



Leicester
City Council

WARD: Castle

LICENSING ENFORCEMENT SUB-COMMITTEE

**APPLICATION FOR THE GRANT OF A HIGHWAYS AMENITIES LICENCE
(STREET CAFÉ)
MAMBA BAR
29 MARKET STREET, LEICESTER LE1 6DN**

Report of the Director (Neighbourhood & Environmental Services)

1. Purpose of the Report

To determine an application for the grant of a Highways Amenities Licence for a Street Café for premises known as Mamba Bar, 29 Market Street, Leicester. The applicant is Mr Harjinder Athwal.

2. Options for the Sub-Committee

The Sub-Committee may determine the application in one of the following ways: -

(1) Grant

The Sub-Committee may grant the application.

If the Sub-Committee decide to grant the application, it should be subject to the standard conditions applicable to Highway Amenities Licences.

(2) Grant subject to special conditions

The Sub-Committee may grant the application subject to such variations, conditions or restrictions, as they think fit.

(3) Refuse

The Sub-Committee may refuse the application.

In arriving at its decision, the Sub-Committee should consider the comments put forward by the applicant and any other information provided in the report.

The Sub-Committee must give the applicant the reasons for the decision it makes when it is announced.

3. Financial Implications

None.

4. Report

An application was received on 18th July 2022 from Mr Harjinder Athwal one of the owner of Mamba Bar for the grant of a Highway Amenities Licence (Street Café).

The premises is situated within a row of shops and business on Market Street. There are a wide range of businesses in this area including bars, shops, a hotel, and cafes. There are also some residential apartments. Due to the range of businesses in the area the street is extremely busy at all times of the day and throughout the night as it is a thoroughfare for people visiting the different businesses that operate in the night time economy.

This business operates as a bar and attracts customers predominantly during the early hours of the morning between 3am and 6am.

The licence held under the Licensing Act 2003 was recently reviewed by the Licensing Authority as Leicestershire Police were concerned about the amount Crime and Disorder associated with the premises – particularly around the outside of the premises which during the nighttime is cordoned off with barriers. The area is a flash point for disorder with customers of the bar and those passing by on Market Street and there have been a number of violent incidents. In addition the Hotel opposite has voiced concerns about the level of crime and disorder and noise associated with the bar affecting their clientele and staff.

The decision of the Licensing Sub Committee to reduce the hours and add conditions to the licence is currently under appeal and is due to be heard at Leicester Magistrates Court on 2nd and 3rd November 2022.

The applicant has submitted a plan which details three tables and six chairs, to be placed in front of the premises.

The tables and chairs are to be contained within the requested area, sectioned off by barriers.

The furniture and barriers proposed are in line with what is suitable to be used within a licensed area.

The applicant has requested to use the street café between the following hours after which the outside area will be cordoned off with the barriers that are already in use:

Monday to Sunday 13.00 to Midnight

On 18th July 2022, letters of consultation were hand delivered to surrounding businesses and residential premises within the area to advise them of the application and a public notice was prominently displayed on the premises itself. This was checked to ensure it remained in situ throughout the consultation period.

Any objections were to be received no later than 28 days from the date of the notice.

Consultations were also carried out with Councillors who represent the Castle Ward of the City, Leicestershire Police, Leicestershire Fire & Rescue Service, Noise Pollution, Planning, Public Safety and Highway/Traffic Management.

Within the representation period, there were three objections received from a local business, Leicestershire Police and Leicester City Councils Licensing Enforcement Team.

All objections were accepted as being 'relevant' to the application. The objections raise concerns about noise, anti-social behaviour and crime and disorder. All objections are attached to this report and detailed in the appendix list below.

The following documents are attached to this report:

Appendix A	Application for Street Café including proposed plan and pictures of the furniture to be used and a picture of the frontage of the premises
Appendix B	Objection from Leicester City Council – Licensing Enforcement
Appendix C	Objection from Leicestershire Police
Appendix D	Objection from Local Business
Appendix E	Not for Publication

5. Policy Guidelines

The overall policy on Street Cafes is to encourage more restaurants, cafes and public houses to have more outside activity in the street which would give an ambience that makes the City more attractive to visitors and residents alike. If an objection is received, the Sub-Committee should consider the impact a street café may have on residents and any surrounding businesses in the area.

6. Legal Implications (including Human Rights Act)

A licensing decision is also a determination of civil rights to which Article 6 the right to a fair trial applies. Article 8 the right to respect for private and family life applies to the protection on neighbouring properties from noise and disturbance. Article 1 of the First Protocol gives the right of peaceful enjoyment of possessions, which would include a licence. Terms and conditions imposed on the grant of a licence will need to be proportionate, and necessary to protect the interests of a democratic society.

There is no right of appeal against the refusal to grant a Highway Amenities Licence.

7. Crime and Disorder implications

None.

8. Consultations

Councillors who represent the relevant Ward of the area, Leicestershire Police, Noise Pollution, Planning, Leicestershire Fire & Rescue Service, Public Safety and Highway/Traffic Management and Residents and Businesses within the area.

9. Reason for Treating the Report as “Not for Publication”

None

10. Officer to Contact

Deborah Bragg
Licensing Manager
(Policy and Applications)

Email: deborah.bragg@leicester.gov.uk

Our Ref SC437110936

Date: 2022-07-14

Street café licensing application



Information submitted to Licensing Authority at Leicester City Council

Type of application: New licence: £278

Customer

Contact details:

Title	First name	Surname	Phone number	Mobile number	Email address
Mr.	HARJINDER	ATHWAL	[REDACTED]	[REDACTED]	[REDACTED]

Address:

Flat	House Number	Street	Town	County	Postcode
	29	Market Street	Leicester	Leicester City	LE1 6DN

Name of premises: MAMBA BAR

Address of premises

Flat	House Number	Street	Town	County	Postcode
	29	Market Street	Leicester	Leicester City	LE1 6DN

Please describe the premises: The bar operates as a late night venue providing alcoholic drinks and live music via a DJ

Proposed licence days and times: The tables and chairs being proposed will be removed and safely stored away by midnight, on the days the venue is actually open.

Additional information: This application is an attempt to try and move away from the late night drinking model currently in place at the venue and move towards a cocktail bar

Proposed licence days and times: The tables and chairs being proposed will be removed and safely stored away by midnight on the days the venue is actually open

Additional information: This application is an attempt to try and move away from the late night drinking model currently in place at the venue and move towards a cocktail bar.

Supporting documents

Proof of your valid ID with a photo: HARJ PASSPORT.pdf

Valid public liability insurance certificate: Late Night Bar - PL Certificate
2021 220714 182636 pdf LAte Night Bar Policy Schedule 2021 220714 182559 pdf

Detailed (proposed) plan of the street café: Mamba Table and Chairs.pdf

Pictures of tables and chairs or barrier type/design: outside chairs.jpg,outside table.jpg

Additional information to support the application: The Barriers in use will be small care barriers, cleared marked and not above waist height around the perimeter of the proposed seating area.

Customer confirmed that they understand and agree to the Declaration.

Payment made for the application: £278

Matching the amount coming out with Distillery – they have their barriers out to 10.5 Feet

BARRIERS

10 Feet

Table 1 – with 2
Chairs

Table 2 – with 2
Chairs

Bar
rier
s

Table 3 – with 2
Chairs

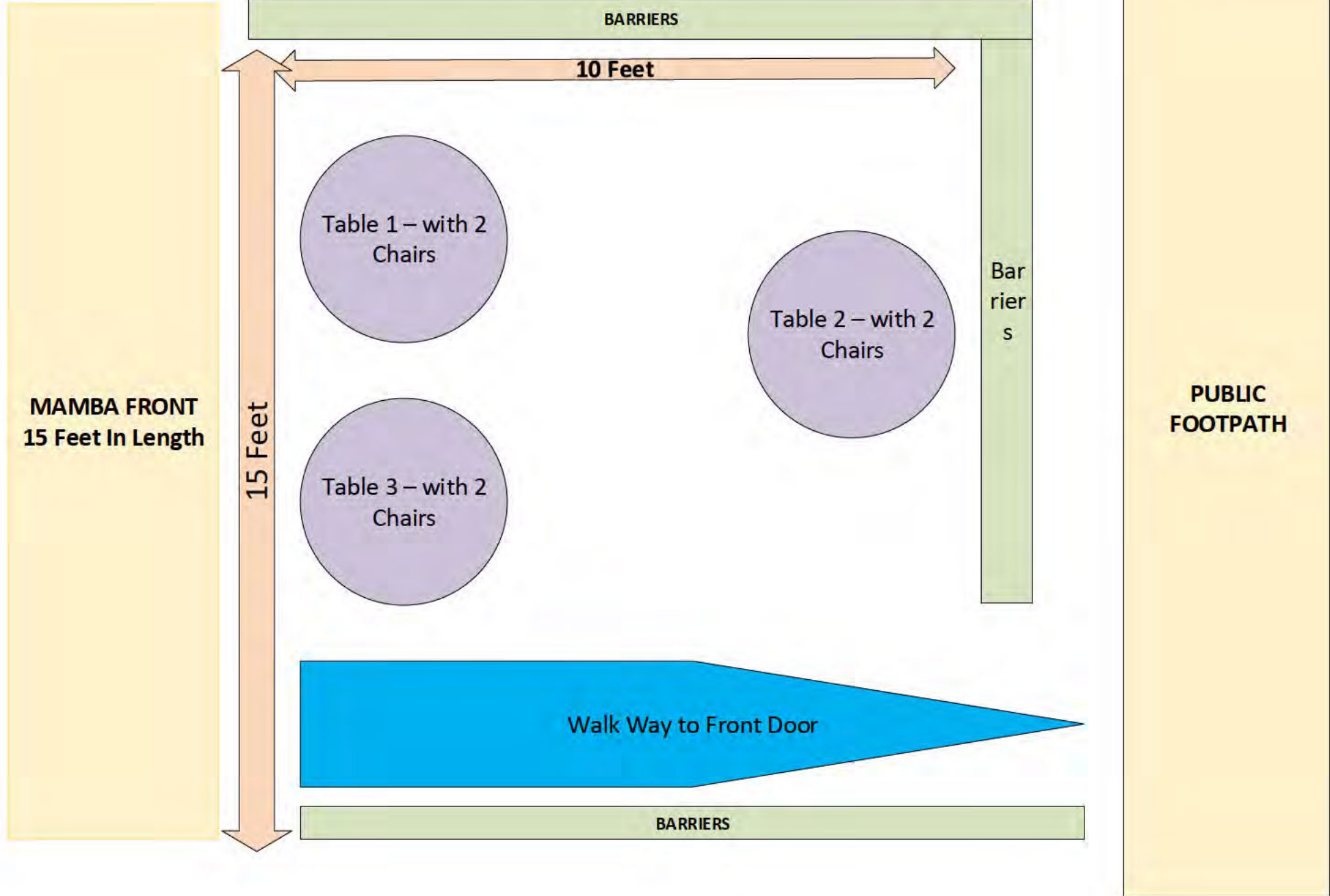
MAMBA FRONT
15 Feet In Length

15 Feet

PUBLIC
FOOTPATH

Walk Way to Front Door

BARRIERS



Hi Deborah

Sorry, we would like the option to use outside from 1pm to midnight at the very latest.

We hope thats ok?

Harjinder Athwal

Public Liability Evidence of Insurance

Policy Number [REDACTED] Date of Issue: 20/09/2021 11:44

INSURED

Name Lava Club Ltd t/as Mamba

PERIOD OF INSURANCE

Effective 12 September 2021
Expiry 11 September 2022

COVER

Public Liability Limit of Indemnity £5m

Any One Claim or series of claims arising out of Any One Event

Signed on behalf of Accelerant Insurance Limited acting through its agent, Eaton Gate MGU Ltd (Authorised Insurers)

[REDACTED]
Frank O'Neill
Chief Underwriting Officer
Authorised Signatory

Public Liability Insurance is provided to the Insured under the above noted Policy Number and is subject to the terms and conditions and exclusions of the Policy

YOUR INSURERS

Insurer: Accelerant Insurance Europe SA









Wilkie's

MAMBA
CAFÉ & BAR

MAMBA

MAMBA

MAMBA

FREE HIRE

THE DISTILLERY

THE DISTILLERY

THE DISTILLERY

No Left Turn

MAMBA

CAFÉ & BAR

MAMBA
CAFÉ & BAR

MAMBA
CAFÉ & BAR

MAMBA
CAFÉ & BAR

MAMBA
CAFÉ & BAR



MAMBA
CAFÉ & BAR
**FREE
HIRE**
07904 844 005
MAMBA@OUTLOOK.COM



0116 2756781

2020
YEAR
CELEBRATION
PARTIES

Representation in respect of a New Street Cafe
Application
Highways Act 1980

Details of person or body making representation:	
Your Name:	Lorraine Moore
Your position/role:	Licensing Enforcement Officer Licensing Authority

Details of premises representation is about:	
Name of Premises:	Mamba Café & Bar
Address of premises:	29 Market Street Leicester LE1 6DN
Application No. (if known)	145530

Authority Declarations:
I write in my capacity as Licensing Enforcement Officer for Leicester City Council Licensing Authority on the authority delegated to me.

Representations:
<p>The premises is situated on a busy street within the City Centre comprising of other bars, restaurants, offices and retail premises.</p> <p>The area is deemed to be an area of special interest and consultation in the Leicester City Council Licensing Policy Statement. This relates to the Licensing Act 2003 and not specifically to Street Café legislation but outlines the concerns relating to the area. Details of the policy and the relevant parts of this can be found at Alcohol, entertainment and late night refreshment (leicester.gov.uk)</p> <p>By its nature and location, the bar attracts a late crowd during the night-time economy. Market Street is subject to traffic measures and access is controlled by retractable bollards and there are no street markings in this pedestrianised section.</p> <p>We have some concerns in respect of the times applied for as this would create the possibility of day time and late outside drinking space which may attract and encourage Crime and Disorder.</p>

The concerns in relation to this application follow on from a recent Premises Licence Review for Mamba relating to incidents of crime and disorder inside and outside of the premises. It has been reported that since 2019 there had been approximately 151 incidents connected to the premises.

No details of how this space would be managed and risk mitigation is included with the application.

As previously stated, there are residential flats situated above the retail units and we have concerns that late night noise from this outside street cafe will cause Public Nuisance.

There is also a hotel directly opposite which is likely to be subjected to noise from the Street Café. Transient noise from members of the public will be present, however the presence of a static noise source causes concern.

We request that adding all the below list of conditions in full, which we believe are reasonable, proportionate and enforceable, may assist the Licence Holder to be successful in the application for a Street Café being granted.

Requested Conditions:

If the committee is minded to grant the application, we would ask for the following conditions, which we believe are reasonable, proportionate and enforceable to be applied in their entirety:

Licensed times to be restricted to Mondays - Sundays from 13:00hrs until 23:00hrs.

The licence holder shall ensure that the street café pavement licence area is properly supervised by a member of staff at all times when it is open

The licence holder will ensure that street café pavement licence area is fully covered by the premises CCTV and that no umbrellas, parasols or other coverings are used at any time.

The licence holder will ensure that a trained CCTV operative is available at all times to download and issue CCTV footage at the time of request from the police, local authority or other authorised persons.

The licence holder shall ensure CCTV is retained for a minimum of 31 days and permit the identification of individuals in all lighting conditions. It must be available to the police, local authority or authorised persons at the time of request

The licence holder shall ensure only drinks supplied by the premises are consumed within the street cafe licence area.

The licence holder shall ensure drinks supplied by the premises are only served in polycarbonate / plastic containers.

All customers using the area covered by the pavement licence will be required to be seated with the exception of entry and egress. Customers will not be permitted to stand and consume drinks within that area.

The licence holder shall complete regular risk assessments and if necessary employ additional Security Industry Authority (SIA) door supervisors who are clearly identifiable to patrol/monitor the street cafe licence area

No amplified or unamplified music or other entertainment will be permitted.

Appendix:

No Appendix

Click or tap here to enter text.

Authority Signatures:

Lorraine Moore

Licensing Enforcement Officer

Leicester City Council

12/08/2022

Licensing Authority Details:

Licensing Authority

Licensing Enforcement

York House

91 Granby Street

LE1 6FB

Tel: 0116 4540049

Email: licensingenforcement@leicester.gov.uk

www.leicester.gov.uk/licensing

Agreement Notice Applicant (if applicable & only valid if signed)

Licensing Enforcement Agreement Confirmation (if applicable & only valid if signed)



Street Café /Pavement Licence Application – Representation Notice

Mamba Bar, 29 Market Street, Leicester. LE1 6DN

Leicestershire Police have received notice of an application for a pavement licence.

If you wish to make representation in respect of this application please fully complete each section of the form below and email it to licensing@leicestershire.pnn.police.uk.

The closing date for representations is stated in the accompanying email.

Reasons for the representation

This application is for a licensed premise known as Mamba Bar, 29 Market Street, Leicester. LE1 6DN.

The premises is licensed to supply alcohol and other licensable activities.

The premises existing opening hours to the public are:

Monday to Wednesday – 11am until 3am.

Thursday to Saturday – 11am until 6am.

Sunday – 11am until midnight.

The premises currently only open's 2-3 days a week and does not open until after 10pm/11pm. The premises often does not attract customers until after midnight, therefore after when the Street Café Licence area will be used.

The premises is currently subject of a licensing appeal against Leicester City Council. The use of the outdoor area immediately outside the front of the premises in the night time economy was a key aspect of the review hearing.

It is Leicestershire Police's opinion that the outdoor area has been poorly supervised in the past and acted as a flash point for disorder.

The premises wish to place up to three tables and six chairs immediately outside the premises along the building line.

The application does not directly refer to those days that the "Street Café Licence" would operate. It is believed the proposed operating hours for Street Café Licence area would be 1pm until midnight.

The premises has two existing external CCTV cameras which cover the proposed area.

The premises is located on a busy pedestrian thoroughfare during the day, afternoon, evening and night economy.

The premises is also located within the "Market Street" area of special interest as referred to in Leicester City Council's - Licensing Policy statement.

Crime, disorder and anti-social behaviour have occurred at the premises in the past and within the proposed area but not until after midnight.

As the outdoor space is intended to be used for the consumption of alcohol in the evening/night time economy, significantly increases the risk of crime, disorder and anti-

social behaviour occurring at the premises.

Therefore, Leicestershire Police would recommend that the following conditions be attached to the licence in order to mitigate the risk and promote the licensing objectives in terms of:

- (1) The prevention of crime and disorder.
- (2) Public Safety
- (3) Public Nuisance.

Recommended Conditions for the consideration of Licensing Authority:

- The licence holder shall ensure that the street café pavement licence area is properly supervised by a member of staff at all times when it is open.
- The licence holder will ensure that the street café pavement licence area is covered by the premise's CCTV and that any umbrella or parasols are removed if it obscures CCTV coverage and interferes with the detection of crime and disorder.
- The licence holder shall ensure the CCTV is retained for a minimum of 31 days and permit the identification of individuals.
- The licence holder shall ensure CCTV is provided to an officer from a responsible authority within 7 days of a formal request.
- All customers using the area covered by the pavement licence will be required to be seated with the exception of entry and egress. Customers will not be permitted to stand and consume drinks supplied by the premises.
- The licence holder shall ensure only drinks supplied by the premises are consumed within the pavement licence area.

Grounds for representation.

As above.

Evidence to support representation.

No evidence, as previous incidents connected to the premises occurred outside the times that

the premises intends to operate the "street café licence" area.

Officers Name PC Jefferson Pritchard

Collar Number 2093

Date 20/07/2022



26 July 2022

Licensing enforcement team
Local Services & Enforcement Licensing
Leicester City Council
York House
91 Granby Street
Leicester
LE16FB

To whom it may concern,

I would like to object against the application of Mamba café & bar for having chairs and tables outside, I am seriously concerned that this will have a huge detrimental effect on my business due to the noise and issues it is going to bring to Market Street and therefore to my client. Mamba has been the caused of serious security concern for my team and customers and I fear the above will only add "fuel to the fire"

We already have issues with Braders bar right next to it and they do not offer drinks or seating area outside.

Thank you in advance for considering the above.


General Manager