



Leicester
City Council

Minutes of the Meeting of the
LICENSING ENFORCEMENT SUB-COMMITTEE
(MICROSOFT TEAMS MEETING)

Held: TUESDAY, 3 NOVEMBER 2020 at 10:00 am

P R E S E N T:

Councillor Singh Johal (Vice Chair in the Chair)

Councillor Fonseca

Councillor Thomas

Councillor Dr Moore

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102. APPOINTMENT OF CHAIR

RESOLVED:

That Councillor Singh Johal be appointed as Chair for the meeting.

103. APOLOGIES FOR ABSENCE

There were no apologies for absence.

104. DECLARATIONS OF INTEREST

Members were asked to declare any interests they may have in the business to be discussed.

There were no declarations of interests.

105. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the Licensing Enforcement Sub-Committee held on 6 October 2020 be confirmed as a correct record.

**106. APPLICATION FOR A NEW STREET TRADING CONSENT, MRS HYULA
AKAN TOY, SPACE FOOD, WALLINGFORD ROAD/CORPORATION ROAD,
LEICESTER**

The Director of Neighbourhood and Environmental Services submitted a report

concerning the application for street trading consent under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, for Space Food, Wallingford Road/Corporation Road. The applicant was Mrs Hyula Toy.

The applicant's husband Mr Kelart Toy was present on behalf of the applicant. Mr Dave Braithwaite (Leicestershire Police), PC Anton Wilson (Leicestershire Police), the Licensing Team Manager, and Legal Adviser to the Sub-Committee were also present.

The Licensing Team Manager confirmed that he had received a text from the applicant, confirming that the applicant was happy to be represented by her husband.

The Licensing Team Manager outlined details of the report and drew Members' attention to the objections referred to in the report. It was noted that an objection was received from a local resident, who was not present at the meeting.

Mr Braithwaite and PC Wilson outlined the reasons for their representation and answered questions from Members and Mr Toy. They were concerned that people parking on double yellow lines to go to the food truck would cause traffic issues in the area and that noise from the van would cause disturbance for local residents.

Mr Toy on behalf of the applicant, set out the reasons why the street trading consent should be granted and answered questions from Members and Officers.

All parties were then given the opportunity to sum up 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.

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.

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

The Chair then asked all but Members of the Sub-Committee and Democratic Support Officers to disconnect from the meeting. The Sub-Committee then deliberated in private to consider their decision.

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

RESOLVED:

that the application for street trading consent under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, for Space Food, Wallingford Road / Corporation Road, Leicester be REFUSED.

It was noted that the hearing of the application was held virtually in accordance with the Local Authorities and Police and Crime Panel (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales)(Regulations) 2020 (The 2020 Regulations) and in accordance with the Council's own Remote Procedure Rules.

Members of the Sub-Committee had taken account of all the representations, the Regulator's Code and the Council's Street Trading Policy. In accordance with that Policy they had decided the application on its merits, taking into account the matters detailed in paragraph 9 of the Policy.

The applicant sought a street trading consent to operate a fixed site food stall on the corner of Corporation Road and Wallingford Road selling takeaway foods and hot and cold soft drinks, on a daily basis from 6.00 am to 6.00 pm (albeit the applicant was flexible as regards dates and times).

Representations against the grant of the consent were received from the Police and two local residents.

The Police had road safety & public nuisance concerns. They had indicated that the majority of the streets around the proposed site had double yellow lines and they foresaw customers parking on the double yellow lines and/or blocking driveways, thereby causing a risk and nuisance to other road users and local residents. They also had concerns regarding noise and accessibility to a nearby nursery. They also indicated that there are sufficient food outlets in the area already.

The two local residents echoed those concerns and pointed out that the proposed site itself had double yellow lines, a cycle lane and was a blind corner in a cul de sac. They were concerned that increased traffic would bring increased danger to other road users and there would be nuisance caused by litter.

Members agreed that clear road safety and public nuisance issues arose as a result of the presence of double yellow lines at the proposed site and in the surrounding streets. Granting the application would lead to the blocking of driveways and / or illegal parking with an attendant risk to other road users. Members found a suggestion that the applicant would be able to dissuade customers from parking illegally unrealistic. Members also accepted that similar food to that proposed for sale by the applicant was available in other fixed premises in the vicinity.

In those circumstances the Members of the Sub-Committee's decision was to refuse the application.

107. ANY OTHER URGENT BUSINESS

There being no further business, the meeting closed at 12.35pm.