

## 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:	Lokma Shawarma
Address of premises:	164 Evington Road Leicester LE2 1HL
Application No. (if known)	166553

### 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:

I write in my capacity as Licensing Enforcement Manager for Leicester City Council Licensing Authority on the authority delegated to me.

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.

### Representations:

We would like to submit our representations for this premises application based upon the above stated licensing objectives.

The application is for a new Premises Licence for the sale/supply of late-night refreshments only.

- Late-night refreshments are requested from 23:00hrs to 05:00hrs Monday to Sunday both indoors and outdoors.
- The premises opening hours are 10:30hrs to 05:00hrs Monday to Sunday.
- Seasonal variations have not been applied for.

The application suggests that the premises currently operates as a restaurant and takeaway for hot food and soft drinks.

On 27<sup>th</sup> July 2024 Leicester City Council's Licensing Enforcement Team visited the Lokma Shawarma premises in response to a complaint raised by the Evington Road Neighbourhood Association that the premises had been open for the provision of late night refreshment without a licence. No incidents were witnessed at the time and the premises was issued with an advice letter. This is likely to have prompted the applicant to apply for this licence.

The premises is located on the ground floor of 164 Evington Road which is a busy arterial route, with access for cars, cyclists and pedestrians.

Evington Road is a designated Area of Special Interest and Consultation under Leicester City Councils Licensing Policy under Section 8 - [licensing-policy-2022-2027.pdf \(leicester.gov.uk\)](https://www.leicester.gov.uk/your-council/leisure-and-entertainment/licensing-policy-2022-2027.pdf). Reference has not been made to this policy anywhere in the application.

It is imperative that all applicants fully consider the environmental factors of the area in which they are applying. Section 182 guidance states that applicants should proactively engage with the responsible authorities to ensure that a premises and their management uphold the licensing objectives.

The area consists of other take away premises, personal care businesses, retail establishments, eateries and cafes. Within the vicinity there are residential buildings and religious buildings. The location of the licenced premises means that it is likely that customers under the influence of alcohol or drugs would gravitate towards it and may commit anti-social behaviour.

At 14:00hrs on Wednesday 4<sup>th</sup> September 2024, Elizabeth Arculus, Licensing Officer and Minaxi Patel, Licensing Enforcement Officer within the Licensing Enforcement Team at Leicester City Council attended the premises and were met by the applicants son Mr Wajahat Akhtar. Mr Akhtar informed them that he was responsible for the day to day management of the premises. 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 Akhtar explained some of the methods to counter some of the concerns that were raised whilst being shown round.

Some of the specifics that Mr Akhtar raised were that he was responsible for the day to day management of the premises. The premises operates solely on the ground floor, and above the shop is a residential dwelling. The seating capacity inside is 18-20 persons.

Upon examining the CCTV system, it was discovered that there were no cameras on the shop front and Mr Akhtar was advised that this would be a requirement of any licence granted. Mr Akhtar explained that his father the applicant Mr Masood Akhtar was able to access the CCTV and that recordings were held for 31 days.

Discussions took place with Mr Akhtar regarding the proposed conditions and opening hours. Mr Akhtar offered to reduce the closing hours to 02:30hrs Monday to Sunday following a discussion about recent high profile criminal offences on or near Evington Road. Mr Akhtar also agreed that

additional CCTV cameras would be installed and that the applicant would grant him access to recordings.

Whilst there are no plans to sell alcohol to customers the applicant did not fully explain how his staff would deal with intoxicated or violent customers. When questioned by the Licensing Officer Mr Akhtars response was that he would call the police.

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 operation of the CCTV cameras and the detail of the operating schedule that has been applied for. The operating schedule is loose in laying out specifically how the applicant and manager would uphold 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:*

- we have proper CCTV installed on the premises and warning signs also displayed, we do not sell Alcohol

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 in all lighting conditions.
- CCTV 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 CCTV images must be securely stored, display an accurate date/time stamp and retained for a minimum of 31 days.
- The licence holder will ensure that there is always a member of staff trained and available to download CCTV images/ footage immediately or an agreed timescale if requested by the police or the Licensing Authority.



## (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 only sell food to public till late it is not anticipated that any nuisance will arise
- Protection of children is far most important, our staff is fully aware of this and will report any issue to the Authorities, we only sell food and there will be no Alcohol sold on the premises.

## (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.

- All licensable activities will cease at the following times:  
Monday to Sunday at 02:30hrs.
- An incident log shall be kept on the premises, retained for a period of 12 months from the date of the incident and made available to an officer from a responsible authority upon request. 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 inside, associated to the premises or immediately outside the premises.
  - e) Any faults in the CCTV system.
- 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 holder will ensure 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 on request from any authority officers.
- Receiving of deliveries must only be conducted between 07:00hrs and 22:00hrs.
- Emptying, dispensing or disposing of bottles in outside bins must only be conducted between 07:00hrs and 22:00hrs.
- 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 holder shall ensure that if any serious incidents should occur members of staff will notify the responsible authority.
- 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.
- The licence holder shall ensure sufficient waste bins are provided at or near to the exit to enable the disposal of waste.
- The licence holder shall ensure litter is collected within two meters of the premises building line, after the premises has closed to the public and at the end of each day.
- The licence holder shall ensure the premises door is kept closed between 23:00hrs and 02.30hrs, with the exception of normal entry and egress of people. The door must be shut immediately thereafter.

- The licence holder shall ensure unaccompanied children under the age of 18 years are not permitted on the premises between 23:00hrs and 10:30hrs.
- 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](http://www.leicester.gov.uk/licensing)

#### Appendix:

No Appendix

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#### Authority Signatures:

Bobby Smiljanic  
Licensing Enforcement Manager  
Leicester City Council  
25/09/2024

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](mailto:licensingenforcement@leicester.gov.uk)  
[www.leicester.gov.uk/licensing](http://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)

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:

MASOOD AKHTAR

Application Capacity:

Business owner

Date:

30/09/2024

Signed 2:

Name in block capitals:

WAJAHAT MASOOD

Application Capacity:

son of owner

Date:

30/09/2024

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