



Entertainment Licensing
Leeds City Council
Civic Hall
Leeds
LS1 1UR

Elections and Regulatory Services

Civic Hall
Leeds LS1 1UR

Our Ref: A80/CB/LIC/PREM/03974/005

Your Ref:

Contact: Carmel Brennand

Tel:

Fax:

Email:

Date: 26 November 2019

Dear Sirs/Madam,

**REVIEW APPLICATION UNDER THE LICENSING ACT 2003
PREMISES: SPORTS BAR & RESTAURANT, HAREHILLS LANE LS9 6NG**

Please accept this formal representation by an officer on behalf of the Licensing Authority. I am the Senior Liaison & Enforcement Officer with Leeds City Council's Entertainment Licensing Section responsible for the Leeds 9 area postcode.

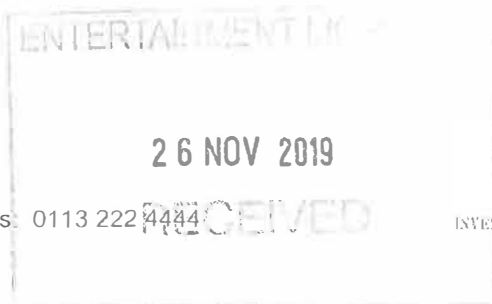
My duties include investigating complaints for licensed/unlicensed premises contrary to the Licensing Act 2003.

On the 25th November 2018, the below complaint was received by this Section:-

*I am writing today to ask that something is done regarding the 'pool centre'.
Every week, several times a week, there is fighting and carrying on outside the building, in the building and around the building.
This is becoming a nuisance to myself and my neighbours who have been woken up on several occasions to this. I have been to speak with the premises owner who told me to 'get off his property' with no regard to solving the issue.
It has become a weekly ritual for us to be woken up, threatened, seeing violence, loud music and drugs being used. This cannot go on any longer.
Could this be looked into as a matter of urgency as it is only a short time until something serious happens. The premises is regularly open until 6am and we cant get no peace and quiet on a night any longer since the opening of this establishment.*

I spoke to the complainant acknowledging receipt and asking if I could share their details with the Environmental Protection Team (EPT) whose remit is noise nuisance. They agreed to this.

On Saturday 1st December 2018 I was working with my colleague, Mrs Samantha Longfellow-Peniket. At 3:40 am we conducted a drive-by of the premises. There were 6 males outside the entrance door, 2 of whom appeared to be leaving. 1 male, possibly door-staff and another male was urinating at the side of the building.



I contacted the Premises Licence Holder (PLH), Mr Salman Haydaran and explained I needed to come and speak to him regarding a complaint. PC Andy Clifford, a licensing officer with the Leeds District Licensing Department, and I met with Mr Haydaran at the premises on the 4th December 2018. [REDACTED] the wife of the Designated Premises Supervisor (DPS) who also works at the premises came and joined us. I explained the nature of the complaint and Mr Haydaran immediately said it was the lady who lives above the fish and chip shop. She used to come in the bar but they had a falling out. I told him that we do not divulge complainants' details. I went on to advise him what I had witnessed the previous weekend and explained that he is paying quite a lot of money for door-staff and that they need to be more proactive in their duties. They are his first line of defence in respect of the customers being admitted to the premises and they should control the customers outside who are smoking or leaving the premises. Mr Haydaran admitted he was having problems with the current door-staff company stating that he works most weekend nights and always tells them what to do. As a result he is looking to change the door-staff provider to Protec. Mr Haydarad said he was looking at building a smoking shelter to the side of the building near the entrance and possibly using the fire exit at the other end of the building which comes out on York Road rather than Harehills Lane as the dispersal exit at the end of the night. Both of these would reduce the noise on Harehills Lane itself.

I spoke to the complainant in December 2018 and early January 2019 asking if there had been any improvement in the operation of the premises. She stated much the same; troubled by noise from 4 pm Friday night to the early hours of Sunday morning. She agreed not as much from people outside on the street but still being disturbed from the music. Advised her to ring the EPT Out of Hours (OOH) Team when this is happening.

On 21st January 2019 I attended The Hope, York Road for the Leeds 9 Pubwatch meeting. Jimmy O'Donnell, the DPS of the Sports Bar was at the meeting with his wife Irene and I spoke to them afterwards. I explained that I had spoken to the complainant and that she was still suffering from noise nuisance from the music. They both said that they were conducting regular checks outside as well as the owner, Salman. I further explained that I had told the complainant to keep contacting the OOH team and that if they were to visit and evidence noise nuisance, they could serve an enforcement notice.

At 00:47 am on Saturday, 9th February 2019 my colleagues, Mr Michael Waters and Mrs Longfellow-Peniket, both Senior Liaison & Enforcement Officers conducted a drive-by of the premises. They parked in the bus layby on the opposite side of the road to the venue and could hear loud music and singing coming from within the premises.

At 00:14 am on Saturday, 2nd March 2019 my colleague, Mr Waters, conducted a drive-by of the premises. There were 2 males outside smoking. No music audible.

At 2:00 pm on Tuesday, 19th March 2019 I attended at the premises with Mrs Longfellow-Peniket and Miss Zoe Carter, the Environmental Health Officer (EHO) dealing with the noise complaints; for a pre-arranged meeting with Mr Haydaran. [REDACTED] was also in attendance. Miss Carter explained that she had another complainant. Mr Haydaran showed us that he had started covering the windows with plasterboard and insulation to try and block out the noise. He was also going to put another door at the top of the stairs to help to minimize noise breakout. Mr Haydaran went on to say that he had been to the fish & chip shop and spoken to the owners who agreed that the lady who lived above the shop was 'odd'. Mrs Longfellow-Peniket said regardless of the complainants, she herself had sat across the road in a car and the noise had been horrendous. When Mr Haydaran confirmed that he went out and checked noise, Miss Carter told him that he needed to record this; date, time and where he stood and if any action taken, such as asking the DJ to turn the music down. Discussing the base level of the music, Miss Carter told Mr Haydaran that he didn't have to turn it off completely, j.e. just needs to monitor it and turn it down accordingly. Again, Mr Haydaran was advised that the door-staff need to control the patrons outside and to maybe move the smokers

to the side of the building. He said that he was looking at putting a balcony on York Road for the smokers. We resumed from the premises at 2:55 pm.

At 11:43 pm on Friday, 29th March 2019 I conducted a drive-by of the premises. I parked in the bus layby directly outside the premises. I could not hear any music and there were 3 males smoking in the entrance door.

At 2:25 am on Saturday, 13th April 2019 my colleagues, Mr Waters and Mrs Longfellow-Peniket conducted a drive-by of the premises. There were 4 males outside smoking but no noise audible.

At 9:58 pm on Saturday, 11th May 2019 I was working with Mr Waters. We parked in the bus layby outside the premises. Although we could hear music we could not make out the tune. We returned the following morning at 00:35 am. There were 2 males at the entrance door who looked like door-staff and 4 customers just going in. We could not hear any music.

On Friday, 7th June 2019 I was working in company with West Yorkshire Police Officers from Killingbeck Station, conducting visits to licensed and unlicensed premises in the Leeds 9 area. At 5:45 pm we attended at the subject premises. Only Jimmy the DPS and his wife [REDACTED] were on site, no customers. I explained the issue raised at the Harehills Action Plan meeting the previous day; there had been so many people outside the premises at 5.30 am with bottles and cans, in the middle of the road that the street cleansing team could not do their job. I had noticed a sign for 'no drinks outside' half way down the stairs but this obviously wasn't being adhered to. I suggested the sign be moved to the red exit doors from the bar at the top of the stairs. I reminded them that door-staff need to be more assertive. Irene said she usually works late even though the owner Salman comes on duty about 12 midnight. When I said that I believed the EHO was still getting noise complaints, Irene stated that she goes and checks the noise but when I asked if she's recording as it shows due diligence, she said no. They have heard nothing from West Yorkshire Fire in respect of the windows and sound proofing. I also reminded them about the Pubwatch as they had missed the last couple of meetings.

At 1:30 pm on Tuesday, 16th July 2019, I attended at the premises with PC Andy Clifford and 2 EHO Officers, Mrs Vanessa Holroyd and Miss Zoe Carter for a meeting with Mr Haydaran to discuss his current application to include a ground floor unit and an outside drinking area near the railings at the junction of Harehills Lane and York Road within his premises licence. Mr Haydaran explained he wanted the ground floor unit as a day venue to attract an older clientele who were put off with the stairs to the existing venue. We voiced concerns re the outside drinking area as it would be difficult to manage being so far away from the building itself and that we were already dealing with Councillor and resident complaints about street drinking in the Harehills area and that a nice comfortable seating area could be a meeting point which could result in more anti-social behaviour and noise. We also discussed the option of a separate licence for the ground floor unit. As we were leaving the area Miss Carter advised me that my complainant had moved out of the flat above the chippy but that she still had a complainant nearby.

On return to the office I discussed the issue of having the separate ground floor incorporated in the licence for the first floor with 2 principal licensing officers and they agreed that it could be done. During the consultation period Mr Haydaran agreed to remove the external drinking area from the application and reduce the hours for licensable activities for the ground floor unit. The new licence including the retail sale of alcohol to 11pm Monday to Thursday and 12 midnight Friday to Sunday for the ground floor unit was granted with effect from 7th August 2019.

At 2:00 pm on Wednesday, 21st August 2019, I revisited the premises with Mrs Holroyd and Miss Carter, the EHO's and Miss Bev Hocking from LCC Planning Enforcement for a pre-arranged meeting with Mr Haydaran and [REDACTED]. Miss Carter explained that as she had continued to receive noise complaints from nearby residents, she had installed noise monitoring

equipment in their house. The result was that she can hear music, especially high frequency; the period between 2 am and 5 am being the worst. Mr Haydaran's response was that his DJ had ordered a noise limiter. The advice given by the EHOs was when the noise limiter was fitted they would need to stand across the road to test if they could still hear the music and that this should not be done during the day when there was a lot of traffic but late at night when there was less. On checking the windows Mrs Holroyd noticed that 2 of the single glazed panes were broken and that this could explain the noise breakout. Mr Haydaran and [REDACTED] agreed that the noise limiter would be fitted and the windows replaced within a month.

At 2:30 am on Sunday, 25th August 2019 I drove past the premises. There were 6 people standing near the entrance door. I drove round to St Albans Crescent which is a residential street located near to the subject premises. I could not hear music but I could hear people talking loud/shouting, especially girls. I drove back around to Harehills Lane and parked a couple of hundred yards up from the premises, outside the Eagle Golf Shop. At 2:40 am there were now approximately 30 people, male and female, outside the premises, some in groups of 3 to 5. They were all being very loud. I drove past the premises and parked in the bus layby on the opposite side of the road with my car window down. I could not make out who the door-staff were or that anyone was speaking to the groups asking them to be quieter. I noted that the music I could hear suddenly became very loud.

At 2:54 am on Monday, 26th August 2019 I again conducted a drive-by of the premises. There were approximately 20 persons outside the premises. I drove past the parade of shops and down to St Albans Crescent. I could hear music and shouting. At 3:01 am I returned to the premises parking in the bus layby on the opposite side of the road. The people outside had increased to 30, again in groups, some of them in the road. Again the customers were being very loud and I did not see anyone approaching them asking to be quieter. I could hear music escaping from the first floor windows. It was African music and it sounded like the customers upstairs were singing along.

On Friday, 20th September 2019 I was working in company with Mrs Longfellow-Peniket. At 11:48 pm we parked at the bus layby nearest the entrance door to the venue. There were 3 men outside, one of whom was wearing an SIA (Security Industry Authority) door-staff badge. They were talking loudly. We could just hear music coming from the venue. We drove round to St Albans Crescent but could hear nothing from this street so resumed from the area.

On Monday, 23rd September 2019 Miss Carter and Mrs Holroyd and myself had a follow up meeting with Mr Haydaran at 1:30 pm. He confirmed that he had covered most of the windows with board, then insulation with 25 mm plasterboard on top of that. He also stated that he has a quote to put up scaffolding so that the 2 windows can be replaced. Miss Carter agreed that the noise had reduced but that the work still needed to be carried out as soon as possible. She gave him 1 week for an email confirmation that the replacement windows had been ordered and an electrician booked to fit the noise limiter with a view that all the work would be completed in a month. She then asked to see records of outside checks but these weren't well documented so she explained again that she wanted him to record of remedial action taken, i.e. spoken to DJ.

Mr Haydaran went on to say that he was going to charge entry to stop people already drunk from coming in. I got quite annoyed with him and told him door-staff should be doing this anyway and again told him that is what he is paying his door-staff to do, control his customers but they are not doing it, which is what I witnessed over the August Bank Holiday. I told him exactly what I had seen and heard over the weekend and that at the moment we're still working with him to try and rectify the issues however his door-staff need to control his customers better. I did tell him that if the OOH team had witnessed the same as me, Miss Carter could be issuing a noise abatement notice.

Mr Haydaran was granted the initial licence for Shaftesbury Pool Centre in May 2017 and as the Senior Liaison & Enforcement officer for Leeds 9, I have been working with him and his staff Mr

& [REDACTED] since then; not just the last year. However it is clear from my representation that Mr Haydaran has not grasped the importance of any of the advice given by agencies repeatedly over the past year.

As the owner and PLH, I do not believe Mr Haydaran is strong enough to operate this venue; he is not confident in instructing his own staff or door-staff in their duties and has no control over his clientele which has resulted in recent serious assaults on the premises and months of disturbance to local residents who have suffered from noise nuisance and anti-social behaviour.

In view of the issues referred to, and the failure of Mr Haydaran to operate responsibly in upholding the licensing objectives; the prevention of crime and disorder, public safety and the prevention of public nuisance, I would respectfully ask that the Committee determine to revoke the Premises Licence held by him.

Yours faithfully

[REDACTED]

Mrs Carmel Brennand
Senior Liaison & Enforcement Officer
Entertainment Licensing



Leeds
CITY COUNCIL

Elections and Regulatory Services

Civic Hall
Leeds LS1 1UR

Entertainment Licensing
Leeds City Council
Civic Hall
Leeds
LS1 1UR

Our Ref: A80/CB/LIC/PREM/03974/005

Your Ref:

Contact: Carmel Brennand

Tel:

Fax:

Email:

Date: 03 December 2019

ENTERTAINMENT LICENSING

03 DEC 2019

RECEIVED

Dear Sirs/Madam

**REVIEW APPLICATION UNDER THE LICENSING ACT 2003
PREMISES: SPORTS BAR & RESTAURANT, HAREHILLS LANE, LS9 6NG**

Further to my representation dated the 26th November 2019, please accept this letter as additional information. I have provided a brief history of the subject premises since the implementation of the Licensing Act 2003 to give all parties an awareness of the impact it has had both the responsible authorities and the local community.

In November 2005, the operator of The Starlight Bar, Shaftsbury Parade, Harehills Lane, LS9 6NG converted the existing Justices On Licence issued by the Magistrates Court to Premises Licence PREM/01774 issued by Leeds City Council. The Licence issued to take effect from the 24th November 2005 with Anthony Flynn named as the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) authorised the retail sale of alcohol from 11am to 11 pm Monday to Saturday and 12 noon to 10:30 pm on Sundays, with recorded music 00:00 to 00:59.

Following a fire on the 6th April 2006 the premises were temporarily closed.

On the 7th October 2009 Mr Claude Tchamgo applied for the grant of a new Premises Licence for Byblos Nightclub on the first floor of Shaftsbury Parade. The applicant requested licensable activities from 12 noon to 5 am every day. As representations against the application were received from West Yorkshire Police and several local residents, the matter was listed to be heard before the Licensing Sub Committee. However before the hearing it came to light that the application had not been advertised in accordance with the Licensing Act 2003 therefore deeming it invalid.

On the 1st September 2010 the new owner Mr Nawaz Khan became the PLH with Mr Flynn remaining as the DPS.

On the 16th September 2010 the Entertainment Licensing Section received complaints alleging the premises were open until 4/5 in the morning; one complainant being Leeds City Council Planning Department and the other a local resident stating 'the music throughout the night is loud and I can hear it in my house, can you do something about them breaching their activity hours'. Warning letters were sent to the PLH and the DPS advising them of the allegations,



reminding them of the times stipulated on the licence and the offences under the Licensing Act and the possible result of being found guilty of these offences. Officers from this Section monitored the premises on several occasions and witnessed loud music coming from them, reporting the facts to the Environmental Protection Team whose remit is noise nuisance.

In November 2010, Mr Khan applied to extend the licensable activities to 3 am Sunday to Thursday and 4:30 am Friday and Saturday. During the consultation period officers from this Section, West Yorkshire Police and West Yorkshire Fire & Rescue met with Mr Khan's business partner Mr Honar Rafiq on site and gave advice on several concerning issues including the safety of the building following an extensive fire (in 2006), the cctv, no risk assessment, proper sound proofing rather than egg cartons on the windows.

On 24th December 2010 Mr Anthony Flynn contacted the Entertainment Licensing Section and resigned as the DPS. Although Mr Khan was informed of this and strongly advised that there could be no sales of alcohol until he applied for a new DPS to be specified on the licence. However the premises continued to operate over Christmas and the New Year into the early hours of the morning with events that were being advertised on flyers distributed in the city centre.

Due to the number of representations from West Yorkshire Police, Leeds City Council's Environmental Protection Team, Leeds City Council's Health & Safety Team, Local Councillors and local residents to the application to extend the hours, the application was listed for hearing by the Licensing Committee on the 10th January 2011.

Prior to the hearing Officers tried to arrange a further visit to see if the work required had been completed but the owners were not available.

On the 10th January 2011 the Licensing Committee heard from all the interested parties including the applicant Mr Khan and they determined to refuse the application in its entirety. The result was that PREM/01774 remained in force, however still without a DPS so there could be no sales of alcohol. Although Mr Khan was at the hearing, his business partner Mr Rafiq contacted our Section soon afterwards to say Mr Khan hadn't fully understood what had happened at the hearing and did not want to have anything more to do with the premises. Mr Rafiq was fully appraised of the hearing and as a result the extra area on the application plan was not included in the licensed area so no licensable activities could take place there and more importantly as there was no DPS, there could be no sales of alcohol. He asked if he would have to reapply and was told yes.

On the 27th January 2011 an application was received at the Entertainment Licensing Section to transfer the Premises Licence Holder from Mr Khan to Mr Gavin Mackay Ferguson and Mr Honar Rafiq. Following representation by West Yorkshire Police on the suitability of these gentlemen, the application was listed for hearing before the Licensing Sub Committee. On hearing evidence from West Yorkshire Police and HMRC the Committee refused the application to transfer so the licence remained with Mr Khan.

On the 19th September 2011 an application for a new Premises Licence was submitted by Mr Arman Amiri. The application for Ibiza Bar on the first floor of Shaftsbury Parade requested the retail sale of alcohol between 11 am and 11 pm every day, despite there already being a licence in place. This application received representations from the Police, EHO and local residents which made it necessary to go before the Licensing Committee.

On 5th November 2011 officers from the Neighbourhood Policing Team visited the premises and spoke to Mr Honar Rafiq who was working there. Officers made further visits over the weekend and spoke to residents and businesses who reported regular comings and goings at the premises and concerns over them operating despite their being no licence to do so.

The application was heard on the 28th November 2011 and having heard from the applicant Mr Amiri and the concerns raised by the Police, the Licensing Committee's decision was to refuse this new application as Mr Amiri failed to demonstrate what measures would be put in place to uphold the licensing objectives and failed to show he would have overall control of the premises.

On the 12th December 2011 applications were received to transfer the existing Premises Licence from Mr Khan to Mr Arman Amiri and to specify Mr Arman Amiri as the DPS. PC Lynn Dobson from West Yorkshire Police submitted a representation so the applications were referred to the Licensing Committee. At the hearing on the 16th January 2012 the Committee heard from PC Dobson and from Mr Amiri, who admitted he had taken over the premises but was not aware of the private parties taking place in October and December 2011. The Committee were concerned that Mr Amiri was not in control of the premises and they were not satisfied with his explanations on any of the questions raised or his understanding of the Licensing Act 2003. The Committee refused the applications which meant the existing licence PREM/01774 was still effective with Mr Khan as the PLH but no DPS.

On the 26th January 2012 further complaints were received by the Entertainment Licensing Section. Both complainants alleged that the Starlight Bar had been open the previous weekend with loud music emanating from it and customers leaving at 4:30 am on the Sunday morning. The complainants were advised to contact the EPT re the noise nuisance. Details of the complaints were forwarded to the Police and a request for passing attention. A warning letter was sent to Mr Khan as the PLH advising him of the allegations and asking him to contact the officer as soon as possible.

On the 11th February 2012 PS Stones attended at the premises and issued a Section 19 Closure Notice as they were found to be serving alcohol without a DPS.

On the 29th February 2012 PC Dobson on behalf of West Yorkshire Police submitted a Review application in respect of The Starlight Bar, Shaftsbury Parade, Harehills Lane, LS9. The grounds for the review were that *'this has been a problem premises, on and off for many years, The premises are well known, for all the wrong reasons, especially the fights that have spilled out onto the street which the Police have had to deal with. Whilst the premises have had a troubled history, this application concerns itself with the last 18 months and the current PLH Mr Khan. The control Mr Khan has over the running of the premises has been brought into question and he appears to be a 'front man' for others more criminally connected. The concerns cover the full range of licensing objectives as the 'users' of the building disregard all offers of assistance and advice in respect of crime and disorder, public safety, public nuisance and the protection of children from harm'*.

On the 2nd March 2012 when my colleague Mr Paul Rix, Senior Liaison & Enforcement Officer hand delivered a letter to Mr Khan notifying him of the review application; Mr Khan handed Mr Rix a letter surrendering the Premises Licence PREM/01774.

Although the review hearing was scheduled for the 30th April 2012, as the Premises Licence had been successfully surrendered under the Licensing Act 2003 and there had been no transfer application made in the requisite time period; the hearing was cancelled. The complainants had been contacted during this period and confirmed that the premises had gone quiet.

However on the 4th July 2012 a local resident contacted our Section alleging that *'over the last few weeks people have been seen going into the premises with bottles and cans – presumably alcohol – and not coming out until 4 in the morning. The residents are being affected by the loud music and people leaving in the early hours'*.

Visits were made to the premises by the Police and LCC Enforcement separately and there was no indicator that alcohol was being sold. The persons in charge were given advice on the Licensing Act 2003 and they said they were looking to apply for a licence.

On the 17th July 2012 Mr Jean- Claude Dooh submitted an application for the grant of a Premises Licence for Afro Diaspora at this same site, wanting the sale of alcohol and other licensable activities from 11:00 am to 2:00 am Monday to Thursday, 11:00 am to 4:00 am Friday and Saturday and 11:00 am to 1:00 am on Sundays. The application drew representations from the Police, EHO and several local residents. The Licensing Committee having heard from the applicant, the responsible authorities and some of the residents at the hearing on the 3rd September 2012 determined to refuse the application.

The premises remained closed from July 2012 with no further complaints received.

On 27th April 2017 an application for the grant of a new Premises Licence was made by Mr Fabien Pomidou Dacleu for the retail sale of alcohol and other licensable activities between 11 :00 am and 12 midnight every day. The application was substituted by a further application submitted by Mr Salman Haydaran with reduced hours of the retail sale of alcohol 11:00 am to 10:30 pm Monday to Thursday and 11:00 am to 11:30 pm Friday to Sunday. After agreeing to EHO conditions, the licence PREM/003974 was granted with effect from 30th May 2017 with Mr Haydaran as the PLH and DPS.

On the 17th August 2017, Mr Haydaran applied to replace himself as the DPS with Mr James O'Donnell.

On the 24th November 2017 Mr Haydaran applied to vary the licence to extend the hours for all licensable activities to 3:00 am Monday to Wednesday and 5:00 am Thursday to Sunday. As the premises had been closed for almost 5 years prior to Mr Haydaran reopening it and no complaints since he had been open, there were no representations to the application and it was deemed granted with effect from the 8th January 2018.

My representation dated the 26th November 2019 starts with the complaint being made in November 2018 and details all the liaison and advice given to Mr Haydaran in the past year. Despite all this engagement from Mr Haydaran has been unable to stop history from repeating itself.


Whilst the premises have traded under different names over the years; The Starlight Bar, Ibiza Bar, Byblos, Afro Diaspora, Shaftsbury Pool Centre and Sports Bar & Restaurant; neither the pattern of behaviour of the operators/potential operators nor the customers of the venue has changed.

PC Dobson in her application to review the Premises Licence back in February 2012 stated *'this has been a problem premises, on and off for many years. The premises are well known, for all the wrong reasons, especially the fights that have spilled out onto the street which the Police have had to deal with.*

The concerns cover the full range of licensing objectives as the 'users' of the building disregard all offers of assistance and advice in respect of crime and disorder, public safety, public nuisance

This statement is as true now as it was then.

Yours faithfully,


Mrs Carmel Brennan
Senior Liaison & Enforcement Officer
Entertainment Licensing