



### Licensing Act 2003 - Representation in respect to Application to vary the licence

<b>Details of person or body making representation</b>	
Your Name:	Kennedy Nwokolo
Your Address:	Pollution Control Officer Noise and Pollution Team Phoenix House 1 King Street Leicester LE1 6RN

<b>Details of premises representation is about</b>	
Name of Premises:	Johnny Custard
Address of premises:	183 Evington Road Leicester LE2 1QN
Application No. (if known)	138255

<b>Please tick one or more of the licensing objectives that your representation relates to:</b>	
Prevention of crime and disorder	<input type="checkbox"/>
Public Safety	<input type="checkbox"/>
Prevention of public nuisance	<input checked="" type="checkbox"/> Yes
Protection of children from harm	<input type="checkbox"/>

<b>Please summarise your concerns about this application:</b>
<p>The premises, known as Johnny Custard is a dessert restaurant located within a mixed commercial and residential area on Evington Road and Kedleston Road, Leicester.</p> <p>The applicant has proposed opening hours from 12:00 – 01:00 hours Monday - Sunday.</p> <p>I have concerns that the use of outside space and inside space when in full capacity could lead to potential noise nuisance to adjoining residential properties from raised voices especially late at night/early hours of the morning when the background noise level is typically low. Noise from an open space is difficult to control even with conditions.</p> <p>The noise has the potential to cause public nuisance to local residents if the application is approved as applied for.</p>

**Please give further details of why you believe this application will have an adverse effect on the licensing objectives**

Local flats and houses do not include acoustic glazing sufficient to mitigate such noise levels, nor additional ventilation that permits windows to remain closed. Consequently, during late in the evening/night, noise from raised voices could prevent the normal and reasonable use of local properties.

I am concerned that noise nuisance from raised voices and general activities associated with a typical commercial premises like this one would be detrimental adjoining residential units. The adjoining residential units would be exposed to noise from the commercial unit, which would be transmitted through the open space and through any open doors and windows.

It is therefore recommended that the application be refused as applied for due to potential noise disturbances to local residents.