



Leicester
City Council

SECOND DESPATCH

MEETING OF THE LICENSING (HEARINGS) SUB-COMMITTEE

TUESDAY, 22 MAY 2018

Further to the agenda for the above meeting which has already been circulated, please find attached the following:-

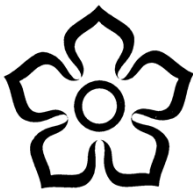
**TWO OBJECTION NOTICES FOR TWO TEMPORARY
EVENT NOTICES: CASBA CAFE, 34A ST STEPHENS
ROAD, LEICESTER, LE2 1GG**

The report and agenda items are now attached. A copy of the associated documentation is attached for Members only. Further copies are available on the Council's website at www.Cabinet.leicester.gov.uk or by telephoning Democratic Support on 0116 454 6354.

Officer contacts

Angie Smith, Democratic Support Officer

Tel: (0116) 4546354 e-mail: angie.smith@leicester.gov.uk



Leicester
City Council

WARDS AFFECTED
Stoneygate

Appendix A

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Hearing under the Licensing Act 2003

22nd May 2018

**Objection notice given for Temporary Event Notices
Casba Café, 34a St Stephens Road, Leicester, LE2 1GG**

Report of the Director of Neighbourhood and Environmental Services

1. Purpose of Report

- 1.1. This report provides information for Members about objection notices received in relation to temporary event notices (TEN's) given under the Licensing Act 2003, to assist them in determining the outcome.

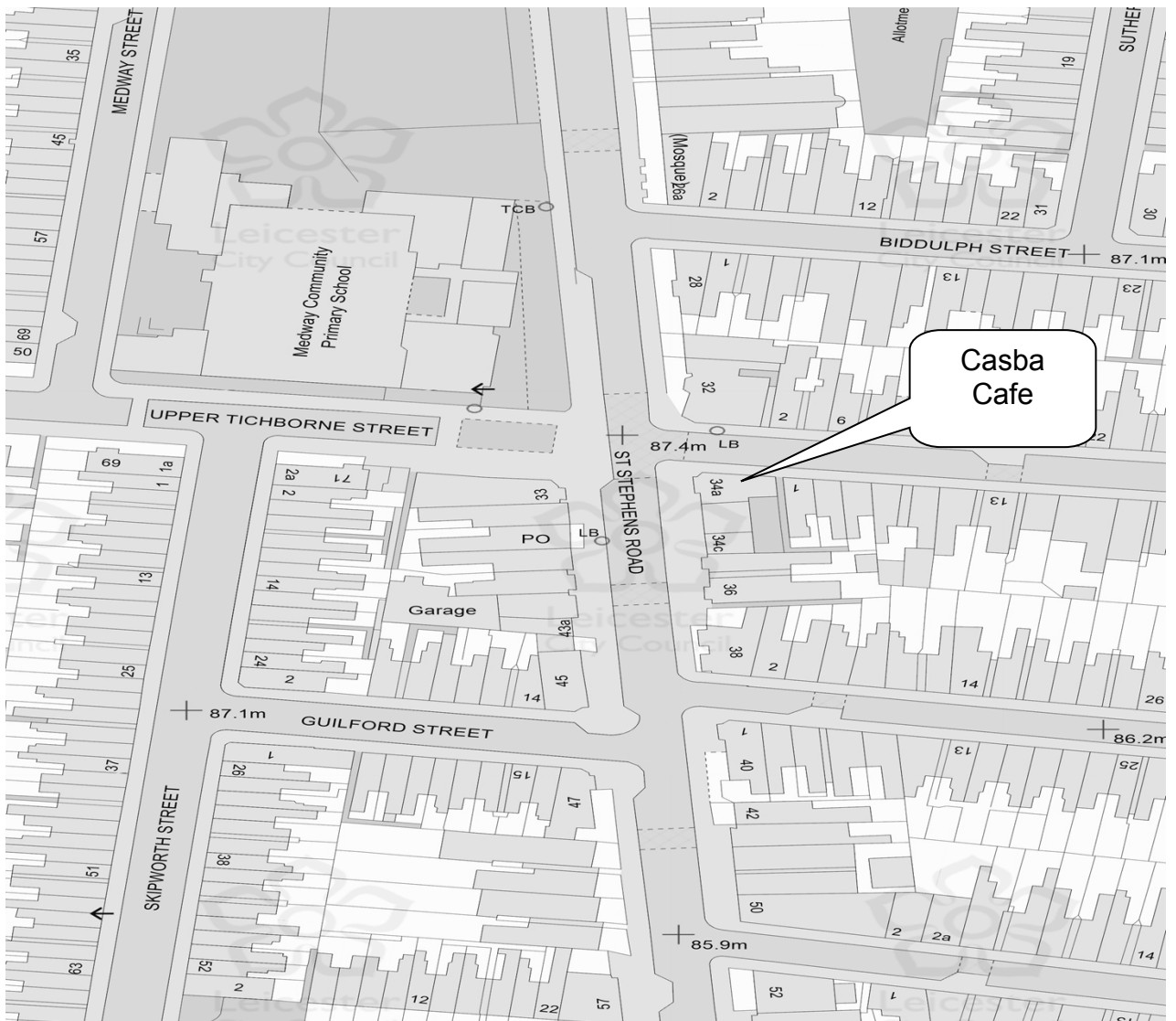
2. Determination to be made

- 2.1. Having considered the temporary event notices and the objection notices, Members must consider whether to
- Give the premises user a counter notice under Section 105 (2) of the Licensing Act 2003 if it is considered appropriate for the promotion of a licensing objective to do so; or
 - Disregard the objection notices

3. Summary

- 3.1 This report outlines two objection notices given by the Noise Team in response to two temporary event notices given by Mr Sid Chenaa for Casba Café. 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.

4. Location Plan



5. Temporary event notice

- 5.1. Two temporary event notices were given on 4th May 2018 by Mr Chenea for events at Casba Cafe, 34a St Stephens Road, Leicester. The temporary event notices are for events on 24th to 30th May 2018 and 1st June to 6th June 2018 and are attached at Appendix A1 and A2.
- 5.2. The temporary event notices are for the following licensable activities:

Licensable activities	Proposed hours
Provision of late night refreshment	Thursday – Wednesday 23.00 – 03.00
Opening Hours	Thursday – Wednesday 16.00 – 03.00

6. Objection notice

- 6.1 Objection notices were received on 11th May 2018 from the Noise Team on the grounds of the prevention of public nuisance. A copy of the objection notices are attached at Appendix B1 and B2.

7. Existing premises licence

- 7.1 There is no premises licence that affects any part of the premises identified in the temporary event notice. This means that no conditions may be applied to the temporary event notice.

8. Statutory Guidance

- 8.1 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 relevant parts of the guidance in this case are as follows:

Section	Heading
7.2 – 7.7	TEN – General
7.25 – 7.31	Role of the Licensing Authority
7.32 – 7.36	Police and Environmental Health intervention
7.38 – 7.39	Applying conditions to a TEN

9. Statement of Licensing Policy

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

Section	Heading
2	Fundamental Principles
15	Temporary Event Notices

10. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

11. Background Papers – Local Government Act 1972

- a. None

12. Consultations

- a. The Licensing Authority is not obliged to consult any parties with regard to temporary event notices. The applicant is required to serve a copy of their temporary event notice on the Police and the Noise Team.

13. Report Author

Amy Day
Licensing Officer
0116 454 3054
Amy.day@leicester.gov.uk

APPENDIX	CONTENT
A1 & A2	Temporary event notices
B1 & B2	Objection notices



Leicester
City Council

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr Mrs Miss Ms Other (please state)
Surname	CHE NAA
Forenames	SID AHMED
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr Mrs Miss Ms Other (please state)
Surname	
Forenames	
3. Your date of birth	
4. Your place of birth	
5. National Insurance Number	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
[Redacted Address]	
Post town	[Redacted]
Postcode	[Redacted]
7. Other contact details	
Telephone numbers Daytime	[Redacted]
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
Post town	Postcode
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
34A ST STEPHENS ROAD LEICESTER LE2 4GG CASBA CAFE	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
SELLING CAFE + SNECKS + CAKES + PANINI BAGUETES + BREAKFAST + DISHES	
Please describe the nature of the event below. (Please read note 5)	
EXTEND OPENING HOUR FROM 16:PM - 3AM WEEK OF RAMADAN 24/05/18 TO 30/05/18	

3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol		
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club		
The provision of regulated entertainment (Please read note 7)		
The provision of late night refreshment		/
Are you giving a late temporary event notice? (Please read note 8)		
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)		24-05-18 TO 30-5-18
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)		
From: 16:00 Pm Till 3AM		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)		ABOUT 20 people
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only	/
	Off the premises only	
	Both	

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)

NO ENTERTAINMENT

4. Personal licence holders (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)	Yes	No /
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority		


Licence number	
Date of issue	
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes	No /
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No /

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes	No /
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No /
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes	No /
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No /

7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	/
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	/
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	
Made or enclosed payment of the fee for the application	/
Signed the declaration in Section 9 below	

8. Condition (Please read note 18)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)	
The information contained in this form is correct to the best of my knowledge and belief:	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	01/05/18
Name of Person signing	SIP CHENAA

For completion by the licensing authority

10. Acknowledgement (Please read note 20)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

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Leicester
City Council

Appendix A2

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr Mrs Miss Ms Other (please state)
Surname	CHENAA
Forenames	SID AHMED
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr Mrs Miss Ms Other (please state)
Surname	
Forenames	
3. Your date of birth	
4. Your place of birth	
5. National Insurance Number	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
[Redacted Address]	
Post town	[Redacted]
Postcode	[Redacted]
7. Other contact details	
Telephone numbers Daytime	[Redacted]
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)

Post town

Postcode

9. Alternative contact details (if applicable)

Telephone numbers:

Daytime

Evening (optional)

Mobile (optional)

Fax number (optional)

E-Mail address

(if available)

2. The premises

Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)

34A ST STEPHENS ROAD
LEICESTER LE2 1GG CAFE CASBA

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number

Club premises certificate number

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

Please describe the nature of the premises below. (Please read note 4)

SELLING CAFE + SNECKS + CAKES + PANINI +
BAGUETES + BREAKFAST + DISHES

Please describe the nature of the event below. (Please read note 5)

Extend opening hour FROM 16:00 PM - 3 AM
week OF RAMADAN 24th 01/06/18 TO 6/6/18

3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)

The sale by retail of alcohol	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	
The provision of regulated entertainment (Please read note 7)	
The provision of late night refreshment	/
Are you giving a late temporary event notice? (Please read note 8)	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)	

1 - 6 June

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)

FROM 16:00 TILL 3AM

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)

20 people

If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)

On the premises only

/

Off the premises only

Both

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)

NO ENTERTAINMENT

4. Personal licence holders (Please read note 14)

Do you currently hold a valid personal licence?
(Please tick)

Yes

No

If "Yes" please provide the details of your personal licence below.

Issuing licensing authority


Licence number	
Date of issue	
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 18)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	01 / 05 / 18
Name of Person signing	SID CHENAA

For completion by the licensing authority

10. Acknowledgement (Please read note 20)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

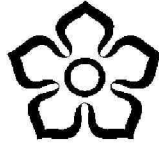


Licensing Act 2003
Objection to Temporary Event Notice (TEN)

Details of Relevant Authority
Name and Job Title: Kennedy Nwokolo Pollution Control Officer
Address: Noise and Pollution Control Team, Leicester City Council, Phoenix House, 1 King Street, Leicester, LE1 6RN.
Phone Number: 0116 454 5338

Details of Premises Representation is about
Name of Premises: St Stephen's Café
Address: 34A St Stephens Road Leicester LE2 1GG
Application Number: 105024
Our Reference: 18/05115/PNCNLT

This objection relates to the following licensing objective(s):	
Prevention of crime and disorder	No
Public Safety	No
Prevention of public nuisance	Yes
Protection of children from harm	No



**Licensing Act 2003
Objection to Temporary Event Notice (TEN)**

Details of Relevant Authority
Name and Job Title: Kennedy Nwokolo Pollution Control Officer
Address: Noise and Pollution Control Team, Leicester City Council, Phoenix House, 1 King Street, Leicester, LE1 6RN.
Phone Number: 0116 454 5338

Details of Premises Representation is about
Name of Premises: St Stephen's Café
Address: 34A St Stephens Road Leicester LE2 1GG
Application Number: 105023
Our Reference: 18/05113/PNCNLT

This objection relates to the following licensing objective(s):	
Prevention of crime and disorder	No
Public Safety	No
Prevention of public nuisance	Yes
Protection of children from harm	No

Representation

I wish to make representation in connection with this application for a temporary event notice (TEN) for an extension to a licensable activity as I consider this proposal will be detrimental to the licensing objective of public nuisance.

REASONS

The applicant has applied for a Temporary Event Notice to extend the opening of the premises for the sale of late night refreshment from 16:00 hours until 03:00 hours for 6 consecutive days (24th May 2018 till 30th May 2018).

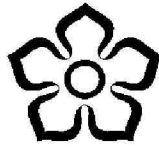
Due to the position of the premises, noise from St Stephen's Café has the potential to cause noise nuisance to nearby residential properties in Bartholomew Street and St Stephens Road. The likelihood of a nuisance being caused is even greater in after midnight as the background noise in the area drops significantly.

The applicant indicates that the intention for the Temporary Event Notice is for the serving of food during month of Ramadan.

I am concerned that noise from street activities is very difficult to control and noise from customers using the premises will affect residential properties close by especially during earlier hours of the morning.

Noise from customer vehicles, customers arriving, leaving and using the outside of the premises until 03:00 hours daily (especially during the weekdays) will affect numerous residential properties near to and around the premises therefore, there is an increased likelihood of sleep disruption and complaint.

As it stands, I will recommend refusal.



**Licensing Act 2003
Objection to Temporary Event Notice (TEN)**

Details of Relevant Authority
Name and Job Title: Kennedy Nwokolo Pollution Control Officer
Address: Noise and Pollution Control Team, Leicester City Council, Phoenix House, 1 King Street, Leicester, LE1 6RN.
Phone Number: 0116 454 5338

Details of Premises Representation is about
Name of Premises: St Stephen's Café
Address: 34A St Stephens Road Leicester LE2 1GG
Application Number: 105024
Our Reference: 18/05115/PNCNLT

This objection relates to the following licensing objective(s):	
Prevention of crime and disorder	No
Public Safety	No
Prevention of public nuisance	Yes
Protection of children from harm	No

Representation

I wish to make representation in connection with this application for a temporary event notice (TEN) for an extension to a licensable activity as I consider this proposal will be detrimental to the licensing objective of public nuisance.

REASONS

The applicant has applied for a Temporary Event Notice to extend the opening of the premises for the sale of late night refreshment from 16:00 hours until 03:00 hours for 6 consecutive days (1st June 2018 till 6th June 2018).

Due to the position of the premises, noise from St Stephen's Café has the potential to cause noise nuisance to nearby residential properties in Bartholomew Street and St Stephens Road. The likelihood of a nuisance being caused is even greater in after midnight as the background noise in the area drops significantly.

The applicant indicates that the intention for the Temporary Event Notice is for the serving of food during month of Ramadan.

I am concerned that noise from street activities is very difficult to control and noise from customers using the premises will affect residential properties close by especially during earlier hours of the morning.

Noise from customer vehicles, customers arriving, leaving and using the outside of the premises until 03:00 hours daily (especially during the weekdays) will affect numerous residential properties near to and around the premises therefore, there is an increased likelihood of sleep disruption and complaint.

As it stands, I will recommend refusal.