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# **Application for a review of an existing premises licence**

Licensing (Hearings) Sub-Committee

Decision to be taken by: Licensing (Hearings)  
Sub-Committee

Decision to be taken on/Date of meeting: 14/08/2024

Lead director/officer: Deborah Bragg

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### **Useful information**

- Ward affected: Evington
- Report author: Chris Spencer
- Author contact details: 0116 454 3051
- Report version number: 1

## **1. Summary**

- 1.1 This report outlines an application for a review of an existing premises licence for Curry Flavour Restaurant and Bar, 225 Uppingham Road, Leicester, LE5 4DG. It also highlights the licensing objectives, the relevant parts of the guidance and regulations, and the pertinent sections of the Licensing Authority's Licensing Policy.

## **2. Determination to be made**

- 2.1 Having considered the application Members must consider whether to
- Reject the review application
  - Modify the conditions of the licence
  - Exclude a licensable activity from the scope of the licence
  - Remove the designated premises supervisor
  - Suspend the licence for a period not exceeding three months
  - Revoke the licence
- 2.2 Where Members take the decision to reject the review application, they are permitted to issue an informal warning to the licence holder and / or recommend improvement within a particular period of time.

## **3. Application and promotion of the licensing objectives**

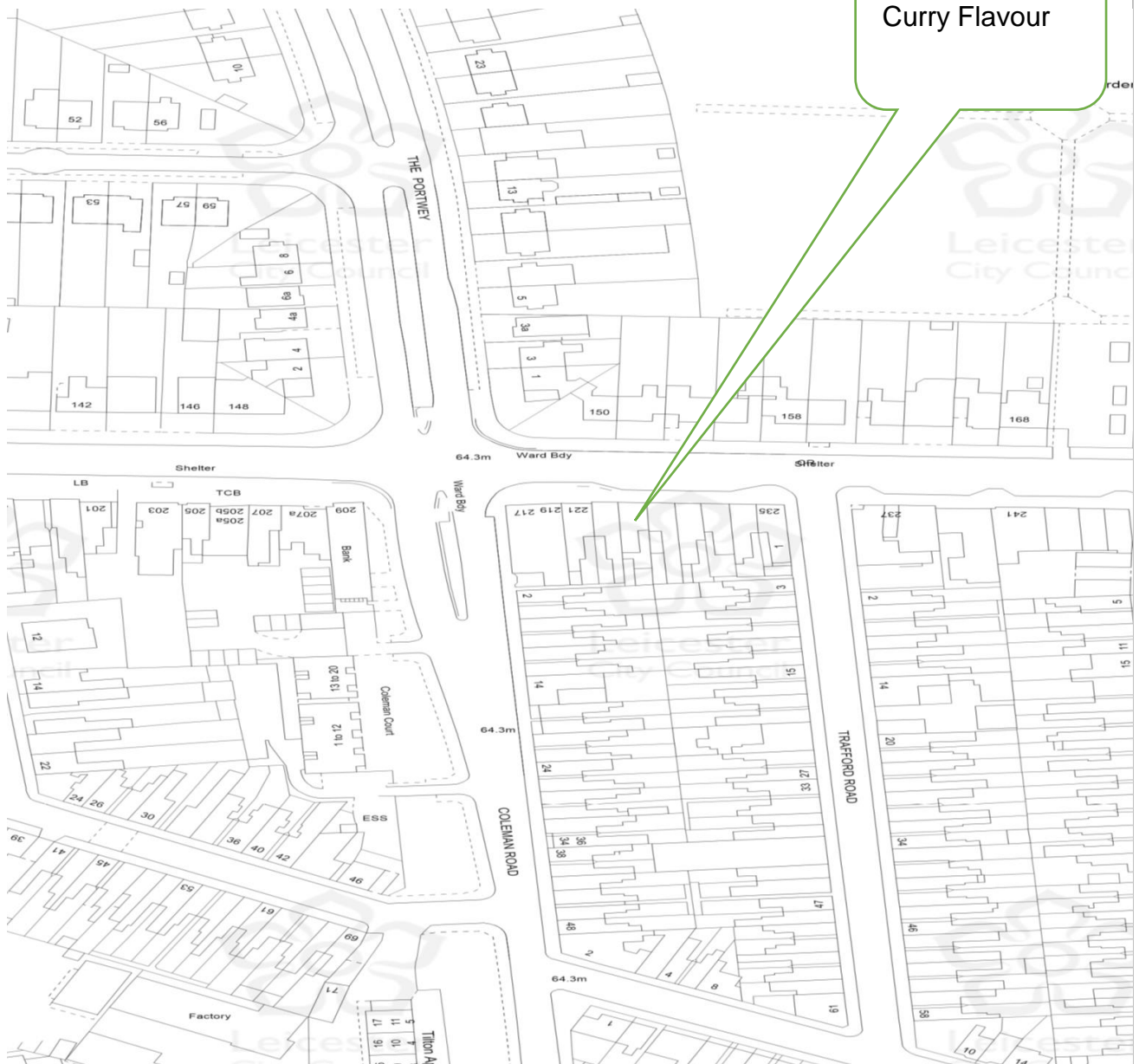
- 3.1 An application was received on 18 April 2024 from the Licensing Enforcement Team for a review of the existing premises licence for Curry Flavour Restaurant and Bar. The application was made on the grounds of the prevention of public nuisance. A copy of the application is attached at Appendix A.
- 3.2 The Licensing Enforcement Team are concerned that there have been numerous reported noise complaints, warning letters, and an Abatement Notice has been issued. In addition there have been previous unauthorised licensable activities taking place at the premise.
- 3.3 The existing licence is attached at Appendix B.
- 3.4 The activities and hours permitted by the existing licence are as follows:

Licensable activity	Current hours
Late Night Refreshment	Friday and Saturday 23.00 until 00.30
Supply of Alcohol	Sunday to Thursday 11.00 until 22.30 Friday to Saturday 11.00 until 00.00
Opening Hours	Sunday to Thursday 11.00 until 23.00 Friday to Saturday 11.00 until 00.30

3.5 The existing licence is attached at Appendix B.

3.6 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

3.7 Location Plan



3.8 On 17 May 2024 an email was received from Anil Bhavsar (Greenhill Licensing) informing us that the lease to the premises had been surrendered by the licence holder and that a transfer application was being submitted for a new person. At the date of writing the report no application had been received.

3.9 On the 5<sup>th</sup> June 2024, the day of the hearing, an application to transfer the premises licence from Mr Lacmo to Mr Yogesh Natvarlal was received. The decision was made to adjourn the hearing until the 30<sup>th</sup> July, to allow the transfer application be processed so that if Leicestershire Police had any objections they could be taken into account. On the 10<sup>th</sup> of June 2024 Leicestershire Police confirmed that they had no objection to the transfer of the licence to Mr Natuarlal. A copy of the updated licence is attached at Appendix B. Due to unforeseen circumstances on the day of the hearing, 30<sup>th</sup> July 2024, the hearing was adjourned until the 14<sup>th</sup> August 2024.

#### 4. Statutory guidance and statement of licensing policy

4.1 Any decision made by the Licensing Authority must be in accordance with the licensing objectives. In addition, the government has issued guidance under section 182 of the Licensing Act 2003. The parts of the guidance that are particularly relevant in this case are as follows:

Section	Heading
1.2 – 1.5	Licensing objectives and aims
1.15 – 1.16	General Principles
1.17	Each application on its own merits
2.15 – 2.21	Public nuisance
3.12 – 3.20	Late Night Refreshment
8.41 – 8.49	Steps to promote the licensing objectives
9.11 – 9.12	Role of responsible authorities
9.31 – 9.41	Hearings
9.13 – 9.19	Licensing Authorities acting as Responsible Authorities
9.31 – 9.41	Hearings
9.42 – 9.44	Determining actions that are appropriate for the promotion of the licensing objectives
10.1 – 10.3	Conditions - general
10.8 – 10.9	Imposed conditions
10.10	Proportionality
10.13 - 10.15	Hours of trading
10.25 – 10.66	Mandatory conditions in relation to the supply of alcohol
11.1 – 11.29	Reviews
13.10 – 13.11	Giving reasons for decisions
14.51 – 14.52	Licensing Hours

4.2 The relevant parts of the Licensing Authority's Statement of Licensing Policy are as follows:

Section	Heading
2	Fundamental Principles
5	Licensing Hours
9	Prevention of Public Nuisance
12	Duplication

**5. Points for clarification**

5.1 The applicant and the parties making the representation have been asked to clarify certain points at the hearing, as follows:

*By the applicant*

1. Whether the applicant considers that the concerns outlined in the representations are valid, and if not why not.
2. In the light of the representations made, whether the applicant wishes to propose any additional steps for the promotion of the licensing objectives.

*By the parties making the representations*

1. Whether they have any additional information to support the representation they have made.
2. Whether there are any additional steps that could be taken which would be equally effective in the promotion of the licensing objectives.

**6. Financial, legal, equalities, climate emergency and other implications****6.1 Financial implications**

None

**6.2 Legal implications**

Legal advice specific to the application will be provided at the meeting by Legal Officers.

**6.3 Equalities implications**

None

**6.4 Climate Emergency implications**

There are unlikely to be any significant climate emergency implications directly associated with this report and the licensing process.  
Aidan Davis, Sustainability Officer, Ext 28 3384

**6.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)**

None

**7. Background information and other papers:**

**8. Summary of appendices:**

Appendix A – Application

Appendix B – Existing licence

**9. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?**

No

**10. Is this a “key decision”? If so, why?**

No