

## Representation in respect of a Variation 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:	Secret Garden Lounge
Address of premises:	66 Braunstone Gate Leicester LE3 5LG
Application No. (if known)	169789

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:**

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

The application is for a Variation of an existing Premises Licence LEIPRM0896 for the following activities:

Performance of live music (indoors): Sun-Thurs 11:00hrs to 02:00hrs Fri-Sat  
11:00hrs to 03:00hrs

Playing of recorded music (indoors): Sun-Thurs 11:00hrs to 02:00hrs Fri-Sat  
11:00hrs to 03:00hrs

Performances of dance (indoors): Sun-Thurs 11:00hrs to 02:00hrs Fri-Sat  
11:00hrs to 03:00hrs

Anything of a similar description to that falling within (e), (f) or (g) (indoors):  
Sun-Thurs 11:00hrs to 02:00hrs  
Fri-Sat 11:00hrs to 03:00hrs

Late night refreshment (indoors): Mon-Thurs 23:00hrs to 02:00hrs Fri-  
Sun 23:00hrs to 04:00hrs Supply of alcohol for consumption ON the  
premises:

Mon-Thurs 11:00hrs to 02:00hrs

Fri-Sun 11:00hrs to 04:00hrs

The premises opening hours will be: Mon-Thurs 11:00hrs to 02:30hrs

Fri-Sun 11:00hrs to 04:30hrs

Seasonal variations have not been applied for.

In addition, the applicant has identified those conditions currently imposed on the licence which they believe could be removed as a consequence of the proposed variation under the existing Premises Licence LEIPRM1427.

The premises is located in a row of other buildings on the ground floor at 66 Braunstone Gate in the Westcotes Ward of Leicester.

The Licensing Authority believes that some of the additional conditions will be inadequate with regards to the prevention of crime and disorder and protecting children from harm, and we have proposed both alternative conditions and the retention of existing conditions which we believe will better fulfil the licensing objectives.

66 Braunstone Gate falls within 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](#)).

Attempts have not been made to address the policy or any of the general concerns.

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.

On Wednesday 4<sup>th</sup> December at 10:00hrs Elizabeth Arculus from Leicester City Council and Jeff Pritchard from Leicestershire Police visited the applicant and owner Mr Julian Olaru at the

premises. They were shown around the premises and discussed the major variation. Mr Olaru's brother [REDACTED] was also present and acted as an interpreter where necessary.

Mr Olaru explained that there were 16 CCTV cameras, 4 external, the remainder internal, and he was able to show images on his mobile phone. Presently the recordings are kept for 16 days and Mr Olaru was advised by Ms Arculus that they would need to be retained for 31 days. Mr Olaru was also advised to retain the original condition which states that children would not be allowed to remain on the premises after 19:00hrs when licensable activities were taking place.

It was also noted that what was formerly a Beer Garden on the original Licensing Plan was now a built part of the premises which incorporated the original structure of the building. Mr Olaru explained that he had submitted a variation application at the time of the alteration in October 2023, but no such application was evident on Lalpac records. Mr Olaru subsequently withdrew the original application and resubmitted it with the updated plan.

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 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:

- Challenge 25 will be adopted in place of Challenge 21.
- CCTV will be retained for 28 days

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

	<p>the date of the incident and produced to an officer from a responsible authority upon request.</p> <ul style="list-style-type: none"> <li>• The licence holder will ensure a high definition, colour HD CCTV camera system is installed, operational and recording whilst the premises is open to the public. The system must permit the identification of individual(s) in all lighting conditions.</li> <li>• CCTV cameras must cover all areas that the public have access to, including the entrance, exit and pavement area immediately outside the premises.</li> <li>• CCTV system images must be securely stored, display an accurate date/time stamp and retained for a minimum of 31 days.</li> <li>• The licence holder will ensure that there is always a member of staff trained and available to download CCTV images/ footage immediately if requested by the police or the Licensing Authority.</li> </ul>
--	---

<b>(b) Conditions to be removed from Operating Schedule</b>	
<i>Wording contained within the applied operating schedule as copied below be <u>removed</u>:</i>	
<ul style="list-style-type: none"> <li>• No children will be present during Regulated Entertainment.</li> <li>• To remove the condition relating to last entry at the Premises.</li> </ul>	

<b>(c) Requested Additional Conditions</b>	
<i>Condition/s wording below to be added in full to any granted licence:</i>	
<p>To retain the following conditions:</p> <ul style="list-style-type: none"> <li>• The licence holder will ensure no persons under the age of 18 are allowed on the premises after 19:00 hrs when licensable activities are being conducted.</li> <li>• Last entry to the premises shall be one hour prior to closing time Monday to Sunday.</li> </ul>	

<b>Appendix:</b>	
No Appendix	Click or tap here to enter text.

<b>Authority Signatures:</b>	
<p>Bobby Smiljanic Licensing Enforcement Manager Leicester City Council 07/01/2025</p> <p>Reporting Officer Elizabeth Arculus</p>	

**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)

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

Dear Licensing Authority,

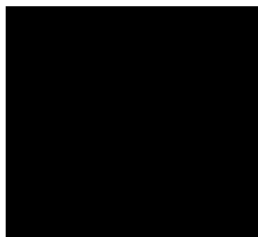
I write in my capacity as the applicant/agent in relation to the above matter & application.

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: **JULIAN OLARU**

Application Capacity: **DIRECTOR**

Date: **08/01/2025**

---

Signed 2:

Name in block capitals:

Application Capacity:

Date:

---

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



## Representation in respect of a Variation 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:	Secret Garden Lounge
Address of premises:	66 Braunstone Gate Leicester LE3 5LG
Application No. (if known)	169789

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 Variation of an existing Premises Licence LEIPRM0896 for the following activities:

Performance of live music (indoors): Sun-Thurs 11:00hrs to 02:00hrs

Fri-Sat 11:00hrs to 03:00hrs

Playing of recorded music (indoors): Sun-Thurs 11:00hrs to 02:00hrs

Fri-Sat 11:00hrs to 03:00hrs

Performances of dance (indoors): Sun-Thurs 11:00hrs to 02:00hrs

Fri-Sat 11:00hrs to 03:00hrs

Anything of a similar description to that falling within (e), (f) or (g) (indoors):

Sun-Thurs 11:00hrs to 02:00hrs

Fri-Sat 11:00hrs to 03:00hrs

Late night refreshment (indoors): Mon-Thurs 23:00hrs to 02:00hrs

Fri-Sun 23:00hrs to 04:00hrs

Supply of alcohol for consumption ON the premises:

Mon-Thurs 11:00hrs to 02:00hrs

Fri-Sun 11:00hrs to 04:00hrs

The premises opening hours will be: Mon-Thurs 11:00hrs to 02:30hrs

Fri-Sun 11:00hrs to 04:30hrs

Seasonal variations have not been applied for.

In addition, the applicant has identified those conditions currently imposed on the licence which they believe could be removed as a consequence of the proposed variation under the existing Premises Licence LEIPRM1427.

The premises is located in a row of other buildings on the ground floor at 66 Braunstone Gate in the Westcotes Ward of Leicester.

The Licensing Authority believes that some of the additional conditions will be inadequate with regards to the prevention of crime and disorder and protecting children from harm, and we have proposed both alternative conditions and the retention of existing conditions which we believe will better fulfil the licensing objectives.

66 Braunstone Gate falls within a designated Area of Special Interest and Consultation under Leicester City Councils Licensing Policy under Section 8 - [licensing-policy-2022-2027.pdf](https://www.leicester.gov.uk/leicester-city-councils-licensing-policy-2022-2027.pdf) ([leicester.gov.uk](https://www.leicester.gov.uk)).

Attempts have not been made to address the policy or any of the general concerns.

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.

On Wednesday 4<sup>th</sup> December at 10:00hrs Elizabeth Arculus from Leicester City Council and Jeff Pritchard from Leicestershire Police visited the applicant and owner Mr Julian Olaru at the premises. They were shown around the premises and discussed the major variation. Mr Olaru's brother [REDACTED] was also present and acted as an interpreter where necessary.

Mr Olaru explained that there were 16 CCTV cameras, 4 external, the remainder internal, and he was able to show images on his mobile phone. Presently the recordings are kept for 16 days and Mr Olaru was advised by Ms Arculus that they would need to be retained for 31 days. Mr Olaru was also advised to retain the original condition which states that children would not be allowed to remain on the premises after 19:00hrs when licensable activities were taking place.

It was also noted that what was formerly a Beer Garden on the original Licensing Plan was now a built part of the premises which incorporated the original structure of the building. Mr Olaru explained that he had submitted a variation application at the time of the alteration in October 2023, but no such application was evident on Lalpac records. Mr Olaru subsequently withdrew the original application and resubmitted it with the updated plan.

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 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:

- Challenge 25 will be adopted in place of Challenge 21.
- CCTV will be retained for 28 days

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.

- The licence holder will ensure a high definition, colour HD CCTV camera system is installed, operational and recording whilst the premises is open to the public. The system must permit the identification of individual(s) 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.
- CCTV system 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 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:*

- No children will be present during Regulated Entertainment.
- To remove the condition relating to last entry at the Premises.

**(c) Requested Additional Conditions**

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

- To retain the following conditions:
- The licence holder will ensure no persons under the age of 18 are allowed on the premises after 19:00 hrs when licensable activities are being conducted.
  - Last entry to the premises shall be one hour prior to closing time Monday to Sunday.

**Appendix:**

No Appendix	Click or tap here to enter text.
-------------	----------------------------------

**Authority Signatures:**

Bobby Smiljanic  
 Licensing Enforcement Manager  
 Leicester City Council  
 07/01/2025

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)

#### **Notification to Local Authority of Agreement regarding Licensing Authority Enforcement Representation**

Dear Licensing Authority,

I write in my capacity as the Licensing Enforcement Manager for Leicester City Council.

Discussions have taken place between the Licensing Enforcement Team and with the applicant about the concerns raised in the representation.

We have current representations submitted with yourselves that the following should be placed upon the new licence:

**I direct you to the above notice of agreement signed by the applicant and/or agent.**

If this is acceptable, I do not consider that a hearing is necessary, however this is not a withdrawal of the representation.

**If a hearing is conducted due to other representations or non-agreement with the committee, we must be invited to the hearing (within normal protocols) in order to answer any questions from members regarding our representation and subsequent agreement.**

Yours faithfully,

Bobby Smiljanic  
Licensing Enforcement Manager  
Leicester City Council  
Date: 09/01/2025