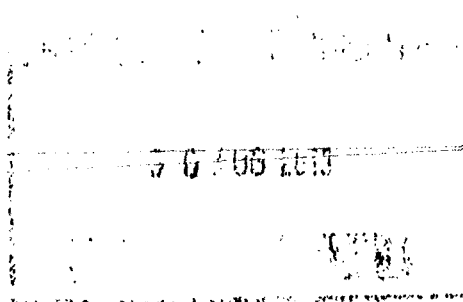
  
 Copgrove Road  
 Leeds  
 LS8 2SP

Emma White  
 Licensing Officer  
 Leeds City Council



Dear Ms White,

I find myself writing this letter with a sense of trepidation arising from the fact that Maxi Khana Halal Ltd have made an application to acquire licensing status. My reason for apprehension and concern regarding this matter are borne from the fact that "Maxi Khana Halal Ltd", is portraying itself as a neighbourhood friendly, socially disciplined restaurant/bar. However, its proprietor(s) are the same individuals who were the owners of the ill-fated and troubled venture, formerly known as Bar Noir.

What I find rather disturbing is that I feel this is a disguised attempt by the owners to open up another "Bar Noir", albeit with the addition of food being served on the premises, and a new name. The proprietor(s) have asked for terms which include, the provision of late night refreshment, regulated entertainment, recorded music and sale of alcohol by retail. Now, I am actually quite receptive to the idea of food premises being opened as I am generally known for my fondness of food. However, I do find issue with the late hours which Maxi Khana Halal Ltd seeks to open, particularly from Friday to Saturday.

There is a licensed restaurant premises operating close to our doorstep across the road, called Saffron, whose opening hours do not extend beyond midnight. As a resident of this property, I can say I have had no issues with this establishment, or its customers, as it is generally visited by families, friends, and couples looking to have a nice meal.

I feel the real intent of the owners of Maxi Khana Halal Ltd, is to operate this as a bar/nightclub. I strongly object to having any business parading itself as a bar/nightclub close to where I live for numerous reasons. Firstly, the previous management and handling of Bar Noir, was a shambles. The fact that it was allowed to be given a license to open till beyond midnight was a dreadful decision in itself. This place often attracted individuals and groups, who were ill-behaved, socially disruptive and had no regards for the residents of the neighbourhood. They would often park their cars outside my home, or opposite the street. After leaving the premises of Bar Noir in the very early hours of the morning, they would congregate around my property and nearby properties, engaging in loud shouting and swearing. It is exceedingly frustrating having your sleep disturbed by anti social behaviour, and to look out the window and catch sight of individuals engaging in abusive language and aggressive behaviour. What was more irritating was that this deplorable and shocking behaviour of Bar Noir's patrons was allowed to continue for so long, causing genuine physical distress through lack of sleep, stress and fear of the safety of my family members. When I raised this issue with the proprietor of Bar Noir, who I believe is the same individual applying for the Maxi Khana Halal Ltd License, there was an absence of any

genuine attempt or response to curb such behaviour or bring this issue under control. I felt that my real concerns as a resident were wilfully ignored, and not given proper reception.

When I see Maxi Khana Halal Ltd applying for this license, I can only recall painful memories shaped by past experiences which caused great distress. I am more than happy for Maxi Khana Halal Ltd to be granted a license providing the business closes no later than midnight. I strongly feel that any permission to allow opening hours beyond this will lead to a repeat of anti social behaviour, and cause me and my family to be inflicted with greater upheaval. I am now a father to a child, who at the time of writing is only 9 months of age. My home is first on the street, and therefore any noise emanated from a result of a disturbance or anti social behaviour is visibly experienced by me. I do not want to go through the many issues and problems that my family experienced before, which are highly probable to occur again, given the owner's request for licensing hours, which in effect, is the same business model as Bar Noir, with the added introduction of food, which I believe is a guise and nothing more.

I hope the concerns raised in this letter, have highlighted the depths of the issues and problems that have previously arisen, and have the potential to reignite by granting Maxi Khana Halal Ltd, a late license.

Yours Sincerely,



[REDACTED]  
Copgrove Road  
Leeds  
LS8 2SP

31<sup>st</sup> August 2013

To Whom It May Concern

**RE: Maxi Khana Roundhay Road – Premises License Application**

I have lived at the above address with my family for over 15 years. I am a pensioner with severe medical conditions and have recently suffered a heart attack. I am writing this letter to strongly object and appose Maxi Khana's request to obtain a Premises License. I am objecting as I feel the opening hours they are requesting will cause us a great deal of problems. We have previously experienced severe problems with Bar Noir which was located at the exact same spot and managed by the exact same people. These problems as you may be aware related to anti social behaviour, noise nuisance, criminal activity and public disorder. My Family and other neighbours at the bottom of Copgrove Road suffered extremely at the hands of Bar Noir.

Me and my family could not sleep from Thursday to Sundays due to the unsavoury customers that Bar Noir attracted. 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.

My family members also attend the review hearing in 2008 requested by the Police which led to the reduction in hours for Bar Noir. 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.

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.

We do not have anything against local businesses coming into our area to improve it, but at the same time such a business should consider our feelings and rights as human beings to be able to live in peace and quite. We feel the late night operating hours they have requested are more suited to centrally located businesses and not residential areas.

Me and my family urge you to look at our objection with great consideration to our human rights. As if this license is granted it will once again cause us extreme stress and anxiety. We also request the Management of Maxi Khana to withdraw their request for these late night opening and only request hours up to midnight at the latest.

Yours faithfully,

[REDACTED]  
4<sup>th</sup> Sept 2013  
ES

Emma White  
Licensing Officer  
Leeds City Council

(sent via email to [entertainment.licensing@leeds.gov.uk](mailto:entertainment.licensing@leeds.gov.uk))

Dear Ms White

We are writing these representations in relation to the recent premises licence application made by Maxi Khana Halal Ltd. We strongly object to this licence being granted under the opening hours it has applied for.

The same applicants have previously run a bar at this location named Bar Noir. Bar Noir caused us nothing but problems since first opening in 2005. Bar Noir opened till the early hours of the morning which resulted in loud music being played (it kept me and my family awake on most weekends), fighting, shouting, swearing and drunk and disorderly behaviour. We had customers from Bar Noir urinating outside our house on many occasions.

The premises were then subject to a review following an application being made under Section 51 of the Licensing Act 2003 and the Licensing Sub-Committee met on 11 February 2008. The application was made by West Yorkshire Police (Please see Appendix B of attached document). As a result of the review the licensing sub-committee decided to reduce the hours of the premises.

**Reasons for the review request by West Yorkshire Police (In brief, taken from the original review of a premises licence, attached.)**

Since 1 January 2007 West Yorkshire Police had received 23 incident calls relating to Bar Noir. These had been logged on 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 knife, bricks, and/or bottles.

Please read the full report.

Furthermore, the owners proved time and time again their incompetence and unprofessionalism by undermining recommendations given by the authorities which are clearly documented in the report.

Maxi Khana Halal Ltd will cause us the same problems as Bar Noir. The hours are the same, the owners are the same and alcohol will still be sold. Loud music will still be played. The only difference being the addition of food. With such late opening times it will attract customers who are more interested in binge drinking rather than having a meal.

We don't have a problem with another food establishment being opened in our area as long as it does not open till early hours in the morning. Safron restaurant is on the opposite side of Roundhay Road. It does sell alcohol but the opening times are Sun-Thurs 17:30 til 21.50 and Fri - Sat 17:30 till 22.50

which minimises anti-social behaviour. If Maxi Khana Halal Ltd operated under the same hours we wouldn't have a problem.

The past 8 years have been a nightmare for us causing a great deal of stress, sleepless nights, and frightened children, not to mention the time and resources it must have cost West Yorkshire Police. We believe that Maxi Khana Halal Ltd will cause the same problems if granted the licence again. We would like to make you aware of the fact that when Bar Noir originally put in an application to extend their opening hours soon after first opening, we also put an objection in which was ignored by the Licensing Sub-Committee at that time. This resulted in the years of anti-social behaviour we have mentioned above.

We do not have a personal vendetta against the owners but we feel very strongly about this as it is our family who felt the brunt of the anti social behaviour previously caused and will no doubt take place again in the future at this premises if granted a licence under the current application due to us living so close to the premises.

We hope you consider these representations carefully, along with reading the full report we have attached and refuse the application under its current terms.

[REDACTED]  
[REDACTED] Copgrove Road

[REDACTED]  
[REDACTED] Copgrove Road



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**Report of the Assistant Chief Executive (Corporate Governance)**

**Report to the Licensing Sub Committee**

**Date: Monday 15<sup>th</sup> March 2010**

**Subject: Application to Vary a Premise Licence relating to Bar Noir, Clock Buildings, Roundhay Road, Leeds LS8 2SH – to specify a Designated Premises Supervisor  
Proposed Designated Premises Supervisor: Rushpal Singh Chana**

**Electoral Wards Affected:**

Roundhay

N/A

Ward Members consulted  
(Referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**Executive Summary**

This report informs members of an application submitted on the 5<sup>th</sup> February 2010, to vary a Premise Licence relating to Bar Noir, Clock Buildings, Roundhay Road, Leeds LS8 2SH to specify Rushpal Singh Chana as Designated Premises Supervisor in accordance with Section 37 of the Licensing Act 2003 ("the Act"), the applicants requesting that the variation have immediate effect.

**1.0 Purpose of this Report**

To advise Members of an application made under section 37 of the Licensing Act 2003 ("the Act") for the variation of a Premise Licence in order to specify Rushpal Singh Chana as the designated Premises Supervisor.

The Licensing Sub-Committee is required to consider this application due to the receipt of a representation in accordance with Sections 37(5) and 37(6) of the Licensing Act 2003 from West Yorkshire Police.

**2.0 The Application**

**2.1** The Applicants are Bar Noir Ltd – the Premise Licence Holders.

**2.2** A copy of the application is attached.

Members are invited to consider Appendix "A" of this report.

### 3.0 History

- 3.1 Rushpal Singh Chana, is the holder of a Personal Licence issued by Leeds City Council on the 16<sup>th</sup> December 2005 and numbered LEEDS/PERL/02298/05
- 3.2 Mr R S Chana became the Designated Premises Supervisor for Bar Noir when the licence was granted in November 2005.

- 3.3 A review of the Premise Licence relating to Bar Noir was held at the request of West Yorkshire Police, the review hearing being held on the 11<sup>th</sup> February 2008.

The decision of the Licensing Sub Committee was to reduce the hours of operation at the premises, impose conditions and to remove Rushpal Singh Chana from his role as Designated Premise Supervisor.

A copy of the decision letter is attached

Members are invited to consider Appendix "B" of this report

The decision of the sub committee was appealed against and following a number of case management hearing at Leeds Magistrates Court the matter was listed for a full hearing on Thursday the 4<sup>th</sup> December 2008.

No-one from the premises or Bar Noir Ltd attended the appeal hearing and the Council as Respondent made an application to the magistrates to formally dismiss the appeal.

The Magistrates dismissed the appeal and awarded costs to the Council

This decision was challenged by Bar Noir Ltd in the Crown Court. The challenge being unsuccessful as the Crown Court had no power to deal with the matter under the Licensing Act 2003.

It is understood that at the present time, Mr Antonio Chana, purporting to act on behalf of Bar Noir Ltd, has been seeking to challenge the decision made by the Magistrates in December 2008.

On the 26<sup>th</sup> September 2009 an application was submitted by Bar Noir Ltd to vary the premise licence of Bar Noir naming Ingrid Garvey to replace Rushpal Singh Chana as the Designated Premise Supervisor with a request that the application have immediate effect.

On the 3<sup>rd</sup> February 2010 Ingrid Garvey resigned as Designated Premise Supervisor, with immediate effect, also withdrawing any authority previously given relating to the sale of alcohol.

### 4.0 Relevant Representation

- 4.1 Under the Act representations can be received from West Yorkshire Police. The representation must be relevant

Member's are invited to consider Appendix "C" of this report.

## **5.0 Matters Relevant to the Application**

5.1 Members of the Licensing sub committee must make decisions with a view to promoting the licensing objectives which are:

- the prevention of crime and disorder

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## **6.0 Options Available to Members**

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

- Grant the application as requested.
- Reject the application as requested

## **Background Papers**

- Guidance Issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy



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

LD

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/we RICHARD JOHN O'NEILL, BAR NOIR LIMITED  
(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

PREM/02161/VO1

## Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description

BAR NOIR  
CLOCK BUILDINGS  
ROUNDTWAY ROAD

Post town

LEEDS

Post code (if known)

LS8 2SH.

Telephone number (if any)

Description of premises (please read guidance note 1)

BAR

ENTERTAINMENT  
LICENSING

05 FEB 2010

RECEIVED

Part 2

Full name of proposed designated premises supervisor

RUSHPAL SINGH CHANA

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

LEEDS / PERL / 02298 / 05

Full name of existing designated premises supervisor (if any)

Please tick yes

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



I have enclosed the premises licence or relevant part of it



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

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

Please tick yes

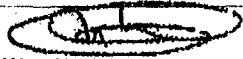
- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 148 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

**Part 3 – Signatures (please read guidance note 2)**

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

Signature



Date

05/02/10

Capacity

DIRECTOR

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

Signature

Date

Capacity

**Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)**

14 WELLHOUSE ROAD  
ROUNDMAY

Post town

LEEDS

Post Code

LS8 4BS

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

**Guidance notes**

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

Consent of individual to being specified as premises supervisor

I RUSHAL SINGH CHANA  
[full name of prospective premises supervisor]

of ~~BAR NOIR~~ 14 WELLHOUSE ROAD  
ROUNDMAY LEEDS LS8 4BS

[home address of prospective premises supervisor]

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

CHANGE OF DPS [type of application]

by RUSHAL SINGH CHANA [name of applicant]

relating to a premises licence PREM/PAK/1/VA [number of existing licence, if any]

for BAR NOIR

CLOCK BUILDINGS

ROUNDMAY ROAD

[name and address of premises to which the application relates]

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

by RUSHAL SINGH CHANA [name of applicant]

concerning the supply of alcohol at BAR NOIR

CLOCK BUILDINGS ROUNDMAY ROAD

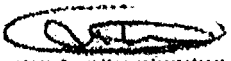
LS8 2SH

[name and address of premises to which application relates].

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

Personal licence number LEEDS/PAK/02298/05  
[insert personal licence number, if any]

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

 signed

RUSHAL SINGH CHANA name (please print)

05/02/10 dated

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 4365  
 Fax: 0113 395 1899  
 Email: helen.gray@leeds.gov.uk  
 Your reference:  
 Our reference: A81/hg/Bar Noir  
 9<sup>th</sup> 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 11<sup>th</sup> 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



FINAL

### 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 Billsborough – 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



**FINAL**

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 Duporl – 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 18 (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 on to 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

11:16 – 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



## FINAL

- 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 Nazelb 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 Nazelb 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.
- Al 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; taking 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.
- Al 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





## FINAL

- 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 Brennan 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 Brennan 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 8 out of the 8 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 Brennan 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 ENE, 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 this coded 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 90 - 100 & 211- 234) was very specific to the premises, and it was likely that there had been other incidents slightly further away from the premises address related to the premises 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 Cleveland 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 30 people outside the premises drinking and shouting. He suggested the smoking ban may exacerbate the problem of people outside any premises, 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 entrance way, 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 Ghana had been advised in person that he was breaking the conditions of the premises licences both by Al Chesters and Ms C Brennan

Mr Patterson then called Mr Nazalib 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 bars. This changed when the extended hours were granted
- He resided at No 8 Copp Grove Road with Mrs Begum (Grandmother who was unable to attend due to illness. Her letters appeared at pages 87 & 204). He stated his father had received a visit from Mr Ghana 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 Nazalib noted Mr Ghana stated he had good relations with Mr Nazalib Snr and had called for a cup of tea, but he stated that no such relationship existed

Mr Nazalib 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 B. Bilborough to make representation on behalf of the LCC EHS. Mr Bilborough 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 from 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 Jhalal, 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 tax driver who worked nights and he reported that his father quite often felt intimidated by the large groups of people outside their home when he returned home from his shift.
- Mr Jhalal 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 Jhalal 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 Ibbal 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 Congrove Road. This situation had improved and people parked across the street and not outside residents' homes. He added that Mr Ibbal 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 G. 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 his 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 Clifton 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 LCG EMS 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 noted the person started 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 attendances had significantly dropped, and the car park was nearly empty.
- Mr Chana highlighted the fact that he had talked to Mr G Mann, LEO B48; Mr C Blanchard LEO Entertainment Licensing Enforcement and Mr Tolal 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 microphones 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 65m<sup>2</sup> 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 800 signatures however Mr Chana reported he thought he had obtained 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.
- "Buying 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 premises, 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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- 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 Port 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 reclamation, 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 OPS 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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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 1<sup>st</sup> 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

## NOT PROTECTIVELY MARKED

As the applicant did not attend this hearing and there was no case to answer the matter was dispensed with by Leeds Magistrates' Court.

During the appeal period and prior to the removal of Rushpal Chana as DPS he has never engaged with West Yorkshire Police. He has attended one meeting but said nothing and his brother Gurpal (Antonio) Chana has been the driving force behind the business. ~~Gurpal Chana has no position within the company, he is not a director, he is not the premises licence holder and he is not the DPS. However he attends all the meetings speaking on behalf of the premises and Rushpal Chana 'dances to his tune'.~~

The premises have also been subject of a Section 19 Closure Notice and a section 20 Closure Order issued by Leeds Magistrates Court. The company has now been reinstated by Companies House, but legal argument continues over the current status of the premises and clarification has been sought from Leeds Magistrates' Court.

In the meantime the premises continue to open until the times 'they think they should be open' and not to the times after review. There is a refusal to accept that the premises should work to their licence after review, until at least this matter is resolved. Gurpal Chana again argues that West Yorkshire Police, Leeds City Council and the Courts are wrong and he is right. Rushpal Chana has not been seen or spoken to in relation to this matter and it is believed that he is merely a puppet for his brother as it is Rushpal who is the personal licence holder.

On 30 January 2010 an offence of False Imprisonment has been recovered at the premises. This offence allegedly involves a female being locked in the premises for 4 to 6 hours against her will. Rushpal was not involved in this offence; he had left and gone home leaving the female and her capture inside the premises. This matter is ongoing, but was deemed significant enough for the assailant to be remanded to HMP Leeds before being granted Judge in Chambers bail.

Rushpal Chana has no authority in the Bar Noir establishment. He does not engage when spoken to, he shows little interest and as stated he simply holds the position of DPS, whilst someone else 'calls the shots'. It is not unusual for a DPS to take a back seat and other premises do have managers, but I think in these circumstances it is a significant factor. Rushpal Chana was a weak DPS and would be a weak DPS if granted this position again. He dances to the tune of a much stronger, more domineering family member, in his brother Gurpal Chana.

Rushpal Chana has already been removed as DPS by a Licensing Committee, his weak and ineffective management style, leading up to the premises licence review, did not go unnoticed. It is felt that if he were to become the DPS, the premises would continue to trade, governed by only their own view of what should and shouldn't be and the licensing objectives would not be upheld.

Lynn Dobson  
PC 6783  
North East Leeds Licensing

NOT PROTECTIVELY MARKED