



Appendix B1

Leicestershire Police

Licensing Act 2003 – Representation in respect of New Premises Application

Details of person or body making representation	
Your Name:	David Braithwaite
Your Address:	Force Licensing Department Mansfield House 74 Belgrave Gate LEICESTER LE1 3GG

Details of premises representation is about	
Address of premises:	Palmarina Lounge 109 King Richards Road, Leicester. LE1 6RN
Application No. (if known)	

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"/>

Please summarise your concerns about this application:
<p>I write in my capacity as Deputy Licensing Manager for Leicestershire Police on the authority delegated to me by the Chief Constable.</p> <p>This is an application for a new premises licence for a Bar Restaurant on King Richards Road, Leicester. This premises is currently being run as a café. The area attracts visitors associated with the night time economy. The building itself is also surrounded by residential dwellings both to the front and rear of it plus there is an unoccupied flat above the premises.</p> <p>The road situated directly in front of the establishment is also one of the main arterial routes (A47) for traffic travelling both into and out of the city at all hours.</p> <p>The location is also very close to the perimeter of Braunstone Gate which is a</p>

designated Cumulative Impact Zone as per your licensing policy.

Leicestershire police are concerned that the present application fails to promote the 4 licensing objectives.

The applicant (Mr OUDIRA) for this licence has taken on the lease for the ground floor only. It does not include the flat that is located directly above it and that remains in the hands of the owner of the building (the applicant has stated that he is trying to obtain the lease on the flat as well)

On 17/11/2017 the applicant applied to Leicester City Council for a change of use to the property and wanted to change it from a Taxi Office into a café. However on his application he stated that the building would be used as a shop.

On 08/01/2018 The application was granted (application number 2017/2163) with a Class A1 certificate which allows the premises to be used for various things including a shop or sandwich bar.

The applicant has been running a café at the said location for the last 3 months even though he does not have the correct planning consent (Class A3) for the premises.

To date Mr OUDIRA has not submitted another change of use application to the council and when he does he will still have to wait a minimum of 12 weeks for this to be looked at.

This leads to the question as to whether or not the premises is fit for purpose.

On 16/12/2018 I visited the applicant at the said location to discuss his application also present were officer from the Noise Team of Environmental Health.

Whilst speaking to the applicant Mr OUDIRA, it became apparent that he had very little understanding of what was required of him in regards to planning consent for the building and his obligations to the 4 licensing objective.

As already stated he is running a Cafe from the premises which he converted from an old taxi office, this is obviously outside of the permitted use, which was granted for the building.

When questioned about what advice he had been given, he stated none, he has not even contacted the council nor spoken to a solicitor about any of his plans.

On the licence application itself, he has requested that the Bar Restaurant be open 24 hours a day 7 days a week for both the sale of alcohol and late night refreshments. He also wants to be allowed to play music at any time throughout the day/night.

When I questioned him about this, he had very little understanding of the impact this would have on the local residents that live in the dwellings both to the rear of the property and across the road to its front. Mr OUDIRA had not considered the noise that his customers would make whilst inside his property and more importantly when they were outside it. He also did not grasp the fact, that if he was allowed to open during these periods he could attract customers that had been drinking elsewhere and then use his establishment to carry on drinking later into the night, which in turn could then cause further problems such as disorder, violence and other associated crimes.

This has also lead to concerns on how he would deal with such incidents as he has not mentioned within the application that he would be providing suitably trained door staff.

Once this was put to him, he indicated that he would not be open all of the time and would close well before 07:00 hours.

I asked him why he had applied to be allowed to operate 24 hours a day, and he replied he thought he had to do this rather than filling out the times he wanted to be open.

The applicant has also failed to address how he intends to deal with underage drinking, he had no plans in place for a refusal logbook nor had he considered adopting the 'Challenge 21' policy.

The only proposal the applicant has put forward in regards to the Protection Of Children From harm is a generic one, where he has stated he will not allow unaccompanied children in the premises beyond 00:00 hours!

Leicestershire Police are concerned that the licensing objectives of Crime & Disorder, Public Safety, The Prevention Of Public Nuisance and Protecting Children from Harm will not be promoted if this licence is granted.

Whilst not wishing to restrain the discretion of the committee, Leicestershire Police would like this application refused due to the grounds outlined above.

David Braithwaite
Deputy Licensing Manager
Leicestershire Police

14 December 2018