

Leicester  
City Council

### **LICENSING (HEARINGS) SUB-COMMITTEE**

**DATE: FRIDAY, 25 JUNE 2021**

**TIME: 10:00 am**

**PLACE: Meeting Room G.01, Ground Floor, City Hall, 115 Charles Street, Leicester, LE1 1FZ**

### **Members of the Sub-Committee**

Councillors Cank, Gee, and Shelton

Members of the Sub-Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

for Monitoring Officer

**Officer contact:** Jacob Mann  
Democratic Support, Leicester City Council  
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## **Information for members of the public.**

### **Attending meetings and access to information**

You have the right to attend formal meetings such as full Council, committee meetings, and Scrutiny Commissions and see copies of agendas and minutes.

However, on occasion, meetings may, for reasons set out in law, need to consider some items in private.

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To hold this meeting in as Covid-safe a way as possible, all attendees are asked to follow current Government guidance and:

- maintain distancing while entering and leaving the room/building;
- remain seated and maintain distancing between seats during the meeting;
- wear face coverings throughout the meeting unless speaking or exempt;
- make use of the hand sanitiser available;
- when moving about the building to follow signs about traffic flows, lift capacities etc;
- comply with Test and Trace requirements by scanning the QR code at the entrance to the building and/or giving their name and contact details at reception prior to the meeting;
- if you are displaying Coronavirus symptoms: a high temperature; a new, continuous cough; or a loss or change to your sense of smell or taste, you should NOT attend the meeting, please stay at home, and get a PCR test.

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record and/or report all or part of that meeting. Details of the Council's policy are available at [www.leicester.gov.uk](http://www.leicester.gov.uk) or from Democratic Support.

If you intend to film or make an audio recording of a meeting you are asked to notify the relevant Democratic Support Officer in advance of the meeting to ensure that participants can be notified in advance and consideration given to practicalities such as allocating appropriate space in the public gallery etc..

The aim of the Regulations and of the Council's policy is to encourage public interest and engagement so in recording or reporting on proceedings members of the public are asked:

- ✓ to respect the right of others to view and hear debates without interruption;
- ✓ to ensure that the sound on any device is fully muted and intrusive lighting avoided;
- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

### **Further information**

If you have any queries about any of the above or the business to be discussed, please contact Jacob Mann, Democratic Support on **(0116) 454 5843** or email [jacob.mann@leicester.gov.uk](mailto:jacob.mann@leicester.gov.uk)

For Press Enquiries - please phone the **Communications Unit on 0116 454 4151**

# **LEICESTER CITY COUNCIL LICENSING SUB-COMMITTEE PROCEDURAL GUIDE**

## **INTRODUCTORY PHASE**

**The meeting will be held in public unless stated otherwise in the report.**

Present at the hearing will be Members of the Licensing Sub-Committee (minimum 3 Members), Officers from the Licensing Authority, a Legal Adviser to the Sub-Committee, an Officer from Democratic Services.

1. Participants at the meeting will introduce themselves as follows:
  - a. Members and Officers
  - b. Statutory Consultees (if any)
  - c. The Applicant and any representatives
  - d. Persons who have made representations
2. The Chair will check that the Applicant has received a copy of the Officer report.

## **INFORMATION GATHERING**

**(\*Please Note – for the purposes of a hearing to determine an application in a Cumulative Impact Zone (CIZ), the Applicant will present their case first)**

3. The Licensing Officer presents the report (previously circulated)

Questions (for clarification purposes only):  
Members  
Statutory Consultees (if any)  
Persons who have made representations  
Applicant and Representative(s)
4. Depending on the nature of the report, Statutory Consultees present their comments.

Questions (for clarification purposes only):  
Members  
Officers  
Persons who have made representations  
Applicant and Representative(s)
5. Persons who have made representations

Questions (for clarification purposes only):  
Members  
Officers  
Statutory Consultees (is any)  
Applicant and Representative(s)



6. \*Applicant's Case

Questions (for clarification purposes only):

Members

Officers

Statutory Consultees

Persons who have made representations

7. Summing up in the following order

Officers

Statutory Consultees

Persons who have made representations

\*Applicant and Representative(s)

8. The Legal Adviser to the Sub-Committee to advise the Sub-Committee in the presence of the Applicant, Representatives, Officers, Statutory Consultees, and persons who have made representations on relevant issues the Members need to be aware of when they come to make their decision.

**DECISION MAKING**

9. Apart from the Sub-Committee Members and the Democratic Support Officer everyone will be asked to withdraw from the meeting The Legal Adviser to the Sub-Committee may be called back to the meeting to advise on the wording of the decision the Sub-Committee Members will have made during private deliberation.

10. The Applicant will be advised that the decision made by the Sub-Committee will be made public within 5 working days of the meeting.

## **PUBLIC SESSION**

### **AGENDA**

#### **FIRE / EMERGENCY EVACUATION**

If the emergency alarm sounds, you must evacuate the building immediately by the nearest available fire exit and proceed to the area outside the Ramada Encore Hotel on Charles Street as directed by Democratic Services staff. Further instructions will then be given.

- 1. APPOINTMENT OF CHAIR**
- 2. APOLOGIES FOR ABSENCE**
- 3. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business to be discussed.

- 4. MINUTES OF PREVIOUS MEETING** **Appendix A**

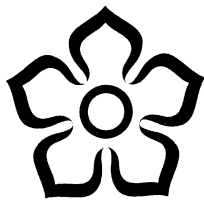
The minutes of the meetings of the Licensing (Hearings) Sub-Committee held 26, 27, 30 April and 5 May 2021 are attached, and Members will be asked to confirm them as a correct record.

- 5. APPLICATION FOR A NEW PREMISES LICENCE** **Appendix B**  
**CHAIWALA, 2-16 LOUGHBOROUGH ROAD,**  
**LEICESTER LE4 5LD**

The Director of Neighbourhood and Environmental Services submits a report on an application for a new Premises Licence for Chaiwala, 2-16 Loughborough Road, Leicester, LE4 5LD.

Reports 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](http://www.cabinet.leicester.gov.uk) or by contacting Democratic Support on 0116 454 5843.

- 6. ANY OTHER URGENT BUSINESS**



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# Appendix A

## Minutes of the Meeting of the LICENSING (HEARINGS) SUB-COMMITTEE

Held: MONDAY, 26 APRIL 2021 at 10:00 am

### P R E S E N T:

Councillor Pickering (Vice Chair in the Chair)

Councillor Gee

Councillor Dr Moore

\* \* \* \* \*

#### **1. APPOINTMENT OF CHAIR**

Councillor Pickering was appointed as Chair for the meeting.

It was noted that the hearing of the applications were held virtually in accordance with the Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales)(Regulations) 2020 (the 2020 Regulations) and in accordance with the Council's own Remote Procedure Rules.

#### **2. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

#### **3. DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **4. MINUTES OF PREVIOUS MEETING**

RESOLVED:

That the minutes of the meeting of the Licensing (Hearings) Sub-Committee held on 29 March 2021 be confirmed as a correct record.

## **5. PRIVATE SESSION**

### **RESOLVED:**

That the press and public be excluded during consideration of the following reports in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because it involves the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act, and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.

#### Paragraph 1

Information relating to an individual.

#### Paragraph 2

Information which is likely to reveal the identity of an individual.

#### Paragraph 7

Information relating to the any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

- B1) Application for the review of an existing Premises Licence, Abhinay Stores, 74-76 Catherine Street, Leicester, LE4 6EL.
- B2) Application to transfer an existing Premises Licence Holder and vary the DPS, Sunny Express (known as Abhinay Express) 76-78 Catherine Street, Leicester, LE4 6EL.

Prior to the determination of the applications, the Chair informed the parties that the Committee was minded to hear both applications and make separate determinations after both applications had been heard. The Chair invited the parties to make representations in this regard. The Premise Licence Holder and the Police agreed with the Committee's proposal for determining the applications.

## **6. APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE, ABHINAY STORES, 74-76 CATHERINE STREET, LEICESTER, LE4 6EL**

Introductions were made and the procedure for the meeting was outlined.

The Chair confirmed with Sub-Committee Members that reports for the meeting had been read.

The Director of Neighbourhood and Environmental Services submitted a report on an application for a review of an Existing Premises Licence for Abhinay Stores, 74-76 Catherine Street, Leicester, LE4 6EL.

The applicant was present. Mr Dave Braithwaite (Deputy Licensing Manager, Leicestershire Police) PC Martin Rawlings (Leicestershire Police), Mrs Elaine Watterson (Trading Standards), Licensing Team Manager (Policy and Applications) and the Legal Adviser to the Sub-Committee were also present.

The Licensing Team Manager (Policy and Applications) presented the report and outlined the details of the application. Members noted that an application was received on 11 March 2021 for the review of an existing Premises Licence.

Mr Braithwaite, PC Rawlings, and Mrs Elaine Watterson were given the opportunity to outline the reasons for the application for the review and answer questions from Members.

The applicant was given the opportunity to present his case and answer questions from Members, Officers, and Police.

All parties were given the opportunity to sum up their positions and make any final comments.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present.

In reaching their decision, Members felt they should deliberate in private on the basis that this was in the public interest, and as such outweighed the public interest of their deliberation taking place with the parties represented present. In reaching their decision, the Sub-Committee felt they should deliberate in private on the basis that this was in the public interest and as such outweighed the public interest of their deliberation taking place with the parties represented present, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Chair announced that the Members would deliberate in private at the end of the hearing.

The Chair asked then asked all but the Members of the Sub-Committee, Democratic Support Officers, Licensing Team Manager (Policy and Applications) and Legal Adviser to the Sub-Committee to disconnect from the meeting.

During private deliberation, the Legal Adviser to the Sub-Committee was called back to the meeting to give advice on the wording of the decision.

**RESOLVED:**

That the Premises Licence for Abhinay Stores, 74-76 Catherine Street, Leicester, LE4 6EL be REVOKED.

In reaching their decision, Members had carefully considered the committee report presented by the Licensing Manager (Policy and Applications), all representations made by Leicestershire Police in support of the application for review, the representations made on behalf the Licence Holder and the legal advice given during the hearing.

The Sub-Committee had been asked to determine an application for a review of an Existing Premises Licence held at 76-78 Catherine Street, Leicester. When considering the application, the licensing objectives were of paramount concern. Members considered the application on its own merits and in accordance with the Licensing Authority's statement of licensing policy and guidance issued under S.182 of the Licensing Act 2003.

Members heard that Leicestershire Police had made an application to review the Premises Licence on the basis that the Premises Licence Holder (PLH) had failed to promote licensing objectives of the Prevention of Crime and Disorder and Public Safety due to:

- Illegal cigarettes and tobacco being found on the premises on 15<sup>th</sup> January 2021
- Breaches of the Covid regulations – failure to wear face mask by staff and customers
- Allegations relating to customers being allowed to consume alcohol within the premises – in the rear of the premises

The application for review was supported by witness statements from two Police officers, a statement from Trading Standards Officer Elaine Watterson and Licensing Enforcement Officer Nicola Marsh.

In response, the PLH opposed the grounds for review. In relation to illegal cigarettes and tobacco found at the premises, the PLH stated that the offence relating to non-payment of duty was withdrawn by the Crown Prosecution Service (CPS) and costs were awarded to him from central funds. The PLH further accepted there had been a few breaches of the Covid-19 regulations but expressed the belief that he was being singled out by the Police and had collected evidence of breaches being committed by other businesses and stated that no action was being taken against them. The PLH further stated he had put in place substantial measures to ensure compliance of the Covid-19 regulations, including staff training, signage in 4 different languages, provision of free masks etc. the PLH totally refuted the allegation relating to customers consuming alcohol on the premises, and Police confirmed that they had never seen such incidents themselves. The PLH had produced a petition containing 200 signatures in support of him and his business. A number of representations from customers objecting to the review had been received by the Sub-Committee

Members confirmed that they had not taken anything put before them on face value and had spent a great deal of time scrutinising the evidence in detail and with due rigour. Members had considered each of the options available to them.

As a result of what Members had heard, they were satisfied that the representations by the Police engaged two of the four licensing objectives, namely the Prevention of Crime and Disorder and Public Nuisance, and concluded that it was appropriate and proportionate in light of Licensing

objectives to REVOKE the premises licence.

## REASON FOR THE DECISION

1. Members believed that the cause or cause of the concerns which gave rise to the application for the review of the premises licence was the discovery of illegal cigarettes and tobacco at the premises on 15<sup>th</sup> January 2021 and the poor management of the premises which resulted in staff and customers failing to wear face coverings in breach of Covid-19 Regulations
2. Members accepted the evidence of Trading Standards Officer Elaine Watterson to the effect that the cigarettes and tobacco found at the premises were illegal due to the failure to pay UK duty and due to the products not complying with the Tobacco and Related Products Regulations 2016 and the Standardised Packaging of tobacco Regulations 2015. As a Sub-Committee, Members were aware of the impact counterfeit cigarettes and tobacco could have on public health and to the involvement of organised crime in its supply.
3. Members acknowledged that the one criminal charge relating to non-payment of duty for the cigarettes and tobacco was not pursued by the CPS and costs were awarded in the PLH's favour. However, both before Members and in his written representation the PLH had failed to address the central question of how the illegal cigarettes and tobacco came to be at the premises. During the hearing, the PLH initially stated that he was not at the premises when the Police carried out a search on 15<sup>th</sup> January and that he was not often at the premises and in his absence the staff ran the premises. However, the Police confirmed that the PLH had attended the premises whilst they were there and that he was cautioned whilst at the premises. The PLH had subsequently refused to answer any questions relating to the illegal cigarettes and tobacco. The PLH claimed that as it was a family run business, he was not the only one in control and that often salespeople would come to the premises when he was not there, and staff had authority to purchase items. The Sub-Committee Members' view was that the PLH was in overall control and even on his own version of events he could not have failed to notice the cigarettes and tobacco stored behind the serving counter at the front of the shop.
4. Members accepted that there was no evidence to support the allegation of customers drinking on the premises and Members accepted what the PLH had said with regard to providing CCTV to the Police when requested.
5. By his own admission the PLH accepted that on a few occasions Covid-19 Regulations relating to face coverings were breached. Members noted that the contents of the statement of Licensing Officer Nicola Marsh and noted that breaches had occurred after a warning letter had been issued to the PLH on 26<sup>th</sup> February 2021.
6. Having carefully evaluated all of the information and evidence put before

them, Members accepted the submission put forward by the Police that the PLH was unable to uphold the licensing objectives.

7. Members reminded themselves of the guidance which urged to as far as possible, seek to establish the cause or causes of the concerns identified by the Police's representation and that having done that any remedial action should be directed at those causes and should always be no more than an appropriate and proportionate response to address the causes. The Statutory guidance at Paragraph 11.27 stated that "there was certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises including for the sale or storage of smuggled tobacco and alcohol".
8. Members had considered all the measures available to them and concluded that the most appropriate course of action was to revoke the licence given the seriousness of the incident. Members deemed that the other measures available were insufficient to deal with the causes for the concerns which gave rise to this review.

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The Premises Licence Holder would be advised of his right to appeal within 21 days to the Magistrate's Court.

## **7. APPLICATION TO TRANSFER AN EXISTING PREMISES LICENCE HOLDER AND VARY THE DPS, SUNNY EXPRESS (KNOWN AS ABHINAY EXPRESS) 76-78 CATHERINE STREET, LEICESTER, LE4 6EL**

Introductions were made and the procedure for the meeting was outlined.

The Chair confirmed with Sub-Committee Members that reports for the meeting had been read.

The Director of Neighbourhood and Environmental Services submitted a report on an application to transfer an existing Premises Licence Holder and vary the DPS for Sunny Express (known as Abhinay Express) 76-78 Catherine Street, Leicester. LE4 6EL.

The applicant was present. The current PLH and DPS, Mr Dave Braithwaite (Deputy Licensing Manager, Leicestershire Police), Licensing Team Manager (Policy and Applications) and the Legal Adviser to the Sub-Committee were also present.

The Licensing Team Manager (Policy and Applications) presented the report and outlined details of the application. Members noted that a representation was received from Leicestershire Police on 31 March 2021 in relation to the prevention of crime and disorder. Leicestershire Police were concerned that the applicant was connected to the current premises licence holder who was under



investigation for offences committed at the premises.

The applicant was given the opportunity to present his case and answer questions from Members, Officers, and Police.

Mr Braithwaite was given the opportunity to outline the reasons for the representation and answer any questions from Members, Officers, and the applicant.

All parties were then given the opportunity to sum up their positions and make any final comments.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present.

In reaching their decision, Members felt they should deliberate in private on the basis that this was in the public interest, and as such outweighed the public interest of their deliberation taking place with the parties represented present.

The Chair announced that the decision and reasons made during private deliberation would be publicly announced in writing within five working days. The Chair informed the meeting the Legal Adviser to the Sub-Committee would be called back to give advice on the wording of the decision.

The Chair then asked all but Members of the Sub-Committee and Democratic Support Officers to disconnect from the meeting. The Sub-Committee then deliberated in private to consider their decision.

The Sub-Committee recalled the Legal Adviser to the Sub-Committee to give advice on the wording of the decision.

**RESOLVED:**

That the application to transfer an existing Premises Licence Holder and vary the DPS, Sunny Express (known as Abhinay Express), 76-78 Catherine Street, Leicester, LE4 6EL be  
**REJECTED.**

Members had been asked to determine an application made under the Licensing Act 2003, for a transfer of the premises licence and to vary the DPS.. In reaching their decision the Sub-Committee Members had carefully considered the Committee report presented by the Licensing Team Manager (Policy and Applications) and the representation made by Leicestershire Police. The Members had also considered the representation made by the applicant and their representative and the legal advice given to them during the hearing.

The Sub-Committee Members considered the licensing objectives to be of paramount concern and had considered the application on its own merits and in accordance with the licensing authority's Statement of Licensing Policy and guidance issued under Section 182 of the Licensing Act 2003.

Leicestershire Police objected to the application to transfer the premises licences on the basis that any transfer would undermine the crime prevention objective and that the circumstances of the case were exceptional. They believed that the applicant and current Premises Licence Holder (PLH) were connected and that the application was an attempt by the PLH to avoid revocation of the premises licence following the discovery of illegal cigarettes and tobacco at 76-78 Catherine Street.

The applicant stated that his application was genuine and that he and the PLH were childhood friends. He stated that he agreed to buy the business but would withdraw if the PLH's Premises Licence was revoked.

The Sub-Committee had considered carefully the representations made by the applicant and the objector. Members had not taken anything presented to them at face value and they confirmed that they had scrutinised the information put before them by all parties.

The Sub-Committee had considered each of the options available to them. As a result of what they had heard, Members were satisfied that that it was appropriate and proportionate considering the crime prevention objective and having regard to the Police's representation, to reject the application.

#### REASONS FOR THE DECISION

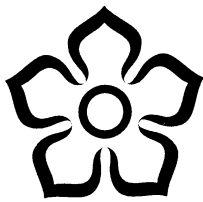
Members accepted the evidence presented by the Police. Members stated they had no confidence that it was a genuine application and accepted the evidence from the Police that the application was an attempt to avoid the decision of the Sub-Committee with regard to the Police's application for a Review. The Members further accepted the evidence from the Police that the applicant and current PLH were connected and that the involvement by both with regards to Gainsborough mini store provided further grounds for believing that the any transfer of the current premises licence would be in name only.

The Sub-Committee concluded that the granting of the application would not promote the Prevention of Crime and Disorder licensing objective.

The Premises Licence Holder would be informed that an appeal against the decision must be made within 21 days to the Magistrates Court.

#### **8. ANY OTHER URGENT BUSINESS**

There being no further business, the meeting closed at 1.21pm.



Leicester  
City Council

Minutes of the Meeting of the  
LICENSING (HEARINGS) SUB-COMMITTEE

Held: TUESDAY, 27 APRIL 2021 at 10:00 am

P R E S E N T:

Councillor Pickering (Vice-Chair in the Chair)

Councillor Fonseca

Councillor Gee

\* \* \* \* \*

**98. APPOINTMENT OF CHAIR**

Councillor Pickering was elected as Chair for the meeting.

It was noted that the hearing of the application was held virtually in accordance with the Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales)(Regulations) 2020 (the 2020 Regulations) and in accordance with the Council's own Remote Procedure Rules.

**99. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**100. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**101. APPLICATION FOR A NEW PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE: AFRICAN VILLAGE PUB, 29 CHURCHGATE, LEICESTER, LE1 3AL**

The Chair led on introductions and confirmed with the Sub-Committee Members that reports for the meeting had been read.

The Director of Neighbourhood and Environmental Services submitted a report on an application for a new premises licence within a Cumulative Impact Zone for African village Pub, 29 Churchgate, Leicester, LE1 3AL.

Members noted that a representation had been received, which necessitated

the application had to be considered by the Sub-Committee.

Mr Gebrkerstos Eyasu was present with a representative Mr Abraham Haile. PC Jeff Pritchard (Leicestershire Police), Mr Kennedy Nwokolo (Pollution Control Officer), Mr Tj Mavani (Licensing Enforcement Team Manager) and Mr Matthew Robinson (Licensing Enforcement Officer) were present as persons who had made representations. Also present was the Licensing Team Manager (Policy and Applications) and the Legal Adviser to the Sub-Committee.

The Licensing Team Manager (Policy and Applications) presented the report and outlined details of the application. It was noted that an application was received on 12<sup>th</sup> March 2021 from Leicestershire Police on the grounds of the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The Police were concerned that the premises may increase crime, disorder and anti-social behaviour and that the applicant seemed inexperienced and lacking in knowledge.

The Sub-Committee Members noted a representation that had been received on 16<sup>th</sup> March 2021 from the Noise Team on the grounds of the prevention of public nuisance. The Noise Team were concerned there would be increased noise levels and potential for disruption for neighbouring properties if the licence was granted as applied for.

Members were informed a further representation was received on 6<sup>th</sup> April 2021 from the Licensing Enforcement Team on the grounds of the prevention of crime and disorder, the prevention of public nuisance, public safety, and the protection of children from harm. The Licensing Enforcement Team were concerned that the applicant lacked any knowledge about running a licensed premises and the conditions volunteered might not be enough to support the promotion of the licensing objectives.

The Licensing Team Manager, during the presentation of the report, drew to Members' attention Leicester City Council's special policy on cumulative impact in the Churchgate area, introduced in February 2005, and that it was for the applicant to demonstrate in the operating schedule that the premises would not be adding to the existing problems in the area.

PC Pritchard was given the opportunity to outline the reasons for the representation and answered questions from Members and the representative for the applicant.

Mr Nwokolo was given the opportunity to outline the reasons for the representation. For clarification the Licensing Team Manager (Policy and Applications) confirmed the application for live and recorded music was for indoors only.

Mr Mavani and Mr Robinson were given the opportunity to outline the reasons for the representation. It was noted that conditions had been put forward by the Police, the Noise Team and Licensing Enforcement Team, the latter of which had all been agreed by the applicant. It was asked that, should the licence be

granted, the conditions requested by Licensing Enforcement be applied in full.

It was noted that in addition to conditions consistent with the operating schedule, the Noise Team had requested the opening hours to be Monday to Sunday, 11:00 hours to 01:00 hours. It was requested that should the licence be granted, the conditions requested by the Noise Team be applied in full.

It was further noted that in addition to conditions consistent with the operating schedule, the following additional conditions were included in the Police representation:

- 1/ Licensable activities including the supply of alcohol to cease 30 minutes prior to closing to the public.
- 7/ A minimum of one Security Industry Authority (SIA) door supervisor must be on duty at the premises on Friday and Saturday between 11.00pm and must remain on duty at the premises on Friday and Saturday between 10.00pm and must remain on duty until the premises are closed and all customers have left.
- 11/ No alcoholic drinks or other supplied by the premises may be taken off the premises.
- 13/ No members of the public are permitted to remain on the premises after hours.

The Police had also requested that activities cease at 12:30am. It was requested that should the licence be granted, the conditions requested by the Police be applied in full.

Mr Eyasu through his representative Mr Haile were given the opportunity to present their case and answered questions from Members.

All parties were given the opportunity to sum up their positions and make any final comments.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present and were advised of the options available to them in making a decision. The Sub-Committee were also advised of the relevant policy and statutory guidance that needed to be taken into account when making their decision.

In reaching their decision, the Sub-Committee felt they should deliberate in private on the basis that this was in the public interest and as such outweighed the public interest of their deliberation taking place with the parties represented present, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Chair announced that the Members would deliberate in private at the end of the hearing.

The Chair then asked all but the Members of the Sub-Committee, Democratic Support Officers, Licensing Team Manager (Policy and Applications) and Legal Adviser to the Sub-Committee to disconnect from the meeting.

During private deliberation, the Legal Adviser to the Sub-Committee was called back to the meeting to give advice on the wording of the decision.

**RESOLVED:**

That the application for a new premises licence within a cumulative impact zone, for African Village Pub, 29 Churchgate, Leicester, LE1 3AL be REFUSED.

Members of the Sub-Committee had been asked to determine an application made under the Licensing Act 2003, for a new premises licence situated within the Churchgate, Cumulative Impact Zone.

The Sub-Committee Members considered the licensing objectives to be of paramount concern and had considered the application on its own merits and in accordance with the Council's Licensing Policy on Cumulative Impact in relation to the Churchgate area of the city and the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

In reaching their decision the Sub-Committee Members carefully considered the Committee report presented by the Licensing Team Manager (Policy and Applications), all representations from the relevant authorities and those made by the applicant, and the legal advice provided.

Members had not taken anything presented to them at face value and confirmed they had scrutinised the information put before them by all parties.

The Sub-Committee had considered all the decisions available to them. As a result of what they had heard, Members were satisfied that it was appropriate and proportionate considering the licensing objectives to REFUSE the application.

**REASON FOR THE DECISION**

Members accepted the evidence presented by Leicestershire Police, the Noise and Pollution Control Team at Leicester City Council and the Licensing Enforcement Team at Leicester City Council and decided that granting the licence would add to the existing problems of cumulative impact in the area.

Members had no confidence that the applicant had the experience required to manage the premises in a manner that will promote or uphold the licensing objectives or in compliance with the requirements of the Licensing Act 2003. They were also concerned that the Applicant did not fully appreciate the fact the premises was located in a Cumulative Impact Zone and had not addressed this within his application or the operating schedule.

Members did not believe that any conditions which could be added to the licence that were justifiable and appropriate would alleviate all the concerns they had.

The Sub-Committee's decision was made in the interests of promoting the licensing objectives.

Any appeal against the decision must be made within 21 days to the Magistrates Court.

**102. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE: FRIENDS FOODS RETAIL (T/A LONDIS), MERLIN HEIGHTS, 105 BATH LANE, LEICESTER, LE3 5AU**

The meeting adjourned at 11.33am and reconvened at 11.45am.

The Chair led on introductions and confirmed with the Sub-Committee Members that reports for the meeting had been read.

The Director of Neighbourhood and Environmental Services submitted a report on an application for a variation of an existing premises licence for Friends Food Retail (T/A Londis), Merlin Heights, 105 Bath Lane, Leicester, LE3 5AU.

Members noted that a representation had been received, which necessitated the application had to be considered by the Sub-Committee.

The applicant Mr Thinojan Thirumohan was present with a representative Mr Suresh Kanapathi (Licensing Agent). Mr Andrew Sansome (Pollution Control Officer) was present as responsible authority who had made a representation. Also present was the Licensing Team Manager (Policy and Applications) and the Legal Adviser to the Sub-Committee.

The Licensing Team Manager (Policy and Applications) presented the report and outlined details of the application. It was noted that an application was received on 17<sup>th</sup> March 2021 from the Noise Team on the grounds of the prevention of public nuisance. The Noise Team were concerned that allowing the premises to operate for such long hours might increase noise disturbances to residents.

Mr Sansome was given the opportunity to outline the reasons for the representation.

Mr Kanapathi for Mr Thirumohan was given the opportunity to present their case and answered questions from Members and the Noise Team.

During the presentation Mr Kanapathi stated the applicant offered a condition that no deliveries between the hours of 9.00pm to 6.00am take place.

The Licensing Team Manager (Policy and Applications) informed the meeting there were discrepancies for allowed opening hours between planning consent and lease. It was noted that Planning, as consultees of the process had not objected to the application, but if granted, the Applicant would have to regularise the hours granted with Planning and the licence could not be utilised until confirmed with Planning.

All parties were given the opportunity to sum up their positions and make any final comments.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present and were advised of the options available to them in making a decision. The Sub-Committee were also advised of the relevant policy and statutory guidance that needed to be taken into account when making their decision.

In reaching their decision, the Sub-Committee felt they should deliberate in private on the basis that this was in the public interest and as such outweighed the public interest of their deliberation taking place with the parties represented present, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Chair asked then asked all but the Members of the Sub-Committee and Democratic Support Officers to disconnect from the meeting.

During private deliberation, the Legal Adviser to the Sub-Committee was called back to the meeting to give advice on the wording of the decision.

**RESOLVED:**

That the application for a variation of an existing premises licence for Friends Foods Retail (T/A Londis), Merlin Heights, 105 Bath Lane, Leicester, LE3 5AU be GRANTED.

Members of the Sub-Committee were asked to determine an application made under Section 34 of the Licensing Act 2003, to vary the premises licence. In reaching their decision, the Sub-Committee members had listened carefully to all the representations, both written and verbal. They had also taken account of statutory guidance issued under S.182 of the Licensing Act 2003 and the licensing authority's Statement of Licensing Policy.

Members of the Sub-Committee were asked to determine an application for the variation of the premises licence at Friends Foods Retail to allow the premises to open and allow the sale of alcohol (for consumption of the premises) 24 hours a day, 7 days a week.

Members had considered the representations received from the Noise and Pollution Control Team at Leicester City Council who had raised concerns regarding the prevention of public nuisance.

Members also considered representations made on behalf of the Applicant to address the concerns raised.

The Sub-Committee members overriding consideration was the protection of the public and as such they had spent a great deal of time assessing the evidence and information before them.



The Sub-Committee had considered all the decisions available to them. As a result of what they had heard, Members were satisfied that the concerns raised could be addressed fully with the imposition of conditions and as such it was appropriate and proportionate to GRANT the application to vary the existing Premises Licence, subject to the conditions consistent with the operating schedule as set out in Appendix D of the Committee Report.

Members also required that Condition 7 within Annex 2 of the Premises Licence be removed and replaced with the following new condition:

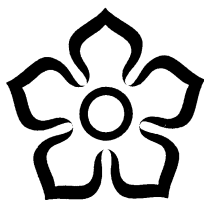
- No deliveries will take place between 9pm and 6am so as to prevent nuisance and disturbance to nearby residents.

The Sub-Committee Members believed that the imposed conditions would ensure that the Applicant would continue to promote the licensing objectives.

### **103. CLOSE OF MEETING**

There being no other items of urgent business, the meeting closed at 12.55pm.





Leicester  
City Council

Minutes of the Meeting of the  
LICENSING (HEARINGS) SUB-COMMITTEE

Held: FRIDAY, 30 APRIL 2021 at 4:00 pm

P R E S E N T:

Councillor Singh Johal (Chair)

Councillor Fonseca

Councillor Dr Moore

\* \* \* \* \*

**104. APPOINTMENT OF CHAIR**

Councillor Singh Johal was elected as Chair for the meeting.

It was noted that the hearing of the application was held virtually in accordance with the Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales)(Regulations) 2020 (the 2020 Regulations) and in accordance with the Council's own Remote Procedure Rules.

**105. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**106. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**107. MINUTES OF PREVIOUS MEETING**

RESOLVED:

That the minutes of the Licensing Hearing held on 14 April 2021 be confirmed as a correct record.

**108. APPLICATION TO TRANSFER AN EXISTING PREMISES LICENCE  
HOLDER AND VARY THE DESIGNATED PREMISES SUPERVISOR: UNI, 39  
WESTERN BOULEVARD, LEICESTER, LE2 7HN**

The Chair led on introductions and confirmed with the Sub-Committee Members that reports for the meeting had been read.

The Director of Neighbourhood and Environmental Services submitted a report on an application to transfer an existing premises licence and vary the designated premises supervisor (DPS) for application for Uni, 39 Western Boulevard, Leicester, LE2 7HN.

Members noted that a representation had been received, which necessitated the application had to be considered by the Sub-Committee.

Mr Sheakha Sharif Najhat was present with a representative Mr Sajid Munir (Solicitor). PC Jeff Pritchard (Leicestershire Police) was present. Also present was the Licensing Team Manager (Policy and Applications) and the Legal Adviser to the Sub-Committee.

The Licensing Team Manager (Policy and Applications) presented the report and outlined details of the application. It was noted that a representation was received on 12 April 2021 from Leicestershire Police on the grounds of the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The Police were concerned that it was not a genuine transfer application and was an attempt to mislead the police and licensing authority to believe a new applicant was involved in the business and would not repeat the previous failings as highlighted in the review hearing on 29 March 2021.

PC Pritchard addressed the Sub-Committee indicating that the Police representation was on the sole ground of the prevention of crime and disorder. He was given the opportunity to outline the reasons for the representation and answered questions from Members and the applicant's representative.

Mr Najhat and Mr Munir were given the opportunity to respond to the representation from the Police and answered questions from Members, the Police, the Licensing Team Manager (Policy and Applications) and Legal Adviser to the Sub-Committee.

All parties were given the opportunity to sum up their positions and make any final comments.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present and were advised of the options available to them in making a decision. The Sub-Committee were also advised of the relevant policy and statutory guidance that needed to be taken into account when making their decision.

In reaching their decision, the Sub-Committee felt they should deliberate in private on the basis that this was in the public interest and as such outweighed the public interest of their deliberation taking place with the parties represented present, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Chair announced that the decisions and reasons would be publicly

announced and confirmed in writing within five working days. The Chair informed the meeting that the Legal Adviser to the Sub-Committee would be called back to give advice on the wording of the decision.

The Chair then asked all but the Members of the Sub-Committee and Democratic Support Officers to disconnect from the meeting. The Sub-Committee then deliberated in private to consider their decision.

The Legal Adviser to the Sub-Committee was called back to the meeting to give advice on the wording of the decision.

**RESOLVED:**

That the application to transfer an existing Premises Licence and vary the Designated Premises Supervisor (DPS) for Uni, 39 Western Boulevard, Leicester, LE2 7HN be REFUSED.

In reaching their decision the Sub-Committee Members had carefully considered the Committee report presented by the Licensing Team Manager (Policy and Applications) and the representations made by Leicestershire Police. The Members had also considered the representations made by the applicant Mr Sheakha Sharif Najhat, his representative Mr Sajid Munir, and the legal advice given to them during the hearing. The Sub-Committee Members had taken account of the Statutory Guidance, the Regulators' Code and the Council's Licensing Policy.

The Sub-Committee was asked to consider an application made by Mr Najhat for the transfer to him of the Premises Licence for Uni, who also sought variation of the Licence to specify him as the DPS.

Members heard the Premises Licence was initially granted in May 2012 and had been transferred several times since 2014. Mr Nawzad Sharif-Nazhad held the Licence from February 2020 and was the DPS at the time of a Review Hearing on 29 March 2021 at which a decision was made to revoke the Licence. That decision was made because Mr Nazhad had, despite warnings from the Police, breached the Premises Licence conditions, had failed to retain CCTV footage for the required period under the Licence of 31 days, and had permitted an employee to sell alcohol to customers when the employee did not hold a Personal Licence, that being a condition of the Premise Licence. At the Hearing, it was heard that approximately 114 packets of illegal cigarettes had been found on a shelf under the till at the premises on 29 January 2021. Mr Nazhad had admitted ownership of the cigarettes which had clearly been available for sale. There were also concerns that Mr Nazhad and an employee had on one occasion failed to wear face coverings inside the shop, which in the ongoing Coronavirus pandemic potentially put customers' safety at risk. The Sub-Committee accepted the Police representations on 29 March 2021 and its decision was that it was appropriate for the promotion of the licensing objectives of the prevention of crime and disorder, public safety and the protection of children from harm to revoke the Premises Licence. The revocation had yet to take effect as Mr Nazhad appealed the decision to the Leicester Magistrates' Court. Members were informed by Mr Munir, on behalf of

Mr Najhat, that in the event the transfer application was successful, Mr Nazhad would withdraw the appeal before the Magistrates.

The transfer application made by Mr Najhat was submitted on 9 April 2021 with a request for it to have immediate effect, so since that date, Mr Najhat has been the Licence holder and the DPS.

The Police opposed the application for the transfer of Premises Licence and variation of DPS. They noted that Mr Najhat and Mr Nazhad were cousins, and suspected Mr Nazhad would continue to be involved in the business if the transfer of the Licence was granted as Mr Najhat had other business interests which would take him away from Uni premises. The Premises Licence required that all sales of alcohol should be made by the holder of a Personal Licence, and as Mr Nazhad held a Personal Licence, the Police believed he was likely to continue to be involved in the business in some capacity.

During the Hearing the Police specifically referred to the fact that Mr Najhat and Mr Nazhad had used the same mobile telephone number during their contact with the Police. In addition, it was reported that during a telephone conversation with PC Pritchard on 1 February 2021, Mr Najhat in seeking to assist Mr Nazhad when he still held the Premises Licence, asked PC Pritchard to allow Mr Nazhad an additional two weeks to ensure that all sales of alcohol were made by the holder of a Personal Licence. When PC Pritchard enquired "Are you asking me to turn a blind eye for two weeks?", he indicated Mr Najhat replied "Yes".

Members heard that the Police did not believe the transfer application was genuine, but rather believed it was an attempt to mislead them and the Licensing Authority to believe a new applicant was involved in the business who would not repeat the previous failings at the premises.

In response Mr Najhat told Members he had held a Personal Licence since 2015. Although he had previously worked in a friend's shop, he had not otherwise made use of the Premises Licence. His other business interest was a Barber shop which he would continue to operate as he has staff who worked for him.

Mr Nazhad confirmed that he had spoken with PC Pritchard on 1 February 2021 and had explained to him that he was in isolation/ quarantine at the time because he had tested positive for Coronavirus. He denied asking the Officer 'to turn a blind eye' to the breach of the Premise Licence condition regarding the sale of alcohol but agreed that he had asked the Officer to allow Mr Nazhad a further one or two weeks to resolve the issue.

The meeting heard that since the transfer of the Premises Licence to him on 9 April 2021, Mr Najhat had not employed any new staff for Uni. Rather, Mr Najhat indicated that Mr Nazhad had been helping at the premises. Mr Najhat was waiting for his brother to obtain a Personal Licence so that he would then be able to help him. In due course, the intention was that the tenancy of the Uni premises, currently held by Mr Nazhad, would be transferred to Mr Najhat. Mr

Najhat indicated that he was now in charge at the Uni and that he was responsible for everything.

Members were reminded that the Licensing Act 2003 and the Statutory Guidance clearly envisaged that objections by the Police in those situations would be rare and would only be made in exceptional circumstances. The Statutory Guidance refers to “truly exceptional circumstances” and “genuinely exceptional circumstances”.

Members were required to consider only the licensing objective of the prevention of crime.

Members accepted that where a decision was made to revoke a Premises Licence, it did not automatically follow that a business must close or that the former Licence holder had to remove himself from the business and it might not be unusual in those circumstances for the business owner to seek to transfer the Licence, or not be unusual for them to want to transfer the Licence to a family member whom they trusted.

Members had considered the matter on its individual merits and accepted the Police representation that Mr Nazhad would continue to be involved in the premises. Mr Najhat did not dispute this in the short term. Members also believed that Mr Nazhad would continue to control or influence the business. No evidence had been presented to the contrary. Mr Nazhad currently remained involved at the premises and no new staff member had been employed. The tenancy of the premises currently remained in Mr Nazhad's name. The Premises Licence was revoked on 29 March 2021 because of Mr Nazhad's actions and Members believed the criminal offending would be repeated if Mr Najhat's application was to be accepted.

Members were concerned by Mr Najhat's conversation with PC Pritchard on 1 February 2021. Although Mr Munir on behalf of Mr Najhat made the point that English was not Mr Najhat's first language, thereby raising the possibility of a misunderstanding, Mr Najhat separately confirmed that he had undertaken the required course and test for his Personal Licence in 2015 in English.

Although Mr Najhat denied asking PC Pritchard 'to turn a blind eye' to the breach of the Premise Licence condition regarding the sale of alcohol, he accepted that he had asked the Officer to allow Mr Nazhad further time to resolve the issue. In practical terms that effectively was the same thing. Mr Nazhad and Mr Najhat should have realised that the issue could only be resolved by ceasing the sale of alcohol when a Personal Licence holder was not available to undertake the sale.

Members therefore had no confidence that the criminal offending which led to the revocation of the Premises Licence would not be repeated.

In the circumstances, Members found that it was appropriate for the promotion of the licensing objective of the prevention of crime and disorder to refuse the application to transfer the Premises Licence and to refuse the application to

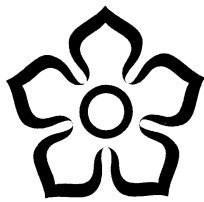
specify Mr Najhat as the designated supervisor.

Mr Najhat would be informed of his right to appeal to the Magistrates Court.

**109. CLOSE OF MEETING**

There being no other items of urgent business, the meeting closed at 5.45pm.





Leicester  
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Minutes of the Meeting of the  
LICENSING (HEARINGS) SUB-COMMITTEE

Held: WEDNESDAY, 5 MAY 2021 (POSTPONED FROM 20 APRIL 2021) at 9:30  
am

P R E S E N T:

Councillor Singh Johal (Vice-Chair in the Chair)

Councillor Fonseca

Councillor Westley

\* \* \* \* \*

**110. APPOINTMENT OF CHAIR**

Councillor Singh Johal was appointed as Chair for the meeting.

It was noted that the hearing of the application was held virtually in accordance with the Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales)(Regulations) 2020 (the 2020 Regulations) and in accordance with the Council's own Remote Procedure Rules.

**111. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**112. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**113. MINUTES OF PREVIOUS MEETING**

RESOLVED:

That the minutes of the meeting of the Licensing (Hearings) Sub-Committee held 26 February 2021 be confirmed as a correct record.

**114. APPLICATION FOR A NEW PREMISES LICENCE, MELTON ROAD CONVENIENCE STORE, 198 MELTON ROAD, LEICESTER LE4 5EE**

The Chair led on introductions and confirmed with the Sub-Committee Members that reports for the meeting had been read.

The Director of Neighbourhood and Environmental Services submitted a report on an application for a new Premises Licence for Melton Road Convenience Store, 198 Melton Road, LE4 5EE.

Mrs Harpreet Kaur Aurora was present with her representative Mr Anil Bhawsar. The Licensing Team Manager (Policy and Applications), and Legal Adviser to the Sub-Committee were also present.

The Licensing Team Manager (Policy and Applications) presented the report and outlined details of the application. It was noted that an objection to the application was received on 31 March 2021 on the grounds of the prevention of crime and disorder, the prevention of public nuisance, public safety, and the protection of children from harm. The objector was concerned that the granting of the licence would add to anti-social behaviour in the area.

Mrs Kaur Aurora through her representative Mr Bhawsar were given the opportunity to present their case and answered questions from Members.

All parties were given the opportunity to sum up their positions and make any final comments.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present.

In reaching their decision, Members felt they should deliberate in private on the basis that this was in the public interest, and as such outweighed the public interest of their deliberation taking place with the parties represented present.

The Chair announced that the decision and reasons made during private deliberation would be publicly announced in writing within five working days. The Chair informed the meeting the Legal Adviser to the Sub-Committee would be called back to give advice on the wording of the decision.

The Chair then asked all but Members of the Sub-Committee and Democratic Support Officers, Licensing Team Manager (Policy and Applications) and Legal Adviser to the Sub-Committee to disconnect from the meeting. The Sub-Committee then deliberated in private to consider their decision.

During private deliberation, the Sub-Committee recalled the Legal Adviser to the Sub-Committee to give advice on the wording of the decision.

**RESOLVED:**

That the application for a new Premises Licence for Melton Road Convenience Store, 198 Melton Road, LE4 5EE be GRANTED

Members of the Sub-Committee had been asked to determine an application made under the Licensing Act 2003, for a new premises licence authorising off-sales of alcohol at Melton Road Convenience Store, 198 Melton Road, Leicester, LE4 5EE, seven days a week from 8am to 11pm, those hours also being the proposed opening hours of the premises.

Members of the Sub-Committee had carefully considered the Committee report presented by the Licensing Team Manager (Policy and Applications), all the representations and the legal advice provided.

Members considered the licensing objectives to be of paramount concern and had considered the application on its own merits and in accordance with the licensing authority's Statement of Licensing Policy, the Regulator's Code and the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

A representation against the application had been received from a member of the public in writing. The representation was based on all four of the licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. In summary the member of the public was concerned that there were other off-licences in the vicinity and a nearby garage, which is open 24 hours, as such they stated a further off-licence would add to the current problems of anti-social behaviour.

Members noted that no representations had been received from any of the responsible authorities including the Police.

Members had considered the representations put forward by the Applicant's Representative which in summary were that they are an experienced family business having had approximately 10 years' experience of running other convenience stores on Melton Road and Gypsy Lane, Leicester . It was submitted that they will continue to run this premises in a responsible manner and in a way that will not undermine the licencing objectives. They will also have a zero tolerance against anti-social behaviour.

Members had not taken anything presented to them at face value and confirmed that they had scrutinised the information put before them by all parties.

The Sub-Committee had considered each of the decisions available to them. As a result of what they had heard, Members were satisfied that that it was appropriate and proportionate considering the licensing objectives to GRANT the application without modification.

## REASONS FOR THE DECISION

Members were confident that the Applicant would manage the premises in a manner that will promote and uphold the licensing objectives and in compliance with the requirements of the Licensing Act 2003.

Members did not accept that there was an over saturation of off-licensed premises in the area nor that the addition of this premises would add to any problems with anti-social behaviour.

The Sub-Committee's decision was made in the interests of promoting the licensing objectives.

**115. APPLICATION FOR A NEW PREMISES LICENCE, FOSSE FOODS DISCOUNT STORE, 143 FOSSE ROAD SOUTH, LEICESTER, LE3 0FW**

The Chair led on introductions and confirmed with the Sub-Committee Members that reports for the meeting had been read.

The Director of Neighbourhood and Environmental Services submitted a report on an application for a new Premises Licence for Fosse Foods Discount Store, 143 Fosse Road South, LE3 0FW.

The applicants, Mr Sadhev Rathod and Mr Anil Bhalsod were present. Mr Joseph Denzil (objector), the Licensing Team Manager (Policy and Applications), and Legal Adviser to the Sub-Committee were also present.

The Licensing Team Manager (Policy and Applications) presented the report and outlined details of the application. It was noted that objections to the application were received on 1 April 2021. It was noted that Police had objected to the application but had since agreed conditions with the applicant and withdrawn their objection.

Mr Denzil was given the opportunity to outline the reasons for his representations and answer questions from Members. He was concerned that there were already numerous off-licences in the area, and adding another would increase anti-social behaviour and crime in the area.

Mr Rathod and Mr Balsod were given the opportunity to present their case and answer questions from Members and the objector.

All parties were given the opportunity to sum up their positions and make any final comments.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present.

In reaching their decision, Members felt they should deliberate in private on the basis that this was in the public interest, and as such outweighed the public interest of their deliberation taking place with the parties represented present.

The Chair announced that the decision and reasons made during private deliberation would be publicly announced in writing within five working days. The Chair informed the meeting the Legal Adviser to the Sub-Committee would be called back to give advice on the wording of the decision.

The Chair then asked all but Members of the Sub-Committee and Democratic Support Officers to disconnect from the meeting. The Sub-Committee then deliberated in private to consider their decision.

The Sub-Committee recalled the Legal Adviser to the Sub-Committee to give advice on the wording of the decision.

**RESOLVED:**

That the application for a new Premises Licence for Fosse Foods Discount Store, 143 Fosse Road South, Leicester, LE3 0FW be  
**GRANTED**

Members of the Sub-Committee had been asked to determine an application made under the Licensing Act 2003, for a new premises licence authorising off-sales of alcohol at Melton Road Convenience Store, 198 Melton Road, Leicester, LE4 5EE, seven days a week from 10am to 10pm, those hours also being the proposed opening hours of the premises.

Members of the Sub-Committee had carefully considered the Committee report presented by the Licensing Team Manager (Policy and Applications), all the representations and the legal advice provided.

Members considered the licensing objectives to be of paramount concern and had considered the application on its own merits and in accordance with the licensing authority's Statement of Licensing Policy, the Regulator's Code and the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

Local residents had submitted representations, one of which included a petition containing 27 signatures, against the application due to concerns that the premises was close to residential properties and that the premises may lead to inappropriate behaviour, noise nuisance and anti-social behaviour. A third representation had also been received, however, Members were informed that the supposed author of the representation had contacted the Licensing Team to advise that he had not written the representation and that in actual fact he fully supported the application. As such he requested that the representation be withdrawn. Sub-Committee members agreed to do this.

The Sub-Committee members noted that Leicestershire Police had been in contact with the applicant and had agreed amendments to the Operating Schedule. As such the Police were now content that the Licensing Objectives would not be adversely affected if the licence were to be granted.

Members had considered the representations put forward by the Applicant which included but was not limited to that they had 42 years' experience of running a previous similar premises without any problems. It was submitted that they would continue to run the premises at 143 Fosse Road South, in a responsible manner and in a way that would not undermine the licensing objectives.

Members had not taken anything presented to them at face value and confirmed that they had scrutinised the information put before them by all parties.

The Sub-Committee had considered each of the decisions available to them. As a result of what they had heard, Members were satisfied that it was appropriate and proportionate considering the licensing objectives to GRANT the application subject to the following conditions:

1. The licence holder will ensure that no alcohol supplied by the premises will be consumed on the premises.
2. The licence holder will ensure that beer, cider or lager above 7% ABV is not sold from the premises
3. The licence holder will ensure that a coloured high definition CCTV system is installed, maintained and records clear images permitting the identification of individuals whilst the premises is open to the public.
4. CCTV images shall be retained for a period of at least 28 days and those images shall be made available to an officer from a responsible authority in accordance with data protection law, within a reasonable period of time.
5. The CCTV system and recordings must have constant and accurate date and time stamp.
6. The CCTV system to be fitted with security functions to prevent recordings being tampered with or deleted.
7. The licence holder will operate a Challenge 25 policy with the only acceptable proof of age identification consisting of a current passport, photo card driving licence or identification carrying a PASS logo.
8. The licence holder will ensure that a fixed hooded litter bin is placed outside the front of the premises.

## REASONS FOR THE DECISION

Members were confident that by adding the conditions, the Applicant would

manage the premises in a manner that will promote and uphold the licensing objectives and in compliance with the requirements of the Licensing Act 2003.

Members were concerned with the representation received from one member of the public which had mentioned anti-social behaviour in the area however when questioned about this, no evidence was provided to substantiate it. Members were therefore content that the hours applied for and granted to the premises were less than the hours some premises in the local area were able to open and close and as such would not add to any problems of noise nuisance or anti-social behaviour.

Members also did not accept that there was an over saturation of off-licensed premises in the area.

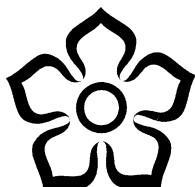
The Sub-Committee's decision was made in the interests of promoting the licensing objectives.

#### **116. ANY OTHER URGENT BUSINESS**

There being no further business, the meeting closed at 11.02am.







Leicester  
City Council

WARDS AFFECTED  
Belgrave

# Appendix B

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**  
Hearing under the Licensing Act 2003

25<sup>th</sup> June 2021

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**Application for a new premises licence  
Chaiwala, 2-16 Loughborough Road, Leicester LE4 5LD**

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**Report of the Director of Neighbourhood and Environmental Services**

**1. Purpose of Report**

- 1.1. This report provides information for Members about an application made under the Licensing Act 2003, to assist them in determining the outcome of that application.

**2. Determination to be made**

- 2.1. Having considered the application and representation, Members must consider whether to
- Grant the licence without modification
  - Grant the licence subject to conditions
  - Exclude from the licence any of the licensable activities
  - Refuse to accept the proposed premises supervisor
  - Reject the application

**3. Summary**

- 3.1 This report outlines an application for a new premises licence for Chaiwala, 2-16 Loughborough Road, Leicester LE4 5LD and summarises the representations received. 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. Application

- 5.1 An application was received on 27<sup>th</sup> April 2021 from Mr Walaiti Rathore acting on behalf of his client Melton Road Foods Ltd for a new premises licence for Chaiwalla, 2-16 Loughborough Road, Leicester. A copy of the application is attached at Appendix A.
- 5.2 The application is as follows:

Licensable activity	Proposed Hours
Late night refreshment	Monday to Sunday 23.00 until 02.00
Opening hours	Unrestricted

## **6. Steps to Promote the Licensing Objectives**

- 6.1 The steps the applicant proposes to take to promote the licensing objectives are set out in the operating schedule (see section M of Appendix A).
- 6.2 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

## **7. Representation**

- 7.1 A representation has been received from one local resident on the 10<sup>th</sup> May 2021 which also includes a petition with 28 signatures on. The representation relates to the prevention of public nuisance. Residents are concerned that allowing the premises to open until 2am will cause a disturbance through accelerated noise caused from late night traffic. They are also concerned about the amount of rubbish that will be created and has enclosed photos of the existing problem with rubbish in the area. A copy of the representation is attached at Appendix B.

## **8. Conditions**

- 8.1 The conditions that are consistent with the operating schedule and the representation are attached at Appendix C.

## **9 Statutory Guidance**

- 9.1 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 parts of the guidance that are particularly relevant in this case are as follows:

<b>Section</b>	<b>Heading</b>
1.2 – 1.5	Licensing objectives and aims
1.15 – 1.16	General Principles
1.17	Each application on its own merits
2.15 – 2.21	Public nuisance
8.41 – 8.49	Steps to promote the licensing objectives
9.11 – 9.12	Role of responsible authorities
9.31 – 9.41	Hearings
9.42 – 9.44	Determining actions that are appropriate for the promotion of the licensing objectives
10.1 – 10.3	Conditions - general
10.8 – 10.9	Imposed conditions
10.10	Proportionality
10.13 - 10.15	Hours of trading
10.25 – 10.66	Mandatory conditions in relation to the supply of alcohol
13.10 – 13.11	Giving reasons for decisions
14.51 – 14.52	Licensing Hours

## 10 Statement of Licensing Policy

- 10.1 The relevant parts of the Licensing Authority's Statement of Licensing Policy are as follows:

Section	Heading
2	Fundamental Principles
5	Licensing Hours
9	Prevention of Public Nuisance
11.4 – 11.5	Planning
12	Duplication
13	Standardised conditions

## 11 Points for Clarification

- 11.1 The applicant and the party / parties making the representation have been asked to clarify certain points at the hearing, as follows:

*By the applicant*

1. Whether the applicant considers that the concerns outlined in the representations are valid, and if not why not?
2. In the light of the representations made, does the applicant wish to propose any additional steps for the promotion of the licensing objectives?

*By the party making the representation*

1. Whether they have any additional information to support the representation they have made?
2. Whether there are any additional steps that could be taken which would be equally effective in the promotion of the licensing objectives?

## 12 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	

As this application was received electronically, the Licensing Authority was required to consult with the relevant responsible authorities as set out in the Licensing Act 2003.

**13 Report Author**

Chris Spencer

Licensing Officer

0116 4548550

Chris.spencer@leicester.gov.uk

<b>APPENDIX</b>	<b>CONTENT</b>
A	Application
B	Representation
C	Conditions consistent with application and representation



### Application for a premises licence to be granted under the Licensing Act 2003

#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Melton Road Foods Ltd

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

#### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Chaiiwala 2 - 16 Loughborough Road Leicester			
<b>Post town</b>		<b>Postcode</b>	LE4 5LD

Telephone number at premises (if any)	
Non-domestic rateable value of premises	<b>£10,250</b>

#### Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- |    |  |                                     |                             |
|----|--|-------------------------------------|-----------------------------|
| a) | an individual or individuals *                       | <input type="checkbox"/>            | please complete section (A) |
| b) | a person other than an individual *                  |                                     |                             |
|    | i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
|    | ii as a partnership (other than limited liability)   | <input type="checkbox"/>            | please complete section (B) |
|    | iii as an unincorporated association or              | <input type="checkbox"/>            | please complete section (B) |
|    | iv other (for example a statutory corporation)       | <input type="checkbox"/>            | please complete section (B) |
| c) | a recognised club                                    | <input type="checkbox"/>            | please complete section (B) |
| d) | a charity  | <input type="checkbox"/>            | please complete section (B) |

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>			I am 18 years old or over <input type="checkbox"/> Please tick yes		
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					



**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
<b>Nationality</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

<b>Name</b>
Melton Road Foods Ltd
<b>Address</b>
17 Wharf Street South Leicester
LE1 2AA
<b>Registered number (where applicable)</b>
11055368

Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company  Limited company.
Telephone number (if any)
E-mail address (optional)

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
A	S	A P

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

Restaurant/Café with outdoor area and delivery service.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐

- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H) ☐

**Provision of late night refreshment** (if ticking yes, fill in box I) ☒

**Supply of alcohol** (if ticking yes, fill in box J) ☐

**In all cases complete boxes K, L and M**

# A

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

## B

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sun					

# C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			
Fri			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Sat			
Sun			

## D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

# E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)			
Tue						
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)			
Thur						
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)			
Sat						
Sun						



# F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)			
Mon						
Tue						
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)			
Thur						
Fri			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)			
Sat						
Sun						

# G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun					

# I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon	23:00	02:00			
Tue	23:00	02:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Wed	23:00	02:00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 6)  If applicable, an additional hour to the standard and non-standard times on the day when British summertime commences.		
Thur	23:00	02:00			
Fri	23:00	02:00			
Sat	23:00	02:00			
Sun	23:00	02:00			

## J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Tue					
Wed					
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

## K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 9).

As far as the applicant is aware none of the proposed activities should give rise to concern in respect of children.

## L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b><u>State any seasonal variations</u></b> (please read guidance note 5)
Day	Start	Finish	
Mon	00:00	24:00	
Tue	00:00	24:00	
Wed	00:00	24:00	
Thur	00:00	24:00	
Fri	00:00	24:00	<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 6)
Sat	00:00	24:00	
Sun	00:00	24:00	

## M

Describe the steps you intend to take to promote the four licensing objectives:

### **a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

The licensing objectives have been considered taking into account the nature of the premises and the proposed style of operation.

The premises will operate in accordance with all relevant legislation.

The premises will liaise and co-cooperate with the Responsible Authorities

### **b) The prevention of crime and disorder**

A CCTV system with recording equipment will be installed and in operation at the premises during the provision of licensable activities.

All recordings used in conjunction with CCTV will:

Be of evidential quality in all lighting conditions;  
Indicate the correct time and date;  
and Be retained for a period of 31 consecutive days

### **c) Public safety**

The premises will operate in accordance with all relevant legislation which promotes the prevention of public safety objective. For example, the Health & Safety and Food Safety legislation

The premises will liaise and co-operate with the Responsible Authorities.

### **d) The prevention of public nuisance**

The premises will operate in accordance with all relevant legislation which promotes the prevention of public nuisance objective. For example, Environmental Protection Act 1990.

Arrangements for the storage and disposal of refuse will not cause a nuisance.

The premises will liaise and co-operate with the Responsible Authorities.

### **e) The protection of children from harm**

See box a) above.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☐
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☐
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ☐

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**


**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**



<b>Declaration</b>	<ul style="list-style-type: none"><li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the</li></ul>
--------------------	---



	<p>entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</p> <ul style="list-style-type: none"> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	
Date	27 April 2021
Capacity	Authorised Agent

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Walaiti Rathore Licensing Law Consultancy 3 The Triangle NG2 Business Park Queens Drive			
Post town	Nottingham	Postcode	NG2 1AF
Telephone number (if any)			
			

## Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
  10. Please list here steps you will take to promote all four licensing objectives together.
  11. The application form must be signed.

12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

**15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in**

**combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

### **Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

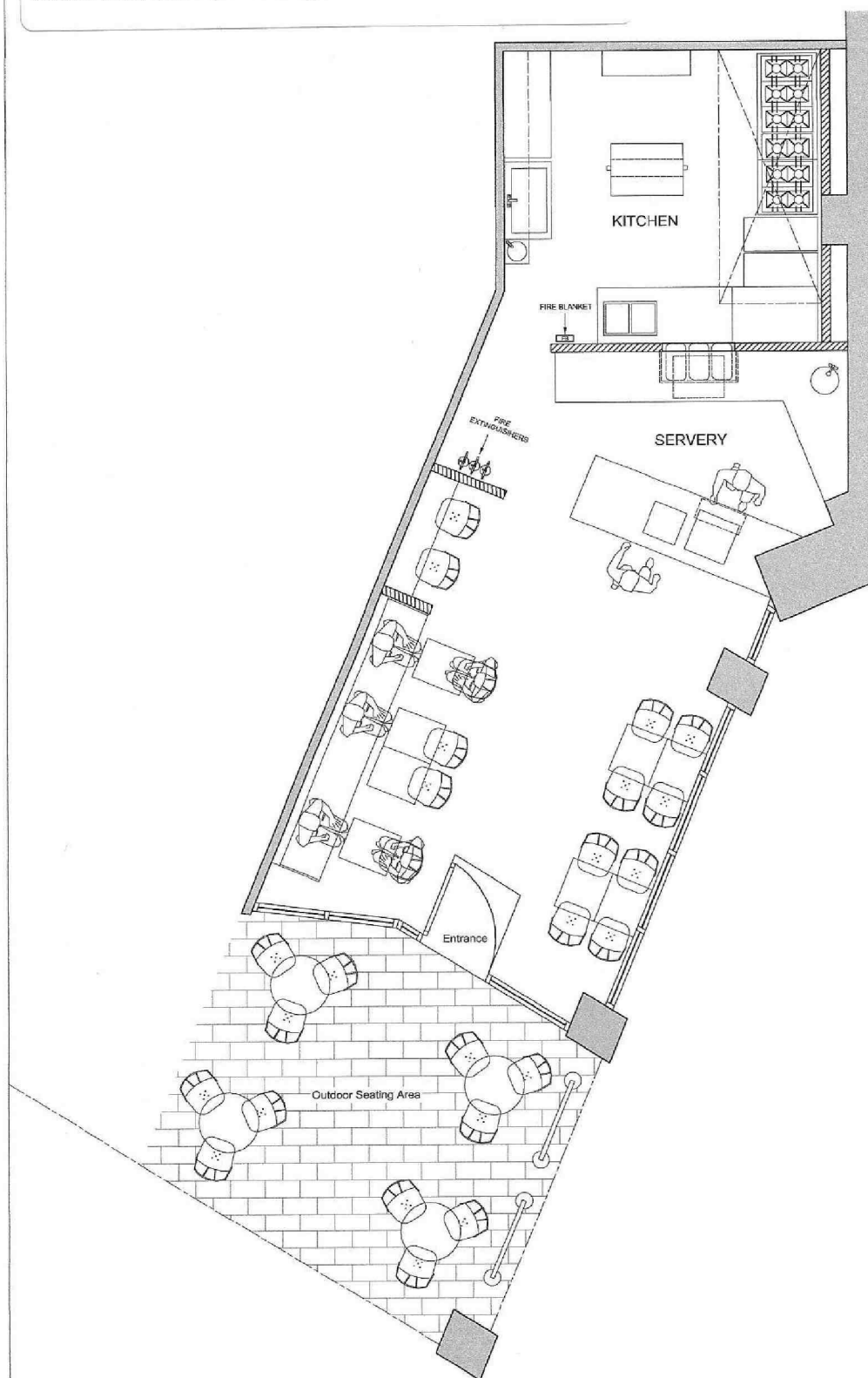
In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

The location of the fire safety equipment is subject to change in accordance with requirements of Responsible Authority.

Any detail shown which is not required by the licensing plan regulations is indicative only and subject to change

Drawn	Date	Scale
UK	12/18	1:50 @ A3
Client		Chaiwala
Site Address		
2-16 Loughborough Rd Leicester LE4 5LD		
Sheet	Ref	Rev
A3 - 02		



Shop Floor Plan  
Scale 1:50 @ A3





## **LICENSING ACT 2003**

### **NOTICE OF APPLICATION FOR A PREMISES LICENCE**

Notice is hereby given that an application has been made by Melton Road Foods Ltd for a premises licence in respect of premises known as Chaiiwala, 2 – 16 Loughborough Road, Leicester, LE4 5LD.

The proposed application is:

- To provide late night refreshment from 23:00 to 02.00 hours Mondays to Sundays.

Full details of the application are contained within the application form held by the Licensing Authority at Leicester City Council, Licensing, York House, 91 Granby Street, Leicester, LE1 6FB, where the licensing register can be inspected during the Authority's normal opening office hours.

Any representation by a responsible authority or other person regarding this application must be made in writing to the Licensing Authority at the above address no later than 25 May 2021, stating the grounds for the representation.

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine on summary conviction for this offence is unlimited.

Licensing Law Consultancy  
3 The Triangle, NG2 Business Park,  
Queens Drive, Nottingham, NG2 1AE  
[www.licensinglawconsultancy.co.uk](http://www.licensinglawconsultancy.co.uk)



By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted



## CONDITIONS

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE
The licence holder will ensure that a CCTV system with recording equipment will be installed and in operation at the premises during the provision of licensable activities. All recordings used in conjunction with CCTV will be of evidential quality in all lighting conditions; indicate the correct time and date; and be retained for a period of 31 consecutive days.
The premises will operate in accordance with all relevant legislation
The licence holder will liaise and cooperate with all the Responsible Authorities
The premises will operate in accordance with all relevant legislation which promotes the prevention of public nuisance objectives for example Environmental Protection Act 1990.
Arrangements for the storage and the removal of refuse will not cause a nuisance

