of the submission from the PLH and afforded WYP the opportunity to ask questions of the PLH through the Chair. In response to questions from WYP Mr Chana provided the following information:

- The single driving factor behind his decision to change the door staff team was the lack of support he felt he had received from WYP. He had attended the police station with his Head of Security but had been offered no support. Pro Sec had expressed their view on the matter in a letter at page 280 of the report. He regretted having to change the team as he regarded Bar Noir as a family.
- Mr Chana would not confirm that he had not given names to WYP for fear of recrimination, but would say that generally there had been some reluctance. He was not concerned for his own safety but, as he was a shareholder and did attend the premises, he had to be careful about how he approached people
- Mr Chana stood by his assertion that any premises could be associated with problems, and he did not regard this as an exaggeration. He reminded the Sub Committee that he had to consider how to handle a problem, and when he saw a problem starting he chose to call the police – but that did not mean they had a ridiculous number of problems it meant they were actively deterring crime. He stated he would not underplay the problems experienced at the premises, but these had been addressed

The Sub Committee then permitted Mr Chana to ask questions of WYP through the Chair. Mr Chana asked why he had received no return phone calls. Members noted both parties made this claim and concluded the discussion would not produce any further useful evidence.

The Sub Committee then adjourned to deliberate the application.

The Sub Committee in reviewing the Licence considered the verbal and written evidence submitted before them from all parties. In considering this evidence, the Sub Committee felt it first needed to establish if a problem existed at the premises. If the premises were operating in a manner which did not undermine the Licensing Objectives, then the Sub Committee could conclude no action was required on the review..

Specific Incidents

The Sub Committee were satisfied on the evidence presented that the Bar Noir management team and the DPS had breached certain licensing conditions, namely failure to attend local Pubwatch meetings, failure to display the Part B properly, and failure to locate the Part A - all as required by the existing Premises Licence.

The Sub Committee were also satisfied that although the management team had been able to address some noise issues, there was still cause for concern with regards to patrons using the external areas and their behaviour on leaving the premises. The Sub Committee took the



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view that this would cause noise and disturbance to local residents in the early hours of the morning.

Members felt that the continued operation of the existing licensable hours particularly on Friday and Saturdays at this particular premise would continue to have a detrimental impact on the licensing objectives for the city, particularly the prevention of crime and disorder and the prevention of public nuisance.

The Sub Committee further concluded that action was needed to address this problem.

Decision

The Sub Committee reviewed the Licence and had regard to all the representations, the Licensing Act and relevant Guidance.

Members considered the situation carefully and noted the warnings given to the Premise Licence Holder at the Action Plan meeting. The Sub Committee did acknowledge the sound breakout issues at the premises discussed at that meeting had now been addressed, however were concerned that residents were still experiencing ongoing problems associated with the premises.

The Sub Committee considered the four options available to them as set out in paragraph 6.1 of the Licensing Officers report and in the circumstances chose not to revoke or suspend the Premise Licence.

Members however did feel that modification of the Premises Licence was appropriate and necessary given the evidence presented at the hearing. The Premises Licence is therefore modified as follows:

Hours & Licensable activities

The sale of alcohol shall now cease at 23:30 hours Sunday to Thursday
01:30 hours Friday & Saturday

Other licensable activities shall continue for 30 minutes thereafter

The premises shall close 00:00 midnight Sunday to Thursday
02:00 hours Friday & Saturday

To clarify the premises shall now operate to the following:

Supply of alcohol:

Sunday to Thursday 11:00 hours until 23:30 hours
Friday & Saturday 11:00 hours until 01:30 hours

Provision of recorded music

Sunday to Thursday 11:00 hours until 00:00 midnight
Friday & Saturday 11:00 hours until 02:00 hours the following day

Late night refreshment:

Sunday to Thursday 23:00 hours until 23:30 hours
Friday & Saturday 23:00 hours until 02:00 hours



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The premises will open to the public during the following times:

Sunday to Thursday 11:00 hours until 00:00 midnight
Friday to Saturday 11:00 hours until 02:00 hours the following day

Conditions

The Sub Committee imposed the following condition:

- All members of the management team need to attend an accredited licensing course by 1st June 2008

The Sub Committee amended the existing condition regarding attendance at Pubwatch meetings to read

- A representative of the management team is required to attend at least 80% of the local Pubwatch meetings each year”

The Sub Committee noted that a condition existed stipulating that “drinks, open bottles and glasses will not be taken from the premises at any time” and reiterated the importance of adhering to this condition to the PLH

The Sub Committee then considered the fourth option available to them regarding what action to taken in respect of the current DPS. Members were concerned about the lack of hands-on management displayed by the DPS which they felt was evidenced by the failure to display the Part B at the premises as required under the Licensing Act 2003 and the failure to adhere to existing conditions on the Premise Licence which was borne out by the submission made by West Yorkshire Police and local residents. The Sub Committee therefore resolved to remove the DPS.

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

Appeals should be addressed to the Magistrates Court at:

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

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

Yours Faithfully

Helen Gray
Clerk to the Licensing Sub Committee



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