

Leicester
City Council

LICENSING ENFORCEMENT SUB-COMMITTEE

DATE: TUESDAY, 1 NOVEMBER 2022

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 Fonseca, Gee and Pickering.

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: Jessica Skidmore
Democratic Support, Leicester City Council
City Hall, 115 Charles Street, Leicester, LE1 1FZ
Tel: 0116 454 2623
email: jessica.skidmore@leicester.gov.uk

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.

Due to ongoing mitigations to prevent the transmission of COVID, public access in person is limited to ensure social distancing. If you wish to attend a meeting in person, you are required to contact the Democratic Support Officer in advance of the meeting regarding arrangements for public attendance. A guide to attending public meetings can be found here on the [Decisions, meetings and minutes page](#) of the Council website.

Dates of meetings and copies of public agendas and minutes are available on the Council's website at www.cabinet.leicester.gov.uk, or by contacting us using the details below.

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.

NOTE:

Separate guidance on attending the meeting is available for officers. Officers attending the meeting are asked to contact the Democratic Support Officer in advance to confirm their arrangements for attendance.

Making meetings accessible to all

Wheelchair access – Public meeting rooms at the City Hall are accessible to wheelchair users. Wheelchair access to City Hall is from the middle entrance door on Charles Street - press the plate on the right hand side of the door to open the door automatically.

Braille/audio tape/translation - If you require this please contact the Democratic Support Officer (production times will depend upon equipment/facility availability).

Induction loops - There are induction loop facilities in City Hall meeting rooms. Please speak to the Democratic Support Officer using the details below.

Filming and Recording the Meeting - The Council is committed to transparency and supports efforts to record and share reports of proceedings of public meetings through a variety of means, including social media. In accordance with government regulations and the Council's policy, persons and press attending any meeting of the Council open to the public (except Licensing Sub Committees and where the public have been formally excluded) are allowed to record and/or report all or part of that meeting. Details of the Council's policy are available at 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 Democratic Support on **(0116) 454 0734** or email committees@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

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.

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 will be 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 meeting of the Licensing Enforcement Sub-Committee held on Tuesday, 4 October 2022 are attached, and Members will be asked to confirm them as a correct record.

- 5. APPLICATION FOR THE GRANT OF A HIGHWAYS AMENITIES LICENSE (STREET CAFE): THE GUILDROOMS, 1-3 GUILDHALL LANE, LEICESTER, LE1 5FQ** **Appendix B**

The Director of Neighbourhood and Environmental Services submits a report which asks Members to determine an application for the grant of a Highways Amenities Licence (Street Café) for premises known as The Guildrooms. The applicant is Mr Kevin Lee on behalf of the business.

The report is 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 or by telephoning Democratic Support on 0116 4546354.

(Wards affected: Castle)

- 6. PRIVATE SESSION**

MEMBERS OF THE PUBLIC TO NOTE

Under the law, the Sub-Committee is entitled to consider certain items in private where in the circumstances the public

interest in maintaining the matter exempt from publication outweighs the public interest in disclosing the information. Members of the public will be asked to leave the meeting when such items are discussed.

The Sub-Committee is recommended to consider the following reports in private on the grounds that they contain 'exempt' information as defined by the Local Government (Access to Information) Act 1985, as amended, and consequently that the Sub-Committee makes the following resolution:

"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 they involve 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 3

Information relating to the financial or business affairs of any particular person (including the authority).

B1) Application for the grant of a Hackney Carriage and private hire vehicles driver's licence.

B2) Application for the grant of a Hackney Carriage and private hire vehicles driver's licence.

7. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS LICENCE

Appendix C

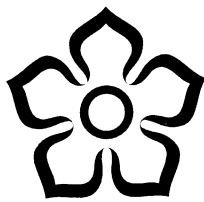
The Director of Neighbourhood and Environmental Services submits a report.

8. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS LICENCE

Appendix D

The Director of Neighbourhood and Environmental Services submits a report.

9. ANY OTHER URGENT BUSINESS



Leicester
City Council

Appendix A

Minutes of the Meeting of the LICENSING ENFORCEMENT SUB-COMMITTEE

Held: TUESDAY, 4 OCTOBER 2022 at 9:30 am

P R E S E N T:

Councillor Byrne (Chair)

Councillor Ali

Councillor Whittle

* * * * *

1. APPOINTMENT OF CHAIR

Councillor Byrne was appointed as Chair for the meeting.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Westley.

3. DECLARATIONS OF INTEREST

Members were asked to declare any interests they might have in the business to be discussed on the agenda. There were no declarations of interest made

4. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Licensing Enforcement Sub-Committee held on 6 September 2022 be confirmed as a correct record.

5. DETERMINATION OF CONTINUED ENTITLEMENT TO RETAIN A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE

It was noted that this item would not be considered at the meeting as it had been separately considered by the Head of Service at a meeting on 27 September 2022.

6. APPLICATION FOR THE GRANT OF A HIGHWAYS AMENITIES LICENCE (STREET CAFÉ): GELATO VILLAGE, 107 QUEENS ROAD, LEICESTER, LE2 1TT

The Director of Neighbourhood and Environmental Services submitted a report requiring Members to determine an application for a grant of a Highways Amenities Licence (Street Café) for premises known as Gelato Village, 107 Queens Road, LE2 1TT. The applicant was Daniele Taverna on behalf of the business.

The applicant Daniele Taverna was present, Ian Brown (local resident), Nicola Marsh (Licensing Enforcement Officer), the Licensing Team Manager (Enforcement), the Legal Adviser to the Sub-Committee and a Democratic Support Officer were also present.

The Licensing Team Manager (Enforcement) presented the report. It was noted that 4 objections to the application were received 2 of which had been withdrawn following agreement with the applicant on amendment to his original application.

Mr Brown was given the opportunity to outline details of his objection and that of another representor who was unable to attend the meeting. He answered questions from Members and Officers.

Mr Taverna was given the opportunity to present his case as to why the licence should be granted and answered questions from Members and Officers.

All parties present 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 made during private deliberation would be 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 Officer to leave 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 Highways Amenities Licence be GRANTED to Daniele Taverna for two tables, eight chairs and enclosing barriers to be placed outside Gelato Village on Queens Road, Leicester in accordance with the Licensed Plan, seven days a week from 8am to 9pm subject to:

1. the Council's standard conditions, and
2. the conditions requested by the Council's Highways Team in so far as they are not already included in, or are inconsistent with, the Council's standard conditions.

The applicant would be provided with the reasons for the decision in writing within five working days.

It was noted there was no right of appeal against the decision.

7. APPLICATION FOR STREET TRADING CONSENT: COBSMACKED, BOSTON ROAD, LEICESTER

The Director of Neighbourhood and Environmental Services submitted a report that required Members to make a determination on an application for Street Trading Consent for Cobsmacked, Boston Road, Leicester.

The applicant Mr John Derry was present, Mrs Hande Korun and Mr Adil Korun (Local traders), the Licensing Team Manager (Enforcement), the Legal Adviser to the Sub-Committee and a Democratic Support Officer were also present.

The Licensing Team Manager (Enforcement) presented the report. It was noted that 7 objections had been received alongside comments from the Highways Team.

Mr and Mrs Korun were given the opportunity to outline their objection and answer questions from Members and Officers.

Mr Derry was given the opportunity to present his case for granting the licence and answered questions from Members and Officers.

All parties present 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 made during private deliberation would be 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 Officer to leave 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 Street Trading Consent be GRANTED to John Derry to sell breakfast and lunch cobs, homemade soups and stews (healthy option), salads, vegetarian and vegan options, jacket potatoes with healthy fillings and religious dietary requirement options from a stationary van on Boston Road, Leicester on Monday to Saturday from 7am to 2pm, subject to the following conditions:

1. Mr Derry shall only trade at the location detailed on the map.
2. The van shall be placed as detailed on the map in a position where it does not interfere with the turning circles of vehicles accessing the units opposite.
3. Any standard conditions applied by the Licensing Team.
4. The conditions requested by the Council's Highways Team in so far as they are not already included in, or are inconsistent with, any standard conditions applied by the Licensing Team.

The applicant would be provided with the reasons for the decision in writing within five working days.

It was noted there was no right of appeal against the decision.

8. ANY OTHER URGENT BUSINESS

There being no other urgent business, the meeting closed at 12.15pm.



Leicester
City Council

WARD: Castle

LICENSING ENFORCEMENT SUB-COMMITTEE

1 November 2022

**APPLICATION FOR THE GRANT OF A HIGHWAYS AMENITIES LICENCE
(STREET CAFÉ)
THE GUILDROOMS
1-3 GUILDHALL LANE, LEICESTER, LE1 5FQ**

Report of the Director (Neighbourhood & Environmental Services)

1. Purpose of the Report

To determine an application for the grant of a Highways Amenities Licence for a Street Café for premises known as The Guildrooms, 1-3 Guildhall Lane, Leicester LE1 5FQ The applicant is Mr Kevin Lee

2. Options for the Sub-Committee

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

(1) Grant

The Sub-Committee may grant the application.

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

(2) Grant subject to special conditions

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

(3) Refuse

The Sub-Committee may refuse the application.

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

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

3. Financial Implications

None.

4. Report

An application was received on 25 August 2022 from Mr Kevin Lee the owner of The Guild Rooms for the grant of a Highway Amenities Licence (Street Café).

The premises is situated in a corner building which faces on to the Junction of Guildhall Lane/Carts Lane and Silver Street. The area is pedestrianised and known as 'The Lanes'. There are a wide range of businesses in this area including office premises, retail premises, restaurants, take away food outlets and pubs. Due to the variety of businesses in the area it is busy at all times of the day. Many of these businesses already have the benefit of having a Highways Amenities (Street Café) Licence allowing for outdoor seating.

The premises is described as a premium nail bar located on the ground floor and includes a bar/coffee area for customers. Due to limited seating indoors for clients waiting for treatment, the application for outdoor seating has been submitted to increase customer seating, especially during the finer weather and to offer a premium elevated experience for clients to enjoy and relax. The premises also has a premises licence for the supply of alcohol for consumption on and off the premise .

The premises licence has been in force since 24 March 2022 and has specific conditions relating to the retail sale of alcohol that were put forward by the licence holder:-

No alcohol is to be allowed out in open vessels from the premises unless containers are sealed, and persons are leaving the vicinity.

Alcohol can only be sold to persons pre-booked and receiving the hair/beauty treatment experience

Retail Sale of Alcohol: Monday to Sunday 10.00 to 20.00

The applicant has submitted a plan which details fourteen tables and twenty eight chairs, to be placed in front of the premises on both sides of the property contained within barriers.

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

The applicant has requested to use the street café between the following hours:

Monday to Sunday 09.30am to 20.00

On 26th August 2022, letters of consultation were hand delivered to surrounding businesses and residential premises within the area to advise them of the application and a public notice was prominently displayed on the premises itself. This was checked to ensure it remained in situ throughout the consultation period.

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

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

Within the representation period, there was one objection received from a local business and one from the Licensing Enforcement Team of Leicester City Council.

The objections were accepted as being 'relevant' to the application. The objection from the local business raises concerns about the general layout of the proposed street café area and its potential to impact on this business. The objection is attached to this report at Appendix B.

The applicant has agreed to a number of conditions proposed by the Licensing Enforcement Team with a slight amendment to that written on the signed agreement – Appendix C:-

“The licence holder will ensure that street café pavement licence area is fully covered by the premises CCTV and that the use of umbrellas, parasols or other coverings do not obstruct the CCTV”

The business owner was contacted by both the Licensing Enforcement Team and author of the report trying to alleviate the concerns he has raised – Appendix D. His response was sent to the applicant to see whether there was any agreement between the two parties about a way forward, however this has not been achieved and a response from the applicant has been received and is attached at Appendix E to the report.

The following documents are attached to this report:

Appendix A	Application for Street Café including proposed plan and pictures of the furniture to be used and a picture of the frontage of the premises
Appendix B	Objection from Business Owner
Appendix C	Objection and Signed Agreement by Applicant to accept proposed conditions.
Appendix D	Correspondence and response from Objector
Appendix E	Response of Applicant to concerns of objector
Appendix F	Not for Publication

5. Policy Guidelines

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

6. Legal Implications (including Human Rights Act)

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

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

7. Crime and Disorder implications

None.

8. Consultations

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

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

None

Officer to Contact

Deborah Bragg Licensing Manager (Policy and Applications)

Email: deborah.bragg@leicester.gov.uk

Our Ref [REDACTED]

Date: 2022-08-25

Street café licensing application**Information submitted to Licensing Authority at Leicester City Council****Type of application:** New licence: £278**Customer****Contact details:**

Title	First name	Surname	Phone number	Mobile number	Email address
Mr.	Kevin	Lee	[REDACTED]		[REDACTED]

Address:

Flat	House Number	Street	Town	County	Postcode
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Name of premises: The Guild Rooms**Address of premises**

Flat	House Number	Street	Town	County	Postcode
	1-3	Guildhall Lane	Leicester	Leicester City	LE1 5FQ

Please describe the premises: Located in a Victorian built commercial unit we are a premium nail bar will be run on the ground floor to include a bar/coffee area for customers there will be limited seating inside so we wish to apply for street cafe licence especially for the weather permitting months. The site is within the PPZ / conservation area on Guildhall Lane. We noted there are two other businesses with SCL on the same road. Our target is to offer a premium elevated experience for clientele to enjoy and relax

Proposed licence days and times: Monday - 9.30am – 8.00pm

Tuesday - 9.30am – 8.00pm

Wednesday - 9.30am – 8.00pm

Thursday 9 30am 8 00pm

Friday - 9.30am – 8.00pm

Saturday - 9.30am – 8.00pm

Sunday - 9.30am – 8.00pm

Additional information In addition to this licence we will be applying for full planning for awnings to be installed with a view to be operational from Spring Summer 2023.

Proposed licence days and times: Monday 9 30am 8 00pm

Tuesday - 9.30am – 8.00pm

Wednesday - 9.30am – 8.00pm

Thursday - 9.30am – 8.00pm

Friday - 9.30am – 8.00pm
Saturday - 9.30am – 8.00pm
Sunday - 9.30am – 8.00pm

Additional information: In addition to this licence we will be applying for full planning for awnings to be installed with a view to be operational from Spring Summer 2023.

Supporting documents

Proof of your valid ID with a photo:SDGSCAN0077.pdf

Valid public liability insurance certificate: UKSH3603495XB1-GUILD ROOMS LIMITED-Shop-Certificate of insurance.pdf

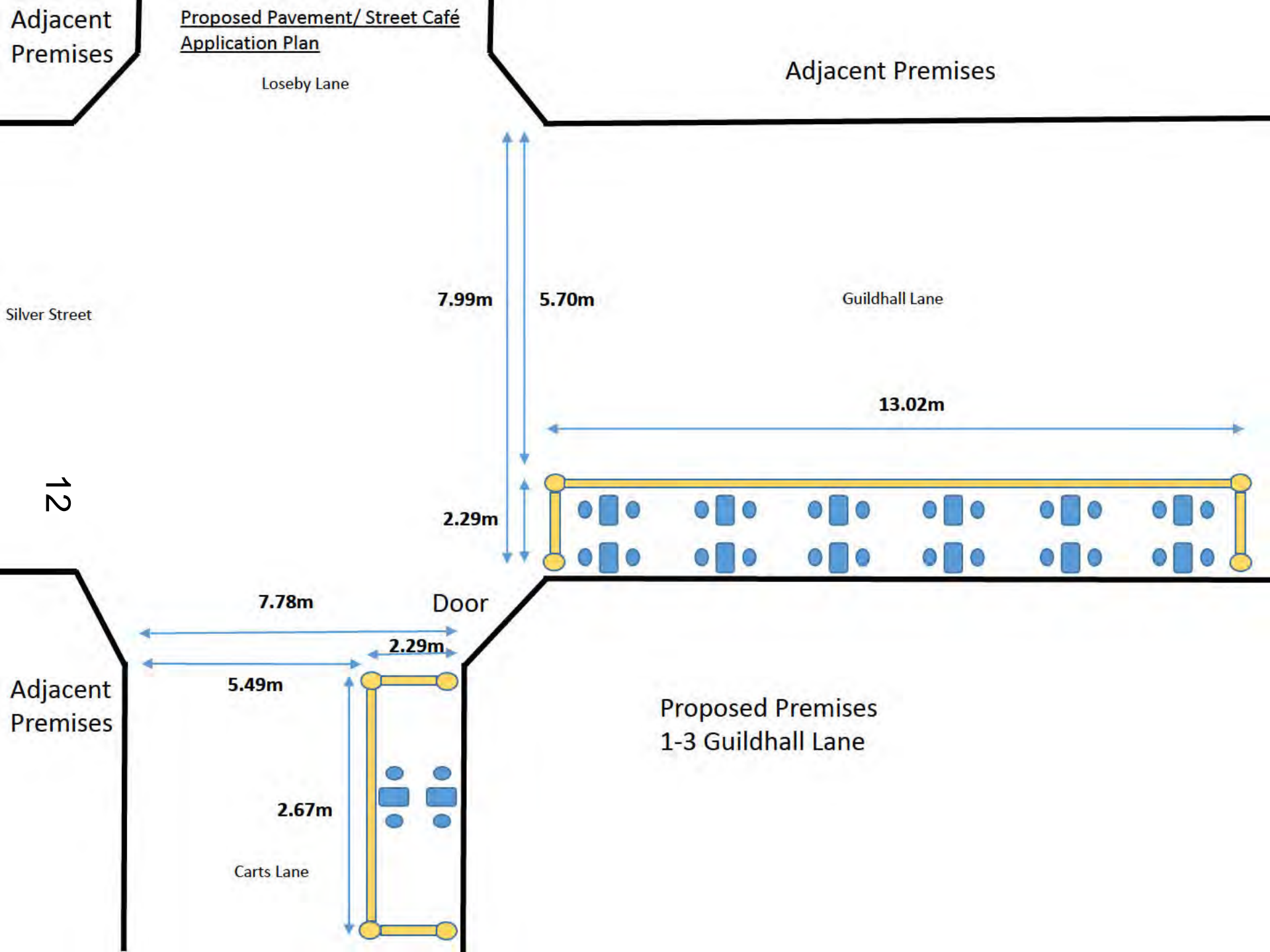
Detailed (proposed) plan of the street café:Street Cafe Application Plan.pdf

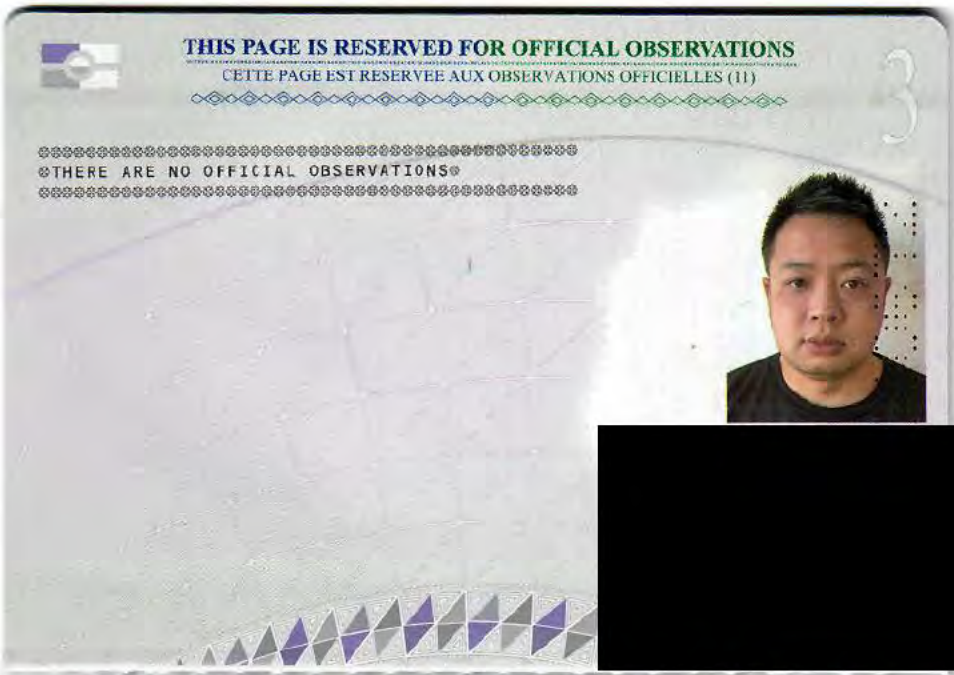
Pictures of tables and chairs or barrier type/design: Tables Chairs Barriers.pdf


Additional information to support the application:

Customer confirmed that they understand and agree to the Declaration.

Payment made for the application: £278








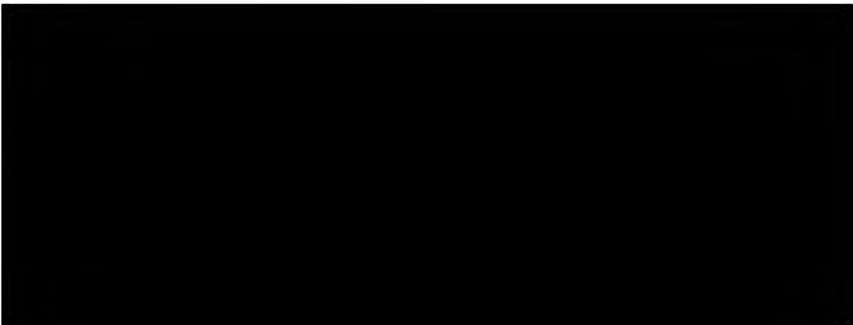
Certificate of Insurance

Issue date: 04 July 2022

Simply Business certifies that the information for GUILD ROOMS LIMITED shown here is correct, as of the issue date above.

For full policy terms and conditions, please refer to the policy wording document.

Company name	GUILD ROOMS LIMITED
Policy number	
Trade/Business	Nail Bar
Public liability	up to £5,000,000
Product liability	Included
Employers liability	up to £10,000,000
Policy start date	04 July 2022
Policy end date	30 June 2023



Proposed design picture/briefs of tables and chairs.



15

Table:
Table size H45, D50cm.
Metal table with metal legs.
Glass table top finish.



Chair:
Size of each chair H79, W54, D51cm.
Seat height 46cm.
Metal frame with metal legs.

Proposed design picture/briefs of barriers.



Post diameter

Ø 50mm

Base diameter

Ø 355mm

Color

Brass

Height

1000mm; 800x850
mm

Weight

26

Artists Impression (not actual).

17



From: [REDACTED]
To: [Deborah Bragg](#)
Cc: [Toni Tidmarsh](#)
Subject: Re: REF: N&ES/LIC/StreetCafe
Date: 22 September 2022 20:36:13

Dear Deborah,

Representation for above Street Cafe Application:

Guild Rooms
1-3 Guildhall Lane
Leicester

On close inspection of the plan for the proposed Street Cafe (reference above) and further to ongoing discussions with your colleague Toni Tidmarsh we have a number of concerns.

The main concern being the size and scale of the proposed area and its proximity to both the fire exit and the entrance to our business.

A seating area of this scale will limit accessibility to our business and at the same time severely diminish the visibility of our own small Street Cafe which would be swallowed up by another seating area being positioned so closely adjacent our own.

As a Cafe on a side street whose core business for the past 22 years has been hospitality we are reliant on clear visibility from the main thoroughfare and so this is of great concern to us.

We have been advised by Licensing that this proposed Street Cafe is for a Nail Bar with a license to serve alcohol to customers receiving treatments inside the premises only.

Both the area and number of tables and chairs applied for seem excessive for a business of this nature (nail bar) and completely disproportionate.

This is not helpful in presenting a consistent message to the public as an outdoor seating area of this magnitude would normally be for a large restaurant or bar.

For these reasons I propose that any Street Cafe if granted should be considerably reduced in size to more appropriately reflect the nature of its core business and in order to create a clear separation between our two businesses.

Kind regards,

[REDACTED]

[REDACTED]

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

Details of person or body making representation:

Your Name:	Toni Tidmarsh
Your position/role:	Licensing Enforcement Officer Licensing Authority

Details of premises representation is about:

Name of Premises:	The Guild Rooms
Address of premises:	1-3 Guildhall Lane Leicester LE1 5FQ
Application No. (if known)	146378

Authority Declarations:

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

Representations:

The premises is situated on the corner of Guildhall Lane and Carts Lane within the pedestrianised area known as 'The Lanes' within the City Centre. The area is populated with bars, restaurants, retail premises and some residential properties. A number of premises within 'The Lanes' already benefit from having a Highway Amenities (Street Café) Licence allowing for outdoor seating.

The premises is described as a premium nail bar located on the ground floor and includes a bar/coffee area for customers. Due to limited seating indoors for clients waiting for treatment, the application for outdoor seating has been submitted to increase customer seating, especially during the finer weather and to offer a premium elevated experience for clients to enjoy and relax. The premises also has a premises licence for the supply of alcohol for consumption on and off the premises.

An application was submitted 25th August 2022 for a Standard Highway Amenities (Street Café) Licence, under the Highways Act 1980 requesting seating for the following days and times:
Monday to Sunday 09.30hrs – 20.00hrs

The plan submitted as part of the application details the street café would be for fourteen tables and twenty-eight chairs contained with barriers.

No information was submitted with the application detailing risk mitigation or how the space would be managed.

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

Requested Conditions:

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

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

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

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

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

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

The Leicester City Council Festivals and Events Team reserve the exclusive right to use the space if required for council needs after written notification to the licence holder and Licensing Authority.

Appendix:

No Appendix

Authority Signatures:

Toni Tidmarsh

Licensing Enforcement Officer
Leicester City Council
22/09/2022

Licensing Authority Details:

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

Tel: 0116 4540049
Email: licensingenforcement@leicester.gov.uk
www.leicester.gov.uk/licensing

Notice Sent to:

Please note that this representation has been sent to:

- (1) Licensing Authority Applications Team, Leicestershire Police Licensing, Noise Pollution Team, Highways Agency, Planning Enforcement & Public Safety Team
- (2) Applicant and/or Agent

Agreement Notice Applicant (if applicable & only valid if signed)**Notification to Local Authority of Agreement regarding Licensing Authority Enforcement Concerns.**

Dear Licensing Authority,

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

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

Please note:

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

Signed 1:

Name in block capitals:

KEVIN LEE

Application Capacity:

APPLICANT + LEASEHOLDER

Date:

Signed 2:

Name in block capitals:

Application Capacity:

Date:

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

From: [REDACTED]
To: [Deborah Bragg](#)
Subject: Re: REF: N&ES/LIC/StreetCafe
Date: 26 September 2022 12:55:15

Hi Deborah,

If the applicant agreed to reduce the area by at least the width of their window nearest to our door (the last of 3 to finish at their down pipe)

This would allow for a clear area of separation between the two businesses.

Along with all the additional conditions Licensing will be placing on the Street Cafe should it be granted (listed in your previous emails) this would be a good compromise.

Thank you.

Kind regards,

[REDACTED]

On 26 Sep 2022, at 11:27, Deborah Bragg
<Deborah.Bragg@leicester.gov.uk> wrote:

Hello [REDACTED]

I can approach the applicant and see if he would be willing to reduce the area and come back to you.

Kind regards

Deborah

Deborah Bragg MIOL
Licensing Manager (Policy and Applications)

Licensing Authority
Leicester City Council
Email: deborah.bragg@leicester.gov.uk
Telephone: 0116 4541924
www.leicester.gov.uk/licensing

If you have made an application or sent us an email and have received an automatic acknowledgment please do not try and call licensing – we will respond to you as soon as we are able.

Applications and emails are dealt with in strict date order.

Sent: 26 September 2022 11:04

To: Deborah Bragg <Deborah.Bragg@leicester.gov.uk>

Subject: Re: REF: N&ES/LIC/StreetCafe

Dear Deborah,

Thank you for letting me know what will now happen going forward.

It's a shame that this couldn't have been resolved without the need to go to Committee as we would have been happy with a reduction in the size of the proposed seating area to allow clear separation between the two businesses.

Please let me know when a date has been set for the meeting.

Kind regards,

[REDACTED]

[REDACTED]

[REDACTED]

On 23 Sep 2022, at 12:30, Deborah Bragg
<Deborah.Bragg@leicester.gov.uk> wrote:

Hello [REDACTED]

Your concerns will be referred to the Licensing and Enforcement Committee for members to make a determination on the application alongside the representation from Enforcement which includes the proposed conditions.

You will be invited to attend the meeting along with the applicant and members will hear from all parties before deciding whether to grant a licence or not.

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Kind regards

Deborah

Deborah Bragg MIOL
Licensing Manager (Policy and Applications)
Licensing Authority
Leicester City Council
Email: deborah.bragg@leicester.gov.uk
Telephone: 0116 4541924
www.leicester.gov.uk/licensing

If you have made an application or sent us an email and have received an automatic acknowledgment please do not try and call licensing – we will respond to you as soon as we are able.

Applications and emails are dealt with in strict date order.

From: [REDACTED]
Sent: 23 September 2022 12:14
To: Deborah Bragg <Deborah.Bragg@leicester.gov.uk>
Cc: Toni Tidmarsh <Toni.Tidmarsh@leicester.gov.uk>
Subject: Re: REF: N&ES/LIC/StreetCafe

Dear Deborah,

Thank you for this further information.

On the basis that you still haven't addressed the main issue/concern we raised relating to the excessive size and proximity to our business door and own street cafe I have to no choice but to continue with my

original representation.

Can you please respond regarding the above original issue?

Kind regards,

[REDACTED]

[REDACTED]

[REDACTED]

On 23 Sep 2022, at 14:05, Deborah Bragg
<Deborah.Bragg@leicester.gov.uk> wrote:

Good morning [REDACTED]

The Highways Team have been consulted and have not objected to the application which include the plan that was submitted as part of the application and is online as part of the application documents.

I have not seen any other plan as yet with a reduced number of tables/chairs have you have indicated.

I have seen the email that Toni sent you earlier this month and this is the plan that has been consulted on.

With regard to the condition on the alcohol licence 'No alcohol is to be allowed out in open vessels from the premises unless containers are sealed, and persons are leaving the vicinity'.

The proposed condition of the pavement café is that 'Customers will not be permitted to stand and consume drinks within that area'.

This means that customers would not be drinking in the area only sat.

The applicant has said that his business is that of a nail bar not a bar/café.

Kind regards

Deborah

Deborah Bragg MIOL

Licensing Manager (Policy and Applications)

Licensing Authority

Leicester City Council

Email: deborah.bragg@leicester.gov.uk

Telephone: 0116 4541924

www.leicester.gov.uk/licensing

If you have made an application or sent us an email and have received an automatic acknowledgment please do not try and call licensing – we will respond to you as soon as we are able.

Applications and emails are dealt with in strict date order.

From: [REDACTED]
[REDACTED]

Sent: 23 September 2022 11:31

To: Deborah Bragg <Deborah.Bragg@leicester.gov.uk>

Cc: Toni Tidmarsh <Toni.Tidmarsh@leicester.gov.uk>

Subject: Re: REF: N&ES/LIC/StreetCafe

Dear Deborah,

Thank you for your email concerning the above application and our representation.

While we welcome these conditions that will be placed on the street license should it be granted they do not address either of the main issues/concerns we've raised.

1. We were told that the sale and consumption of alcohol outside the premises must be sealed and taken away from the vicinity so not within the proposed Street Cafe area under the conditions of their actual alcohol license. (As stated clearly in an email from your colleague Victoria) That the business is not permitted to operate as an "open bar to the public " but a "Nail Bar" offering

alcohol only to clients receiving a treatment.

2. The size and scale of the proposed seating area, 14 x tables and 28 x chairs and it's effects on our business in terms of visibility - accessibility - swallowing up of our own small street cafe.

(N.B It has also come to my attention that the virtual plan online is different to the one your colleague Toni sent me and only shows 2 x tables and 4 x chairs. Have highways seen the correct proposed plan?)

Unless the issues above are addressed I have no choice but to continue with my representation stated in my previous email.

Kind regards,

[REDACTED]

[REDACTED]

[REDACTED]

> On 23 Sep 2022, at 11:49, Deborah Bragg
<Deborah.Bragg@leicester.gov.uk> wrote:

>

> Good morning Miguel

>

> Thank you for your email regarding the application for the Guild Rooms.

>

> Our enforcement team have put forward come conditions that they feel are appropriate to manage the space should a licence be issued. They are in dialogue with the applicant to seek his agreement to those conditions which are listed below:-

>

> 1 The licence holder shall ensure that the street café pavement licence area is properly supervised by a member of staff at all times when it is open

>

> 2 The licence holder will ensure that street café pavement licence area is fully covered by the premises CCTV and that no umbrellas, parasols or other coverings are used at any time.

- >
- > 3 The licence holder shall ensure CCTV is retained for a minimum of 31 days and permit the identification of individuals in all lighting conditions. It must be available to the police, local authority or authorised persons at the time of request
- >
- > 4 All customers using the area covered by the pavement licence will be required to be seated with the exception of entry and egress. Customers will not be permitted to stand and consume drinks within that area.
- >
- > 5 No amplified or unamplified music or other entertainment will be permitted.
- >
- > 6 The Leicester City Council Festivals and Events Team reserve the exclusive right to use the space if required for council needs after written notification to the licence holder and Licensing.
- >
- > Would these conditions alleviate your concerns regarding the application?
- >
- > Kind regards
- >
- > Deborah
- >
- > Deborah Bragg MIOL
- > Licensing Manager (Policy and Applications)
- > Licensing Authority
- > Leicester City Council
- > Email: deborah.bragg@leicester.gov.uk
- > Telephone: 0116 4541924
- > www.leicester.gov.uk/licensing
- >
- > If you have made an application or sent us an email and have received an automatic acknowledgment please do not try and call licensing – we will respond to you as soon as we are able.
- >
- > Applications and emails are dealt with in strict date order.
- >
- >
- >
- >
- >
- >

> -----Original Message-----
> From: [REDACTED]
> [REDACTED]
> Sent: 22 September 2022 20:36
> To: Deborah Bragg <Deborah.Bragg@leicester.gov.uk>
> Cc: Toni Tidmarsh <Toni.Tidmarsh@leicester.gov.uk>
> Subject: Re: REF: N&ES/LIC/StreetCafe
>
> Dear Deborah,
>
> Representation for above Street Cafe Application:
>
> Guild Rooms
> 1-3 Guildhall Lane
> Leicester
>
> On close inspection of the plan for the proposed Street
Cafe (reference above) and further to ongoing
discussions with your colleague Toni Tidmarsh we have a
number of concerns.
>
> The main concern being the size and scale of the
proposed area and its proximity to both the fire exit and
the entrance to our business.
>
> A seating area of this scale will limit accessibility to our
business and at the same time severely diminish the
visibility of our own small Street Cafe which would be
swallowed up by another seating area being positioned
so closely adjacent our own.
>
> As a Cafe on a side street whose core business for the
past 22 years has been hospitality we are reliant on clear
visibility from the main thoroughfare and so this is of
great concern to us.
>
> We have been advised by Licensing that this proposed
Street Cafe is for a Nail Bar with a license to serve
alcohol to customers receiving treatments inside the
premises only.
>
> Both the area and number of tables and chairs applied
for seem excessive for a business of this nature (nail bar)
and completely disproportionate.
>
> This is not helpful in presenting a consistent message
to the public as an outdoor seating area of this
magnitude would normally be for a large restaurant or

bar.

>

> For these reasons I propose that any Street Cafe if granted should be considerably reduced in size to more appropriately reflect the nature of its core business and in order to create a clear separation between our two businesses.

>

> Kind regards,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [Deborah Bragg](#)
To: [LicensingEnforcement](#)
Subject: FW: Application for Grant of Street Cafe Licence
Date: 07 October 2022 15:16:54
Attachments: [Feedback on Street Cafe.pdf](#)

Afternoon

I am dealing with this application and it will be referred to the next committee for a decision.

[REDACTED]

Cheers

Deborah

Deborah Bragg MIOL
Licensing Manager (Policy and Applications)
Licensing Authority
Leicester City Council
Email: deborah.bragg@leicester.gov.uk
Telephone: 0116 4541924
www.leicester.gov.uk/licensing

If you have made an application or sent us an email and have received an automatic acknowledgment please do not try and call licensing – we will respond to you as soon as we are able.

Applications and emails are dealt with in strict date order.

From: The Guild Rooms [REDACTED]
Sent: 05 October 2022 17:24
To: Deborah Bragg <Deborah.Bragg@leicester.gov.uk>
Cc: [REDACTED]
Subject: Re: Application for Grant of Street Cafe Licence

Hi Deborah,

I hope you are well.

We ave agreed to Toni's conditions, signed and sent back the form.

Following your correspondence, we have spoken directly with our neighbours regarding their

complaint in the hope of trying to resolve this matter between ourselves. Unfortunately no compromise could be agreed.

I have attached some further information to support my feedback, as on balance we do think the complaint has simply come from an anti -competitive stance.

We very much feel it's justified to frame our property and use the immediate area in front of our property without adding in additional space between the two buildings. There is already a natural gap formed by a doorway and fire exit between their property and ours which many other businesses with a similar set up in neighbouring streets, are not fortunate to have, yet continue to operate without issue (please see attached).

Our neighbours have continued to use the space in front of our property without consent to promote their own business (pls see attached for examples) and once our own tables & chairs are here, they will be unable to do so. This, we believe, has been a substantial motivating factor to putting in the complaint.

We do not believe our proposal "swallows" their business in any way. We simply want to use the natural space outside our shop to promote our own business. We believe it's unjustified to use a size comparison due to us having a larger unit. The amount of space we have outside directly correlates to the size of our property, therefore the property border and number of tables and chairs should be comparative to the space also.

Looking at the view of both properties from the crossroads of Loseby Lane / Guildhall Lane / Silver Street / Carts Lane - the line of building naturally curves round their property, so it is still very much visible, which we hope you will see from the images attached.

As already noted, you will also see the clear gap/divide between the two premises in the form of access for a fire door.

Their suggested division would not line our property adequately and simply make it look odd if the divide is not inline with the natural outline of the building.

We can't also help but think that given his unreasonable attitude over what space he uses on the street outside his own border, that the placement of his barriers, signs, tables and chairs will inevitably keep encroaching back in front of our property without consent to further his own objectives. Coming to a decision now to have a clear boarder at the natural division of the two businesses will stop them from continuing use this space and prevent further conversations on the matter.

We are hoping an exhaustive internal review is avoidable. If you could review my comments and see if there is any room to approve without the next course we'd be very appreciative.

Many Thanks

A black rectangular redaction box covering the signature area.

On Tue, Sep 27, 2022 at 3:39 PM Deborah Bragg <Deborah.Bragg@leicester.gov.uk> wrote:

Good afternoon [REDACTED]

Nice to speak to you earlier – as per our conversation here is my email.

I am dealing with your application and the date for representations has now ended.

We have received comments from a neighbouring business who is concerned that your proposed area to be licensed may have an adverse impact on his business. Please see below:--

1. We were told that the sale and consumption of alcohol outside the premises must be sealed and taken away from the vicinity so not within the proposed Street Cafe area under the conditions of their actual alcohol license. (As stated clearly in an email from your colleague Victoria) That the business is not permitted to operate as an "open bar to the public " but a "Nail Bar" offering alcohol only to clients receiving a treatment.

2. The size and scale of the proposed seating area, 14 x tables and 28 x chairs and it's effects on our business in terms of visibility - accessibility - swallowing up of our own small street cafe.

I have addressed the concerns raised in point 1.

Ordinarily I would refer your application to the Councillors to make a decision on your application, however the concerned business has contacted me asking whether you would consider making an amendment to your plan, please see below:-

If the applicant agreed to reduce the area by at least the width of their window nearest to our door (the last of 3 to finish at their down pipe)

This would allow for a clear area of separation between the two businesses.

Along with all the additional conditions Licensing will be placing on the Street Cafe should it be granted (listed in your previous emails) this would be a good compromise.

I am aware that you have been in discussion with our enforcement officer – Toni Tidmarsh regarding conditions that are felt appropriate to be added to the licence should we grant a

licence. We are awaiting a signed agreement if you can arrange to send this back to us.

I look forward to hearing from you.

Kind regards

Deborah

Deborah Bragg MIOL

Licensing Manager (Policy and Applications)

Licensing Authority

Leicester City Council

Email: deborah.bragg@leicester.gov.uk

Telephone: 0116 4541924

www.leicester.gov.uk/licensing

If you have made an application or sent us an email and have received an automatic acknowledgment please do not try and call licensing – we will respond to you as soon as we are able.

Applications and emails are dealt with in strict date order.

View on Guildhall Lane



Neighbours Street Café Area

Proposed Street Café Area

Natural gap / access for FIRE EXIT

View on corner of
Loseby Lane /
Guildhall Lane



The natural angle of the street does not impact the view of the
neighbours property (A Board is incorrectly/illegally sited)



Examples of side by side street cafes with no natural gaps / enhancing aesthetics and cohesiveness of businesses

Multiple violations of the Street Café Licence



APPENDIX F

REPRESENTATIONS

	Representee	Address
B	Miguel d'Almeida	Almeida Coffee and Juice Bar, 5 Guildhall Lane, Leicester LE1 5FQ

Appendix C

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Appendix D

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

