

LICENSING ENFORCEMENT SUB-COMMITTEE

DATE: TUESDAY, 5 APRIL 2022

TIME: 9:30 am

PLACE: Meeting Room G.01, Ground Floor, City Hall, 115 Charles

Street, Leicester, LE1 1FZ

Members of the Sub-Committee

Councillors Byrne, Pickering, Shelton, and Westley

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

for Monitoring Officer

Information for Members of the Public

Attending meetings and access to information

You have the right to attend formal meetings such as full Council, committee meetings, and Scrutiny Commissions and see copies of agendas and minutes.

However, on occasion, meetings may, for reasons set out in law, need to consider some items in private.

Due to ongoing mitigations to prevent the transmission of COVID, public access in person is limited to ensure social distancing. If you wish to attend a meeting in person, you are required to contact the Democratic Support Officer in advance of the meeting regarding arrangements for public attendance. A guide to attending public meetings can be found here on the <u>Decisions, meetings</u> and <u>minutes page</u> of the Council website.

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.

To hold this meeting in as Covid-safe a way as possible, all attendees are asked to follow current Government guidance and:

- maintain distancing while entering and leaving the room/building;
- remain seated and maintain distancing between seats during the meeting;
- wear face coverings throughout the meeting unless speaking or exempt:
- make use of the hand sanitiser available;
- when moving about the building to follow signs about traffic flows, lift capacities etc;
- comply with Test and Trace requirements by scanning the QR code at the entrance to the building and/or giving their name and contact details at reception prior to the meeting;
- if you are displaying Coronavirus symptoms: a high temperature; a new, continuous cough; or a loss or change to your sense of smell or taste, you should NOT attend the meeting, please stay at home, and get a PCR test.

NOTE:

Due to ongoing mitigations to prevent transmission of COVID, public access in person is limited to ensure social distancing. If you wish to attend the meeting in person, you are required to contact the Democratic Support Officer in advance of the meeting regarding arrangements for public attendance.

Separate guidance on attending the meeting is available for officers. Officers attending the meeting are asked to contact the Democratic Support Officer in advance to confirm their arrangements for attendance.

Making meetings accessible to all

<u>Wheelchair access</u> – Public meeting rooms at the City Hall are accessible to wheelchair users. Wheelchair access to City Hall is from the middle entrance door on Charles Street - press the plate on the right hand side of the door to open the door automatically.

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

<u>Induction loops</u> - There are induction loop facilities in City Hall meeting rooms. Please speak to the Democratic Support Officer using the details below.

Filming and Recording the Meeting - The Council is committed to transparency and supports efforts to record and share reports of proceedings of public meetings through a variety of means, including social media. In accordance with government regulations and the Council's policy, persons and press attending any meeting of the Council open to the public (except Licensing Sub Committees and where the public have been formally excluded) are allowed to record and/or report all or part of that meeting. Details of the Council's policy are available at www.leicester.gov.uk or from Democratic Support.

If you intend to film or make an audio recording of a meeting you are asked to notify the relevant Democratic Support Officer in advance of the meeting to ensure that participants can be notified in advance and consideration given to practicalities such as allocating appropriate space in the public gallery etc..

The aim of the Regulations and of the Council's policy is to encourage public interest and engagement so in recording or reporting on proceedings members of the public are asked:

- ✓ to respect the right of others to view and hear debates without interruption;
- ✓ to ensure that the sound on any device is fully muted and intrusive lighting avoided;
- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that
 they may be filmed and respect any requests to not be filmed.

Further information

If you have any queries about any of the above or the business to be discussed, please contact Angie Smith, Democratic Support on **(0116) 454 6354 or email** angie.smith@leicester.gov.uk

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

LEICESTER CITY COUNCIL LICENSING SUB-COMMITTEE PROCEDURAL GUIDE

INTRODUCTORY PHASE

The meeting will be held in public unless stated otherwise in the report.

Present at the hearing will be Members of the Licensing Sub-Committee (minimum 3 Members), Officers from the Licensing Authority, a Legal Adviser to the Sub-Committee, an Officer from Democratic Services.

- 1. Participants at the meeting will introduce themselves as follows:
 - a. Members and Officers
 - b. Statutory Consultees (if any)
 - c. The Applicant and any representatives
 - d. Persons who have made representations
- 2. The Chair will check that the Applicant has received a copy of the Officer report.

INFORMATION GATHERING

3. The Licensing Officer presents the report (previously circulated)

Questions (for clarification purposes only):

Members

Statutory Consultees (if any)

Persons who have made representations

Applicant and Representative (s)

4. Depending on the nature of the report, Statutory Consultees present their comments.

Questions (for clarification purposes only):

Members

Officers

Persons who have made representations

Applicant and Representative(s)

5. Persons who have made representations

Questions (for clarification purposes only):

Members

Officers

Statutory Consultees (is any)

Applicant and Representative(s)

6. Applicant's Case

Questions (for clarification purposes only):

Members

Officers

Statutory Consultees

Persons who have made representations

7. Summing up in the following order

Officers
Statutory Consultees
Persons who have made representations
Applicant and Representative(s)

8. The Legal Adviser to the Sub-Committee to advise the Sub-Committee in the presence of the Applicant, Representatives, Officers, Statutory Consultees, and persons who have made representations on relevant issues the Members need to be aware of when they come to make their decision.

DECISION MAKING

9. Apart from the Sub-Committee Members and the Democratic Support Officer everyone will be asked to withdraw from the meeting The Legal Adviser to the Sub-Committee may be called back to the meeting to advise on the wording of the decision the Sub-Committee Members will have made during private deliberation.

The Applicant will be advised that the decision made by the Sub-Committee will be made public within 5 working days of the meeting.

PUBLIC SESSION

AGENDA

FIRE / EMERGENCY EVACUATION

If the emergency alarm sounds, you must evacuate the building immediately by the nearest available fire exit and proceed to the area outside the Ramada Encore Hotel on Charles Street as directed by Democratic Services staff. Further instructions will then be given.

- 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. APPLICATION FOR A STREET TRADING CONSENT Appendix A FOR AWESOME KEBAB, SIDE OF MEMON CENTRE, ABBOTSFORD ROAD, LEICESTER

The Director of Neighbourhood and Environmental Services submits a report on an application for a street trading consent for Awesome Kebab, side of Memon Centre, Abbotsford Road, Leicester.

Report attached. A copy of the associated documentation is attached for Members only. Further copies are available on the Council's website at www.cabinet.leicester.gov.uk or by telephoning Democratic Support on (0116) 454 6354.

(Ward affected: Evington)

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).

Paragraph 7

Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

- B1) Determination of continued entitlement to retain a Hackney Carriage and Private Hire Vehicle Driver's Licence
- B2) Personal Licence Review Application

6. DETERMINATION OF CONTINUED ENTITLEMENT TO Appendix B1 RETAIN A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE

The Director of Neighbourhood and Environmental Services submits a report.

7. PERSONAL LICENCE REVIEW APPLICATION Appendix B2

The Director of Neighbourhood and Environmental Services submits a report.

8. ANY OTHER URGENT BUSINESS

Appendix A



WARD: Evington

LICENSING COMMITTEE

5th April 2022

APPLICATION FOR STREET TRADING CONSENT MR SAIF UDDIN

AWESOME KEBAB, SIDE OF MEMON CENTRE, ABBOTSFORD ROAD, LEICESTER

Report of the Director of Neighbourhood and Environmental Services

1. Location



2. Purpose of the Report

To determine an application for the grant of a street trading consent under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, for Awesome Kebab. The applicant is Mr Saif Uddin.

3. Options for the Sub-Committee

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

- (a) Grant the application, or
- (b) Refuse the application.

A licensing authority may attach such conditions as they consider reasonably necessary when granting or renewing a street trading consent. This may include conditions to prevent obstruction of the street or danger to persons using it, or nuisance or annoyance (whether to persons using the street or otherwise). The authority may at any time vary the conditions of a street trading consent.

The authority may include in a street trading consent permission for its holder to trade in a consent street

- a) from a stationary van, cart, barrow or other vehicle; or
- b) from a portable stall.

If the authority includes such a permission, it may make the consent subject to conditions

- a) as to where the holder of the street trading consent may trade by virtue of the permission, and
- b) as to the times between which or periods for which he may so trade.

A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.

There is no right of appeal against a determination of the Licensing Authority in this instance, but as a matter of good practice Members should give reasons for their decision at the time it is announced.

4. Recommendation

It is recommended that the application be refused in accordance with the City Council's street trading policy.

5. Report

Mr Uddin has applied for the grant of a street trading consent for Awesome Kebab, container at the side of the Memon Centre, Abbotsford Road, Leicester, under schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. A copy of the application is attached at Appendix A.

Mr Uddin would like to sell donner kebabs, HMC chicken and Angus beef burgers, Thursday to Sunday 4.00pm to 11.00pm.

Street trading policy

The policy says that there will be a general presumption in favour of granting consents for street trading by ice cream vans and by mobile operators who remain stationary at a particular location only long enough to serve customers at that location, provided that they conform to any code of practice issued by the City Council.

The policy provides for certain exceptions, including:

a) The immediate vicinity of Leicester City Football Club and Leicester Tigers, for the purpose of the sale of favours and materials associated with the football clubs that are organised and controlled by those clubs. 2

- b) Operators selling food who wish to trade on industrial estates, where no other adequate provision is provided.
- c) Limited period consents in respect of particular types of operations in conjunction with specific events in the City.

None of these exceptions are relevant to this application.

Other applications for consents will be considered and each case will decided on its own merits. The following matters will be taken into account:

- Public nuisance
- Crime and disorder
- Road safety
- Health and safety at schools and for their pupils
- Likely demand for goods being sold
- Availability of goods being sold in other fixed premises in the vicinity
- Objections received from nearby residents, businesses and statutory agencies

Representations

Details of the application have been passed to the Police, Highways, Noise Control, and the Food Team. A notice has been placed at the location concerned for two weeks inviting anyone affected by the proposal to submit representations to the Licensing section.

No representations have been received from the Police, Highways, Noise Control and the Food Team in relation to this application. However, a representation has been received from a member of the public.

The representee is concerned that if this application if granted, it will cause more traffic and parking issues on an already very congested road causing danger to the public. A copy of the representation is attached at Appendix B1.

A statement has also been received from the Licensing Enforcement Team providing background information about this application and photos of the site and public notices which is attached at Appendix B2.

6. Legal Implications (Including Human Rights Act)

A licensing decision is a determination of civil rights to which Article 6 Right to a fair trial principles apply. Article 1 of the First Protocol gives the right of peaceful enjoyment of possessions, which would include a street trading consent.

Schedule 4 paragraph 7 of the Local Government (Miscellaneous Provisions) Act 1982 details the procedure to be followed for the grant and renewal of street trading consents. The council and the holder of a street trading consent must comply with the requirements of this paragraph.

Schedule 4 paragraph 8 of the Local Government (Miscellaneous Provisions) Act 1982 enables the holder of a street trading consent to employ any other person to assist in their trading without a further consent being required.

Where a consent is surrendered or revoked, the council shall remit or refund as they consider appropriate the whole or a part of any fee paid for grant or renewal of the

consent as per Schedule 4 paragraph 9(5) of the Local Government (Miscellaneous Provisions) Act 1982.

A person who engages in street trading without a street trading consent, or who makes a false statement in connection with an application for a consent may be subject to prosecution, and upon conviction may be liable for a fine of up to £1,000, pursuant to Schedule 4 paragraph 10 of the Local Government (Miscellaneous Provisions) Act 1982

John Moss, Solicitor

7. Crime and Disorder

One matter for consideration as part of the application process is the impact a successful application may have on crime and disorder.

8. Consultation

Leicestershire Police Highways department Pollution Control Food Team Members of the public

9. Reason for Treating the Report as "Not for Publication"

None

10. Officer to Contact

Amy Day Licensing Officer 0116 454 3054



Amy Day

From: Licensing

Sent: 12 January 2022 09:24

To: Licensing

FW: Street trade licence. Case reference: ST392495664 Subject:

Sale Details

Transaction ID Description Amount

219-51764 **Street Trading Licences** 350.00

ST392495664

Total Amount 350.00

From: Crm-feedback < crm.feedback@leicester.gov.uk>

Sent: 12 January 2022 09:23

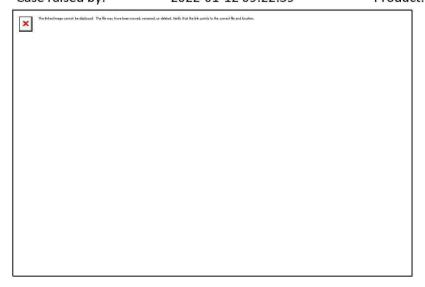
To: Licensing <Licensing@leicester.gov.uk>

Subject: Street trade licence. Case reference: ST392495664



Street trade licence

Product: Self Case raised by: 2022-01-12 09:22:39



What type of trading consent are you applying for: Fixed site

I have read the policy and code of practice and wish to continue my application for street trading consent: I have read the policy and code of practice and wish to continue my application for street trading consent

Your details:

Title	First name	Surname	Phone number	Mobile number	Email address
Mr.	Saif	Uddin			

Flat	House number	Street	Town	County	Postcode
					100

Business name: Awesome kebab

Business type: Fast food

What goods do you intend to sell?: Donner kebab Hmc chicken and lamb donner Angus beef burgers

Is the business address the same as your contact address? : No

Business address:

Enter the postcode or street name	Please select the address	The address is not listed
Le5 4da	7 Abbotsford Road, Leicester	

Please explain how your business may impact on public nuisance: My business won't create any nuisance The food out of the Selling It's takeaway pick and go
Please explain how your business may impact on crime and disorder:: My business won't impact on They above
Please explain how your business may impact on road safety: : My business will impact any road safety issues because the containers been there for last 10 years and hasn't closed any issues
Please explain how your business may impact on the health and safety at schools and for their pupils:: It won't impact anybody underage because there's no schools
Please explain the likely demand for the goods that you intend to sell:: I feel there's a high demand for the Hmc halal donner kebab That I want to sell and it's 100% lamb donner kebab
Are the goods that you intend to sell already available in other fixed premises nearby? If so, please give details: : The closest place to is Atlantis fish chips bar but it's not Hmc
Please give reasons why your application should be granted as an exception to the council's general policy on street trading: I personally think there's a different product to the area it would not affect anybody's business in anyway and give the Hmc clientele a choice
How many months of trading consent do you wish to apply for?: 12 months street trading consent

What date(s) do you wish to trade?: 1/2/ 2022

I understand and agree to the declaration: I understand and agree to the declaration

Date:: 12 01 22

Amy Day

From: Amy Day

Sent: 12 January 2022 13:48

To:

Subject: Street trading application

Mr Uddin,

Further to our conversation today, I just wanted to confirm the following:

You wish to trade from the container to the front/side of the Memon Centre, Abbotsford Road/Melford Street, Thursday to Sunday 16.00 - 23.00.

You advised that the container is owned by the Memon Centre. Therefore I will need written consent from the centre, advising they are happy for you to use this container for street trading purposes.

Once you have received this, please forward to me and then I can start the consultation process.

Regards

Amy Day Licensing Officer

Licensing Authority, Leicester City Council

Email: amy.day@leicester.gov.uk

Telephone: 0116 454 3030

Please see <u>Coronavirus (COVID-19): taxis and PHVs - GOV.UK (www.gov.uk)</u> for the most up to date guidance for taxi drivers relating to Coronavirus.

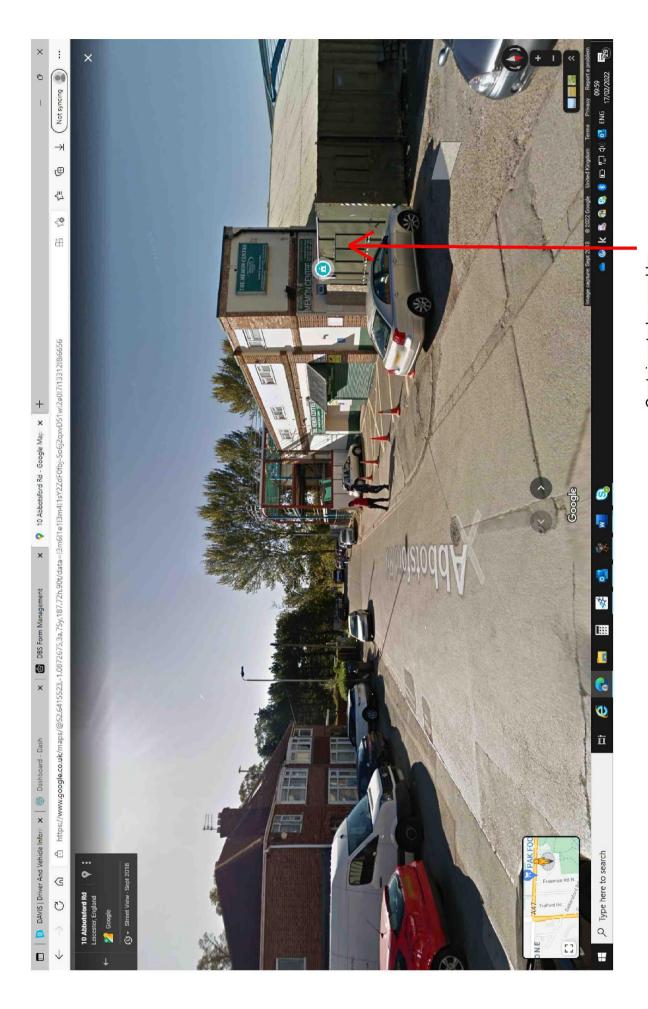
This week HMRC has published further guidance to help licensees and licensing bodies <u>prepare</u> for the new tax checks.

Applicants Guide to completing a Tax Check

You are asked to read this guidance and to familiarise yourself with what you will need to do for the tax check.

NOTE:- The online service is not yet available You will be able to complete a tax check from 7 March 2022.





Container to be used by Awesome Kebab



16 February 2022

Mr Saif Uddin



Dear Mr Uddin,

Re: Used Shipping Container (Container) on our premises at 7 Abbotsford Road Leicester LE5 4DA.

Further to your enquiry and verbal communication with ourselves, this is to confirm that having reviewed your proposal we are delighted to offer you the rental of the container for a food business which would benefit the local community, subject to a formal lease agreement.

However, as discussed that before we issue a lease agreement, we want you to get all the necessary permissions from the regulatory bodies. It is your responsibility to ensure that you have adhered to all the legal guidelines and process to run a food business from the container and have obtained the licenses and permits.

Please be advised that once you have obtained the regulatory permission than we will draft a lease agreement. Furthermore, we will be not held responsible for any costs arising from these applications whether successful or not.

If you require any further information, please do not hesitate to contact us.

Yours sincerely



Zunaid Rashid Secretary Memon Association Leicester Ltd

7 Abbottsford Road
Leicester
LE5 4DA
www.memoncentre.com
info@memoncentre.com

+44 116 246 4273



Amy Day

From: Licensing

Sent: 03 March 2022 15:52

To: Amy Day

Subject: FW: Abbotsford rd container next to Memon Centre

Sent: 03 March 2022 15:28

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

Subject: Abbotsford rd container next to Memon Centre

To whom it may concern

The food trailer in question was about to open without planning consent. I have previously informed your department of this and my concerns as follows

- . The road is at maximum capacity
- . Cars continually park on double yellow lines obstructing the flow of traffic
- .large Iceland and pak foods lorries get stuck on the road.
- .Madrasa school and Memon centre are a big strain on traffic congestion.

Safety of the public and businesses put at risk as

During peak times emergency services cannot get to their destination

I have spoken to the businesses on the road notably Tuning services 5 Abbotsford rd, directly next to the trailer, also Parker hire and Westminster Home Care. These are all next to each other and none have been informed by letter or email of this application. I myself of have not been informed. This Is not acceptable and once again we have been ignored by the council. As you are aware I am in contact with councillor Sue Hunter who I've forwarded this email and will be taking this matter further

Appendix2B

Statement of Witness

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9.)

STATEMENT OF: TONI TIDMARSH

(insert full name)

Age of witness: Over 18

(If over 18, state over 18)

Occupation of witness: LICENSING ENFORCEMENT OFFICER

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 17 day of March 2022

I am employed by Leicester City Council's Licensing Team as a Licensing Enforcement Officer. Part of my duties include the enforcement of and ensuring compliance with the legislation relating to unlawful street trading, under the powers provided by the Leicester City Council Act 2006 and the Local government (Miscellaneous Provisions) Act 1982. This statement details background information on my involvement with a proposed business to be known as Awesome Kebabs trading from a converted shipping container on Abbotsford Road, Leicester.

On 21st October 2021 I was allocated an enquiry regarding a possible unlicensed street trading business operating from 7 Abbotsford Road. The email consisted of several photographs showing the location of the container and detailed the owner of the container as working from Bombay Street Food, 8 Abbotsford Road. A few of the photographs, from the email are attached and marked as Appendix 1-3.

Contact was made with the owner and on 27th October 2021, I met with Mr Saif Uddin on site to discuss his plans for the container.

Mr Uddin advised the container had been on site for at least 11 years and belonged to the Memon Centre. He is renting the container from the Memon Centre and the intention is to prepare and serve food to users of the Memon Centre once it re-opens and on Thursday to Sunday evenings, to operate as a takeaway from the serving hatch to members of the public till 10 or 11pm.

I advised Mr Uddin of the requirement of a street trading consent and the application process and I sent an email containing the link to the street trading information on the Leicester City Council Website.

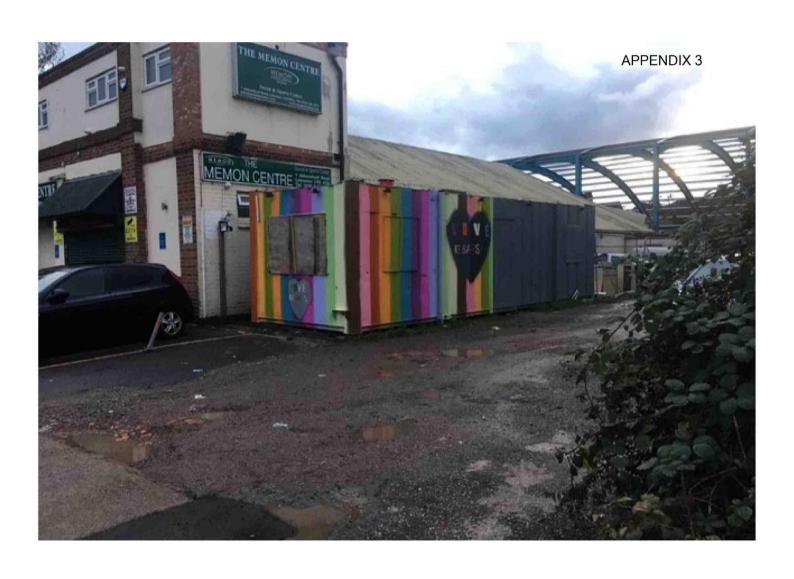
On 26th November 2021 I received a text message from Mr Uddin stating he had submitted his application and payment but had not heard anything further. I checked our records and

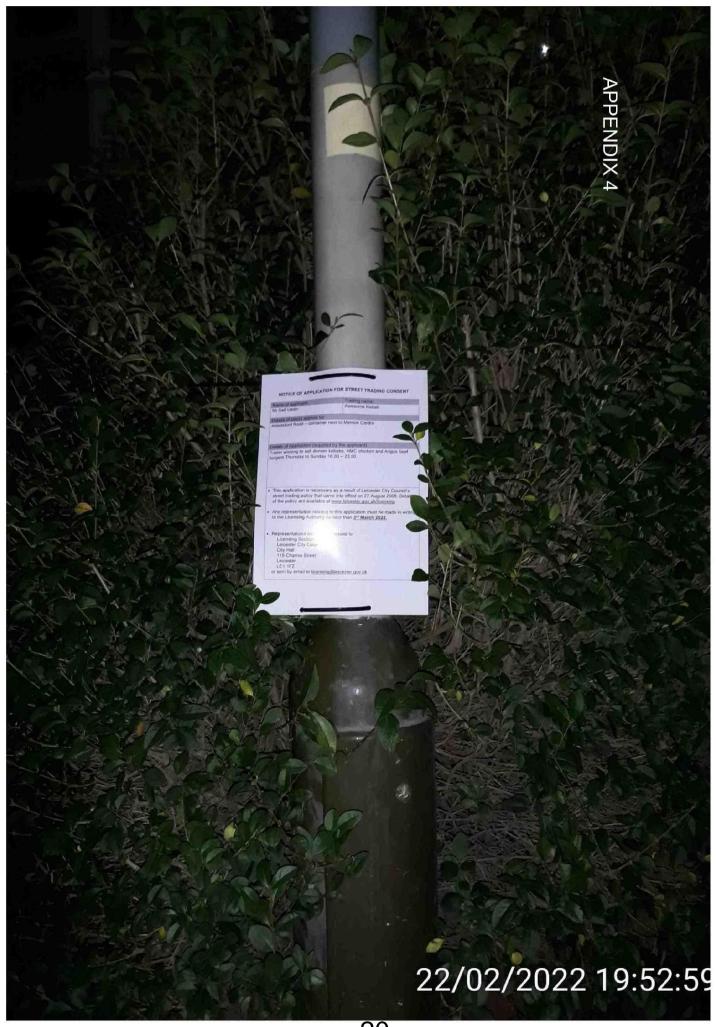
Signed: Toni	Tidmarsh	Date:	17/03/2022
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Continuation of Statement of: Toni Tidmarsh
advised Mr Uddin that I was unable to find an application from him.
On 7 th December 2021, I received another text message from Mr Uddin asking for the
email to be sent again so he can complete the form. I resent the original email to Mr Uddin
on 9 th December 2021.
On Tuesday 22 nd February 2022 a 'notice of application for street trading consent' was
placed on 3 lampposts situated near to the food container on Abbotsford Road – 1 on the
other side of the road, almost opposite the food container and the other 2 were placed
either side of the food container on the same side of the road. Photos of the notices were
taken and are attached as Appendix 4-6.
Signed:Toni Tidmarsh

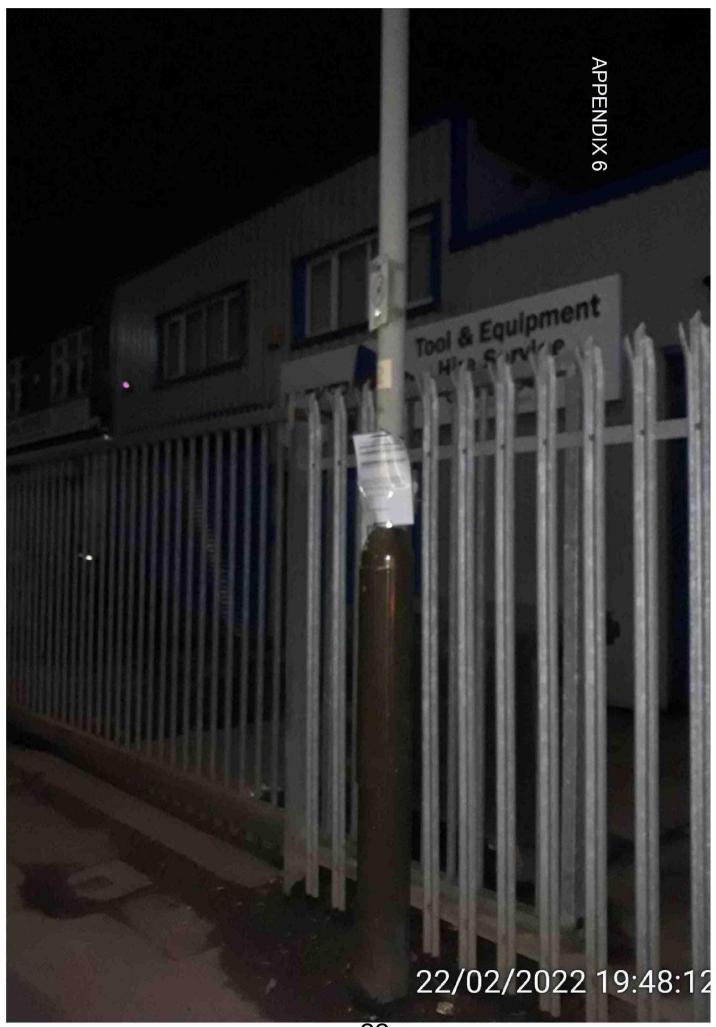












Appendix B1

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

Appendix B2

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted