

Representation in respect of a New Premises Application

Licensing Act 2003

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

Details of premises representation is about:	
Name of Premises:	Popeyes Express Welford Limited
Address of premises:	40 Welford Road Leicester LE2 7AA
Application No. (if known)	155334

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

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

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

The application is for a new Premises Licence for the sale/supply of late-night refreshments only. Late-night refreshments are requested from 18:00hrs to 06:00hrs Monday to Sunday, and the premises proposes to open to the public from 18:00hrs to 06:00hrs Monday to Sunday. Seasonal variations have not been applied for.

The application suggests that the premises currently operates as a fast food restaurant/takeaway, order/collection point for fast food cuisine. The customer service counter is in the middle of the premises with the cooking and preparation and storage area at the rear of the premises.

The premises is on the ground floor at 50 Welford Road. There is an entrance and exit at the front. At the rear of the premises, the rear door leads to a small court yard. There is no residential premises above the premises.

The premises is located on Welford Road a predominately commercial area. The premises is in close proximity to various residential properties (blocks of flats, student accommodation and flats above commercial premises and houses), Leicester Royal Infirmary (LRI), and a variety of businesses ranging from retail, businesses, eateries, cafes and late-night bars, and offices. There are two multi-story car parks on Regent Road and Newarke Street. Welford Road is an arterial route into and out of the city giving access to LRI, LCFC stadium, Leicester Tigers and HMP Leicester Prison.

The proposed area to be licensed is on the ground floor and first floor. There is one front door for access and egress, and rear exit door leading to a small yard at the back of the premises. On the ground floor internally there is a shelf by the front window, in the middle is the food serving counter and in the rear the cooking preparation area and a washing area and a staircase leading to the upper floors. On the first floor there is a laundry room, a storage area, and staff bathroom. The 2nd floor is not covered by the application and is uninhabited. There is a bin in the customer area, and there is a Leicester City Council waste bin situated in front of the premises.

The previous Late Night Refreshment Licence for the premises was for the period 24/11/05 to 4/3/19, and the activities were for Mon-Sun 11.00am to 2.00am.

On 3rd November 2022 at 16:35hrs Licensing Enforcement Officers hand delivered to the premises a letter stating that there was no premises licence in operation and that the business should not be serving hot food and/or drink beyond 23:00hrs. This was due to Popeyes had operated serving hot food and drink beyond 23:00hrs.

On 5th November 2022 at 18:20hrs Licensing Enforcement Officers revisited the premises and spoke to the owner/manager Mr Palwinder Singh. Mr Singh was advised that no further activities of selling hot food and/or drink should continue until a premises licence was in place.

On 24th June 2023 at 23.43pm Licensing Enforcement Officers observed the premises open with the premises lights on, the open sign lit up, the entrance door unlocked, and with a female staff behind the counter in the preparation area.

On 3rd July 2023, Popeyes website, www.popeyes.online/welfordroad/contact-us.html, showed their opening times as Mon to Sun 5.30pm-5.30am.

On 5th July 2023 Licensing Enforcement Officers hand delivered to the premises a final warning letter stating that there was no late night refreshment licence in operation and that the business should not be serving hot food and drink beyond 23:00hrs, because Popeyes had been operating

serving hot food and drink beyond 23:00hrs. Licensing Enforcement Officers spoke to Mr Palwinder Singh who identified himself as owner, and he was advised that no further activities of selling hot food and/or drink should continue until a Late Night Refreshment licence was in place.

On 8th July 2023 at 23.11pm Licensing Enforcement Officers observed the premises open with the premises lights on, the open sign lit up, the entrance door unlocked, and a customer left the premises with food.

On 9th July 2023 at 00.36am Licensing Enforcement Officers observed the premises open with the premises lights on, the open sign lit up, the entrance door unlocked, and a customer left the premises with food.

On 19th July 2023 the applicant submitted a Temporary Events Notice to commence for the period 3rd August 2023 to 10th August 2023.

On 7th August 2023 at 11.00am, Minaxi Patel, Licensing Enforcement Officer within the Licensing Enforcement Team at Leicester City Council carried out a joint visit to the premises with PC2093 Jefferson Pritchard, Leicester City Centre Licensing Officer. Present was Mr Saad Ahmed, the applicant, and Mrs Mrs Sharengit Kaur (who is the wife of Mr Palwinder Singh). The general operation of the premises was discussed and the applicant explained some of the methods to counter some of the concerns that were raised.

Mr Ahmed said that on 3rd April 2023 he took over the business from Mr Palwinder Singh and that he leases the premises from Denniz Cam. He had been aboard from April to 22nd June 2023. He confirmed the sight and reading the final warning letter from Leicester City Council. He stated that the business operated from 18:00 to 24:00hrs, and he corrected that the business operated from 18:00 to 23:00hrs, then one hour to clean and during this hour no food was served to customers.

Mr Ahmed said during the week there would be himself with a member of staff serving and cooking food, and at the weekend there would be another additional staff. He said they have two delivery drivers who use cars to make deliveries, and they enter they cooking area to pack and collect the order. He said that after midnight about 75% of the business was delivery and 25% was customers ordering at the premises. He said that Mr Palwinder Singh was a delivery driver and served behind the counter. He said that he has experience in the takeaway business as he was a manger for two years at American Fried Chicken on Saffron Lane.

At the premises there were a total of 8 cameras as follows: two at the front of the premises; one in the customer area; two in the cooking area; two in the washing area, and one in the rear yard. Mr Ahmed said that the CCTV records for 24 hours only, and then deletes and restarts recording again. He said that he had a quote to install a new system including new cameras and that he will be able to access on his mobile, and he has accepted the quote and he was waiting for the installation person to be available to install the new system. He said he did not know how to download the images but would find out. He was advised that the CCTV images should be retained for 31 days.

Mr Ahmed confirmed the business website was www.popeyes.online/welfordroad/ and any alterations was via the website operator. He stated that he lasted looked at the website about one/two months ago and that the closing time on the website was 06:00hrs.

Mr Ahmed was unaware of 'Ask Angela', and this was explained by Jefferson Pritchard. Mr Ahmed said that he would find out more on the internet and inform his staff.

The Licensing Authority do have concerns about the premises and the effects it may have on the local community, both business and residential. This relates to the timings of the applied activities, the location of the CCTV cameras, and the detail of the operating schedule that has been applied for.

We believe that with the amendments and additions shown below that the premises and applicant could promote the licensing objectives in line with conducting their business in a safe manner.

Conditions Details:

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

We have detailed, for clarity, those that

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

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

(a) Conditions to be replaced from Operating Schedule

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

Operating Schedule Wording:

- We as a business will be doing our part to ensure the safety of the public is able to be highly maintained. This will be done by ensuring that all our CCTV cameras are in operation at all times, so that we are able to have photographic evidence that we would later be able to use in order to make sure the citizens of the area are well protected and also feel they are protected. We will also be continuously checking if all cameras are operating successfully and efficiently, this will be a routine check.

To be replaced with:

- The licence holder will ensure a high definition, coloured CCTV camera system is installed, operational and recording whilst the premises is open to the public. The system must permit the identification of individuals at which must be considered in conjunction with Leicestershire Police.

- CCTV images must be securely stored, display an accurate date/time stamp and retained for a minimum of 31 days. Cameras must cover all areas that the public have access to, including the entrance/exit and pavement area immediately outside the premises.
- The licence holder will ensure that there is always a member of staff trained and available to download images/footage immediately or an agreed timescale if requested by the police or the Licensing Authority.
- The licence holder will ensure all incidents are recorded and logged. These records will be kept on site and made available to the authorities upon request.

(b) Conditions to be removed from Operating Schedule

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

Operating Schedule Wording to be removed:

- We will promote the licensing act of 2003, late night refreshment licensable activities.
- We will be taking steps and doing our part to ensure that we report any suspicious activities that could possibly pose a threat against the laws of this area. Furthermore, we will be taking steps by exclusively training our staff to be able to react in an efficient and effective way towards any crime or disorder that they witness so that are able to prevent any criminal offences.
- We will be ensuring that all staff are well prepared in case they are witnesses to any sort of public nuisance so that they will know the exact protocols such as reporting any extremely worrying activities that may possibly pose a serious threat to individuals of the public.
- We will also be trying our hardest to guarantee that we are able to make our contribution to serve society and provide aid and assistance to all children in order to protect them from any harm and dangers that could negatively affect them. This will be done by ensuring that we have all emergency contacts linked to our restaurant on speed dial. We will also ensure our staff are regularly exposed to the national safety measurements that are to be followed in case of any worries for a child's safety and wellbeing.

(c) Requested Additional Conditions

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

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

- The late-night refreshment activities on the below days be restricted to the following: Mondays to Thursdays from 23:00hrs until 02:00hrs, and Fridays to Sundays from 23:00hrs until 03:00hrs.
- The opening hours for the premises on the below days be restricted to the following: Mondays to Thursdays from 18:00hrs until 02:00hrs, and Fridays to Sundays from 18:00hrs until 03:00hrs.

- The licence holder will ensure that a full fire risk assessment will be conducted, reviewed and implemented in line with Fire Safety Legislation annually.
- There will be regular safety checks of areas such as entrances/exits and recorded in a logbook which will be kept on the premises and immediately available upon request from any authority officers.
- The licence holder shall take reasonable steps to prevent public nuisance being caused by customers outside the premises by displaying prominent Quiet notices requesting customers respect the needs of local residents.
- The Licence is subject to Leicester City Council's Standard Conditions for Places of Public Entertainment, published on the Licensing Authority's website www.leicester.gov.uk/licensing
- No deliveries to the premises shall take place between the hours of 22.00hrs and 07.00hrs on any day.
- Mr Palwinder Singh will have not have any part in the running of this business in any way and will not present at the premises save for conducting deliveries for the business. The details of the deliveries conducted by Mr Palwinder Singh including times, locations etc will be recorded and available to authorities immediately upon request.

Appendix:

No Appendix

Click or tap here to enter text.

Authority Signatures:

Tj Mavani
Licensing Enforcement Manager
Leicester City Council
08/08/2023

Reporting Officer
Minaxi Patel

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, Leicestershire Fire & Rescue Service
- (2) Applicant and/or Agent

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

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

Dear Licensing Authority,

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

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

Please note:

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

Signed 1: 

Name in block capitals: SAAD AHMED

Application Capacity: DIRECTOR

Date: 09/08/2023

Signed 2:

Name in block capitals:

Application Capacity:

Date:

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