



Leicester
City Council

Minutes of the Meeting of the
LICENSING (HEARINGS) SUB-COMMITTEE

Held: WEDNESDAY, 26 MARCH 2025 at 10:00 am

P R E S E N T:

Councillor Pickering (Chair)

Councillor Adatia

Councillor Kennedy-Lount

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21. APPOINTMENT OF CHAIR

Councillor Pickering was appointed as Chair.

22. APOLOGIES FOR ABSENCE

There were no apologies for absence.

23. DECLARATIONS OF INTEREST

Councillor Adatia notified the Sub-Committee that he knew some occupants of the building in which the premises was planned to locate, but he had no previous discussion with them regarding the application. The Sub-Committee accepted him to continue to carry out his duty as a panel member.

24. MINUTES OF PREVIOUS MEETING

The minutes of the previous meetings held on 8 January 2025 and 29 January 2025 were recorded as a true and accurate record.

25. APPLICATION FOR A NEW PREMISES LICENCE - TANDEL RESTAURANT & BAR, BASEMENT, PICCADILLY CINEMA, GREEN LANE ROAD, LEICESTER

Councillor Pickering, as Chair led on instructions and outlined the procedure the hearing would follow.

The Director of Neighbourhood and Environmental Services submitted a report on an application for a new premises licence for Tandel Restaurant & Bar,

Basement, Piccadilly Cinema, Green Lane Road, Leicester.

The applicant Nahal Mahis and his representative Anil Bhawsar, Greenhill Licence, were in attendance. Also in attendance were Elizabeth Arculus, Licensing Enforcement team, Alistair Hollis, Noise and Pollution team, and PC Jefferson Pritchard, Leicestershire Police. Also present was the Service Manager (Regulatory Services) and the Legal Adviser to the Sub-Committee.

The Service Manager (Regulatory Services) presented the report and outlined details of the application.

A notice was received on 31 January 2025 from Fire & Rescue Service. They would like to bring to attention that the responsible person must ensure that a suitable and efficient Fire risk assessment was carried out for the premises, must be recorded and made available for inspection by Fire Authority. The Fire & Rescue Service also added that the premises had escape in one direction only upstairs to a final fire exit/entrance and therefore the premises was limited to 60 persons in number, including staff.

A notice was received on 12 February 2025 from Planning Enforcement. They were emphasising that the premises has restriction for hours of use – the use shall not be carried on outside the hours 07:30-23:00. Planning Enforcement also provided a planning permission for the premises.

A representation was received on 19 February 2025 from the Licensing Enforcement team. The representation related to all four licensing objectives. The Licensing Authority did have concerns about the premises and the effects it might have on the local community, both business and residential. This related to the location of the CCTV cameras, the control of the age range of the persons attending and also the detail of the operating schedule that had been applied for. The operating schedule did lay out some of the intentions of the applicant, however it was loose in specifically how they would uphold the licensing objectives. The Licensing Authority reached an Agreement with the applicant.

A representation was received on 20 February 2025 from Leicestershire Police. The representation related to prevention of crime and disorder, public safety and prevention of public notice. The operating schedule stated the premises was under refurbishment and was a “proposed” restaurant and bar. However, the premises could equally be a stand up, alcohol led bar which would result in increased risks to the operator and members of the public. The neighbourhood police team also raised concerns about the application, given incidents of crime and disorder in proximity to the premises. The neighbourhood team believed that another premises would add to existing alcohol related problems in the area. Overall, the business intended to operate in the night-time economy, when alcohol related violent crime increased. The application made no reference to the use of Security Industry Authority (SIA) door supervisors and alcohol was likely to be the primary licensable activity after 10pm.

A representation was received on 26 February 2025 from the Noise Team. The

representation related to prevention of public nuisance. The part of the application that the Noise Team were concerned with was the provision of regulated entertainment including recorded music until 00:00 on Friday and Saturday. There were residential properties in very close proximity to the premises on Green Lane Road as well as adjacent roads. There was another premise of note known as the Glassy Club, which held a licence for recorded music until 02:00 on Fridays and Saturdays. As the basement of the premises was being applied for, this by its nature would have improved sound insulation provided there were no voids or 'holes' where noise from recorded music could escape. Also of concern was the smoking area, where customers convened and had the potential to cause issues with loud voices. The Noise Team reached an Agreement with the applicant.

Mr Bhawsar informed the Sub-Committee that the applicant had reached Agreement with Fire & Rescue Service and Planning Enforcement on the conditions prior to the meeting.

PC Pritchard, Police Constable for Leicestershire Police, was given the opportunity to outline the details of their representation and answered questions from Members and officers.

Mr Hollis, Pollution Control Officer was given the opportunity to outline the details of the Noise Team representation and answer questions from Members. However it was noted that an agreement had been reached between the Noise Team and the Applicant and therefore they had withdrawn their representation.

Ms Arculus, Licensing Officer was given the opportunity to outline the details of their representation and answered questions from Members.

Mr Bhawsar was given the opportunity to address the Sub-Committee and answered questions from the Members and officers.

All parties present were then given the opportunity to sum up their positions and make any final comments.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present and were advised of the options available to them in making their decision. The Sub-Committee were also advised of the relevant policy and statutory guidance that needed to be taken into account when making their decision.

In reaching their decision, Members felt they should deliberate in private on the basis that this was in the public interest, and as such outweighed the public interest of their deliberation taking place with the parties represented present, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Chair announced that the decision and reasons would be announced in writing within five working days. The Chair informed the meeting that the Legal Adviser to the Sub-Committee would be called back to give advice on the wording of the decision.

The Sub-Committee recalled the Legal Adviser to the Sub-Committee to give advice on the wording of the decision.

RESOLVED:

The Sub-Committee's decision is that it is appropriate for the promotion of the licensing objectives to **GRANT** the application to authorise the supply of alcohol for consumption on the premises between 11am and 10.30pm daily, subject to the conditions consistent with the Operating Schedule as amended by and in addition to:

- (i) The conditions consistent with the Licensing Enforcement Representation Agreement.
- (ii) The conditions consistent with the Noise Team Representation Agreement.
- (iii) The following additional conditions:
 - a) The licence holder shall only allow alcohol to be served to persons who are consuming a seated & substantial meal provided by the premises.
 - b) A substantial meal menu shall be available at all times that the premises are licensed for the sale of alcohol.
 - c) The licence holder shall not allow any alcohol to be taken off the premises.
 - d) An additional fire extinguisher shall be positioned within the seating area.
 - e) A maximum capacity of 60 people including staff.

REASONS

In considering the application by Nahal Mahis for a Premises Licence authorising the sale of alcohol at Tandel Restaurant and Bar, Leicester, the Sub-Committee has considered the Licensing Officer's Report and all the relevant representations, both written and oral. The Sub-Committee has taken account of all relevant legislation, the Statutory Guidance, the Regulators' Code, and the Council's Licensing Policy. The Sub-Committee has had regard in its deliberations to the steps appropriate to promote the licensing objectives in the overall interest of the local community and has decided the matter on its merits on the evidence presented to it. The Sub-Committee has had regard to the public sector equality duty detailed in section 149 the Equality Act 2010 and has taken a risk-based approach to its decision which has been made on the balance of probability. The Sub-Committee has, as it is required to do, limited its deliberation to the promotion of the licensing objectives (with each licensing objective being of equal importance) and nothing outside of those parameters.

The premises are situated in the basement of the Piccadilly cinema, based at 40 Green Lane Road in Leicester. A staircase to the side of the cinema building leads into the premises with a separate door for access into the premises. Located near the premises are a mixture of commercial buildings, residential properties and several other premises which are licensed for the sale of alcohol

both on and off the premises.

The Sub-Committee noted that no representations had been received from residents or local businesses.

The Sub-Committee heard from the applicant and his agent, including representations from the Noise team; Licensing enforcement and the police. A representation was received from Leicestershire Fire and Rescue which raised the requirement for a fire risk assessment and a maximum capacity to be placed upon the premises. They have been covered by the conditions upon which the licence has been granted.

The original application was for the sale of alcohol on the premises between Sunday to Thursday from 11am to 11pm, and Friday to Saturday 11am to 12am. The same times were applied for to play recorded music indoors. The application was also for late night refreshment for both on and off the premises on Fridays and Saturdays between 11pm and 12am.

The premises is subject to Planning Permission conditions which restricts operating hours from 0730 to 2300 daily. The applicant was not aware of the condition at the time of submitting the application. It was agreed and confirmed by the applicant that the proposed hours would be amended to comply with the operating condition.

When the applicant agreed to the amended hours, they withdrew the application for supplying late night refreshments, and no licence is therefore required for the playing of recorded music as it is classed as de-regulated. Therefore, the only matter before the committee was the application for the sale of alcohol. The committee granted the hours asked for on the day. The Noise team and Licensing enforcement originally opposed the application, (based on all four of the licensing objectives) however, conditions recommended by both authorities prior to the Sub-Committee hearing had been agreed by the applicant. As such, they no longer opposed the application.

The police initially opposed to the application on the grounds of public safety, prevention of crime and disorder and the prevention of public nuisance. Concerns were raised that there was likely to be an increase in late night violence with the addition of another licensed premises in a densely populated area where offences had been committed in the recent months. The police also expressed concerns that the premises could operate as a 'stand-alone' bar and not primarily a restaurant. The police suggested that to reduce the risk, the sale of alcohol should only be served until at 2230.

The applicant agreed to sales of alcohol only if a substantial meal was ordered, and therefore operating as a restaurant instead of a bar, also for the decrease in hours of supplying alcohol.

As the applicant and his agent agreed to amend the hours for the sale of alcohol and for the condition requiring a substantial meal, the police were therefore agreed the amended application as requested.

The applicant produced a list of people's names and their details as being supportive of the application, including photos of the immediate area to the premises. The Sub-Committee heard about the applicant's history in the catering industry and his proposals for the premises/business.

In connection with the police's original concern that the premises should not become a stand-up bar, the sub - committee anticipates the licensing team and police, where appropriate, will undertake checks to ensure compliance with the conditions of the license.

The Sub-Committee noted that the plan of the premises and the application did not specify the location of the smoking area. The Sub-Committee hopes the applicant would address the issue of the smoking area so there are no problems in the future, as public nuisance might become a real concern otherwise.

The Sub-Committee believes the conditions subject to which the Licence is granted deal with the representations which have been made. The conditions are appropriate for the promotion of the licensing objectives and they are proportionate.

Any appeal against the decision must be made within 21 days to the Magistrates Court.

26. ANY OTHER URGENT BUSINESS

With there being no further business, the meeting closed at 12:40pm.