



**Leicestershire
Police**

Protecting our communities

Force Licensing Department
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Leicestershire Police

Licensing Act 2003 – Representation in respect of Premises Licence Application

Details of person or body making representation	
Your Name:	Mr Nigel Rixon
Your Address:	Mansfield House, 74 Belgrave Gate, Leicester LE1 3GG

Details of premises representation is about	
Name of Premises:	La Lory
Address of premises:	8 Humberstone Road Leicester LE5 0AR
Application No. (if known)	

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	X
Public Safety	
Prevention of public nuisance	X
Protection of children from harm	

Please summarise your concerns about this application:
<p>I write in my capacity as Licensing Manager for Leicestershire Police on the authority delegated to me by the Chief Constable.</p> <p>The current application if granted would undermine the licensing objectives in relation to the prevention of crime and disorder and the prevention of public nuisance.</p> <p>My representation to this variation for an existing licensed premises is based upon the licensing objectives.</p> <p>This application has been submitted in order to increase the licensable area of an existing licensed premises, increase the permitted licensable activity hours and increase the permitted hours that the premises can open to the public. The premises has recently re-opened after</p>

being closed for some time. During the closure period, the premises has undergone a refurbishment.

The current licence permits the premises to open to the public on the following:

Sunday – Thursday 5am until 12:20am

Friday & Saturday 5am until 2:20am.

The current licence permits the premises to supply alcohol and late night refreshment for consumption both ON & OFF the premises on the following:

Sunday – Thursday 11am until 12:20am.

Friday & Saturday 11am until 2am.

The current licence permits the performance of live music (indoors) on the following:

Sunday – Thursday 11am until midnight.

Friday & Saturday 11am until 2am.

The current licence permits the playing of recorded music (indoors):

Sunday – Thursday 9am until midnight.

Friday & Saturday 9am until 2am.

Therefore, the applicant wishes to extend the following:

(1) **Late night refreshment.**

Extend daily (Monday to Sunday) from 11pm until 5am.

Sunday – Thursday = 4 hour and 40 minute increase.

Friday & Saturday = 3 hour increase.

(2) **Supply of alcohol.**

Extend daily (Monday to Sunday) from 7am until 4:30am.

Sunday – Thursday = 4 hour and 10 minute increase.

Friday & Saturday = 3 hours increase.

(3) **Hours that premises is open to the public.**

Extend daily (Monday to Sunday) from midnight to midnight.

Sunday – Thursday = 4 hour and 40 minute increase.

Friday & Saturday = 2 hour and 40 minute increase.

(4) **Increase the size of the licensable area by incorporating the first floor into the licensable area of the premises.**

Location & Surrounding Area.

The premises is owned by a couple who have owned the business for a period of time.

The premises is located at 8 Humberstone Road, LE5 0AR. Despite the postcode, the address is located within the Leicester city inner ring road (LE1 post code area) near to Wharf Street South, Rutland Street and Wimbledon Street. The premises is located opposite a derelict building formally known as the “International Hotel”.

The premises is situated on the edge of the city centres late night time economy.

Another licensed premises is located next door called “Altro Mondo” and operates as an Italian restaurant. The restaurant’s address is 10-12 Humberstone Road. Altro Mondo has

unrestricted opening hours but is only permitted to carry out licensable activity on Monday to Saturday between 10am until 2am and on Sunday from midday until 2am.

Adana (Turkish restaurant) which is not licensed is located at 14-16 Humberstone Road. Humberstone Supermarket which is also not licensed is located 18-20 Humberstone Road.

A number of other shops are located along the same side of the road as the premises up until the junction of Clyde Street.

During an initial inspection, there appears to be some first and second floor residential accommodation above all of the above mentioned premises. There are several large residential blocks containing flats a short distance away bordering Wimbledon Street, Humberstone Road and Morledge Street.

The premises currently operates as a Romanian and Greek restaurant of which only the ground floor is presently licensed. By licensing the first floor, it will effectively double the size and capacity of the premises but also provide an area for private parties/functions.

The applicant also owns the property next door at 8A Humberstone Road. The business operates as a massage parlour known as Club 8A. Club 8A is accessed via a flight of stairs from street level to the right hand side of the restaurant as you look at the premises from the street. There is a security gate at the top of the stairs controlling access and egress to and from the massage parlour. On entry into the massage parlour there is a reception area with several settees, a bar area and a stand-alone fridge containing non-alcoholic drinks.

In 2019 Club 8A, which is not a licensed premises, was suspected to have been supplying alcohol to customers.

History

In the early hours of Sunday 30th June 2019, police officers attended the premises to conduct a licensing visit as intelligence was received that the premises was selling alcohol to customers using the massage parlour despite not having a licence to do so. The attending officers described how they rang the doorbell, as the security gate at the top of the stairs prevented them entry, at which point they could hear what was described as the furious sound of glass bottles clinking from inside. The officers were allowed entry by a male who gave his details as – Andrew Kyracou, the owner and applicant.

PC3028 Apps stated that Mr Kyracou looked nervous and on entering the first floor reception area there was a bar area that had a number of bottles of beer hidden in boxes behind the bar area.

PC3028 Apps suspected alcohol was either being sold or given away to customers at the premises.

Given the events of Sunday 17th November 2019, there is a strong possibility that the victim and alleged suspect had both been consuming alcohol on the premises and this may be the reason why the manager/applicant was distancing himself from the incident.

On Wednesday 18th December 2019, a multi-agency licensing visit was conducted to the premises but no offences were identified.

Crime & disorder associated to the premises
Sunday 17th November 2019 @ 03:01 hours.

Assault whereby occasioning actual bodily harm allegation (ABH)

Crime Number 19000615944

The victim states he was inside Club 8A, 8A Humberstone Road, Leicester along with the suspect who is known to him. The victim states he had consumed alcohol and that the suspect was intoxicated when he assaulted him outside the premises by punching him to the face four of five times.

The officer in the case contacted the premises to make enquiries about CCTV opportunities and was later contacted by the manager of the club who stated he was aware of the incident, however none of the men involved were customers or had been in the club. The manager stated that he didn't witness any assault, although he was able to tell the investigating officer "The guy who called you was aggressive and his friends were trying to calm him down".

The investigating officer suspected that the manager was attempting to deflect attention away from the premises and did not want the officer to check his CCTV system, as it might have been detrimental to his business.

The victim later withdrew his complaint after discrepancies in his account including admitting that he had removed his own belt in order to "defend himself".

Meeting with the applicant

On Friday 27th March 2020, PC2093 Pritchard acting in his role as Leicester City Centre Licensing Officer for Leicestershire Police met the applicant at the premises to discuss the application in person.

During the meeting the applicant discussed his business intentions, however it quickly became apparent that the applicant's intentions were different to what was detailed in the submitted operating schedule.

The applicant stated that he would permit customers to consume alcohol only on the premises and would permit beer and other alcoholic drinks to be taken off the premises and supplied to his adjoining business premises of Club 8A.

The applicant stated that the business aims to cater for private parties including Romanian celebrations and that the extended hours would cater for this demand, as it is common for these types of celebrations not to start until later and to continue into the early hours.

However, it is noted that the applicant has not applied to amend / increase the hours for live or recorded music in order to mirror the opening hours for such parties as you would expect, which seems odd and would suggest the alcohol consumption will be the primary focus after midnight on Sunday to Thursday and after 2am on Friday and Saturday.

The internal layout of the premises, including the first floor extension was inspected by PC2093 Pritchard. PC Pritchard noted an internal wooden link door which links the first floor area of the restaurant to the reception area of Club 8A. The applicant stated that this door would be locked whilst open to the public.

The applicant was asked how the 'off sales' of alcohol would operate. The applicant stated that customers would be permitted to buy alcohol including beer and take it off the premises. The applicant also stated that he would supply and deliver alcohol himself to customers using Club 8A.

In conclusion:

As the premises is seeking to increase its size by licensing the first floor area, this will effectively double the capacity of the premises. This effectively increases the likelihood of crime, disorder, anti-social behaviour and public nuisance associated to the premises. I do not believe the increase in capacity alone is sufficient to object; however as the applicant wishes to remain open to the public daily until 5am, with alcohol being served daily until 4:30am, this does raise concern. As other licensable activity including the playing of live and recorded music remains unchanged from the existing permitted hours, thus midnight or 2am dependant on the day of the week, it would strongly suggest that the alcohol consumption would become the primary function of the premises after the music has finished. The premises would cease to operate primarily as a restaurant / private hire area and become an alcohol led stand up bar with alcohol as the only licensable activity.

As alcohol fuelled violent crime increases significantly late at night and into the early of the morning, more so at weekends given the longer periods that customers are permitted to consume alcohol, it would inevitably result in increased crime and disorder at the premises regardless of the applicants good intentions and ability to manage its customers.

The premises proximity to nearby existing residential flats could potentially result in an increase in public nuisance as customers disperse from the premises in the early hours of the morning.

As the premises does not have a designated enclosed external smoking area, it ultimately means that customers will smoke cigarettes and vape E-cigarettes on the pavement area to the front of the premises, resulting in increased noise and disruption to local residents.

Customers smoking to the front of the premises in the early hours of the morning could result in increased crime and disorder as other revellers in the night time economy, already under the influence of alcohol, exit the city centre and come into contact with the customers smoking outside.

Given the premises position on a main footfall and vehicle thoroughfare into the city centre, it could result in it becoming a 'stopping off point' for customers already under the influence of alcohol, wishing to seek another alcoholic beverage as they exit the city centre in the early hours of the morning.

Leicestershire Police believe that the application effectively fails to address two out of the four licensing objectives in terms of:

- (1) The prevention of crime and disorder.
- (2) The prevention of public nuisance.

Leicestershire Police respectfully requests that the committee refuses the application. However, if the committee choose to grant the licence, Leicestershire Police would ask that they consider attaching the following conditions to the licence in order to promote the licensing objectives.

- (1) No alcoholic drinks purchased on the premises can be removed from the premises with the exception of partly consumed or resealed bottles of wine supplied and which are ancillary to a substantial table meal.

- (2) The supply of alcohol to be limited to:
Sunday to Wednesday from 11am to 1am.
Thursday from 11am to 1:30am.
Friday & Saturday from 11am to 2:30am.
- (3) The hours that the premises are open to the public to be limited to an additional 30 minutes after the supply of alcohol ceases.
- (4) Customers will not be permitted to congregate immediately outside the front of the premises.

Nigel Rixon
Licensing Manager
Leicestershire Police

2nd April 2020