

## **Record of a Hearing of the Bradford Licensing Panel held on Monday 13 February 2012 in Committee Room 1, City Hall, Bradford**

---

### **Procedural Items**

#### **DISCLOSURES OF INTEREST**

No disclosures of interest in matters under consideration were received.

#### **INSPECTION OF REPORTS AND BACKGROUND PAPERS**

There were no appeals submitted by the public to review decisions to restrict documents.

### **Hearing**

- 1. Application for a Temporary Event Notice for the Marhaba Lounge, 126 Thornton Road, Bradford (Document "F")**



**RECORD OF A HEARING FOR A TEMPORARY EVENT NOTICE FOR THE MARHABA LOUNGE, 126 THORNTON ROAD, BRADFORD (DOCUMENT "F").**

Commenced: 1405  
Adjourned: 1455  
Re-convened: 1510  
Concluded: 1515

**Present:**

**Members of the Panel:**

Bradford Licensing Panel: Councillors Ruding (Chair), Dredge and Walls.

**Parties to the Hearing:**

**Representing the Applicant:**

Mr Iqbal, Applicant

**Representing Responsible Authorities:**

PC Dawson, West Yorkshire Police

**Representations:**

The Council's legal officer reported that West Yorkshire Police (WYP) had objected to the proposed Temporary Event Notice (TEN) and explained that they may want to rely on evidence that was currently subject to other proceedings in which case the Panel may wish to exclude the public. In response the representative of WYP confirmed that the information would be used as part of their objection notice.

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report.

The representative of WYP explained that they very rarely objected to TEN applications, however, an unlicensed event had taken place at the premises in question on 20 January 2012 and the evidence had been submitted to the Council. WYP had attended the premises, found an advertisement flyer for an event and upon calling the mobile number on the flyer had ascertained that the event was a private party. The Council's legal officer indicated that the premises had been described as a Shisha lounge and the representative of WYP confirmed that the Police and the Council's Environmental Health Unit were aware of this. The Council's legal officer then informed the Panel that other investigations were being undertaken by the Council in relation to the smoking legislation.

At this point in the proceedings, with the agreement of the police and the applicant, the Panel passed the following resolution in order to facilitate consideration of evidence to be presented by the police.

**Resolved -**

**That, in accordance with paragraph 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the hearing (save for the representative of the Police and the applicant) as it is considered that it is in the overriding public interest that ongoing police investigations or pending criminal proceedings are not prejudiced by any related evidence being disclosed in public.**

At this point, 1430 hours, the meeting resumed in a public session.

The representative of WYP informed the Panel that the Marhaba Lounge's application for a TEN had been submitted on 3 February 2012 and that the paperwork had been left at Bradford South Division Police Station, however, the applicant had not contacted the Division's Licensing Team. Numerous calls were made to the contact mobile telephone number on the application form, along with a text message, as there had not been any response. It was noted that there had been no communication with the premises up to 6 February 2012. The representative of WYP explained that the police needed to liaise with TEN applicants in order to clarify their requirements for the event and to ensure that the number allowed was controlled to 499, amongst other issues, which were not unreasonable requests for premises especially if they were not licensed. It was confirmed that WYP had objected to the TEN as they had serious concerns with regards to the operation of the premises and considered that in light of the ongoing investigation, the hours of licensable activity requested and the mismanagement of the premises that there was a likelihood for disorder.

In response to questions by the Panel, the representative of WYP confirmed that:

- All premises were requested to provide information in respect of a TEN application.
- It was normal procedure to request a risk assessment.
- It was not unusual not to receive any information regarding a TEN.
- There had not been a response to the messages left on the telephone number provided on the TEN notification form.
- The police had not visited the premises following the submission of the TEN application.

The applicant then addressed the Panel stating that there had been a misunderstanding and he had only placed his mobile telephone number on the application form, unfortunately his mobile telephone had then been stolen on the same day as he had submitted the TEN application. The applicant confirmed that he had only received the notice of the objection on 6 February 2012 and had immediately contacted WYP. He had provided an alternative telephone number, however, he had not been contacted. On 9 February 2012 he stated that a reporter from the Telegraph and Argus newspaper had approached him in order to discuss his application and he had agreed to contact WYP again, which he had done but his call had still not been returned.

With regards to the TEN application, the applicant explained that he had undertaken a number of measures which included the installation of a CCTV system and this could be inspected by WYP. He confirmed that door staff would be employed in order to prevent disorder and alcohol being consumed. The premises had been open for five months without any incidents and private parties had been held without any objections being raised. The proposed event would be a Valentine's themed evening with no live entertainment and only background music. Light refreshments, but no alcohol, would be provided on the night and only 80-100 people would be accommodated. The applicant informed the Panel that he wanted to comply with the law and would welcome any advice.

Members of the Panel, the Council's legal officer and the licensing officer then questioned the applicant and were informed that:

- He had contacted WYP and left messages but had not had a response.
- Following his discussion with the reporter from the Telegraph and Argus he had contacted WYP again.
- His mobile had been stolen on the same day that he had submitted his TEN application, however, he had not reported the incident.
- The hours requested could be curtailed to midnight or 0100 hours if required.
- The alleged occurrences at the previous event were disputed.
- He had not advertised the event on Facebook.
- He took full responsibility for the proposed event.
- The previous event had been a private party and had been advertised by others.
- There was an outside Shisha area at the premises.
- He did not own the premises and had sent the information to the Council's Environmental Health Department.
- The owner of the premises, Mr Ashraf, also owned the carpet showroom next door.
- The premises were not licensed.

In response to a comment made by the applicant, the representative of WYP stated that they were not disputing the fact that messages from the applicant had been received and confirmed that the applicant had been contacted via the telephone number he had quoted. The representative of WYP then questioned the applicant in relation to the alleged mobile telephone theft and he reiterated that it had been stolen on the same day as he had submitted the TEN application. He had not reported the theft as it was a 'pay as you go' telephone and he was unsure what had happened to it.

In conclusion the representative of WYP stated that the reasons for the objection had been previously outlined and they had concerns in relation to the operation of the premises in light of the previous issues on 20 January 2012. The premise was poorly managed and the applicant had no regard for the law. The representative of WYP indicated that the proposed event would be, in their belief, a repeat performance and they would have to deal with the consequences.

In summation the applicant informed the Panel that he would welcome WYP to work alongside the premises. He confirmed that alcohol would not be allowed at the event and that measures had been put in place to assist the event.

## **Decision**

**On a balance of probabilities in light of the police evidence relating to issues of crime and disorder investigated by the police with regard to a recent unlicensed event at the premises and the premises user's apparent lack of communication with the police in giving assurances that the crime and disorder issues would be fully addressed in respect of the proposed event at the premises, the Panel serves a Counter Notice preventing the Temporary Event.**

Chair

**Note: This record is subject to approval as a correct record at the next meeting of the Licensing Committee.**