



Leicester
City Council

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

Held: MONDAY, 28 APRIL 2025 at 10:00 am

P R E S E N T:

Councillor Pickering (Chair)

Councillor Chauhan

Councillor Joshi

* * * * *

1. APPOINTMENT OF CHAIR

Councillor Pickering was appointed as Chair.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Adatia. Councillor Chauhan substituted.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. APPLICATION FOR A NEW PREMISES LICENCE - DOSTI PAN CENTRE & OFF LICENCE, 2C UPPINGHAM ROAD, LEICESTER

Councillor Pickering, as Chair led on introductions 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 Dosti Pan Centre & Off Licence, 2c Uppingham Road, Leicester.

The applicant Mr Ajay Valgi and his representative Mr Anil Bhawsar, agent from Licensing Hub, were in attendance. Also in attendance was the representative of the objectors Mr Irfan Safdar Waraich. Also present was the Head of Regulatory Services and the Legal Adviser to the Sub-Committee.

The Head of Regulatory Services presented the report and outlined details of

the application.

Seventy-five identical representations were received from members of the public objecting to the application between 7 March and 3 April 2025. The representations related to all four licensing objectives. The members of the public were concerned that granting the licence would provide a further source of alcohol within an area already so heavily populated with licensed premises that crime, disorder and public nuisance were higher than the national average. Residents in the area were already suffering from noise nuisance and antisocial behaviour at all hours of the day and night, and they were scared to go out in the evenings due to the rising levels of anti-social behaviour, loitering and sexual violence crimes. These representees also said that the nearby children's park was constantly full of drunk people and was littered with broken glass and other dangerous paraphernalia. These individuals simply bought packs and packs of cheap alcohol from the large number of local off-licenses, headed to the park opposite, and then consumed en masse dumping their cans and other rubbish around the streets and within the park. Crimes in the area in the past year included drugs, possession of weapons, anti-social behaviour offences, burglary and theft of vehicles and property, criminal damage and sexual violence with high rates of failure to prosecute by the police. The issues described above led to genuine concerns around personal safety. The area was densely populated with many young families. Seeing gangs of men drinking all hours caused distress and fear. Women and children in particular felt anxiety and concern over their personal welfare.

Four petitions were received objecting to the application, signed by a total of 152 people. The representations related to all four licensing objectives.

100 identical representations were received from members of the public supporting the application. The representations stated that there was a good enough reason to open a store like this because the residents needed more choice in the area. Opening this store would not have a negative effect on anything in any way. Workers needed a store open for longer hours, due to their different work times.

One petition was received in support of the application, signed by 30 people.

Mr Waraich was given the opportunity to outline the details of the objectors' representation and answered questions from Members and officers.

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

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 subject to the conditions consistent with the Operating Schedule detailed in Appendix C of the Licensing Officer's Report.

REASONS

In considering the application by Ajay Valgi for a Premises Licence authorising the sale of alcohol seven days a week from 06:00 to 00:00 for consumption off the premises at Dosti Pan Centre and Off Licence, 2C Uppingham Road, 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.

Dosti Pan Centre and Off Licence is a small shop on Uppingham Road. It has a small retail customer area and a kitchen and toilet to the rear. The area is residential but there are a number of shops including off-licences in the area. The premises are to open seven days per week from 06:00 to midnight. The application is for authorisation to supply alcohol during the mentioned hours for consumption off the premises. The applicant Ajay Valgi is also the proposed Designated Premises Supervisor.

Opposing the application, four petitions were signed by 152 people and seventy five written representations were received. The reasons for the

objections were similar, if not identical, for objecting to the application. These were based on all four of the licensing objectives.

The Sub-Committee was addressed at the hearing by a resident who explained and expanded on the representation. The resident lived in the local area for years and confirmed the other objectors were local residents. The area already contains a high number of licensed premises as there are four identical premises selling similar products. Crime, disorder and public nuisance is higher than the national average. The resident indicated residents are suffering from noise nuisance and anti-social behaviour at all hours of the day and night. This has caused residents to feel concern and scared when leaving their homes. They mention further concerns at the rising levels of anti-social behaviour, loitering and sexual violence crimes. There were concerns that alcohol was being purchased cheaply and consumed on a nearby children's park. As a result, the park is constantly filled with people who are under the influence and the park is littered with broken glass and other dangerous paraphernalia. Litter is also discarded on the street. The resident mentioned the area is densely populated with many young families. Seeing gangs of men drinking all hours causes distress and fear. Women and children in particular feel anxiety and concern over their personal welfare. The resident mentioned complaints had been made to the local authority and he had photos in support of his concerns. These were not produced for the Sub-Committee's attention at the meeting. The resident indicated the area was one where a Public Space Protection Order (PSPO) was in force.

The Sub-Committee were made aware of two communications received by those originally opposing the application, who were withdrawing their representation. Of the two, one stated they had been coerced into providing a representation against and confirmed they were now in favour of Mr Valgi's application.

In support of the application, two petitions containing 40 signatures, and 108 representations were received. The representations mentioned residents needed more choice in the area and having an additional off-licence in the area would not have a negative impact. They mentioned shift workers needed a store open for longer hours due to different shift patterns and working times.

Mr Valgi's Licensing Agent, Mr Bhawsar, addressed the Sub-committee in detail. He provided details of Mr Valgi's experience. Mr Valgi had approximately 6 years' experience in the trade as he had been employed in similar businesses and it was confirmed Mr Valgi was a personal licence holder. He would operate the store as a family business. The store would sell other items and not specifically alcohol. Mr Bhawsar described Mr Valgi as a responsible retailer who would implement all the conditions (as set out in Appendix C of the Licensing Officer's report). Mr Valgi was aware non-compliance with the conditions would result in a breach and he was aware of the consequences. Mr Bhawsar mentioned none of the Responsible Authorities had made representations. Mr Bhawsar mentioned the business would serve the community, especially shift workers and offer choice. Photos taken in support of the application showed the area on two separate evenings were distributed

to the Sub-Committee to indicate the local area was not having the issues as those objecting had described. Mr Bhawsar confirmed there would be two external cameras positioned at the entrance to the store. Mr Bhawsar referred the Sub-Committee to research he had undertaken for local crime statistics in the area available on the internet, which did not disclose evidence of anti-social behaviour. Mr Bhawsar suggested the complaints received were exaggerated and further suggested a possible fabrication by mentioning there were repeated signatures by those putting forward a representation against the application.

The Licensing Officer confirmed a current Public Space Protection Order was no longer in effect as the attending resident objecting to the application had believed.

The Sub-Committee noted evidence of the issues described in the area was not submitted for the Sub-Committee to consider at the hearing. (Note: The resident submitted evidence supporting his objections after a decision had been made by the Sub-Committee).

The Sub-Committee appreciated the concern of neighbouring residents.

The Sub-Committee was concerned at the possibility of coercion placed on those making a representation against the application.

The Sub-Committee noted that no representations had been received from any of the Responsible Authorities. In particular, the Police did not refer to any crime and disorder concerns in the area and the Noise Team did not raise any concerns regarding noise nuisance in this residential area.

The Sub-Committee noted the existence of other licensed premises in the area. The commercial viability or local need for another licensed premises in the area was not a matter for the Sub-Committee. The sole matter for the Sub-Committee was whether it was appropriate to authorise the supply of alcohol seven days a week from 06:00 to 00:00 for consumption off the premises.

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.

5. APPLICATION FOR A NEW PREMISES LICENCE - UNCLE J'S KITCHEN, 166 EVINGTON ROAD, LEICESTER

Councillor Pickering, as Chair led on introductions 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 Uncle J's Kitchen, 166

Evington Road, Leicester.

Ms Jayne Elbakkali and Ms Sumayyah Lunat were in attendance as the representatives of the applicant. Also in attendance were Alan Beckett, Planning Development and Transportation, PC Jefferson Pritchard and PC Ian Woolley, Leicestershire Police, and Ms Jane Russell, Evington Road Neighbourhood Association. Also present was the Head of Regulatory Services and the Legal Adviser to the Sub-Committee.

The Head of Regulatory Services presented the report and outlined details of the application.

A representation was received on 17 March 2025 from Planning. The representation related to the prevention of public nuisance. The representee was concerned that the premises had been granted planning permission for its current use under application 20192113. Condition 5 stated "The use shall not be carried on outside the hours of 07:30 to 23:00 daily."

A second representation was received on 21 March 2025 from a member of the public. The representation related to the prevention of crime and disorder, the prevention of public nuisance and public safety. The representee was concerned that the late hours of the application will adversely affect nearby residents by the nuisances of late-night noise, smells and littering. They were also concerned this application would add to the existing parking problems in the area, especially customer's cars and mopeds, e-bikes and pedal bikes used by delivery drivers who gathered in clusters along Evington Road waiting for orders.

A third representation was received on 21 March 2025 from a member of the public. The representation related to the prevention of crime and disorder and the prevention of public nuisance. The representee was concerned that the late hours will increase, noise, litter and anti-social behaviour in the area. The representee did not attend the hearing but the representation was circulated to the Sub-Committee for considerations.

A fourth representation was received on 8 April 2025 from the Police. The representation related to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The representee was concerned that the premises was located in an area of special interest and the applicant had not made any reference to this on the application and had not imposed any practical conditions/proposals to ensure the premises is managed safely in the night-time economy.

Mr Beckett, Principal Planner was given the opportunity to outline the details of their representation and answered questions from Members, other representees and the applicant's representatives.

Ms Russell, Evington Road Neighbourhood Association, was given the opportunity to outline the details of their representation and answered questions from Members.

PC Pritchard and PC Woolley were given the opportunity to outline the details of their representation and answered questions from Members and the applicant's representatives.

Ms Elbakkali and Ms Lunat given the opportunity to address the Sub-Committee and answered questions from 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 **REFUSE** the application.

REASONS

In considering the application by Uncle J's Ltd for a Premises Licence authorising the provision of late night refreshment at the Uncle J's restaurant / takeaway at 166 Evington Road, 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.

Evington Road is a busy area of the City with a high density of residential properties mixed with retail and licensed premises. The Council's Statement of Licensing Policy 2022-2027 details the area as an area of Special Interest in terms of alcohol harm, street drinking, anti-social behaviour. The premises, which has an indoor seating capacity for approximately 30 people, backs on to residential housing between Rowsley Street and Sawley Street. The premises is subject to planning permission which provides for operating hours from 07:30 to 23:00 seven days a week.

The application was made by Uncle J's Ltd which was incorporated on 16th December 2024. Jamaal Patel is the sole Director and he is detailed at Companies House as the person with significant control of the Company.

Late night refreshment involves the supply of 'hot food or hot drink' between the hours of 23:00 and 05:00 to the public for consumption on or off the premises. The application sought authorisation of late-night refreshment both indoors and outdoors at the restaurant seven days a week from 23:00 to 03:00 so that the premises could be operated as a takeaway in the night time economy.

Representations were received in opposition to the application from local residents, Leicestershire Police and the Planning department. Those objections remained at the hearing based on all of the licensing objectives.

Of the two representations made by residents, one was made on behalf of the members of the Evington Road Neighbourhood Association. A member of the Association attended the hearing. The residents have previously complained to Planning Enforcement that the premises has been operated outside of the hours permitted under its planning permission and had witnessed this as part of their neighbourhood patrol. The Sub-Committee was informed that Planning Enforcement had written to the applicant regarding this. They issued an advice letter which they surmised prompted the current application. The residents believe the concentration of fast-food premises licensed along Evington Road for Late Night Refreshment is excessive. They emphasise this is a densely populated area and the requested late hours will increase already existing noise nuisance, litter problems, parking issues and anti-social behaviour. They are concerned that this late-night economy has in recent years attracted crime and disorder to the area with fights, stabbings and, in one recent instance, a drive-by shooting. Some local residents now feel unsafe on Evington Road at night. The residents believe the operating hours of the premises should be those detailed in the planning permission so that the premises closes by 23:00 daily. The second representation received by a resident objected to the premises operating after 23:00. They mentioned noise nuisance and anti-social behaviour occurring outside of their address and this having an impact upon their health.

Leicestershire Police reminded the Sub-Committee that the Council's Statement of Licensing Policy 2022-2027 details the area as an area of Special

Interest in terms of alcohol harm, street drinking, anti-social behaviour. They are concerned that the application makes no reference to this and how the licensing objectives will be promoted. The Police are concerned that the business had been operating in breach of planning permission and without a Licence. The Police explained that the area was well known for its late hours and attracted a large number of people from outside Leicester who came to buy late night food and meet. This had contributed to an increase in violent crime. Throughout 2024, there have been several incidents of serious crime and disorder in close proximity to the premises and other similar licensed premises along Evington Road. There have been public order offences and serious assaults involving stabbings and large scale fights. The area is already saturated with food establishments and takeaways with an increase in vehicle and foot traffic which has a direct impact on the local residential community who suffer with noise nuisance and parking issues as a result. Allowing the premises to stay open beyond 23:00, would provide an attraction for people to congregate. The Police say licensing these premises will exacerbate the existing issues in the area. The Police expressed their concern that the business had breached the planning permission condition. They are of the view that no conditions could be attached to a Licence to mitigate their concerns.

The Planning department confirmed the business would be in breach of the planning permission conditions if the business operated after 2300. Planning confirmed a compliance letter had been sent to the business in September 2024 and no response had been received. The attending Planning representative had confirmed they had witnessed the business operating past 23:00 on two occasions. Planning had concerns as they are aware of a residential flat above the business and operating after 23:00 could cause harm to the occupiers of the flat.

The Sub-Committee was addressed on behalf of the applicant by two representatives of Uncle J's Ltd. They indicated management operated several businesses, including an additional premise located on London Road. They did not know if the business had been operating past 23:00 however did mention that on occasions, food had been served whilst the cleaners for the restaurant were working at the end of the day. They indicated the reason for the application was to service the needs of the local area, quoting the Muslim community requiring a restaurant to provide late night refreshment during the early hours for the event of Ramadan. They also mentioned the restaurant provided food for hospital staff and for people on a 'night out'. They indicated the flat above the restaurant was leased as part of the business, and the representation from the Planning department was irrelevant. They mentioned the application was for Late Night Refreshment and not for the sale of alcohol, and therefore would not entice people. They described the business as a family business for family dining, and the quality of the food was different to the food other businesses offered in the area. They mentioned there had been no issues with the customers from the business itself and they had cooperated with the police when an incident had occurred in the area by supplying CCTV footage when requested. They stated people did not congregate outside of the premises and in respect of the parking issues raised, there was a parking bay located outside of the business. They mentioned they were actively trying to

minimise the issues mentioned by not playing music at the restaurant and would place additional rubbish bins outside of the business. They mentioned there was no issues with littering. They stated they wanted to make the area safer.

The Sub-Committee was concerned that the applicant had presented a written application which the Police had correctly referred to as not fit for purpose. In detailing the Evington Road area as one of Special Interest in its Statement of Licensing Policy 2022-2027, the Council lists relevant environmental factors which an applicant should have in mind for consultation with the appropriate responsible authorities. These are: Number of existing licensed premises; Types of licensed premises; Density and locality of residential premises; Traffic or pedestrianised areas; Conservation, cultural areas and/or sensitive premises; Alcohol related Public Health concerns; Anti-Social Behaviour including Community Protection; and Noise Pollution. The applicant had failed to address these issues in its written application or at the hearing. The Sub-Committee was also concerned that the business had been operated without a Licence and in breach of the permitted planning hours. The Sub-Committee has no confidence that the applicant would comply with Licence conditions. Evington Road is a difficult area for the Police to enforce and residents are understandably concerned with the level of crime and noise disturbance to their lives. It is clear that all of the licensing objectives are engaged and the grant of the application would undermine the promotion of those objectives.

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

6. ANY OTHER URGENT BUSINESS

With there being no further business, the meeting closed at 1:17pm.