

Leicester, 27 December 2023

Palmarina

Dear members of the licensing team and local authorities,

We have attentively read the representation made by Mr Chris White against our variation application and we would like to have the opportunity to address the objections point by point:

Regarding the nature of our business:

We get the impression from the representation that Mr White thinks that our premises is just another one of that kind of bar or pub that is likely to attract loads of trouble, but he may not be aware of the nature of our clientele. We do not aim for our business to attract lager louts. We are a tapas bar, aimed at a higher quality clientele, a place where people can sit down and enjoy conversation and a drink with their tapas. Another part of our activities is that we are a place for events by businesses, charities and local authorities' initiatives to promote inclusiveness and diversity in the local community. We partner with and host events for the NHS, Leicester Mamas, and the Leicestershire Police Federation, among others. We hope this clarifies the type of clientele we aim to attract and partner with.

Regarding location:

Mr White writes in his email about the location of Palmarina in a row of shops. There are no issues that we are aware of with the owners of other shops. We have a good relationship with them and we have had no complaints from them regarding playing music, either in the day or in the evening. Regarding being next to a hot food business; I'm not sure if Mr White is aware that this hot food place has not been open for many months as the current owners have fallen out with each other and have not been operating the business at all and the business has been closed for well over a year. So, whatever his concern about our premises being next to a hot food business, it is not based on existing circumstances. Additionally, our late night refreshments do not involve the kind of fast food take-away such as the owners of the hot food business next door shop intended to sell, but it involves tapas-oriented food that is aimed at a higher quality clientele, which will be consumed while sitting at tables indoor and not outside the premises. So, it's a different clientele altogether.

Regarding on street activity:

Mr White expresses concerns about "on street activity." It should be noted that this is not unique to Palmarina but involves other bars and pubs as well. Given the smaller size and the nature of our Tapas bar, it should be clear that any such activity would be less than the typical activity outside the larger bars and pubs on Narborough Road, Braunstone Gate, or the pub 200 metre up the road from us, which is also very close to residential properties. It is not clear why such places could have the same or similar late hours that we also request, but when Palmarina applies for it, it is regarded as a potential problem for even just 2 people to stand outside. Other bars and pubs, even the one 200 metre up the road from us, regularly have as much as 20 to 30 people standing in front of their premises, despite residential flats nearby, or above them. Is there one standard for Palmarina and another for other licensed premises?

Regarding noise from smokers or customers leaving:

As Mr White admits in his email, there are always high volumes of traffic on King Richards Road which in itself produces relatively high noise levels even up to 23:00. So, even without the existence of the Palmarina premises, local residents are used to elevated noise coming from the street. Mr White raises the concern that our extended hours are going to cause significant extra noise nuisance from people congregating outside after 23:00, while smoking. However, we do not allow customers to take their food or drinks outside of the premises, so that they are encouraged not to prolong the time they spend outside while going out for a smoke. There can be no break-out noise at the back as the back gate is not used for the public. Also, we make our customers aware to be considerate to our

neighbours when leaving the premises or going for a smoke out in front. Additionally, we will have door supervisors who keep an eye on how many people are in front of the property at the same time.

We want to further state that we have had conditions imposed to not use the backyard for fear of noise, so we can't let people smoke there. By law they can't smoke inside either, and now it is suggested that even as few as 2 people smoking in front can be a problem. So, it seems we are being condemned whatever we do, and however much we adhere to the rules. Should we be the only pub in Leicester where late night customers can not go out for a smoke in front, in distinction to every other premises? That would seem very unfair and discriminatory. Besides, the flat directly above our premises has never complained about noise coming from customers leaving the premises or smoking outside the premises. (See statement by tenant of the flat.)

Regarding our statements about music

We noted that Mr White has not correctly interpreted the meaning of our statements in the application. We very specifically wanted to reassure you that we are not the kind of bar that plays loud thumping music late at night into the early morning. For this purpose we very clearly stated that the music after 23:00 and before 10:00 would be soft relaxing background music. We wanted to show that the level of sound would be extra considerate. The meaning of our statements was not, as Mr White seems think, that we aim to play music at high volume at all other times. This is a misinterpretation of the meaning of our statements, which was merely intended to reassure that we are sensitive to our neighbours and will not be a nuisance to them when our extended hours are approved. We are a bit baffled how a statement of good intentions was read to mean the opposite.

Regarding the level of insulation and noise complaints

Mr White seems to have formed his advice based on a personal value judgment that has no foundation in current data but is based on out-of-date reports of noise complaints, the validity of which we will address in a moment. We first wish to make it clear that before our renovation we had already consulted with councillor Shaye O'Donald about noise levels and preventive measures. We have listened to the Council's advice about installing insulation up to a standard of 175mm and to make sure that we never cause any noise nuisance, we went far above the advice given and installed insulation in the ceiling up to a standard of 300mm, to avoid any doubt that there could be noise nuisance. We understand from Mr White's presentation that he has made a personal value judgment based on the assumption that this kind of insulation can be very expensive and that he therefore doubts that we did install this or did not do this adequately. Rather than being based on assumptions, we would like our application to be evaluated based on facts. We do not think that Mr White has demonstrated that our premises have created abnormal noise nuisance at our existing hours since we have reopened, but he seems to rely on previous reports of complaints, which we will now address.

Regarding out-of-date and false reports of noise

We would like to point out that Palmarina has had many months of renovation during which there was not even any music played. So, the reports that Mr Whites relies on are from before the renovation and out of date. We have never received any complaint about noise from our upstairs neighbour nor from the adjacent shops. Please note that our premises are at ground level and that the other residential flats are not directly above the area where music is played and that the tenant of the flat directly above us has never complained about noise nuisance. Additionally, he has provided a written statement to this effect, which we have attached.

Furthermore, we would like to address the "large volume of complaints" from residents on Kate Street. We suspected that these complaints were based on malicious fiction of just one certain resident with their own agenda to prevent us from having an alcohol licence. We had in the past checked the sound levels, even before our renovation and we knew that at the flats, being far away from the premises, it was impossible to hear noise. This was checked both when you stood near the flats on Kate street. and even next to the back gate of our premises. We had to put our ear on the gate to hear

anything. Remember this was already the case before we installed extra insulation and before the exit was moved to reduce breakout noise, how much more it is the case now! After we had our suspicions about the complaints for a long time, we now have had the malicious nature of these complaints confirmed by another resident on Kate Street who in conversation with this resident who made these claims, personally experienced that she was acting out of spite and maliciously complained about noise where there was none. He told us that this resident, by the name of [REDACTED], used to have her own pub and lost the pub. Now she was not happy to see someone else apply for an alcohol licence and succeed, and she vowed that Palmarina would never get their alcohol licence. The local resident who reported to us his conversation with her is prepared to testify to this in writing if required. We are also thinking of legally pursuing this matter of making false statements regarding an application as it is clearly illegal and she has caused our business damage through a loss of income.

Another person we would like to bring to your attention, for potentially making false complaints right now, is [REDACTED]. He used to be a personal friend and frequented our business but there was a falling out due to a clash of personality that has led him to seek revenge against our business. His intentions are to destroy Palmarina in order to get back at the owner. We know this because in his anger and bitterness he shared his intentions with several locals, including our upstairs neighbour. For this we will also be able to provide written statements, in case his name has come up in relation to a false complaint he may have made against Palmarina. Furthermore, we are gathering the full information regarding false reports for handing it over to the authorities.

In Conclusion

We resent any suggestion that singles out Palmarina as potentially being particularly disruptive, when we are probably the only licensed premises in Leicester that has never needed the police to come around to deal with fights, disorderly behaviour, or extravagant noise for that matter. In fact, we are supportive of the police and local authorities and to keep the local environment safe and being a deterrent to local crime. Additionally, our premises have CCTV cameras and are secured and backed up by a professional security company. There is no data to lend credence that our premises would be a great nuisance at the back or that the type of customers we have would cause great nuisance at the front of our premises, especially since we will have door supervisors. Our clientele will mainly consist of working professionals who are looking to relax in a mellow bar where they can chat while consuming snacks and a drink, and that is what we are aiming at.

We would like our application to be evaluated without any interference from personal value judgment, misrepresentation, false reports by people who have an agenda or who don't like diversity. There can not be a different treatment and evaluation for Palmarina only, as this would constitute special preferential treatment for one but not for the other. We are not asking for anything beyond what other licensed premises would ask for. We are only asking for extended late hours for the weekend and for very limited holidays.

We consider our application to be reasonable and worthy of a fair outcome. We thank you for considering our comments in fairness.

Sincerely,

[REDACTED]
Arbi Oudira

Palmarina
109 King Richards Road

27 December 2023

Leicester

To whom it may concern,

I, [REDACTED] am the tenant of [REDACTED] the residential flat directly above the tapas bar known as Palmarina.

I wish to confirm that in the time that I have lived here, I have never made a complaint about noise in my flat, or about any other potential disruption or nuisance by Palmarina or their customers, neither to the owner of Palmarina, nor to the council or to any local authority.

I have been a tenant of the above flat since February 2019 up till now.

Sincerely,

[REDACTED]