



Leicester
City Council

Minutes of the Meeting of the
LICENSING (HEARINGS) SUB-COMMITTEE

Held: WEDNESDAY, 16 OCTOBER 2024 at 10:00 am

P R E S E N T:

Councillor Singh Johal (Chair)

Councillor Chauhan

Councillor Pickering

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1. APPOINTMENT OF CHAIR

Councillor Singh Johal was appointed as Chair.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made.

4. MINUTES OF PREVIOUS MEETING

The minutes of the meetings held on 16th February 2024 and 22nd April 2024 were confirm them as a correct record.

**5. APPLICATION FOR A NEW PREMISES LICENCE - LOKMA SHAWARMA,
164 EVINGTON ROAD, LEICESTER, LE2 1HL**

Councillor Singh Johal, as Chair led on introductions and outlined the procedure the hearing would follow.

The Director of Neighbourhood and Environmental Services submitted a report on an application of a new premises licence for Lokma Shawarma, 164 Evington Road, Leicester, LE2 1HL.

Mr Wajahat Masood, the son of the applicant, was in attendance. Also in attendance was Elizabeth Arculus, Licensing Enforcement team, Chris White,

Noise and Pollution team, and PC Jefferson Pritchard, Leicestershire Police. Ms Jane Russell, local resident from the area of the premises, was present as objector. Also present was the Licensing Team Manager (Policy and Applications) and the Legal Adviser to the Sub-Committee.

The Licensing Team Manager (Policy and Applications) presented the report and outlined details of the application.

Three representations were received on 3rd September 2024 from members of the public. The representations related to the prevention of crime and disorder, the prevention of public nuisance and public safety. The representees were concerned that this was a densely populated area and the late hours requested would increase noise, litter, parking issues and anti-social behaviour.

A representation was received on 30th September 2024 from the Police. The representation related to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The representee was concerned that the premises is located with an area of 'special interest' as referred to the Council's Statement of Licensing Policy, but the applicant had made no reference to this and was extremely vague as to how they would operate and promote the licensing objectives.

A representation was received on 27th September 2024 from the Noise team. The representation related to the prevention of public nuisance. The representee was concerned that noise from the premises and delivery companies until 5.00am would likely cause nuisance to local residents. They had been in contact with the applicant and had agreed conditions.

A representation was received on 25th September 2024 from the Licensing Enforcement team. The representation related to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The representee was concerned that the timings and activity applied for plus the lack of detail on the operating schedule may have an impact on the local community. They had been in contact with the applicant and had agreed conditions.

PC Pritchard was given the opportunity to outline the details of their representation.

Ms Arculus, Licensing Officer was given the opportunity to outline the details of their representation and answered questions from Members and Objector.

Mr White was given the opportunity to outline the details of their representation and answered questions from Members.

Ms Russell given the opportunity to outline the details of their representation and answered questions from Members.

Mr Masood was given the opportunity to address the Sub-Committee and answered questions from Members, Officers and Objector.

All parties present were then given the opportunity to sum up their positions and make any final comments.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present and were advised of the options available to them in making their decision. The Sub-Committee were also advised of the relevant policy and statutory guidance that needed to be taken into account when making their decision.

In reaching their decision, Members felt they should deliberate in private on the basis that this was in the public interest, and as such outweighed the public interest of their deliberation taking place with the parties represented present, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Chair announced that the decision and reasons would be announced in writing within five working days. The Chair informed the meeting that the Legal Adviser to the Sub-Committee would be called back to give advice on the wording of the decision.

The Sub-Committee recalled the Legal Adviser to the Sub-Committee to give advice on the wording of the decision.

RESOLVED:

Members of the sub-committee considered each of the options available to them and decided to REJECT the application for a new premises licence.

REASONS

In considering the application by Lokma Shawarma Ltd for a Premises Licence authorising the provision of late night refreshment at the Lokma Shawarma restaurant / takeaway at 164 Evington Road, Leicester, the Sub-Committee has considered the Licensing Officer's Report and all the relevant representations, both written and oral. The Sub-Committee has taken account of all relevant legislation, the Statutory Guidance, the Regulators' Code and the Council's Licensing Policy. The Sub-Committee has had regard in its deliberations to the steps appropriate to promote the licensing objectives in the overall interest of the local community, and has decided the matter on its merits on the evidence presented to it. The Sub-Committee has had regard to the public sector equality duty detailed in section 149 the Equality Act 2010 and has taken a risk based approach to its decision which has been made on the balance of probability. The Sub-Committee has, as it is required to do, limited its deliberation to the promotion of the licensing objectives (with each licensing objective being of equal importance) and nothing outside of those parameters.

Evington Road is a busy area of the City with a high density of residential properties mixed with retail and licensed premises. The Council's Statement of Licensing Policy 2022 - 2027 details the area as an area of Special Interest in terms of alcohol harm, street drinking, anti-social behaviour. The premises,

which has an indoor seating capacity for approximately 18-20 people, backs on to residential housing between Rowsley Street and Sawley Street. The premises is subject to planning permission granted on 10 December 2015 which provides for operating hours from 9am to 11pm seven days a week.

The application was made by Lokma Shawarma Ltd which was incorporated on 13 May 2024. Masood Akhtar is the sole Director and he is detailed at Companies House as the person with significant control of the Company. Late night refreshment involves the supply of 'hot food or hot drink' between the hours of 11pm and 5am to the public for consumption on or off the premises. The original application sought authorisation of Late Night Refreshment both indoors and outdoors at the restaurant seven days a week from 11pm to 5am so that the premises could be operated as a takeaway in the night time economy. Following discussion with the Noise Team and Licensing Enforcement, the applicant amended the requested hours to run from 11pm to 1.30am daily and those Teams withdrew their opposition to the application subject to the imposition of conditions agreed with the applicant in the event a Licence was granted. The Sub-Committee heard from both Teams at the hearing. The Noise Team indicated its view that with a 1.30am terminal hour, despite the flue at the premises, the business would not add to the overall noise levels in the area. Licensing Enforcement indicated its belief that compliance with the conditions agreed with the applicant would allow a Licence to be operated successfully.

Representations were received in opposition to the application from local residents and Leicestershire Police. Those objections remained at the hearing based on all of the licensing objectives.

Of the three representations made by residents, one was made on behalf of the members of the Evington Road Neighbourhood Association. A member of the Association attended the hearing. The residents have previously complained to Planning Enforcement that the premises has been operated outside of the hours permitted under its planning permission. The Sub-Committee was informed that Planning Enforcement had written to the applicant regarding this. Residents have also previously complained to Licensing Enforcement that the premises has been providing unlicensed Late Night Refreshment. In response Licensing Enforcement visited the premises on 27 July 2024 and although no incidents were witnessed at the time they issued an advice letter which they surmised prompted the current application. The residents believe the concentration of fast-food premises licensed along Evington Road for Late Night Refreshment is excessive. They emphasise this is a densely populated area and the requested late hours will increase already existing noise nuisance, litter problems, parking issues and anti-social behaviour. They are concerned that this late-night economy has in recent years attracted crime and disorder to the area with fights, stabbings and, in one recent instance, a drive-by shooting. Some local residents now feel unsafe on Evington Road at night. The residents believe the operating hours of the premises should be those detailed in the planning permission so that the premises closes by 11pm daily.

Leicestershire Police reminded the Sub-Committee that the Council's

Statement of Licensing Policy 2022 - 2027 details the area as an area of Special Interest in terms of alcohol harm, street drinking, anti-social behaviour. They are concerned that the application makes no reference to this and how the licensing objectives will be promoted. The Police are concerned that the business had been operating in breach of planning permission and without a Licence. The Police explained that the area was well known for its late hours and attracted a large number of people from outside Leicester who came to buy late night food and meet. This had contributed to an increase in violent crime. In November 2023, there was a double shooting outside the premises which led to 12 arrests relating to attempted murder. Throughout 2024, there have been several incidents of serious crime and disorder in close proximity to the premises and other similar licensed premises along Evington Road. These include reports of weapons offences involving guns and knives. There have been public order offences and serious assaults involving stabbings and large scale fights. The Police are taking a multi-agency approach to serious violence reduction which includes working with social workers, schools and colleges, the Youth Offending Team and community leaders and local mosques. The area is already saturated with food establishments and takeaways with an increase in vehicle and foot traffic which has a direct impact on the local residential community who suffer with noise nuisance and parking issues as a result. This is regularly reported to the Police and local councillors receive complaints about noise, anti-social behaviour and inconsiderate parking. The Police indicated that they are currently having crime and disorder, public safety, public nuisance, and issues with unsupervised children along Evington Road. Allowing the premises to stay open beyond 11pm, would provide an attraction for people to congregate. The Police say licensing these premises will exacerbate the existing issues in the area. They are of the view that no conditions could be attached to a Licence to mitigate their concerns.

The Sub-Committee was addressed on behalf of the applicant by the son of the sole director of Lokma Shawarma Ltd. He indicated the restaurant had been operating for 7 years and that his father had purchased the business in May 2024. His father had been a businessman for 15 years. He accepted that the business had been operating past 11pm staying open until 30 minutes past midnight especially at weekends. They knew this was in breach of the planning permission but they were not aware until they were visited by Licensing Enforcement that a Licence was required for the provision of Late Night Refreshment. He indicated the premises next door was open late hours so they thought they should be able to do the same. He indicated that the customers were mainly local residents. He believed other business in the area were licensed past 11pm so he believed the application should be granted.

The Sub-Committee was concerned that the applicant had presented a written application which the Police had correctly referred to as vague. In detailing the Evington Road area as one of Special Interest in its Statement of Licensing Policy 2022 – 2027, the Council lists relevant environmental factors which an applicant should have in mind for consultation with the appropriate responsible authorities. These are: Number of existing licensed premises; Types of licensed premises; Density and locality of residential premises; Traffic or pedestrianised areas; Conservation, cultural areas and/or sensitive premises;

Alcohol related Public Health concerns; Anti-Social Behaviour including Community Protection; and, Noise Pollution. The applicant had failed to address these issues in its written application or at the hearing. The Sub-Committee was also concerned that the business had been operated without a Licence and in breach of the permitted planning hours. The Sub-Committee has no confidence that the applicant would comply with Licence conditions. Evington Road is a difficult area for the Police to enforce and residents are understandably concerned with the level of crime and noise disturbance to their lives. It is clear that all of the licensing objectives are engaged and the grant of the application would undermine the promotion of those objectives.

The Sub-Committee's decision was made in the interests of promoting the licensing objectives.

Any appeal against the decision must be made within 21 days to the Magistrates Court.

6. ANY OTHER URGENT BUSINESS

There being no other urgent business, the meeting closed at 11:25am.