



## Representation in respect of a New Premises Application

Licensing Act 2003

Details of person or body making representation:	
Your Name:	Bobby Smiljanic
Your position/role:	Licensing Enforcement Manager

Details of premises representation is about:	
Name of Premises:	King Mario's Pizza
Address of premises:	1 Linton Street Leicester LE5 5JB
Application No. (if known)	162203

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of Crime and Disorder	<input checked="" type="checkbox"/>
Public Safety	<input checked="" type="checkbox"/>
Prevention of Public Nuisance	<input checked="" type="checkbox"/>
Protection of Children from Harm	<input checked="" type="checkbox"/>

Authority Declarations:
<p>I write in my capacity as Licensing Enforcement Manager for Leicester City Council Licensing Authority on the authority delegated to me.</p> <p>Please take notice that I am satisfied that allowing the premises to be used in accordance with the application would undermine the above stated Licensing Objectives and as such submit our representations.</p>

Representations:
<p>We would like to submit our representations for this premises application based upon the above stated licensing objectives.</p>

The application is for a new Premises Licence for the sale/supply of late-night refreshments only. Late-night refreshments are requested from 23:00hrs to 02:00hrs Thursday and Sunday, and from 23:00hrs to 03:00hrs Friday and Saturday.

Seasonal variations have not been applied for.

The application suggests that the premises currently operates solely as a takeaway specifically for takeaway food and soft drinks. There is an area before the service counter for customers to stand and collect orders.

On 24<sup>th</sup> February 2024 Leicester City Council's Licensing Enforcement Team visited the King Mario's Pizza premises as part of an Operation for Ramadan/ scheduled Licensing Enforcement visit. The premises was given a general information Notice in respect of Late Night Refreshment and staff were advised that as no licence was in place they should not be offering Late Night Refreshments after 23:00hrs. Licensing Enforcement Officers visited the premises again later in the evening and staff were still serving take away food to customers at 23:36hrs. The staff present stated that they had the paperwork for a licence but were unable to provide any evidence of this. A warning notice letter was issued to the applicant Mr Poojara. This is likely to have prompted the applicant to apply for this licence.

The premises is located on the ground floor of 1 Linton Street on the corner of the junction with Evington Road which is a busy arterial route, with access for cars, cyclists and pedestrians.

Evington Road is a designated Area of Special Interest and Consultation under Leicester City Councils Licensing Policy under Section 8 - [licensing-policy-2022-2027.pdf \(leicester.gov.uk\)](#). Reference has not been made to this anywhere in the application.

It is imperative that all applicants fully consider the environmental factors of the area in which they are applying. Section 182 guidance states that applicants should proactively engage with the responsible authorities to ensure that a premises and their management uphold the licensing objectives.

The area consists of other take away premises, personal care businesses, retail establishments, eateries and cafes. Within the vicinity there are residential buildings and religious buildings. The location of the licenced premises means that it is likely that customers under the influence of alcohol or drugs would gravitate towards it and may commit anti-social behaviour.

The applicant acknowledges that the extension of the opening hours means that they have a duty to the local community to protect staff and customers, however the Licensing Authority believes that the issues lie in having further late night premises operational in the Evington Road area.

The applicant has confirmed that he plans to also run a delivery service during daytime hours and that none will be made at night. However, there is no clarification as to what these hours might be.

Whilst there are no plans to sell alcohol to customers the applicant has not explained how his staff would deal with intoxicated or violent customers.

The Licensing Authority have received several concerns from a local Member of Parliament and local Ward Councillors in respect of the amount of late night establishments open after 00:00hrs in the Evington Road area. The issues raised are ones of public safety and public nuisance,

particularly with regards to the limited parking available along Evington Road and the adjacent residential streets. There are concerns that this premises will attract a late-night crowd which would then have further impact on traffic congestion especially with the limited parking and public nuisance when customers loiter outside.

The Licensing Authority do have concerns about the premises and the effects it may have on the local community, both business and residential. This relates to the timings of the applied activities, the operation of the CCTV cameras and the detail of the operating schedule that has been applied for. The operating schedule is loose in laying out specifically how the applicants would uphold the licensing objectives.

We believe that when taking into account the local policing concerns and that the specific location is one of Leicestershire Police's highest harm locations that the premises application should be refused.

However, should the committee elect to grant the licence the Licensing Authority would ask that the following conditions be considered, in order to promote and uphold the licensing objectives.

- The Licensing Authority would be looking to decrease the licensable hours for Late Night Refreshments to the following:  
Sunday to Wednesday from 23:00hrs to 00:00hrs  
Thursday, Friday and Saturday from 23:00hrs to 01:00hrs

#### Conditions Details:

We believe the below additions/amendments of conditions in full, which we believe are reasonable, proportionate and enforceable, may assist the Licence Holder in upholding the licensing objectives.

We have detailed, for clarity, those that

- (a) We believe should be replaced from the applied operating schedule with our proposed wording
- (b) Those to be removed from the operating schedule and;
- (c) Those that are in addition.

Any wording on the operating schedule that is not detailed below to remain on any licence.

#### (a) Conditions to be replaced from Operating Schedule

*Wording contained within the applied operating schedule as copied below be replaced with Requested Condition/s:*

*Operating Schedule Wording:*

- b) 1: ADEQUATE CCTV IS INSTALLED COMPLYING WITH DPA. CCTV MAINTAINED IN GOOD WORKING ORDER AND USED AT ALL TIMES THE PREMISES REMAINS OPEN TO THE PUBLIC FOR LICENSABLE ACTIVITIES. CCTV WILL BE KEPT AVAILABLE FOR AT LEAST 14 DAYS AND AVAILABLE TO LEICESTER CITY COUNCIL/RESPONSIBLE AUTHORITY UPON REQUEST.

- b) 4: THE LICENSEE/SUPERVISOR WILL ENSURE THAT ALL INSTANCES OF CRIME AND DISORDER ARE RECORDED IN AN INCIDENT LOGBOOK AND IS MADE AVAILABLE TO THE POLICE/ RESPONSIBLE AUTHORITY UPON REQUEST.
- b) 10: STAFF TRAINED TO ENSURE CUSTOMERS LEAVE THE PREMISES IN A QUIET AND ORDERLY FASHION.

To be replaced with:

- The licence holder will ensure a high definition, colour HD CCTV camera system is installed, operational and recording whilst the premises is open to the public. The system must permit the identification of individual(s) in all lighting conditions.
- CCTV cameras must cover all areas that the public have access to, including the entrance, exit and pavement area immediately outside the premises.
- CCTV system images must be securely stored, display an accurate date/time stamp and retained for a minimum of 31 days.
- The licence holder will ensure the premises CCTV is provided to an officer from a responsible authority in a downloadable and viewable format within fourteen days of being requested.
- The licence holder will ensure that there is always a member of staff trained and available to download CCTV images/ footage immediately or an agreed timescale if requested by the police or the Licensing Authority.
- The licence holder shall take reasonable steps to prevent public nuisance being caused by customers outside the premises by displaying prominent Quiet notices requesting customers respect the needs of local residents.
- An incident log shall be kept on the premises, retained for a period of 12 months from the date of the incident and made available to an officer from a responsible authority upon request. The incident log must be completed within 24 hours of the incident and record the following:
  - a) All crimes reported to the premises.
  - b) Any ejections of patrons.
  - c) Any complaints received concerning crime, disorder and anti-social behaviour.
  - d) Any incidents of crime, disorder and anti-social behaviour inside, associated to the premises or immediately outside the premises.
  - e) Any faults in the CCTV system.

### **(b) Conditions to be removed from Operating Schedule**

*Wording contained within the applied operating schedule as copied below be removed:*

*Operating Schedule Wording to be removed:*

N/A

### **(c) Requested Additional Conditions**

*Condition/s wording below to be added in full to any granted licence:*

All conditions (*as identified on these reps*) agreed and signed with Leicestershire Police be included in any granted licence.

- All licensable activities will cease at the following times:

Sunday to Wednesday from 23:00hrs to 00:00hrs  
Thursday, Friday and Saturday from 23:00hrs to 01:00hrs

**Appendix:**

No Appendix

Click or tap here to enter text.

**Authority Signatures:**

Bobby Smiljanic  
Licensing Enforcement Manager  
Leicester City Council  
27/03/2024

Reporting Officer  
Elizabeth Arculus

**Licensing Authority Details:**

Licensing Authority  
Licensing Enforcement  
York House  
91 Granby Street  
LE1 6FB

Tel: 0116 4540049  
Email: [licensingenforcement@leicester.gov.uk](mailto:licensingenforcement@leicester.gov.uk)  
[www.leicester.gov.uk/licensing](http://www.leicester.gov.uk/licensing)

**Notice Sent to:**

Please note that this representation has been sent to:

- (1) Licensing Authority Applications Team, Leicestershire Police Licensing, Noise Pollution Team, Leicestershire Fire & Rescue Service
- (2) Applicant and/or Agent

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

**Notification to Local Authority of Agreement regarding Licensing Authority Enforcement Concerns.**

Dear Licensing Authority,

I write in my capacity as the applicant/agent in relation to the above matter & application.

Discussions have taken place with Leicester City Council Licensing Enforcement in relation to their concerns and have been made aware of the above conditions that should be replaced/removed or added to any granted licence.

Please note:

**I as the applicant/agent agree to all these conditions & amendments as detailed and do not, therefore consider that a hearing is necessary.**

Signed 1:



Name in block capitals: Jignesh poojara

Application Capacity: Managing Director

Date: 27/03/2024

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Signed 2:

Name in block capitals:

Application Capacity:

Date:

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