

Appendix A

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence or club premises certificate 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 Lorraine Moore

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Curry Flavour 225 Uppingham Road Leicester LE5 4DG	
Post town Leicester	Post code (if known) LE5 4DG

Name of premises licence holder or club holding club premises certificate (if known) Dharmesh Lacmo

Number of premises licence or club premises certificate (if known) LEIPRM1811

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

2) a responsible authority (please complete (C) below)

Yes

3) a member of the club to which this application relates (please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Lorraine Moore
Licensing Enforcement Team
Leicester City Council
115 Charles Street
Leicester
LE1

Telephone number

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

☐☐

Yes

☐

Please state the ground(s) for review

This review application relates to a licensed premises – Curry Flavour Restaurant and Bar, 225 Uppingham Road Leicester, LE5 4DG

The premises operates as a Restaurant Bar.

The Premises Licence, LEIPRM1811 was granted in February 2020. The current Premises Licence holder and Designated Premises Supervisor is Mr Dharmesh Lacmo LEIPRS4411. The premises operates as a restaurant/bar which operates between 11:00am – 11:00pm Sunday to Thursday and 11:00am to 12:30am Friday to Saturday.

On application to obtain a premises licence, the application requested that the hours the premises are open to the public be:

Monday to Thursday 11:00hrs -23:00hrs
Friday and Saturday 11:00hrs - 02:00hrs
Sunday 11:00hrs - 23:00hrs

Late Night Refreshments:

Friday and Saturday 23:00hrs - 02:00hrs

Supply of Alcohol:

Monday to Thursday 11:00hrs - 22:30hrs
Friday to Saturday 11:00hrs - 01:30hrs
Sunday 11:00hrs – 22:30hrs

An agreement was reached with the Noise and Pollution Team that the:

Premises Opening hours:

Sunday to Thursday 11:00hrs-23:00hrs

Friday to Saturday 11:00hrs-00:30hrs

Supply of Alcohol:

Sunday to Thursday 11:00hrs-22:30hrs

Friday to Saturday 11:00hrs-00:00hrs

Late Night Refreshments:

Friday to Saturday 11:00hrs-00:30hrs

All external doors and windows shall be kept closed, other than for access and egress, in all rooms when events involving amplified/live music or speech are taking place.

**Note to applicant: This may mean air conditioning is required.*

Notices to be displayed, located by the exit requesting that customers leave the premises quietly and with consideration to neighbours.

An agreement was also reached with Leicestershire Police that:

Alcohol shall not be sold or supplied unless it is ancillary to a substantial meal that is purchased at the same time.

Customers who are purchasing take away food may also be served alcohol once their order has been placed.

Following the signed agreements being received, a premises licence was granted and has conditions attached, those that are mandatory under the Licensing Act, those consistent with the operating schedule and those that were attached following the signed agreements with the Noise and Pollution Team, Leicester City Council and Leicestershire Police.

On Saturday 30th April 2022, a visit conducted by two Licensing Enforcement Officers to Curry Flavour witnessed customers inside the premises drinking alcohol and it was evident that the kitchen was not open and no meals were being prepared or served. A male inside of the premises stated the kitchen was not open for food as the chef, Mr Lacmo was out of the country.

On Mr Lacmo's return to the country, he was interviewed under caution in relation to the offence contrary to the Licensing Act 2003 Section 136 - Unauthorised Licensable Activities. Mr Lacmo stated that whilst he was out of the country, he had left the responsibility of running the premises in the hands of five other people, none of which as far as we are aware hold a Personal Licence or have any knowledge of the Licensing Objectives.

As a result of this, Mr Lacmo was issued with a warning letter. Exhibit LM1.

On the 19th August 2022 at 23:07hrs, a Pollution Control Officer witnessed a noise nuisance from loud voices at the premises. As a result of this, a warning letter was issued. Exhibit LM2

On the 7th July 2023 a Pollution Control Officer from Leicester City Council witnessed a noise nuisance from loud voices, shouting and laughter at 22:50hrs. The doors/windows to the rear of the property were open allowing a noise breakout. There was also people congregating in the rear courtyard area. As a result of this, a warning letter was issued by the Noise Team. Exhibit LM3

On the 1st September 2023, a Pollution Control Officer from Leicester City Council again witnessed a noise nuisance from loud voices at 22:10hrs. As a result, a Noise Abatement Notice was issued on the 6th September 2023. Exhibit LM4

Since the 7th July 2023 to the 3rd January 2024 a further twelve telephone calls reporting a noise nuisance were made to the Noise Team at Leicester City Council.

On the 11th March 2024, a complaint was received regarding Curry Flavour Bar and Restaurant stating that the premises had stayed open all night playing cards, drinking and screaming all night, causing a noise nuisance.

On the 18th March 2024, two Licensing Enforcement Officers visited Curry Flavour Bar and Restaurant and met with the Premises Licence holder and Designated Premises Licence Holder Mr Dharmesh Lacmo in relation to the complaint.

Mr Lacmo stated that he had not been at the premises on the date the complaint relates to and that he had left the premises to go home to see his children and had left the keys with customers to lock up in his absence. Having viewed CCTV footage for the date and time the complaint relates to, it was witnessed that between the hours of 00:49hrs on the 10th March 2024 and 01:59hrs, two males in the rear garden smoking. A third male enters the rear garden which the Licensing Enforcement Officers identified as being Mr Lacmo. Exhibit LM5

Mr Lacmo has shown that he has not upheld his responsibilities as a Designated Premises Supervisor and Premises Licence Holder. He has allowed a number of individuals and customers to be inside the premises in his absence beyond the licensed hours. This has caused a noise nuisance on several occasions. Mr Lacmo has also allowed in his absence individuals to be a key holder who proceeded to undertake unauthorised licensable activities.

As a result of the latest complaint, the numerous reported noise complaints, warning letters issued, an Abatement Notice and the previous unauthorised licensable activities, Leicester City Council has no faith that Mr Lacmo has the ability to uphold the licensing objectives or adhere to the licence conditions

We therefore request a review of the premises licence as the licence holder is failing to uphold one of the licensing objectives:

- *The prevention of public nuisance*

6. This is the address which we shall use to correspond with you about this application.

yes

Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate **Yes**
- I understand that if I do not comply with the above requirements my application will be rejected **Yes**

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.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature L Moore

Date 10/04/2024

Capacity Licesning Enforcement Officer – Leicester City Council

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

Please tick ✓ yes

Have you made an application for review relating to the premises before

☐

If yes please state the date of that application

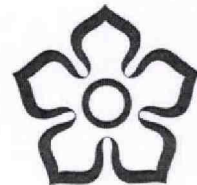
Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

Please provide as much information as possible to support the application (please read guidance note 3)

Direct line 0116 454 0049
Our ref: Lic/LEIPRM1811/LM
Date 18th July 2023



Leicester
City Council

Mr D Lacmo
Curry Flavour Restaurant & Bar
225 Uppingham Road
Leicester
LE5 4DG

Dear Mr Lacmo

WARNING: LICENSING ACT 2003 LEIPRM1811 CURRY FLAVOUR RESTAURANT & BAR

On the 30th April 2022, I visited the premises detailed above under the Licensing Act 2003 and was informed that you was out of the country. It was confirmed by a male inside the premises, that the kitchen was closed, but it was witnessed by myself and another officer that alcohol was being served consumed on the premises at the time of my visit without a substantial meal being served at the same time.. This was a breach of your Premises Licence.

As you are the registered Designated Premises Supervisor in respect of this premise, you are responsible for the sale of all alcohol purchased on the premises. It is your responsibility to ensure that the conditions on your Premises Licence LEIPRM1118 are upheld.

Records held by this office confirm that Curry Flavour Restaurant & Bar is licensed for the supply of alcohol for consumption 'ON' the premises only and ***"should not be sold or supplied unless it is ancillary to a substantial meal that is purchased at the same time. Customers who are purchasing take away food may also be served alcohol once their order has been placed"***.

In the event of your absence you should ensure that **ALL** conditions on your Premises Licence are upheld by any authorized person/s to manage the premises in relation to the Premises Licence.

Be informed that should further evidence be obtained to suggest that you are allowing the consumption of alcohol to take place on the premises without a substantial meal being purchased at the same time, you may be subject to prosecution proceedings and the licence may be subject to a review which could ultimately result in the revocation of the premises licence.

For your information the Licensing Objectives detailed in the Licensing Act 2003, are as follows:-

- **The prevention of crime and disorder.**
- **Public safety.**
- **The prevention of public nuisance.**
- **The protection of children from harm.**

You should be aware that in accordance with the Licensing Act 2003, Licensing Officers and Officers from the Leicestershire Police or local residents may request a review of a Premises Licence if they have concerns relating to the management of the premises.

At this time, **no further action** will be taken against you and you should take heed of the warning that has been issued to you.

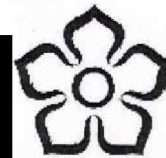
I trust the content of this letter clarifies the situation and hope to receive no further complaints of this nature relating to the premises detailed. Should you wish to discuss the content of this letter, please do not hesitate to contact me on the telephone number shown above.

Yours faithfully

Lorraine Moore
Licensing Enforcement Officer

Please ask for James Brown
Direct Line 454 5643
Our Ref 22/12893/GCOMP
Date 23 August 2022

The Company Secretary
Curry Flavour Leicester Ltd
225 Uppingham Road
Leicester
LE5 4DG



Leicester
City Council

Dear Sir / Madam

ENVIRONMENTAL PROTECTION ACT 1990
225 Uppingham Road, Leicester

Complaints have recently been received by this Department concerning excessive noise coming from your premises. These complaints have been investigated and I witnessed a noise nuisance from loud voices on the 19th of August 2022 at 23:07hrs.

Noise that is a nuisance can be dealt with under powers contained in the above Act. Please reduce the level of noise from your premises to ensure it does not cause a nuisance to your neighbours in the future.

I trust this matter will receive your prompt attention. If further noise nuisances are witnessed coming from your property, legal action could be taken against you.

Your landlord has been advised that a noise nuisance has been witnessed.

If you have any reasonable grounds for causing a nuisance on 19th of August 2022 at 23:07hrs, or you require any further information please do not hesitate to contact me on the telephone number given above.

Yours faithfully



POLLUTION CONTROL OFFICER
NOISE AND POLLUTION CONTROL TEAM

Please Note. You may be subject to surveillance by Leicester City Council via Officers and/or noise monitoring recorders for the next 6 months.

Please ask for James Brown
Direct Line 0116 454 5643
Our Ref 22/12893/GCOMP
Date 19/07/2023



Dharmesh Lacmo



Dear Sir

**Curry Flavour Restaurant and Bar, 225 Uppingham Road, Leicester,
ENVIRONMENTAL PROTECTION ACT 1990
LICENSING ACT 2003: PREVENTION OF PUBLIC NUISANCE**

I am writing to you as the Designated Premises Supervisor and Premises License Holder and therefore person responsible for the premises known as **Curry Flavour Restaurant and Bar, 225 Uppingham Road, Leicester.**

Complaints have recently been received by this Department concerning excessive noise from these premises. Noise that is a nuisance can be dealt with under powers contained in the above Acts

A noise nuisance from loud music and voices was witnessed coming from Curry Flavour Restaurant and Bar on the 7th of July 2023 at 23:00hrs. The doors/windows to the rear of the premises were open allowing noise breakout, and there were people congregating in the rear courtyard area.

Your premises licence LEIPRM1811 has the following conditions that must be adhered to:

- All external doors and windows are to be kept closed, other than access and egress, in all rooms when events involving amplified/live music or speech are taking place
- The Licence Holder will make sure any area within the curtilage of the venue where customers congregate to smoke will be monitored by staff present to prevent ASB, especially through either noise or litter depositing on the ground

This is a serious matter. I advise you to reduce the volume of the music coming from the premises and to ensure any doors or windows at the front/rear of the premises remain closed when amplified music and/or voice are played to prevent noise nuisance recurring. I also suggest that this department undertake a site visit at your premises to discuss this matter and any measures that you could take to prevent noise nuisance. **I suggest a**

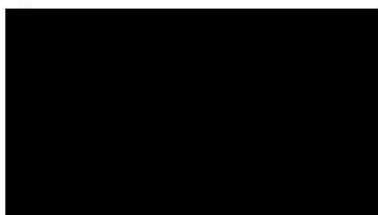
Leicester City Council, Noise and Pollution Control,
115 Charles Street, Leicester. LE1 1FZ

preliminary date and time of Thursday 27th of July at 13:00pm. Please contact me to confirm or offer an alternative date and time to carry out the site visit. Please note that we will not attend without a response from yourself confirming the arrangement.

I should also inform you that if we witness further noise nuisance from your premises it may be necessary to take more formal action by service of a statutory abatement notice. If the notice is contravened, you would be liable, on conviction, for an unlimited fine. In addition to this, we may also consider requesting a review of the premises licence which would involve a hearing in front of a licensing committee. I hope that I can count on your co-operation and that this will not be necessary

I look forward to hearing from you

Yours faithfully



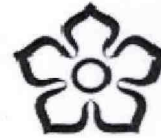
**POLLUTION CONTROL OFFICER
NOISE AND POLLUTION CONTROL TEAM**

Please Note. You may be subject to surveillance by Leicester City Council via Officers and/or noise monitoring recorders for the next 6 months.

Leicester City Council, Noise and Pollution Control,
115 Charles Street, Leicester. LE1 1FZ

**ENVIRONMENTAL PROTECTION ACT 1990
SECTION 80**

Abatement Notice



**Leicester City
Council**

Mr Dharmesh Lacmo
Curry Flavour Leicester LTD
225 Uppingham Road
Leicester
LE5 4DG

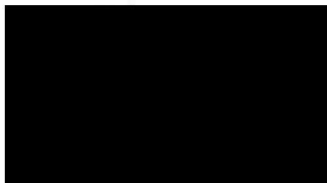
Reference 23/00367/CNEPA

TAKE NOTICE that the Leicester City Council are satisfied that noise from loud voices was emitted from the above premises constituting a statutory nuisance within the meaning of Section 79(1)(g) of the above Act and that the nuisance is likely to recur.

YOU ARE HEREBY REQUIRED under the provisions of the above-named Act as the person responsible, to immediately upon service of this Notice, abate the nuisance and prevent its recurrence.

Paragraph (2) of Regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies on the grounds that the expenditure which would be incurred by any person in the carrying out of works in compliance with the Abatement Notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance. Consequently, this Notice shall have effect notwithstanding any appeal to the magistrates' court which has not been decided by the court.

Dated 6 September 2023



POLLUTION CONTROL OFFICER

(YOUR ATTENTION IS DRAWN TO THE NOTES ON THE BACK OF THIS NOTICE)

Please ask for James Brown
Direct Line 0116 454 5643
Our ref 22/12893/GCOMP
Date 6 September 2023



Mr Dharmesh Lacmo
Curry Flavour Leicester LTD
225 Uppingham Road
Leicester
LE5 4DG

Dear Sir

ENVIRONMENTAL PROTECTION ACT 1990, SECTION 80
Curry Flavour Leicester LTD, 225 Uppingham Road, Leicester

Please find enclosed a Statutory Notice served on you under the provisions of the above Act.

Complaints have been received by this Department concerning noise from your property. On the 1st of September 2023 at 22:10hrs, an Officer witnessed loud voices coming from your property and was satisfied that it was a nuisance and that it is likely to recur. I am therefore obliged to serve this Abatement Notice on you.

I advise you to carefully study the requirements of this Notice together with the notes printed on the back of it. If you do not understand the contents of the Notice, you are advised to seek legal advice.

Should there be any reasonable grounds for causing a noise nuisance on the 1st of September 2023, or you require any further information, please do not hesitate to contact me on the telephone number above.

I would also advise you to reduce the level of noise coming from your premises, so it does not cause further nuisance to your neighbours. If noise nuisance is witnessed from your premises in the future, legal action will be taken against you.

Yours faithfully



POLLUTION CONTROL OFFICER
NOISE AND POLLUTION CONTROL TEAM

Leicester City Council, Noise and Pollution Control,
115 Charles Street, Leicester. LE1 1FZ

Please Note. You may be subject to surveillance by Leicester City Council via Officers and/or noise monitoring recorders for the next 6 months.

Leicester City Council, Noise and Pollution Control,
115 Charles Street, Leicester. LE1 1FZ

NOTES

1. The person served with the notice may appeal against the notice to a magistrates' court within the period of 21 days beginning with the date on which he was served with the notice. Appeals are regulated by the Statutory Nuisance (Appeals) Regulations 1995
2. If a person on whom an abatement notice is served, without reasonable excuse, contravenes or fails to comply with any requirement or prohibition imposed by the notice, he shall be guilty of an offence.
3. Except in a case falling within note 4 below, a person who commits such an offence shall be liable on summary conviction to an unlimited fine together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction.
4. A person who commits such an offence on industrial, trade or business premises shall be liable on summary conviction to an unlimited fine.
5. Where an abatement notice has not been complied with the local authority may, whether or not they take proceedings for such an offence, abate the nuisance and do whatever may be necessary in execution of the notice. Any expenses reasonably incurred by a local authority in abating or preventing the recurrence of a statutory nuisance may be recovered by them from the person by whose act or default the nuisance was caused and, if that person is the owner of the premises, from any person who is for the time being the owner thereof: and the court may apportion the expenses between persons by whose act or defaults the nuisance is caused in such a manner as the court consider fair and reasonable.
6. If a local authority is of the opinion that proceedings for an offence would afford an inadequate remedy in the case of statutory nuisance, they may take proceedings in the High Court for the purpose of securing the abatement, prohibition or restriction of the nuisance.

ENQUIRIES

Any enquiries relating to this notice should be addressed to:

*Team Manager
Noise and Pollution Control Team
Leicester City Council
115 Charles Street
Leicester
LE1 1FZ*

LM5m5

10-03-2024 00:51:34

ReadyWrite

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CAM03

Leicester City Council Licensing Authority

10-03-2024 00:49:11

CAM03

Navigation icons: Previous, Play/Pause, Next, Stop, Full Screen, Repeat, Shuffle, and a right-pointing triangle.

Stop Playing

Leicester City Council Licensing Authority

18/03/2024 14:38:34

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Calendar navigation: 1 2 3 All. A small grid with 1, 2, 3, and All.

Calendar navigation: Read More. A button with a magnifying glass icon and the text 'Read More'.

CAM03

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Leicester City Council Licensing Authority

18/03/2024 14:35:23

