



Leicester
City Council

WARD: Castle

LICENSING ENFORCEMENT SUB-COMMITTEE

6 September 2022

**APPLICATION FOR THE GRANT OF A HIGHWAYS AMENITIES LICENCE
(STREET CAFÉ)
GROUNDED KITCHEN (SALVADOR DELI)
50 QUEENS ROAD, LEICESTER, LE2 1TU**

Report of the Director (Neighbourhood & Environmental Services)

1. Purpose of the Report

To determine an application for the grant of a Highways Amenities Licence for a Street Café for premises known as Grounded Kitchen (Salvador Deli) 50 Queens Road, Leicester LE2 1TG. The applicant is Mr Orenzeb Jussab.

2. Options for the Sub-Committee

The Sub-Committee may determine the application in one of the following ways: -

(1) Grant

The Sub-Committee may grant the application.

If the Sub-Committee decide to grant the application, it should be subject to the standard conditions applicable to Highway Amenities Licences.

(2) Grant subject to special conditions

The Sub-Committee may grant the application subject to such variations, conditions or restrictions, as they think fit.

(3) Refuse

The Sub-Committee may refuse the application.

In arriving at its decision, the Sub-Committee should consider the comments put forward by the applicant and any other information provided in the report.

The Sub-Committee must give the applicant the reasons for the decision it makes when it is announced.

3. Financial Implications

None.

4. Report

An application was received on 12th July 2022 from Mr Orenzeb Jussab the owner of Grounded Kitchen (Salvador Deli) for the grant of a Highway Amenities Licence (Street Café).

The premises is situated within a row of shops and businesses on Queens Road on a junction with Howard Road. There are a wide range of businesses in this area including office premises, retail premises, restaurants and take away food outlets. The business is also surrounded by residential properties. Due to the range of retail, fast food and residential premises the area is busy at all times of the day.

In past years, the premises was called Salvador Deli – the name which remains on the premises licence under the Licensing Act 2003. For members information there is no requirement for licence holders to formally change the name on a premises licence however it is encouraged.

The premises previously held a Street Café Licence until 31 May 2022 for six tables and twenty four chairs – Monday to Sunday 08.00 to 20.00.

The applicant has submitted a plan which details eight tables and twenty four chairs, to be placed in front of the premises on both sides of the property.

The tables and chairs are to be contained within the requested area, sectioned off by planters.

The furniture and barriers proposed are in line with what is suitable to be used within a licensed area.

The applicant has requested to use the street café between the following hours:

Monday to Sunday 11.00am to 21.30

On 14th July 2022, letters of consultation were hand delivered to surrounding businesses and residential premises within the area to advise them of the application and a public notice was prominently displayed on the premises itself. This was checked to ensure it remained in situ throughout the consultation period.

Any objections were to be received no later than 28 days from the date of the notice.

Consultations were also carried out with Councillors who represent the Castle Ward of the City, Leicestershire Police, Leicestershire Fire & Rescue Service, Noise Pollution, Planning, Public Safety and Highway/Traffic Management.

Within the representation period, there were four objections received from a local business and three residents.

All objections were accepted as being 'relevant' to the application. The objections raise concerns about Smoking, Littering, Parking and Noise as well as the general layout of the proposed street café area. All objections are attached to this report and detailed in the appendix list below.

The following documents are attached to this report:

Appendix A	Application for Street Café including proposed plan and pictures of the furniture to be used and a picture of the frontage of the premises
Appendix B	Objection from Business Owner
Appendix C	Objection from Local Resident
Appendix D	Objection from Local Resident
Appendix E	Objection from Organisation representing residents in the Clarendon Park area.
Appendix F	Not for Publication

5. Policy Guidelines

The overall policy on Street Cafes is to encourage more restaurants, cafes and public houses to have more outside activity in the street which would give an ambience that makes the City more attractive to visitors and residents alike. If an objection is received, the Sub-Committee should consider the impact a street café may have on residents and any surrounding businesses in the area.

6. Legal Implications (including Human Rights Act)

A licensing decision is also a determination of civil rights to which Article 6 the right to a fair trial applies. Article 8 the right to respect for private and family life applies to the protection on neighbouring properties from noise and disturbance. Article 1 of the First Protocol gives the right of peaceful enjoyment of possessions, which would include a licence. Terms and conditions imposed on the grant of a licence will need to be proportionate, and necessary to protect the interests of a democratic society.

There is no right of appeal against the refusal to grant a Highway Amenities Licence.

7. Crime and Disorder implications

None.

8. Consultations

Councillors who represent the relevant Ward of the area, Leicestershire Police, Noise Pollution, Planning, Leicestershire Fire & Rescue Service, Public Safety and Highway/Traffic Management and Residents and Businesses within the area.

9. Reason for Treating the Report as “Not for Publication”

None

10. Officer to Contact

Deborah Bragg
Licensing Manager
(Policy and Applications)

Email: deborah.bragg@leicester.gov.uk

Our Ref SC435347568

Date: 2022-07-07

Street café licensing application**Information submitted to Licensing Authority at Leicester City Council****Type of application:** New licence: £278**Customer****Contact details:**

Title	First name	Surname	Phone number	Mobile number	Email address
Mr.	orenzeb	jussab	[REDACTED]		[REDACTED]

Address:

Flat	House Number	Street	Town	County	Postcode
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Name of premises: grounded kitchen**Address of premises**

Flat	House Number	Street	Town	County	Postcode
	50	Queens Road	Leicester	Leicester City	LE2 1TU

Please describe the premises: detached double fronted building takeaway restaurant healthy korean nourish bowls not within conservation zone all ages and ethnicities

Proposed licence days and times: 11am-9.30pm daily

Additional information:

Proposed licence days and times: 11am-9.30pm daily

Additional information:

Supporting documents**Proof of your valid ID with a photo:**IMG 8293.jpeg**Valid public liability insurance certificate:** 5428202 Hub Schedule.pdf**Detailed (proposed) plan of the street café:**cafe outside pdf

Pictures of tables and chairs or barrier type/design: WhatsApp Image 2022-04-21 at 6.22.45 PM (1).jpeg,WhatsApp Image 2022-05-04 at 12.54.56 PM (1).jpeg

Additional information to support the application: renewal of existing license. street is currently being pedestrianised

Customer confirmed that they understand and agree to the Declaration.

Payment made for the application: £278



SECTION G

EMPLOYERS'S, PUBLIC AND PRODUCTS LIABILITY

Employers Liability – Sub-Section 1

Public Liability – Sub-Section 2

Products Liability – Sub-Section 2

Limit of Indemnity

£10,000,000

£5,000,000

£5,000,000

[Redacted]

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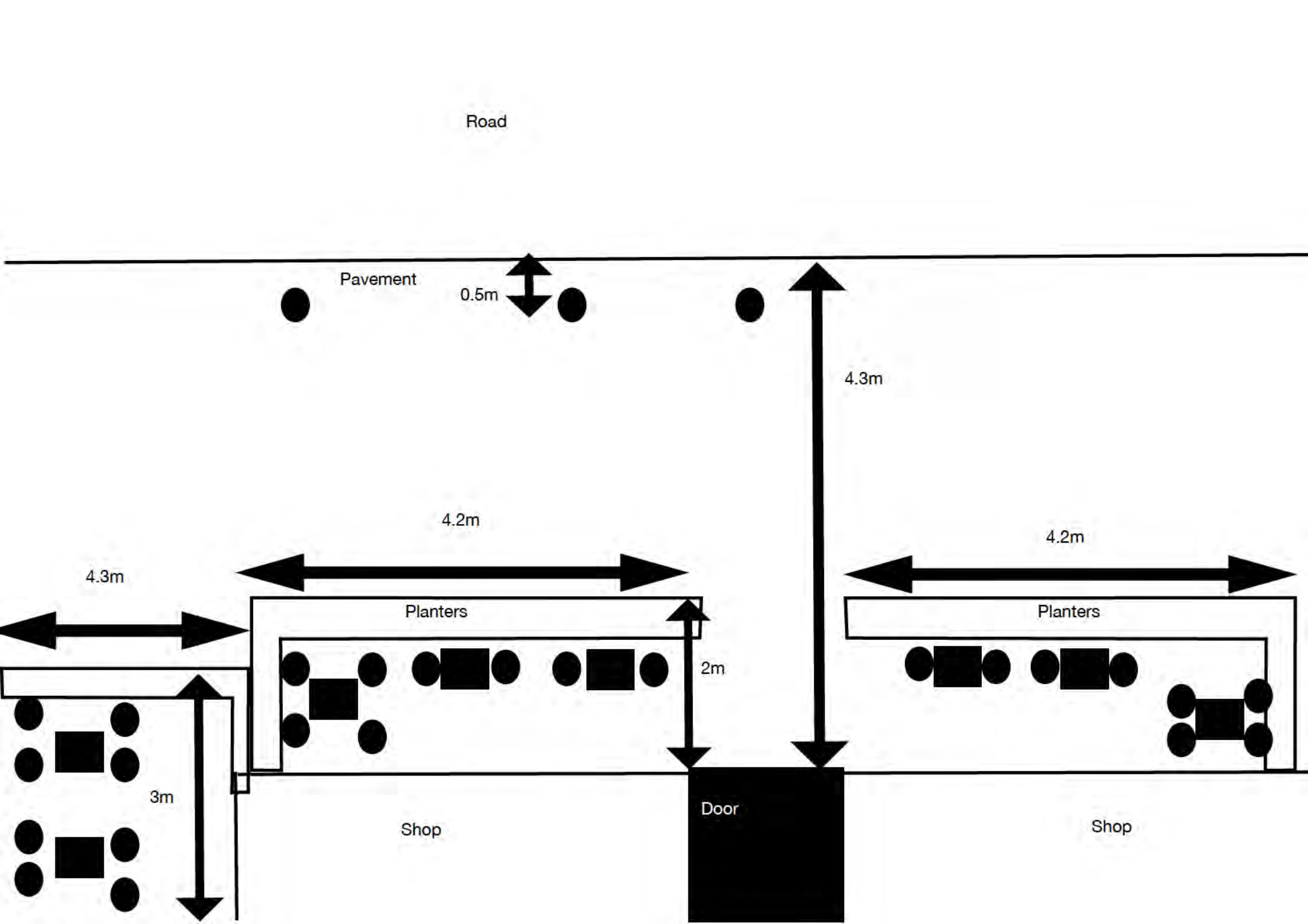
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APPENDIX B

Dear Deborah, regarding the application for a street café at 186 Uppingham Road. I have no objection to tables and chairs outside this café . However I feel that seven tables and twenty eight chairs would be far too much as it would take up 60% of the pavement width. I feel that this would be a hazard for the partially impaired and pedestrians. I also feel that if a grate number of customers are smokers the smoke could blow into the front door of my shop, as it would only be three feet away from their tables.

Although they would probably provide ash trays, there could still be cigarette ends on the floor .I would therefore be more in favour of four -- five tables.

Kind regards .

APPENDIX C

Hi

I live near the above property and object to it's license change application based on safety concerns.

Since opening the business has operated a defacto drive through service with customers illegally parking on verges and blocking roads. The business has become a victim of its own success attracting motorists from across the city unfamiliar with the area and illegally parking to do a 'pick up' . Blocked T junctions, deliveroo cyclists picking up and being a nuisance. Add to this a mass of cars circling round looking for parking spaces... It is a real pain! So I object on safety and ASB reasons.

Add to this the NEVER put refuse away despite previous owner/ current landlord providing ample space. Please see pictures as evidence.. Ultimate is the Police car 'hovering' to pick up a takeaway and then rushing off to a 999 call (picture doesn't show this but that's what happened!)
This business is a pain!





Howards



Deliveries
Vans

APPENDIX D

From:

Sent: 31 July 2022 13:37

To: Licensing <Licensing@leicester.gov.uk>

Subject: Grounded Kitchen 50 Queens Road

Street café application, Grounded Kitchen, 50 Queens Road

I am writing to object to this application as it stands.

I don't object to the principle of this application, but it is too large for the location and nature of the premises.

There is always a balance to be made between the needs of the business and pedestrians using the footway. When a street café is busy and used to capacity, some inconvenience to pedestrians can be justified. This business is primarily a takeaway and does not have much use of the street café. Indeed I have never seen more than one table in use at a time. The disadvantage to pedestrians from such a large café should not then be acceptable. There is plenty of width to have a smaller café that is enough for this businesses use without causing problems for pedestrians.

Plan at corner

The plan is very poor in regard to context. It does not show that the premises is on a corner, and that there are bollards around the corner. The inability for a mobility scooter, and difficulty for pushchairs, to get around the corner has been a problem when the café was in use. It was also difficult for pedestrians coming down the side-street to get around the corner when pedestrians are waiting to cross Howard Rd This has been exacerbated by the business using a window on the side-street to serve delivery couriers - whose bikes, e-scooters and motorbikes ride on and block the footway.

- **So my first condition would be that this café starts well away from the corner, to give good access around the corner**

The plan as shown does not allow a clear 2m between the café barriers and the bollards along the front. The café when out was using two rows of small tables that encouraged the barriers further out. It was causing some people to walk in the road to pass.

- **My second condition is that a minimum clear 2 metres is maintained between the outside of café barriers and the bollards, preferably more.**

Recessed area

The plan does not show that there is a raised kerb for a bus-stop in front of the recessed area. Currently there is not a stop pole there, but more width is needed for passengers to wait, and for people alighting at same time as others are waiting and walking by. It's also unpleasant for passengers to wait close to people smoking in café – they cannot walk away if it gets too much. Under the plans for improvements to Queens Rd a bus shelter is proposed here. The street is not being pedestrianised as stated in the application, and there is no extra footway width planned on this premises frontage. As mentioned previously, this business uses very few tables at a time, and so far they have had their large bins rather than a café along this stretch. They also keep their barriers on street in this recess when not in use.

If it was used, at least 3 metres would be needed, more once a bus shelter was there.

- **My third condition would be that only the main double frontage is used for the street café, not this recessed area**

Hours

This premises is **not** 'detached', as stated in the application. It shares a long party wall with a residential property and has a flat above. It is right at the end of the shopping area and there are many homes close by, especially as it's on a corner. So late evening operation of a street café is not appropriate.

Planning and licensing hours are both only until 2000. The street café should not exceed this.

- **So my fourth condition would be to finish at 2000 not 21 30**

If the applicant can meet these 4 conditions I may be prepared to withdraw my objection.



APPENDIX E

From: FCP – Admin
Sent: 19 July 2022 17:19
To: Deborah Bragg <Deborah.Bragg@leicester.gov.uk>
Cc: Licensing <Licensing@leicester.gov.uk>
Subject: RE: Grounded Kitchen

Hi Deborah,

Thanks for the copy of the application and for clarifying the reason for the Salvador Deli name persisting.

Could you confirm whether this is a **new** application (as described in the weekly licensing report and at the top of the first page of the application) or a **renewal** of an existing licence (as described at the top of page two of the application)?

Also, at the top of page two of the application, the applicant says that the street is currently being pedestrianised, when in fact a number of improvements to Queens Road are only currently being consulted on. Although the proposed improvements include widening some parts of the footway to make more space for pavement cafes, there are no changes proposed to the footway directly outside 50 Queens Road, nor is the road being pedestrianised.

My initial concerns are that:

- As usual with most street café applications the plan is not to scale so gives a misleading impression of how much of the footway the pavement café takes up
- The plan shows the distance from the building line to the kerb as 4.3m, the distance from the building line to the edge of the barriers as 2.0m and the distance from the kerb to the inside face of the bollards as 0.5m, leaving only 1.8m between the bollards and the barriers, which is less than the minimum required distance of 2.0m
- Although the plan shows the set back part of the pavement café having a depth of 3.0m, it doesn't show how what distance this leaves between the barriers of the set back part of the café and the raised kerb in front of this section, which forms part of the bus stop.
- The plan omits the bollards and the kerb on the corner with Howard Road, which necessitated the barriers being put out at an angle when Salvador Deli operated from this premises (see street café plan attached) and which is now regularly blocked by food couriers bicycles while they're waiting to collect food via Grounded Kitchen's side window on Howard Road
- The photo included with the application clearly shows the pavement café taking up more than 2.0m from the building line and leaving much less than 2.0m to the bollards on the corner with Queens Road
- Rather than storing the barriers overnight on the street as has become recent practice, they should be stored off the street, either along with Grounded Kitchen's commercial bins in the storage area between 50 and 52 Queens Road or inside the premises itself

Based on these initial concerns I'll be recommending that FCP objects to this application, but we may be able to avoid this if these concerns can be addressed by the applicant.

Best regards,

Chair, Friends of Clarendon Park