



Leicester
City Council

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

Held: MONDAY, 2 JUNE 2025 at 10:00 am

P R E S E N T:

Councillor Barton (Chair)

Councillor Bonham

Councillor Chauhan

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8. APPOINTMENT OF CHAIR

Councillor Barton was appointed as Chair.

9. APOLOGIES FOR ABSENCE

There were no apologies for absence.

10. DECLARATIONS OF INTEREST

There were no declarations of interest.

11. MINUTES OF PREVIOUS MEETING

The Sub-Committee agreed that the minutes of the previous meeting held on 28 April 2025 to be submitted for approval in the meeting on 17 June 2025.

**12. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE -
3 LITTLE BIRDS RESTAURANT LTD, 40A-42 HINCKLEY ROAD,
LEICESTER LE3 0RB**

Councillor Barton, as Chair led on introductions and outlined the procedure the hearing would follow.

The Director of Neighbourhood and Environmental Services submitted a report on an application for a variation to an existing premises licence for 3 Little Birds Restaurant Ltd, 40a–42 Hinckley Road, Leicester LE3 0RB.

Mr Vijay Mistry, the director of the applicant (3 Little Birds Restaurant Ltd) was

in attendance. Also present were the Service Manager (Regulatory Services) and the Legal Adviser to the Sub-Committee.

The Service Manager (Regulatory Services) presented the report and outlined details of the application.

A representation was received on 1 May 2025 from a member of the public. The representation related to the prevention of public nuisance. The representee was concerned that any increased hours would add to the existing noise issues from the music's bass beat. Additionally, as the rear door was often left open noise can be heard from bottles being thrown into a skip. People leaving the premises often made excessive noise. They also pointed out that there was strict planning permission (hours) in place already for these premises which was regularly breached. The Planning and the Property confirmed there was a restriction in place until 23:00 hours.

A second representation was received on 7 May 2025 from a member of the public. The representation related to the prevention of public nuisance. The representee was concerned that any extension to any hours would add to the existing noise nuisance.

None of those representers were present. Their written representations were distributed to the Sub-Committee and taken into considerations.

Mr Mistry, the representative of the applicant company, was given the opportunity to present their case, and answered questions from Members of 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 their 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 decision and reasons would be 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 Members of the Sub-Committee and Governance

Services Officers to withdraw from the meeting. Members 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. The observer from Legal Services also returned at that time.

RESOLVED:

The Sub-Committee's decision is that it is appropriate for the promotion of the licensing objectives to **REFUSE** the application.

REASONS

The Sub-Committee decided to refuse to grant the application for the variation sought, as to do so would not uphold the Licensing Objectives due to:

- The applicant's breach of planning hours.
- The effect of the variation upon residents in the local area.

The Committee were concerned about the applicant's ability to uphold the Licensing Objectives due to his failure to comply with the planning hours which restricted licensable activities at the premises, as breach of these had been admitted. The Sub-Committee noted Mr Mistry intended to contact the Planning Department post hearing and make the necessary application.

The Sub-Committee took into consideration representations from members of the public which referenced existing issues (particularly noise from the premises and noise from patrons) which would clearly be extended if the variation was to be granted. It is clear that the extended hours requested by the applicant were inappropriate for a residential area. This could affect resident's health and wellbeing and as suggested in the written representations.

The Sub-Committee's decision has been made to promote the licensing objectives in the overall interest of the local community.

13. ANY OTHER URGENT BUSINESS

With there being no further business, the meeting closed at 11:00am.