

Representation in respect of a Variation Application

Licensing Act 2003

Details of person or body making representation:	
Your Name:	Bobby Smiljanic
Your position/role:	Licensing Enforcement Manager

Details of premises representation is about:	
Name of Premises:	72 Bar and Restaurant
Address of premises:	72 Brazil Street Leicester LE2 7JX
Application No. (if known)	167383

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of Crime and Disorder	<input checked="" type="checkbox"/>
Public Safety	<input checked="" type="checkbox"/>
Prevention of Public Nuisance	<input checked="" type="checkbox"/>
Protection of Children from Harm	<input type="checkbox"/>

Authority Declarations:
<p>I write in my capacity as Licensing Enforcement Manager for Leicester City Council Licensing Authority on the authority delegated to me.</p> <p>Please take notice that I am satisfied that allowing the premises to be used in accordance with the application would undermine the above stated Licensing Objectives and as such submit our representations.</p>

Representations:
<p>We would like to submit our representations for this premises application based upon the above stated licensing objectives.</p>

The application is for a Variation of an existing Premises Licence LEIPRM2053 for the following activities:

Performance of live music (indoors): Sun-Thurs 11:00hrs to 23:00hrs

Fri & Sat 11:00hrs to 00:00hrs

Playing of recorded music (indoors): Sun-Thurs 11:00hrs to 23:00hrs

Fri & Sat 11:00hrs to 00:00hrs

Late Night Refreshment (indoors and outdoors): Fri & Sat 23:00hrs to 00:00hrs

Supply of alcohol for consumption ON the premises only: Sun-Thurs 11:00hrs to 23:00hrs

Fri & Sat 11:00hrs to 00:00hrs

Premises opening hours: Sun-Thurs 11:00hrs to 23:30hrs

Fri & Sat 11:00hrs to 00:00hrs

The premises opening hours will be changed to Fri & Sat 11:00hrs to 00:30hrs.

There will be no change to the other current licensing hours except for seasonal variations which have been applied for on Diwali and Diwali New Year, Christmas Eve and New Years Eve. The applicant has requested an extension of opening hours to 01:30hrs for each of the above licensed activities, with the premises closing at 02:00hrs.

The applicant has also proposed to increase the size of the venue and extend the licensed area to the outside car park area which could increase the capacity by another 50 persons when stood up.

In addition, the applicant has asked to remove the following conditions:

Customers will not be permitted to consume drinks supplied by the premises, outside the licensable area marked on the site plan whilst stood up. Vertical drinking will not be permitted immediately outside the premises.

No more than thirty customers will be permitted to remain within the designated smoking area or other external space at one time between 22:00hrs and closing to the public, with the exception of entry and egress.

The applicant has asked to change the following condition:

A minimum of three Security Industry Authority (SIA) front line door supervisors will be deployed at the premises on Leicester City FC men's team, home matchdays. Door supervisors will be deployed a minimum of two hours before the scheduled start and a minimum of one hour after the end of the match. They must remain on the premises during their deployment.

The applicant has made the following request:

The requirement of 3 SIA door supervisors is excessive and for a family friendly bar and restaurant we do not see the need for it.

On match days we will happily agree to having 1 door supervisor 2 hours before and 1 hour after the match as per their requirements.

The premises is located on the first floor at 72 Brazil Street in the Saffron Ward of Leicester. The premises is less than a quarter of a mile from the King Power Stadium.

At 11:00hrs on Monday 23rd September 2024, Elizabeth Arculus, Licensing Officer for Leicester City Council attended the premises accompanied by Jefferson Pritchard of Leicestershire Police. She was met by the applicant Darshan Sharma and his agent Anil Bhawsar.

At the start of the meeting it was disclosed by Mr Pritchard that several licence breaches had been observed during a recent Police Licensing visit on Saturday 21st September. It also emerged that the premises had only been open twice since the licensed was granted on 18th June 2024, both times on Leicester City matchdays.

The Licensing Authority believe that the changed condition will be inadequate from a public safety perspective, and that the original condition regarding the number of door supervisors must remain. We believe it is reasonable to have 3 SIA door supervisors especially considering that the premises will be utilising the outdoor area and the original capacity will be expanded. When questioned about this the applicant mentioned that there were plenty of police officers in the area on matchdays but it was explained that the police are not there to provide security for individual premises.

On Wednesday 2nd October Elizabeth Arculus approached the agent Anil Bhawsar via email to explain the Licensing Authorities position on altering the SIA condition. Mr Bhawsar confirmed that the applicant agreed to retain the condition.

The Licensing Authority do have concerns about the premises and the effects it may have on the local community, both business and residential. This relates to the detail of the operating schedule that has been applied for. The operating schedule is loose in laying out specifically how the applicants would uphold the licensing objectives.

We believe that with the amendments and additions shown below that the premises and applicant could promote the licensing objectives in line with conducting their business in a safe manner.

Conditions Details:

We believe the below additions/amendments of conditions in full, which we believe are reasonable, proportionate and enforceable, may assist the Licence Holder in upholding the licensing objectives.

We have detailed, for clarity, those that

- (a) We believe should be replaced from the applied operating schedule with our proposed wording
- (b) Those to be removed from the operating schedule and;
- (c) Those that are in addition.

Any wording on the operating schedule that is not detailed below to remain on any licence

(a) Conditions to be replaced from Operating Schedule

Wording contained within the applied operating schedule as copied below be replaced with Requested Condition/s:

Operating Schedule Wording:

- N/A.

To be replaced with:

- N/A

(b) Conditions to be removed from Operating Schedule

Wording contained within the applied operating schedule as copied below be removed:

Operating Schedule Wording to be removed:

- There are 3 points from the previous agreement that has been raised. Counter solutions will be implemented.
- We can't in good faith restrict the number of customers wanting to smoke or customers from walking into the smoking area with their drinks as well as the plan to eventually set up an outdoor seating area both prohibits us from accepting this clause.
- We have countered that there will be CCTV surveillance of the area as well as staff monitoring at all time and drinks will be in plastic glasses for all guests on match days for extra safeguarding.
- The requirement of 3 SIA door supervisors is excessive and for a family friendly bar and restaurant we do not see the need for it.
- On match days we will happily agree to having 1 door supervisor 2 hours before and 1 hour after the match as per their requirements.

(c) Requested Additional Conditions

Condition/s wording below to be added in full to any granted licence:

- To retain the condition:

A minimum of three Security Industry Authority (SIA) front line door supervisors will be deployed at the premises on Leicester City FC men's team, home matchdays. Door supervisors will be deployed a minimum of two hours before the scheduled start and a minimum of one hour after the end of the match. They must remain on the premises during their deployment.

Appendix:

No Appendix

Click or tap here to enter text.

Authority Signatures:

Bobby Smiljanic
Licensing Enforcement Manager
Leicester City Council
08/10/2024

Reporting Officer
Elizabeth Arculus

Licensing Authority Details:

Licensing Authority
Licensing Enforcement
York House
91 Granby Street
LE1 6FB

Tel: 0116 4540049

Email: licensingenforcement@leicester.gov.uk

www.leicester.gov.uk/licensing

Notice Sent to:

Please note that this representation has been sent to:

- (1) Licensing Authority Applications Team, Leicestershire Police Licensing, Noise Pollution Team, Leicestershire Fire & Rescue Service
- (2) Applicant and/or Agent

Agreement Notice Applicant (if applicable & only valid if signed)

Notification to Local Authority of Agreement regarding Licensing Authority Enforcement Concerns.

Dear Licensing Authority,

I write in my capacity as the applicant/agent in relation to the above matter & application.

Discussions have taken place with Leicester City Council Licensing Enforcement in relation to their concerns and have been made aware of the above conditions that should be replaced/removed or added to any granted licence.

Please note:

I as the applicant/agent agree to all these conditions & amendments as detailed and do not, therefore consider that a hearing is necessary.

Signed 1:



Name in block capitals: ANIL BHAWSAR

Application Capacity: LICENSING AGENT C/O GREENHILL LICENCES

Date: 09/10/24

Signed 2:

Name in block capitals:

Application Capacity:

Date:

Licensing Enforcement Agreement Confirmation (if applicable & only valid if signed)

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