

Leicester
City Council

MEETING OF THE LICENSING ENFORCEMENT SUB-COMMITTEE

DATE: TUESDAY, 1 DECEMBER 2020
TIME: 10:00 am
PLACE: Microsoft Teams Virtual Meeting

Members of the Sub-Committee

Councillors Cank, Pickering, Shelton and Thomas

Members of the Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

for Monitoring Officer

Officer contact: Aqil Sarang
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Information for members of the public

PLEASE NOTE that any member of the press and public may listen in to proceedings at this 'virtual' meeting via a weblink which will be publicised on the Council website at least 24hrs before the meeting. Members of the press and public may tweet, blog etc. during the live broadcast as they would be able to during a regular Committee meeting at City Hall / Town Hall. It is important, however, that Councillors can discuss and take decisions without disruption, so the only participants in this virtual meeting will be the Councillors concerned, the officers advising the Committee and any objectors and applicants relevant to the applications to be considered.

Attending meetings and access to information

You have the right to attend/observe formal meetings such as full Council, committee meetings & Scrutiny Commissions and see copies of agendas and minutes. On occasion however, meetings may, for reasons set out in law, need to consider some items in private.

Dates of meetings and copies of public agendas and minutes are available on the Council's website at www.cabinet.leicester.gov.uk, or by contacting us using the details below.

Making meetings accessible to all

Braille/audio tape/translation - If you require this please contact the Democratic Support Officer (production times will depend upon equipment/facility availability).

Further information

If you have any queries about any of the above or the business to be discussed, please contact Aqil.Sarang, Democratic Support on **(0116) 454 5591** or email Aqil.Sarang@leicester.gov.uk

For Press Enquiries - please phone the **Communications Unit on 0116 454 4151**

PUBLIC SESSION

AGENDA

LIVE STREAM OF MEETING

A live stream of the meeting can be viewed on the following link:

<https://tinyurl.com/yykrdxcf>

- 1. APPOINTMENT OF CHAIR**
- 2. APOLOGIES FOR ABSENCE**
- 3. DECLARATIONS OF INTEREST**

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

- 4. MINUTES OF PREVIOUS MEETING** **Appendix A**

The minutes of the meeting of the Licensing Enforcement Sub-Committee held on 3 November 2020 are attached, and Members will be asked to confirm them as a correct record.

- 5. PRIVATE SESSION**

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

Under the law, the Sub-Committee is entitled to consider certain items in private where in the circumstances the public interest in maintaining the matter exempt from publication outweighs the public interest in disclosing the information. Members of the public will be asked to leave the meeting when such items are discussed.

The Sub-Committee is recommended to consider the following reports in private on the grounds that they contain 'exempt' information as defined by the Local Government (Access to Information) Act 1985, as amended, and consequently that the Sub-Committee makes the following resolution:-

“that the press and public be excluded during consideration of the following reports in accordance with the provisions of Section 100A(4) of the Local

Government Act 1972, as amended, because they involve the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act, and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.”

Paragraph 1

Information relating to an individual.

Paragraph 2

Information which is likely to reveal the identity of an individual.

Paragraph 3

Information relating to the financial or business affairs of any particular person (including the authority).

- B1) Determination of Continued Entitlement to Retain a Hackney Carriage and Private Hire Vehicle Drivers Licence
- B2) Personal Licence Review Application
- B3) Personal Licence Review Application

6. DETERMINATION OF CONTINUED ENTITLEMENT TO RETAIN A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS LICENCE [Appendix B1](#)

The Director of Neighbourhoods and Environmental Services submits a report.

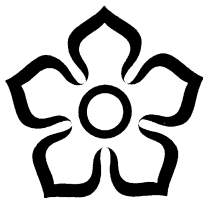
7. PERSONAL LICENSE REVIEW APPLICATION [Appendix B2](#)

The Director of Neighbourhoods and Environmental Services submits a report.

8. PERSONAL LICENSE REVIEW APPLICATION [Appendix B3](#)

The Director of Neighbourhoods and Environmental Services submits a report.

9. ANY OTHER URGENT BUSINESS



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

* * * * *

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.

Appendix B1

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Appendix B2

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Appendix B3

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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