

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





WARDS AFFECTED Stoneygate

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.

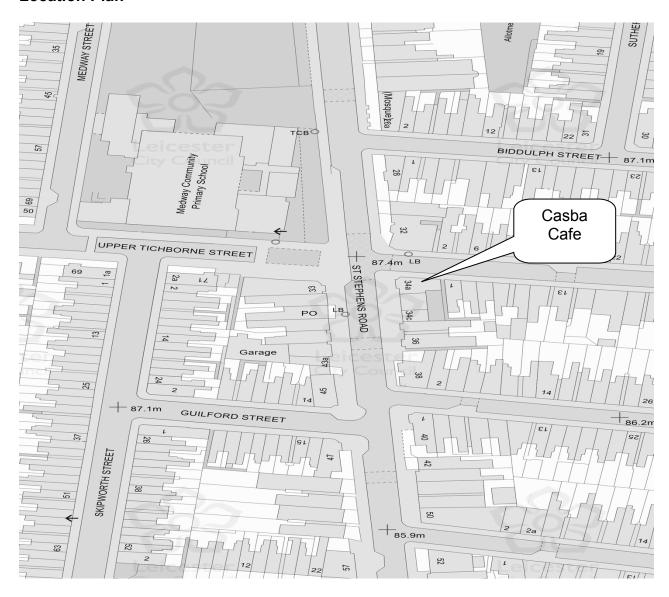
2. Determination to be made

- 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 Chenaa 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	

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Appendix A1



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 det	ails 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.
	a separate sheet if necessary)
Title	Mr Mrs Miss Ms Other (please state)
Surname	
Forenames	
3. Your date of birt	h
4. Your place of bi	rth
5. National Insuran	
	dress (We will use this address to correspond with you unless you complete the
separate correspond	dence box below)
	<u></u>
Post town	Postcode
5 0 1	
7. Other contact de	
Telephone number	S
Daytime	
Evening (optional)	*
Mobile (optional)	
Fax number (optio	nal)
E-Mail address	
(if available)	

	pondence (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	
	emises where you intend to carry on the licensable activities or, if
it has no address, give a detailed (Please read note 2)	description (including the Ordnance Survey references)
34A ST S	TEPHENIS ROJU
LeicesTer	LEZ 166 CASRA CAFE
	premises certificate have effect in relation to the premises (or any ase enter the licence or certificate number below.
	premises certificate have effect in relation to the premises (or any
part of the premises)? If so, plea	premises certificate have effect in relation to the premises (or any ase enter the licence or certificate number below.
part of the premises)? If so, pleater Premises licence number Club premises certificate number	premises certificate have effect in relation to the premises (or any ase enter the licence or certificate number below.
part of the premises)? If so, pleater Premises licence number Club premises certificate number If you intend to use only part of	premises certificate have effect in relation to the premises (or any ase enter the licence or certificate number below.
part of the premises)? If so, pleater Premises licence number Club premises certificate number If you intend to use only part of	premises certificate have effect in relation to the premises (or any ase enter the licence or certificate number below. r the premises at this address or intend to restrict the area to which
part of the premises)? If so, pleater Premises licence number Club premises certificate number If you intend to use only part of	premises certificate have effect in relation to the premises (or any ase enter the licence or certificate number below. r the premises at this address or intend to restrict the area to which
part of the premises)? If so, pleater Premises licence number Club premises certificate number If you intend to use only part of	premises certificate have effect in relation to the premises (or any ase enter the licence or certificate number below. r the premises at this address or intend to restrict the area to which
part of the premises)? If so, please Premises licence number Club premises certificate number If you intend to use only part of this notice applies, please give a	premises certificate have effect in relation to the premises (or any ase enter the licence or certificate number below. The premises at this address or intend to restrict the area to which description and details below. (Please read note 3)
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Premises licence number Club premises certificate numbe If you intend to use only part of this notice applies, please give a Please describe the nature of the BAGULTES + BNA Please describe the nature of the	premises certificate have effect in relation to the premises (or any ase enter the licence or certificate number below. The premises at this address or intend to restrict the area to which description and details below. (Please read note 3) Premises below. (Please read note 4) FE + SNECKS + CAKES + PANINI FACK FAST + dishes event below. (Please read note 5)
Premises licence number Club premises certificate numbe If you intend to use only part of this notice applies, please give a Please describe the nature of the BAGULTES + BNA Please describe the nature of the	premises certificate have effect in relation to the premises (or any ase enter the licence or certificate number below. The premises at this address or intend to restrict the area to which description and details below. (Please read note 3) Premises below. (Please read note 4) FE + SNECKS + CAKES+ PANINI Lake FAST + dishes

3. The licensable activities		
Please state the licensable activities that you intend to licensable activities you intend to carry on). (Please		lease tick all
The sale by retail of alcohol		
The supply of alcohol by or on behalf of a club to, or of the club	r to the order of, a member	
The provision of regulated entertainment (Please re	ad note 7)	
The provision of late night refreshment		/
Are you giving a late temporary event notice? (Pleas	e read note 8)	
Please state the dates on which you intend to use the activities. (Please read note 9)	se premises for licensable	24-05-18 TO
		- 2 - 18
Please state the times during the event period that yo (please give times in 24 hour clock). (Please read no		ble activities
From: 16:00 Pm Til	L 3Am	
Please state the maximum number of people at any o		ABOUT
allow to be present at the premises during the times of licensable activities, including any staff, organisers of note 11)		200 people
If the licensable activities will include the sale or supply of alcohol, please state whether these will	On the premises only	/
be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	Off the premises only	
(respectively) (respectively)	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?	Yes	No
(Please tick)		/
If "Yes" please provide the details of your personal licence below.	1:	
Issuing licensing authority		

Licence number	ĸ	
Date of issue		
Any further relevant details		

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	Yes	No
giving this temporary event notice?		-
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:	Yes	No
a) ends 24 hours or less before; or		
b) begins 24 hours or less after		
the event period proposed in this notice?		

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? If answering yes, please state the total number of temporary event notices	Yes	No /
(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	Yes	No
b) begins 24 hours or less after the event period proposed in this notice?		

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	0/ 105/ 18
Name of Person signing	SIP CHENAA

For completion by the licensing authority

10. Acknowledg	gement (Please read note 20)
I acknowledge re	eceipt of this temporary event notice.
Signature	
	On behalf of the licensing authority
Date	74.
Name of Officer signing	

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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.

. The personal o	details of premises user (Please read note 1)
. Your name	
Γitle	Mr Mrs Miss Ms Other (please state)
Surname	CHENAA
Forenames	SÍD AHMED
2. Previous nam	es (Please enter details of any previous names or maiden names, if applicable.
Please continue	on a separate sheet II necessary)
Title	Mr Mrs Miss Ms Other (please state)
Surname	
	N. C.
Forenames	
3. Your date of	
4. Your place of	f birth
5. National Insu	address (We will use this address to correspond with you unless you complete the
6. Your current	address (We will use this address to correspond with you unless you comp
separate correst	pondence box below)
separate corres	pondence box below)
Post town	Postcode
Post town	Postcode
Post town 7. Other contact	Postcode ct details
Post town	Postcode ct details
Post town 7. Other contact	Postcode ct details
Post town 7. Other contact Telephone nur	Postcode ct details
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	-		
Post town		Death of	
	Vi.	Postcode	0.0
9. Alternative co	ontact details (if	applicable)	-
Daytime Daytime	Dels.		
1923	-I)		
Evening (option	al)		
Mobile (optional	1)		
Fax number (opt E-Mail address	tional)		
(if available)			
2. The premises	dd		
it has no address	uuress of the pre	emises where you intend to carry on the licensable activities or, if	
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Laire	Ta,	NOZO	
LEILES	100	LEZ 16G CAFT	Y
Does a promise I	:	CH CH S BH	
Joes a premises i	icence or club or	remises certificate have effect.	
part of the premises i	es)? If so, please	remises certificate have effect in relation to the premises (or any se enter the licence or certificate number below.	
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The sale by fetall of alcohol		
The supply of alcohol by or on behalf of a club to of the club	, or to the order of, a member	
The provision of regulated entertainment (Please	read note 7)	
	read note /)	
The provision of late night refreshment		
Are you giving a late temporary event notice? (Ple	ease read note 8)	
Please state the dates on which you intend to use the ctivities. (Please read note 9)	nese premises for licensable	
(state read note)		
1 - 6 June.		
lease state the times during the event period that y blease give times in 24 hour clock). (Please read n	ou propose to carry on licensal	ole activities
Rom 16:00 Till BAN	Δ.	
3140		
ease state the maximum 1		
ease state the maximum number of people at any ow to be present at the premises during the times ensable activities, including any staff control of the cont		0 0
merading dily stall organicere	or performance (Pl	20 pep
	of performers. (Please read	
the licensable activities will include the sale or	On the premises only	
pply of alcohol, please state whether these will	Off the premises only	
for consumption on or off the premises, or both ease tick as appropriate). (Please read note 12)	off the premises only	

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

Do you currently hold a valid	Please read note 14)	State of the state	
(Please tick)		Yes	No
If "Yes" please provide the de	tails of your personal licence below		_
Issuing licensing authority	our personal ficefice below	•	

	7 × 104
Licence number	
Date of issue	
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 15 and tick 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

. Associates and business colleagues (Please read note 16 and tick the boxes that	Yes	No
Has any associate of yours given a temporary event notice for an event in the ame calendar year as the event for which you are now giving a temporary event notice?		/
f 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	Yes	No /
If answering yes, please state the total number of temporary event notices, if any) your business (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	Yes	No
period:	11 19	-
a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?		

7. Checklist (Please	e read note 17)	
Thave (Please tick	the appropriate boxes, where applicable)	
Sent at least one cor	by of this notice to the licensing authority for the area in which the	
premises are situate		
Sent a conv of this t	notice to the chief officer of police for the area in which the	-
premises are situate	d	
Cont a convent of this	notice to the local authority exercising environmental health	
	ea in which the premises are situated	/
ICH	situated in one or more licensing authority areas, sent at least one	
If the premises are	situated in one of more needsing authority areas, sent at least one	_
copy of this notice i	to each additional licensing authority situated in one or more police areas, sent a copy of this notice to	
each additional chie	of 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		
notice to each addit	100al local authority exercising environmental health functions	15
Made or enclosed p	ayment of the fee for the application	
Signed the declarat	ion in Section 9 below	
8. Condition (Plea	se read note 18)	A STATE OF THE STA
It is a condition of t	his temporary event notice that where the relevant licensable activities	es .
	a 3 above include the sale or supply of alcohol that all such supplies a	ire mad
by or under the auth	nority of the premises user.	
Apple 7		
	TO AN	
9. Declarations (Pl	ease read note 19)	
	ntained in this form is correct to the best of my knowledge and belief	
The information co	mamou in this torm is conserved as a conserved as	
I understand that it	is an offence:	
(i) to knowingly or	recklessly make a false statement in or in connection with this temporary	rarv
event notice and that a person is liable on summary conviction for such an offence to a fine of		
any amount; and	at a person is nable on summary conviction for such an offence to a	
any amount, and	authorised licensable activity to be carried on at any place and that a	nerson i
(ii) to permit an una	conviction for any such offence to a fine of any amount, or to imprise	onment
frable on summary	ding six months, or to both	ommone
for a term not exceed	eding six months, or to both.	
G!		=/
Signature	24	
12		
Date	1 105 1 18	
	1 0 7 10	
Name of	SID CHENAA	
Person signing	The Chelenti	
For completion by	the licensing authority	
10. Acknowledger	nent (Please read note 20)	
I acknowledge rece	eipt of this temporary event notice.	
	Parties in the second Committee of the second secon	
Signature	× v	
	On habelf of the licensing authority	E
	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.

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As it stands, I will recommend refusal.