

Representation in respect of a New Premises Application

Licensing Act 2003

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

Details of premises representation is about:	
Name of Premises:	Gate 65
Address of premises:	63 – 65 Church Gate Leicester LE1 3AN
Application No. (if known)	162692

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> <p>The application is for a new Premises Licence for the Gate 65 Shisha café bar and restaurant.</p>

- The opening hours of the premises are:
16:00hrs until 00:00hrs Monday to Wednesday
16:00hrs until 04:00hrs Thursday to Sunday
- The performance of recorded music indoors has been requested from:
16:00hrs until 00:00hrs Monday to Wednesday
16:00hrs until 04:00hrs Thursday to Sunday
- The supply of alcohol for consumption on the premises has been requested from:
16:00hrs until 00:00hrs Monday to Wednesday
16:00hrs until 04:00hrs Thursday to Sunday

The provision of late-night refreshment has not been requested and the applicant has been advised that were this to be required then it would need a minor variation to the premises licence.

No seasonal variations have been applied for.

The application suggests that the premises will be used as a restaurant and shisha café licensed to serve alcohol and play recorded music.

The premises is located at 63 - 65 Church Gate one of the main vehicle, pedestrian and cycling routes in and out of the city centre. The area consists of commercial buildings, retail premises, residential properties, and has several late-night premises licensed for the sale of alcohol both on and off the premises.

The proposed area to be licensed is on the ground floor and first floor using the front door for both access and egress. There is a basement but it will not be part of the licenced area.

At 13:00hrs on Monday 29th April 2024 Elizabeth Arculus, Licensing Officer and PC Jeff Pritchard from Leicestershire Police attended the premises and was met by the applicant Mr Himanshu Patel and his son-in-law Mr Shner Nazim Faraj. They went through the building together and the purpose of the facility was explained to them. They discussed the general operation of the premises and Mr Patel and Mr Faraj explained some of the methods to counter some of the concerns that were raised whilst being shown round.

Some of the specifics that Mr Faraj relayed were that the designated premises supervisor would be Mr Ahmad Maulood Ibrahim who has held a personal licence from Leicester City Council since the 26th of November 2020, licence number LEIPRS4544. However, the Designated Premises Supervisor was subsequently withdrawn following this meeting and the applicant will be proposing a new Designated Premises Supervisor who has not yet been identified.

Mr Faraj also holds a personal alcohol licence with Leicester City Council – LEIPRMS2987. He has previously worked at several premises in the city as a Designated Premises Supervisor.

The building was previously used as a Shisha and Café bar and the building has been acquired in a poor condition, with pigeons, rats and floods in areas of the building. The applicant estimates it will take at least two months before it is open for business. The electric had also been cut off as bills had not been paid by the previous tenant.

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

and also the detail of the operating schedule that has been applied for. The operating schedule does lay out some of the intentions of the applicant however, it is loose in specifically how they would uphold the licensing objectives.

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.

The operating schedule must indicate the methods, processes or key objectives that would show how the licence holder would uphold the licensing objectives. The application in general does give some basic detail on how the applicant suggests they would promote the licensing objectives.

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:

- All staff to be fully trained in all licensing laws and all staff to be trained to challenge anyone under the age of 21.
- To provide a fully licensed and trained security team on site at all times during operating hours.
- Also outside and inside lighting with CCTV recorded monitoring at all times.
- Customers will be made aware to leave the premises quietly to respect any surrounding neighbours.
- Challenge 21 policy to be upheld and enforced at all times.

To be replaced with:

- A Challenge 25 policy will be adopted with the only acceptable proof of age identification consisting of a current passport, photo card driving licence or identification carrying a PASS logo. A training record must be kept on the premises, retained for 12 months from the date of the incident and produced to an officer from a responsible authority upon request. SIA door staff will be employed after 23:00 when alcohol is being served. There

will be one SIA trained door staff for the first 100 customers then an additional one after that. They will remain on site until the venue is closed. A log will be kept on site to record door staff details and the dates they were employed.

- The licence holder will employ a minimum of one Security Industry Authority (SIA) front line door supervisors at the premises on Friday from 8pm until all customers have left the premises and a minimum of two Security Industry Authority (SIA) front line door supervisors on Saturday from 8pm until all customers have left the premises. They must remain on the premises during their deployment.
- The licence holder will complete a monthly security review and if necessary and/or if directed in writing by Leicestershire Police Licensing Department, employ Security Industry Authority (SIA) front line door supervisors or additional Security Industry Authority (SIA) front line door supervisors at the premises.
- The licence holder will ensure all Security Industry Authority (SIA) door supervisor(s) used at the premises record their full name, full SIA registration number and the dates/time deployed at the premises. A record must be kept on the premises for six months and made available for inspection to an officer from a responsible authority upon request.
- The licence holder shall ensure that all Security Industry Authority (SIA) front line door supervisors or other persons engaged at the premises for the purpose of supervising or controlling queues or customers (paid or not) wear high visibility tabards and/or high visibility SIA badge armbands whilst on the duty and whilst the premises is open to public between 8pm and closing to the public.
- The licence holder will ensure a high-definition resolution, coloured CCTV system is installed, operational and recording whilst the premises is open to the public. The system must permit the identification of individuals in all lighting conditions. Cameras must cover all areas that the public have access to, including the entrance/exit and pavement area immediately outside the front of the premises.
- The licence holder will ensure CCTV images are securely stored, display an accurate date/time stamp (BST/GMT) and retained for a minimum of 31 days.
- The licence holder will ensure the premises CCTV is provided to an officer from a responsible authority in a downloadable and viewable format within fourteen days of being requested. CCTV footage will be provided to the relevant authorities within 24 hours of a request being made.
- 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 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.

(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:

N/A

(c) Requested Additional Conditions

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

- The premises opening hours to the public:
Monday to Wednesday from 16:00hrs until 00:00hrs
Thursday from 16:00hrs until 02:30am
Friday & Saturday from 16:00hrs until 3:30am.
Sunday from 16:00hrs until 2:30am.
- The licence holder shall ensure the supply of alcohol ceases no later than thirty minutes prior to closing to the public.
- The licence holder shall ensure recorded music ceases no later than thirty minutes prior to the closing to the public, when open after midnight.
- Members of the public will not be permitted to remain on the premises between closing to the public and 8am.
- The licence holder will ensure the primary use of the premises is as a shisha lounge, bar/café.
- An incident and refusals log will be kept on the premises and retained for a period of 12 months from the date of the incident. The log will be made immediately available for inspection on request of an officer from a responsible authority. The incident log must be completed within 24 hours of the incident and record the following:
 - (a) All crimes reported to the premises.
 - (b) Any ejections of patrons.
 - (c) Any complaints received concerning crime, disorder and anti-social behaviour.
 - (d) Any incidents of crime, disorder and anti-social behaviour associated to the premises.
 - (e) Any faults in the CCTV system.
 - (f) Any refusal of age restricted products.
- The licence holder shall ensure no drinks supplied by the premises are taken out of the premises, unless within a specified authorised street café / pavement licenced area.
- The licence holder shall ensure customers smoking outside the front of the premises are supervised.
- The licence holder shall ensure live sports are not shown on television screens at the front of the premises, where passing members of the public could congregate / view.
- There will be regular safety checks of areas such as toilets and 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 will ensure that a full fire risk assessment will be conducted and reviewed and implemented in line with Fire Safety Legislation annually.
- 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

Appendix:

No Appendix

Click or tap here to enter text.

Authority Signatures:

Bobby Smiljanic
Licensing Enforcement Manager
Leicester City Council
21/05/2024

Reporting Officer
Elizabeth Arculus

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)

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