



Leicester  
City Council

### **LICENSING ENFORCEMENT SUB-COMMITTEE**

**DATE: TUESDAY, 4 OCTOBER 2022**

**TIME: 9:30 am**

**PLACE: Meeting Room G.02, Ground Floor, City Hall, 115 Charles Street, Leicester, LE1 1FZ**

### **Members of the Sub-Committee**

Councillors Ali, Broadwell, Byrne, Westley and Whittle

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

for Monitoring Officer

**Officer contact:** Jason Tyler  
Democratic Support, Leicester City Council  
City Hall, 115 Charles Street, Leicester, LE1 1FZ  
Tel: 0116 454 6359  
email: [Jason.Tyler@leicester.gov.uk](mailto:Jason.Tyler@leicester.gov.uk)

## **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 [Decisions, meetings and minutes page](#) 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](http://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:**

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**

Wheelchair access – 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.

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

Induction loops - 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](http://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 Jason Tyler, Democratic Support on **(0116) 454 6359** or email [Jason.Tyler@leicester.gov.uk](mailto:Jason.Tyler@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. MINUTES OF PREVIOUS MEETING**

**Appendix A**

The minutes of the meeting of the Licensing Enforcement Sub-Committee held on 6<sup>th</sup> September 2022 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).

Paragraph 7

Information relating to the 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

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

The Director of Neighbourhood and Environmental Services submits a report, adjourned from the meeting held on 6 September 2022.

**7. PUBLIC SESSION**

**8. APPLICATION FOR THE GRANT OF A HIGHWAYS AMENITIES LICENCE (STREET CAFÉ): GELATO VILLAGE, 107 QUEENS ROAD, LEICESTER, LE2 1TT** **Appendix C**

The Director of Neighbourhood and Environmental Services submits a report, adjourned from the meeting held on 6 September 2022, which asks Members to determine an application for a the grant of a Highways Amenities Licence (Street Café) for premises known as Gelato Village. The applicant is Mr Daniele Taverna on behalf of the business.

The report is 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](http://www.Cabinet.leicester.gov.uk) or by telephoning Democratic Support on 0116 4546354.

(Wards affected: Castle)

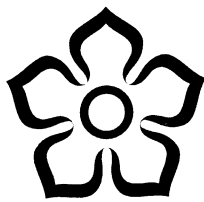
**9. APPLICATION FOR STREET TRADING CONSENT: Appendix D  
COBSMACKED, BOSTON ROAD, LEICESTER**

The Director of Neighbourhood and Environmental Services submits a report which asks Members to determine an application for of a street trading consent under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, for Cobsmacked. The applicant is Mr John Derry.

The report is 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](http://www.Cabinet.leicester.gov.uk) or by telephoning Democratic Support on 0116 4546354.

(Wards affected: Beaumont Leys)

**10. ANY OTHER URGENT BUSINESS**



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# Appendix A

## Minutes of the Meeting of the LICENSING ENFORCEMENT SUB-COMMITTEE

Held: TUESDAY, 6 SEPTEMBER 2022 at 5:30 pm

### P R E S E N T:

Councillor Singh Johal (Chair)

Councillor Cank

Councillor Dr Sangster

\* \* \* \* \*

#### **17. APPOINTMENT OF CHAIR**

Councillor Singh Johal was appointed as Chair for the meeting.

#### **18. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Shelton. Councillor Cank was present.

#### **19. DECLARATIONS OF INTEREST**

Members were asked to declare any interests they might have in the business to be discussed on the agenda. There were no declarations of interest made.

#### **20. MINUTES OF PREVIOUS MEETING**

##### RESOLVED:

That the minutes of the meeting of the Licensing Enforcement Sub-Committee held on 5 July 2022 be confirmed as a correct record.

#### **21. PRIVATE SESSION**

##### RESOLVED:

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 involved 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 was considered that the public interest in maintaining

the information as exempt outweighed 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) Determination of Continued Entitlement to Retain a Hackney Carriage and Private Hire Vehicle Driver's Licence

**22. DETERMINATION OF CONTINUED ENTITLEMENT TO RETAIN A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE**

The Director of Neighbourhood and Environmental Services submitted a report which required Members to make a determination of continued entitlement to retain a Hackney Carriage and Private Hire Vehicle Driver's Licence.

Prior to commencement of the presentation of the report, Members heard that the driver had requested that the report be taken to a future meeting for consideration to allow for the accompaniment of the driver's legal representative.

Members agreed that the report could be heard at future meeting of the Licensing Enforcement Sub-Committee.

**23. DETERMINATION OF CONTINUED ENTITLEMENT TO RETAIN A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE**

The Director of Neighbourhood and Environmental Services submitted a report that required Members to make a determination of continued entitlement to retain a Hackney Carriage and Private Hire Vehicle Driver's Licence.

The Chair led on Introductions and outlined the procedure for the meeting.

The driver was present. The Licensing Team Manager (Enforcement) and Legal Adviser to the Sub-Committee were also present.

The Licensing Team Manager outlined the details of the application, including the relevant City Council Guidelines. The Legal Adviser to the Sub-Committee was also called to give advice on a procedural matter during presentation of the report.

The Licensing Team Manager then showed dash-cam footage of an incident involving the driver and answered questions from Members.

The driver made representations and answered questions from Members and the Legal Adviser to the Sub-Committee.

All parties were given the opportunity to sum up their positions 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 and were advised of the options available to them in making their decision.

The Sub-Committee were also advised of the relevant policy and statutory guidance that needed to be taken into account when making their decision.

In order to reach their decision, the Sub-Committee felt they should deliberate in private on the basis that it was in the public interest and as such outweighed the public interest of their deliberation taking place with the parties represented present.

In reaching their decision the Sub-Committee Members had carefully considered the written report and verbal representation by the Licensing Team Manager (Enforcement). The Members had also considered the representations made by the driver, and the legal advice given to them during the meeting. The Sub-Committee Members had taken account of the relevant policy and statutory guidance.

The Chair announced that full reasons for the decision would be confirmed in writing within five working days. The Chair informed the meeting that 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 Officer to withdraw from the meeting. Members 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 driver be allowed to RETAIN his Hackney Carriage and

Private Hire Vehicle Driver's Licence subject to the following:

That the circumstances presented in the case, namely the poor standard of driving while undertaking private hire bookings with passengers on 28 May 2022 and 03 June 2022 constituted 'any other reasonable cause' under section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 and that:

1. A warning letter be issued to the driver reminding him that he must comply with the Council's Driver Code of Conduct at all times and maintain a good standard of driving at all times.
2. The following conditions be added to the driver's Hackney Carriage and Private Hire Vehicle Driver's Licence:
  - a) The driver shall only drive a Hackney Carriage or a Private Hire Vehicle which has a working dash-cam system agreed by the Council's Licensing Team.
  - b) The Driver shall keep the recordings from the dash-cam system for a minimum period of 31 days.
  - c) The driver shall make the recordings from the dash-cam system available to Officers of Leicester City Council on demand.

The driver would be advised of his right to appeal the decision to the Magistrates' Court.

## **24. PUBLIC SESSION**

The meeting moved into public session.

## **25. APPLICATION FOR THE GRANT OF A HIGHWAYS AMENITIES LICENCE (STREET CAFÉ): MAMBA BAR, 29 MARKET STREET, LEICESTER, LE1 6DN**

The Director of Neighbourhood and Environmental Services submitted a report which asked Members to determine an application for the grant of a Highways Amenities Licence (Street Café) for premises known as Mamba Bar, 29 Market Street, Leicester, LE1 6DN.

Introductions were made and the procedure for the meeting outlined.

Mr Harjinder Athwal, joint owner for Mamba Bar was present. PC Jeff Pritchard (Leicestershire Police) and Ms Lorraine Moore (Licensing Enforcement Officer) were present having made representations. Also present was the Licensing Team Manager (Enforcement) and the Legal Adviser to the Sub-Committee.

The Licensing Team Manager (Enforcement) presented the report. It was noted an application was received on 18<sup>th</sup> July 2022 for the grant of a licence. Within the objection period there were three objections received from a local business, Leicestershire Police and Leicester City Council's Licensing Enforcement Team, with the objections raising concerns of noise, anti-social behaviour and



crime and disorder.

PC Pritchard was given the opportunity to outline the details of the Police representation and answered questions from Members.

Ms Moore was given the opportunity to outline the details of the Licensing Enforcement Team representation and answered questions from Members and Legal Adviser to the Sub-Committee.

Mr Athwal was given the opportunity to present his case, and answered questions from Members, the Police, Licensing Enforcement Officers and Legal Adviser to the Sub-Committee.

All parties were given the opportunity to sum up their positions 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 and were advised of the options available to them in making their decision.

The Sub-Committee were also advised of the relevant policy and regulatory code that needed to be taken into account when making their decision,

In order to reach their decision, the Sub-Committee felt they should deliberate in private on the basis that it was in the public interest and as such outweighed the public interest of their deliberation taking place with the parties represented present.

In reaching their decision the Sub-Committee Members had carefully considered the written report presented by the Licensing Team Manager (Enforcement) and the written and verbal representations made by Leicestershire Police, Licensing Enforcement Team and Local Business. The Members had also considered the representation made by Mr Athwal, and the legal advice given to them during the meeting. The Sub-Committee Members had taken account of the Council's Street Café Licensing Policy and the Regulators' Code.

The Chair announced that full reasons for the decision would be confirmed in writing within five working days. The Chair informed the meeting that 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 withdraw from the meeting. Members 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 a Highways Amenities Licence be GRANTED to Mr Harjinder Athwal for three tables, six chairs and enclosing barriers to be placed at Mamba Bar on Market Street, Leicester in accordance with the Licensed Plan seven days a week from 1.00pm to Midnight, subject to the Council's standard conditions, and following additional conditions:

#### ADDITIONAL CONDITIONS

- (a) The Licence holder shall ensure that the Licensed Area is supervised by a member of staff at all times the street café is open
- (b) The Licence holder shall ensure that the Licensed Area is fully covered by unobstructed CCTV at all times the street café is open.
- (c) The Licence holder shall ensure that a trained CCTV operative is available at all times to download and issue CCTV footage at the time of request from the police, local authority or other authorised persons.
- (d) The Licence holder shall ensure CCTV is retained for a minimum of 31 days and permit the identification of individuals in all lighting conditions. The Licence holder shall ensure it is available to the police, local authority or authorised persons at the time of request.
- (e) The Licence holder shall ensure CCTV is provided to an officer from a responsible authority within 7 days of a formal request.
- (f) The Licence holder shall ensure only drinks supplied by the premises are consumed within the Licensed Area.
- (g) The Licence holder shall ensure that all customers using the Licensed Area are seated with the exception of entry and egress.
- (h) The Licence holder shall ensure that customers do not stand and consume drinks within the Licensed Area.
- (i) The Licence holder shall complete risk assessments for the street café and if necessary in accordance with the relevant risk assessment, employ additional Security Industry Authority (SIA) door supervisors who are clearly identifiable to patrol/monitor the Licensed Area.
- (j) The Licence holder shall ensure that no amplified or unamplified music or other entertainment takes place in the Licensed Area.

The applicant would be provided with the reasons for the decision in writing within five working days.

It was noted there was no right of appeal against the decision.

The Chair at this point advised the meeting of the request to adjourn the meeting to a future date given the time of the evening which had been accepted by parties. The reconvened Sub-Committee would take place on 27<sup>th</sup> September at 9.30am, Meeting Room G02, City Hall.

The meeting closed at 9.00pm.

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

The agenda item to be taken to the reconvened meeting at 9.30am, 27<sup>th</sup> September 2022.

**27. APPLICATION FOR THE GRANT OF A HIGHWAYS AMENITIES LICENCE (STREET CAFÉ): GELATO VILLAGE, 107 QUEENS ROAD, LEICESTER, LE2 1TT**

The agenda item to be taken to the reconvened meeting at 9.30am, 27<sup>th</sup> September 2022.



# Appendix B

By virtue of paragraph(s) 1, 2, 3, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted





Leicester  
City Council

Ward: Castle

LICENSING ENFORCEMENT SUB-COMMITTEE

6th September 2022

**APPLICATION FOR THE GRANT OF A HIGHWAYS AMENITIES LICENCE  
(STREET CAFÉ)**

**GELATO VILLAGE, 107 QUEENS ROAD, LEICESTER LE2 1TT**

**Report of the Director (Neighbourhood & Environmental Services)**

**1. Purpose of the Report**

To determine an application for the grant of a Highways Amenities Licence (Street Café) for a premises known as Gelato Village, 107 Queens Road, Leicester LE2 1TT. The applicant is a Mr Daniele Taverna.

**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 this decision, the Licensing Enforcement Sub Committee should take into account the policies & guidance adopted by the City Council and any other circumstances or information that are presented at the hearing including those presented in written form within this 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

On the 9<sup>th</sup> June 2022 an application (Appendix 1) was submitted by Daniele Taverna on behalf of a business named, Gelato Village for the grant of a Highway Amenities Licence (Street Café). This was made under the Highways Act 1980.

The premises is situated within the Queens Road area of the city and is located near to the junction with Clarendon Park Road. Queens Road itself is a thriving shopping area consisting mainly of small businesses, cafes and bars. There are residential properties above some of the businesses and also housing within the nearby vicinity.

The premises is described as an 'Italian Artisan Gelato' café. The premises serves Gelato, coffees and food items. It currently advertises as being open on Mondays from 3pm until 8pm, Tuesdays to Thursdays from 1pm until 8pm, Fridays and Saturdays from 1pm until 9pm and Sundays from 12 midday until 6pm.

The applicant submitted an initial plan (Appendix 2) which detailed two tables and eight chairs, to be placed directly in front of the premises. The tables and chairs would be contained within the requested area, sectioned off by barriers. The plan outlines the measurements requested and conducted by the applicant.

The applicant also details further information on the application which reads: "Street Café setting with tables laid out in the pavement in front of the store, no alcohol is served"

The applicant has requested a licence for the street café for the following:

08.00hrs – 23:00hrs, Mondays to Sundays

As part of the application process and required by legislation, on the 14<sup>th</sup> June 2022, letters of consultation were sent to surrounding businesses and residents in the area to advise them of the application (Appendix 4) and a public notice (Appendix 4a) was prominently displayed on the premises itself.

Any objections were to be received no later than 28 days from the date of the notice which in this matter was midnight on the 12<sup>th</sup> July 2022.

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 a total of four objections. All objections were accepted as being 'relevant' to the application.

On the Friday 15<sup>th</sup> July 2022, Mr Taverna emailed the Licensing Enforcement Generic Email to enquire about the application. An email reply was sent on the same day to inform him that there had been several objections received and that the matter would likely be taken to the Licensing Enforcement Sub Committee to be determined. It was also relayed that there may be a chance of a negotiated settlement between all parties.

Licensing Officer Nicola Marsh on return commencing Monday 18<sup>th</sup> July 2022 as part of her work, then looked to see if a negotiation could be made between all parties. This can only be done once all the information on the objections had been assessed, parties contacted and time for return of information. There had also been attempted negotiations between parties during the course of the representation period through efforts of Officer Marsh, however in totality, no negotiation could be found and therefore the matter was brought before the committee.



### Objection Details:

Cllr Kitterick – These concerns relate to timings proposed and suggested that a 21:00hrs closing would be more suitable for the area.

Officer Marsh then spoke to the applicant about the representations who agreed the hours to be restricted to 08:00hrs until 21:00hrs.

This is attached as Appendix 5.

Highways – These concerns related to incorrect measurements on the original application plan. This was then addressed with the applicant by Officer Marsh by visiting the premises and the applicant provided an updated plan. This is attached as Appendix 6.

Sally Williams – These concerns relate to the restricted space of pavement for a street café, near to public amenities, the measurements on the plan and times of proposed operation. There are a number of suggested conditions/restrictions that the objector believes would mitigate their concerns if applied.

Officer Marsh relayed the agreed new reduced times to 21:00hrs and the new plan with correct and agreed measurements.

A reply was received providing photos and concerns about the premises putting out street furniture without a licence. The concerns still remain by the objector.

This is attached as Appendix 7.

Ian Brown (FCP) – These concerns relate to the restricted space of pavement for a street café, near to public amenities, the measurements on the plan and times of proposed operation. There are a number of suggested conditions/restrictions that the objector believes would mitigate their concerns if applied.

Officer Marsh relayed the agreed new reduced times to 21:00hrs and the new plan with correct and agreed measurements.

A reply was received reiterating the concerns about the number of tables and chairs able to fit in the proposed area. Concerns also about the premises putting out street furniture without a licence. The concerns still remain by the objector.

This is attached as Appendix 8.

On the 19<sup>th</sup> July 2022, several queries were raised by Mr Taverna about street cafes generally by email directly with Officer Marsh. This was replied to on the 20<sup>th</sup> July answering all the queries in turn. An email was then sent by Mr Taverna to Cllrs Clarke & Myers on the 21<sup>st</sup> July 2022 expressing discontent at the process conducted and the objections raised. The thread of those emails is attached as Appendix 14.

On 20<sup>th</sup> July 2022, Officer Marsh relayed the objections to the applicant and a reply to this was received on 21<sup>st</sup> July 2022 and is attached as Appendix 9.

On 22<sup>nd</sup> July 2022, after negotiations were not possible, Officer Marsh provided a letter to state that the matter would be heard and determined by the Licensing Enforcement Sub Committee and provided with details of the objections from Sally Williams and Ian Brown. A request was made to return any information for the committee by the 5<sup>th</sup> August 2022. No response was received to that letter.

### **Further information:**

This application was instigated following a visit to the premises on Tuesday 7<sup>th</sup> June 2022 by Licensing Enforcement Officers after being notified of the possible use of tables and chairs on the highway. This was confirmed upon the visit and a warning letter was issued to the owner of the premises (Mr Daniele Taverna) for placing table and chairs on the highway without a relevant licence in place. This letter (Appendix 10) detailed the reason for the warning letter as well clearly stating that tables and chairs cannot be placed on the highway without a licence.



In addition to the initial warning detailed above, a further visit by Licensing Enforcement officers on 8<sup>th</sup> June 2022 which noted that tables and chairs had been placed on the highway again without a licence.

The staff on duty at the premises were verbally advised that this was not permitted. Evidence has also been gathered by Licensing Enforcement officers that the tables and chairs had been placed on the highway on numerous occasions from 8<sup>th</sup> June 2022 until 13<sup>th</sup> August 2022 (time of writing report) This is shown by photographs attached as Appendix 13.

On Friday 22<sup>nd</sup> July 2022 a final warning letter (Appendix 11) was hand delivered to the premises, but the tables and chairs continue to be placed on the highway.

The warnings were issued to both staff and to Mr Daniele Taverna.

A complaint was received to the Authority on the 21<sup>st</sup> July 2022 by a member of the public raising concerns about the street café and its vicinity to the bus stop and lack of room. Photos were taken of the premises. This is attached as Appendix 15.

This continued disregard of legal requirements, despite the numerous warnings, provides the Licensing Enforcement Team no option but to look to take further legal action regarding this matter.

It also raises serious concerns that if a licence was to be issued, as a direct result of the non-compliance, that the management would have a disregard to the conditions or requirements of a licence.

#### **Report Appendix:**

- Appendix 1: Summary Application for street café
- Appendix 1a: Proposed Table & Chairs Design
- Appendix 2: Proposed plan of street café
- Appendix 3: Picture of the premises
- Appendix 4: Consultation Letter for Residents & Local Businesses
- Appendix 4a: Public Notice and display photo.
- Appendix 5: Cllr Kitterick objection & Agreement
- Appendix 6: Highways Objection, New Plan and agreement
- Appendix 7: Local Resident Objection - Sally Williams
- Appendix 8: Friends of Clarendon Park Objection - (Ian Brown)
- Appendix 9: Response document from the applicant - Daniele Taverna
- Appendix 10: Street Café warning letter - 07/06/2022
- Appendix 11: Street Café warning letter - 22/07/2022
- Appendix 12: Objection letter sent to applicant and objections (as App 5 and App 6)
- Appendix 13: Photos of premises (tables and chairs) dated from 06/06/22 – 13/08/22
- Appendix 14: Email from Mr Taverna regarding the process to Cllrs
- Appendix 15: Email Complaint from Member of the public

## **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 take into account the impact a street café may have on residents and any surrounding businesses in the area.

*Reference: Leicester City Council Street Café Policy & Guidance Document - [street-cafe-policy-and-guidance-2020.pdf](https://www.leicester.gov.uk/street-cafe-policy-and-guidance-2020.pdf) (leicester.gov.uk)*

## **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 (Street Café) 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, Highway/Traffic Management, Residents and Businesses within the area.

A public notice displayed at the premises for 28 days.

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

None

## **10. Officer to Contact**

Nicola Marsh  
Licensing Authority  
0116 4540049  
eh.1536



Our Ref:SC428535095

Date: 2022-06-09

**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.	Daniele	Taverna	[REDACTED]		[REDACTED]

**Address:**

Flat	House Number	Street	Town	County	Postcode
	107	Queens Road	Leicester	Leicester City	LE2 1TT

**Name of premises:** Gelato Village**Address of premises**

Flat	House Number	Street	Town	County	Postcode
	107	Queens Road	Leicester	Leicester City	LE2 1TT

Please describe the premises: Street cafe setting with tables laid out on the pavement in front of the store.

No alcohol is served.

Proposed licence days and times: Mon-Sun

08:00-23:00

Additional information:

**Proposed licence days and times:** Mon-Sun

08:00-23:00

**Additional information:**

**Supporting documents**

**Proof of your valid ID with a photo:** DT Passport August - Cropped 2018.jpg

**Valid public liability insurance certificate:** TWIMC Liability Letter.pdf

**Detailed (proposed) plan of the street café:** QR Cafe Licensing Application Drawing.pdf

**Pictures of tables and chairs or barrier type/design:** Street2.jpg, IMG-20200911-WA0009.jpeg

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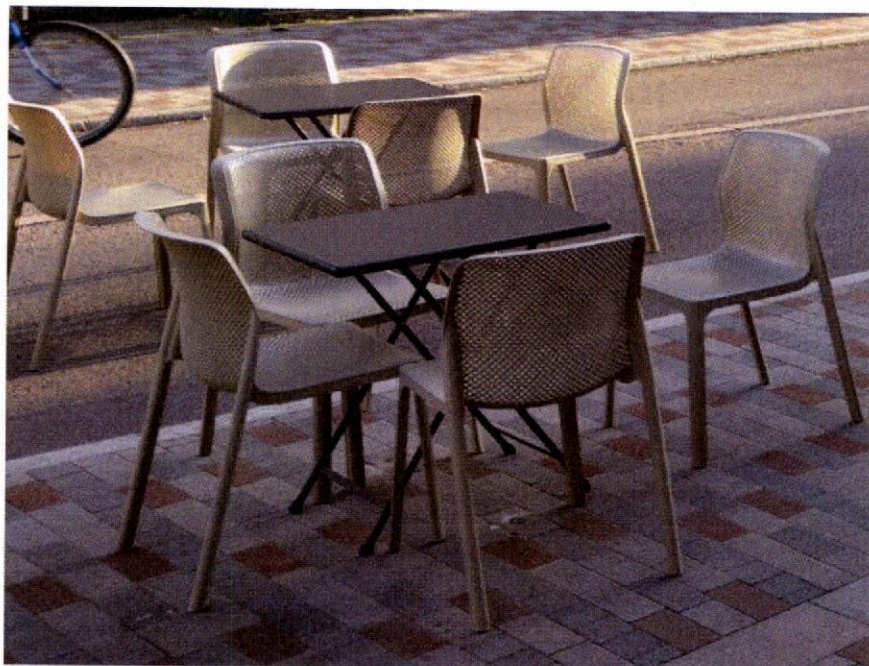
**Additional information to support the application:**

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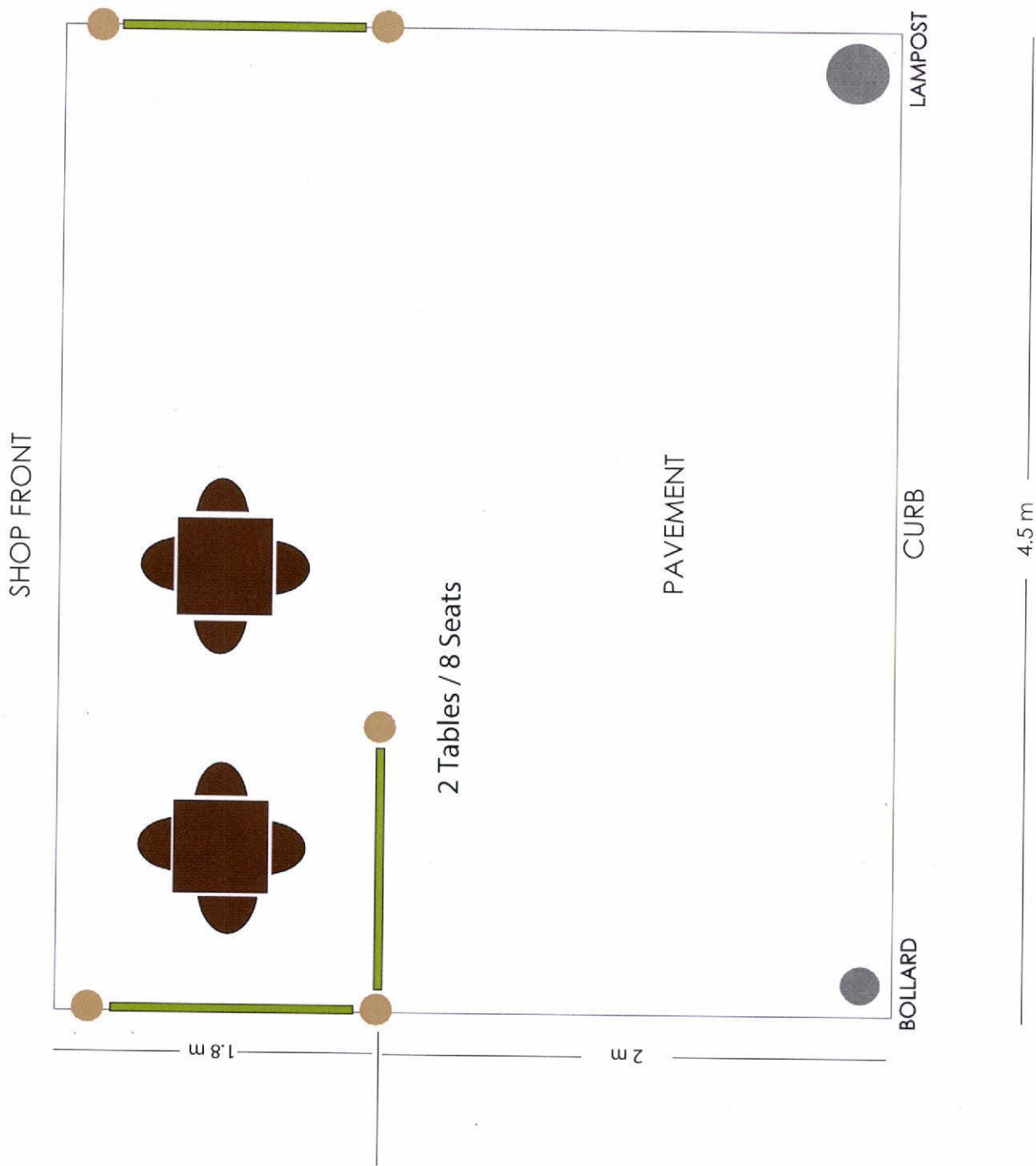
**Customer confirmed that they understand and agree to the Declaration.**

---

**Payment made for the application: £278**











Please ask for: Nicola Marsh  
Direct Line: 0116 454 0049  
Email: [licensingenforcement@leicester.gov.uk](mailto:licensingenforcement@leicester.gov.uk)  
Our Ref: N&ES/LIC/StreetCafé/nm/GEL  
Date: Tuesday 14<sup>th</sup> June 2022

Dear Sir/Madam/Business

**APPLICATION FOR THE GRANT OF A HIGHWAYS AMENITIES LICENCE, (STREET CAFE)**  
**Gelato Village, 107 Queens Road, Leicester LE2 1TT**

The Licensing Section of Leicester City Council has received an application for the grant of a Street Café outside the above named premises.

The application is to create a street café by placing a maximum of 2 tables with 8 chairs, contained by means of barriers.

The requested operational times of the street café are from Monday to Sunday from 08:00hrs to 23:00hrs.

Objections to this application must be made in writing and must be **received no later than 28 days from the date of this letter**. Objections must be sent to: Nicola Marsh c/o Licensing Authority, Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ or the email address above.

If you require further information or clarification on this application, please do not hesitate to contact the Licensing Team on the above telephone number. Please visit [www.leicester.gov.uk](http://www.leicester.gov.uk) for more guidance on street cafes.

Yours faithfully

Nicola Marsh  
**Licensing Enforcement**



Leicester  
City Council

FORM OF NOTICE FOR PUBLICATION ON PREMISES

**PUBLIC NOTICE**

**APPLICATION FOR HIGHWAYS AMENITIES  
LICENCE (STREET CAFÉ)**

Notice is given that:

of **Daniele Taverna**  
107 Queens Road  
Leicester  
LE2 1TT

Premises: **Gelato Village**  
107 Queens Road  
Leicester  
LE2 1TT

has applied to the **Leicester City Council** to use the highway to the front of the above named premises, for the purpose of a **Highway Amenities Licence (Street Café)**.

The application is to create a street café by placing a maximum of 2 (two) tables with 8 (eight) seats, contained by means of barriers.

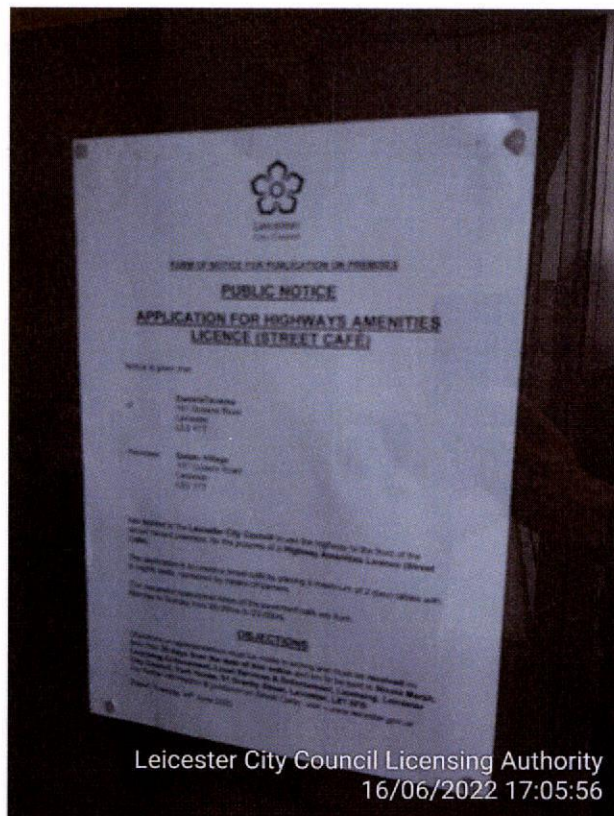
The requested operational times of the pavement café are from:  
Monday to Sunday from 08:00hrs to 23:00hrs.

**OBJECTIONS**

Objections or representations must be made in writing and must be **received** no later than **28 days from the date of this notice** and are to be sent to **Nicola Marsh, Licensing Enforcement, Local Services & Enforcement, Licensing, Leicester City Council, York House, 91 Granby Street, Leicester, LE1 6FB**

*For further information & guidance on Street Cafes, visit – [www.leicester.gov.uk](http://www.leicester.gov.uk)*

Dated: Tuesday 14<sup>th</sup> June 2022





**Nicola Marsh**

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**From:** Cllr Patrick Kitterick  
**Sent:** 15 June 2022 09:35  
**To:** Nicola Marsh  
**Cc:** [REDACTED]  
**Subject:** RE: New Street Cafe Application - Gelato Village, 107 Queens Road, Leicester

Nicola,

Thanks for sorting this.

I am, therefore, happy to withdraw my objections.

Kind regards,

Patrick Kitterick

---

**From:** Nicola Marsh <Nicola.Marsh@leicester.gov.uk>  
**Sent:** 14 June 2022 15:07  
**To:** Cllr Patrick Kitterick [REDACTED]  
**Subject:** RE: New Street Cafe Application - Gelato Village, 107 Queens Road, Leicester

Good afternoon,

The applicant has agreed that they will alter their hours to 0800hrs – 2100hrs.

Kind regards

Nicola Marsh

---

**From:** Cllr Patrick Kitterick [REDACTED]  
**Sent:** 13 June 2022 18:31  
**To:** Nicola Marsh <[Nicola.Marsh@leicester.gov.uk](mailto:Nicola.Marsh@leicester.gov.uk)>; Ian Brown [REDACTED]  
**Subject:** RE: New Street Cafe Application - Gelato Village, 107 Queens Road, Leicester

Nicola,

Please may I place a formal objection to this street café licence on the grounds of noise nuisance with a terminal hour of 11pm.

I am happy to indicate that I would withdraw my objection should the terminal hour be reduced to 9pm.

Kind regards,

Patrick Kitterick

---

**From:** Nicola Marsh <[Nicola.Marsh@leicester.gov.uk](mailto:Nicola.Marsh@leicester.gov.uk)>  
**Sent:** 13 June 2022 09:15  
**To:** Cllr Patrick Kitterick <[REDACTED]>  
**Subject:** RE: New Street Cafe Application - Gelato Village, 107 Queens Road, Leicester

Good Morning,

Thank you for your reply.

Will you be submitting an objection in relation to the times?

Kind regards

Nicola Marsh

---

**From:** Cllr Patrick Kitterick [REDACTED]  
**Sent:** 10 June 2022 15:44  
**To:** Nicola Marsh <[Nicola.Marsh@leicester.gov.uk](mailto:Nicola.Marsh@leicester.gov.uk)>; noiseteam <[noiseteam@leicester.gov.uk](mailto:noiseteam@leicester.gov.uk)>; Licensing <[licensing@leicestershire.pnn.police.uk](mailto:licensing@leicestershire.pnn.police.uk)>  
**Cc:** Cllr Deborah Sangster [REDACTED] Cllr Danny Myers <[REDACTED]>  
**Subject:** RE: New Street Cafe Application - Gelato Village, 107 Queens Road, Leicester

Nicola,

11pm appears a bit late for the area, think 9pm would be reasonable.

Kind regards,

Patrick Kitterick

---

**From:** Nicola Marsh <[Nicola.Marsh@leicester.gov.uk](mailto:Nicola.Marsh@leicester.gov.uk)>  
**Sent:** 10 June 2022 14:39  
**To:** Ed Kocik <[Ed.Kocik@leicester.gov.uk](mailto:Ed.Kocik@leicester.gov.uk)>; highway-management <[highway.management@leicester.gov.uk](mailto:highway.management@leicester.gov.uk)>; noiseteam <[noiseteam@leicester.gov.uk](mailto:noiseteam@leicester.gov.uk)>; publicsafety <[publicsafety@leicester.gov.uk](mailto:publicsafety@leicester.gov.uk)>; Jogs Singh <[Joginder.Singh@leicester.gov.uk](mailto:Joginder.Singh@leicester.gov.uk)>; planning <[planning@leicester.gov.uk](mailto:planning@leicester.gov.uk)>; 'firesafetyadvisors@lfrs.org' <[firesafetyadvisors@lfrs.org](mailto:firesafetyadvisors@lfrs.org)>; Licensing <[licensing@leicestershire.pnn.police.uk](mailto:licensing@leicestershire.pnn.police.uk)>  
**Cc:** Cllr Deborah Sangster <[REDACTED]> Cllr Danny Myers <[REDACTED]> Cllr Patrick Kitterick <[REDACTED]>  
**Subject:** New Street Cafe Application - Gelato Village, 107 Queens Road, Leicester

Good afternoon all,

I am in receipt of an application for a Street Café Licence for the premises detailed below:

**Gelato Village, 107 Queens Road, Leicester LE21TT**

The application is for below:

<u>Day</u>	<u>Times</u>	<u>Table &amp; Chairs</u>
Monday - Sunday	08.00 hrs x 23.00 hrs	2 tables & 8 Chairs

The plan submitted by the applicant is attached for reference along submitted a picture of the front of the premises.

If you wish to discuss any aspect of the application with the applicant, contact details are (must be kept confidential):

Title	First name	Surname	Phone number	Mobile number	Email address
Mr	Daniele	Taverna	[REDACTED]	[REDACTED]	[REDACTED]

Any objections to this application are to be received to myself no later than 12/7/2022

**Please note:** The only way to add conditions (in addition to standard conditions) is through submitting a written objection.

If you have any other queries, please contact me.

Kind regards

**Nicola Marsh**

Licensing Enforcement Officer  
Licensing Authority

Phone: 0116 454 2039

Email: [nicola.marsh@leicester.gov.uk](mailto:nicola.marsh@leicester.gov.uk)

Web: [www.leicester.gov.uk/licensing](http://www.leicester.gov.uk/licensing)[www.leicester.gov.uk/licensing](http://www.leicester.gov.uk/licensing)

**Nicola Marsh**

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**From:** Nicola Marsh  
**Sent:** 14 June 2022 13:12  
**To:** Queens Road Admin  
**Subject:** RE: Objection to times - Street Cafe

Hi Daniele,

Thank you for your email, the reason for the reduction in hours was the noise nuisance that it may cause until 2300hrs.

Many thanks – I will reduce the times to 2100hrs cease.

Kind regards

Nicola

**From:** Queens Road Admin [REDACTED]  
**Sent:** 14 June 2022 10:59  
**To:** Nicola Marsh <Nicola.Marsh@leicester.gov.uk>  
**Subject:** Re: Objection to times - Street Cafe

Hi Nicola,

Thanks for your call and assistance in this matter.

We are happy to go ahead as per your proposal below.

I'll be at the store at around 12 today or probably 10 - 10:30 tomorrow morning for the window cleaner if that's of any help.

Kind regards,

Daniele

—  
**Mr Daniele Taverna**  
**Director**

**Gelato Village**  
 Leicester, UK

[REDACTED]

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--- On Tue, 14 Jun 2022 09:13:11 +0100 **Nicola Marsh** <[Nicola.Marsh@leicester.gov.uk](mailto:Nicola.Marsh@leicester.gov.uk)> wrote ---

Good Morning,



I have had one objection to the opening times that have been submitted. It has been suggested that the closing time is reduced to 2100hrs – would you be in agreement with this suggestion to progress your application?

<u>Day</u>	<u>Times</u>	<u>Table &amp; Chairs</u>
Monday - Sunday	08.00 hrs x 21.00 hrs	2 tables & 8 Chairs

Kind regards

Nicola Marsh

**Nicola Marsh**

Licensing Enforcement Officer  
Licensing Authority

Phone: 0116 454 2039

Email: [nicola.marsh@leicester.gov.uk](mailto:nicola.marsh@leicester.gov.uk)

Web: [www.leicester.gov.uk/licensing](http://www.leicester.gov.uk/licensing)[www.leicester.gov.uk/licensing](http://www.leicester.gov.uk/licensing)

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*This e-mail (including any attachments) is intended for the above named addressee only.*

*If this email has come to you in error please notify the sender and delete the email and any attachments. You must take no action based on it, nor may you forward it or copy it to anyone.*

*In consideration of Gelato Village Ltd disclosing to you the information set out in this message which is not publicly available, you undertake to treat the information as being strictly private and confidential, and you shall take all precautions to maintain its status as such and to use and apply the information solely for the purpose for which it is intended.*

---



To Licensing

## Street Cafe Application Highway Response

**Street: 107 QUEENS RD**

**Applicant's Name: DANIELE TAVERNA (GELATO VILLAGE)**

In respect of this application for a street cafe, from the information we have received our response is:

We wish to object to the application.

MEASUREMENTS GIVEN ON APPLICATION ARE INCORRECT ( SPACE BETWEEN BUILDING LINE AND LAMP COLUMN IS 3.2 METRES, NOT 3.8 METRES AS STATED, 3.7 METRES BETWEEN BUILDING LINE AND BOLLARD).

Name: S.HOPE

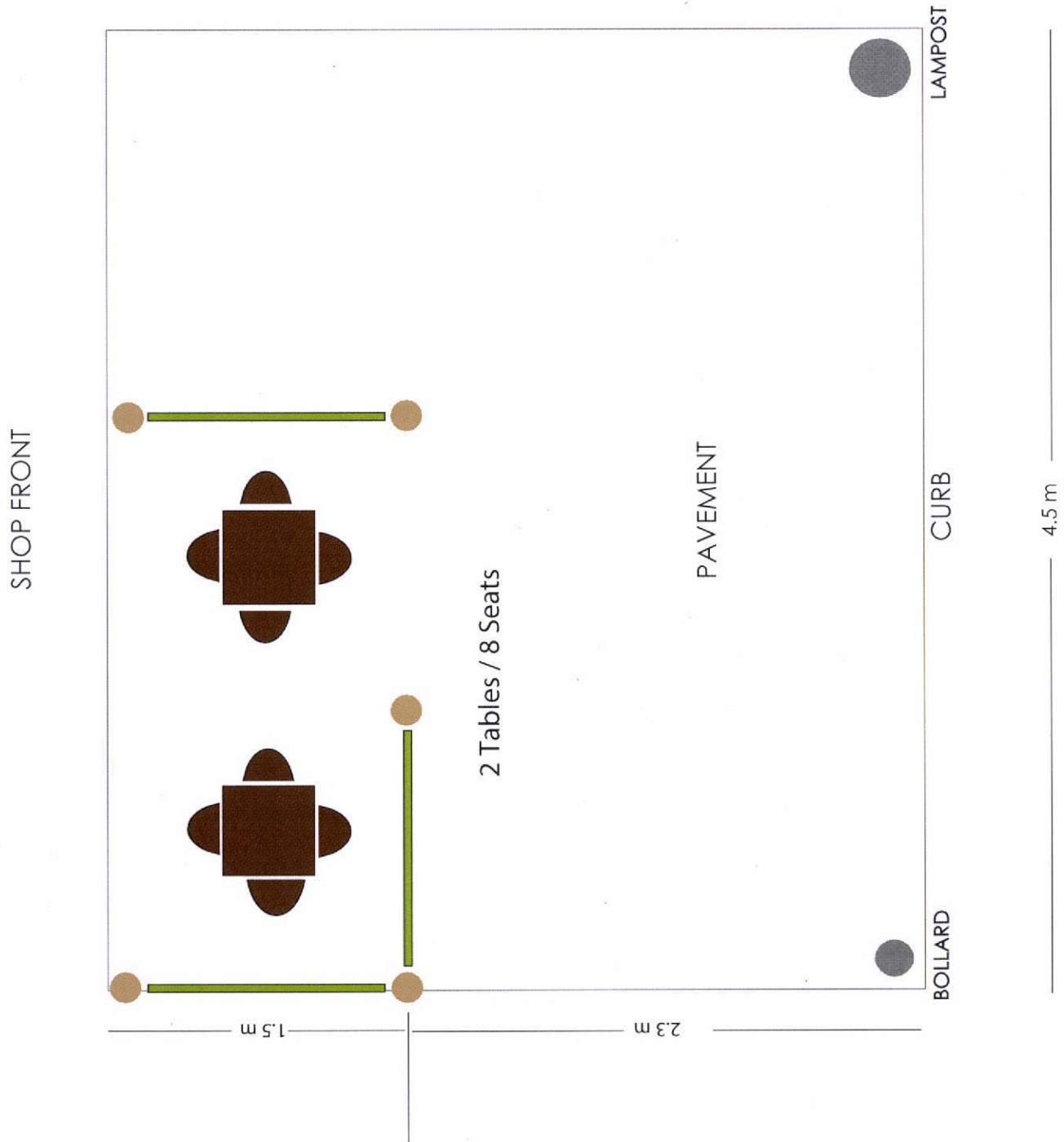
Date: 15/06/2022

On behalf of Mike Pears, Team Leader, Highway Asset Management Team  
Tel [REDACTED]

**N.B. If consent is granted action may still be taken at a later date under the Highways Act 1980 in respect of obstruction of the highway.**

### Standards Conditions

1. Ensure 2 metres of footway remains clear of any obstruction
2. Do not pour anything into drainage gullies e.g. fat or greasy water
3. Comply with all Traffic Regulation Orders restrictions e.g. yellow lines, school keep clear markings, pedestrian crossing markings.
4. Comply with any future Traffic Regulation Order, whether temporary or permanent.
5. Vacate the site if road works are in progress or any other highway approved works or activity is taking place e.g. erection of scaffold or a parade.



To Licensing

**Street Cafe Application  
Highway Response**

**Street: 107 QUEENS RD**

**Applicant's Name: DANIELE TAVERNA (GELATO VILLAGE)**

In respect of this application for a street cafe, from the information we have received our response is:

We have no specific objection to this application but would require full compliance with all of the standards conditions listed below.

Name: S.HOPE

Date: 16/06/2022

On behalf of Mike Pears, Team Leader, Highway Asset Management Team  
Tel [REDACTED]

**N.B. If consent is granted action may still be taken at a later date under the Highways Act 1980 in respect of obstruction of the highway.**

**Standards Conditions**

1. Ensure 2 metres of footway remains clear of any obstruction
2. Do not pour anything into drainage gullies e.g. fat or greasy water
3. Comply with all Traffic Regulation Orders restrictions e.g. yellow lines, school keep clear markings, pedestrian crossing markings.
4. Comply with any future Traffic Regulation Order, whether temporary or permanent.
5. Vacate the site if road works are in progress or any other highway approved works or activity is taking place e.g. erection of scaffold or a parade.

**Nicola Marsh**

---

**From:** Nicola Marsh  
**Sent:** 16 June 2022 11:42  
**To:** [REDACTED]  
**Subject:** New plan/photo

Good morning,

For your information – Highways have accepted your new plan and withdrawn their objection.

Would you be able to take a photo of the Public notice (blue notice) that you have displayed on the front of your premises for the application – to show that it is being displayed correctly – and forward me the photo.

Many thanks

Nicola

**Nicola Marsh**

Licensing Enforcement Officer  
Licensing Authority



Phone: 0116 454 2039

Email: [nicola.marsh@leicester.gov.uk](mailto:nicola.marsh@leicester.gov.uk)

Web: [www.leicester.gov.uk/licensing](http://www.leicester.gov.uk/licensing) [www.leicester.gov.uk/licensing](http://www.leicester.gov.uk/licensing)



## Objection (1)



Dear licensing

I am writing to object to the street café planned for Gelato Village on Queens Rd.

I don't object to the principle of a small café, but to the extent planned – and the diagram seems misleading.

This is a congested section of Queens Rd footway, partly due to it being close to the busiest bus stop in the area, plus a number of small premises that mean people are coming in and out of a number of entrances as well as walking along the street. Gelato itself sometimes has queues on the street. Cyclists and e-scooters regularly travel along the footway now – especially food couriers to the many takeaways. As you can see in the photo the congestion is increased by the street café for Bondade which does not leave enough room for people to pass properly by the bus stop and shelter. This can mean groups of people waiting while others come past in the opposite direction. The population of the area includes a high number of young people who walk in groups. Having navigated that bottleneck people can currently walk forward in a natural flow near the building line, apart from any A-boards when placed out. A street café of any sort at Gelato alters this direct pedestrian flow line, and puts pedestrians nearer to the road and the fixed street furniture.

The measurement on Gelato's plan appears to be to the kerb edge. The bollard and lamppost are shown at equal distance but the lamppost is further from the kerb – and there is a bin just beyond the premises on the other side. As you can see from the photo, the area beyond the line of the bin and lamppost is not a usable bit of the footway.

There needs to be an absolute minimum 2m space between the line of these bits of street furniture and the café (not just to the bollard), or a convoluted route will be created, risking



people walking into the lamppost. If the measurements given are to the kerb edge, it would mean that the space for a café is less than the 1.2m shown.

Even 2m space is not much for this location with its high volume of pedestrians and bus passengers (especially at some peak times) plus buses pulling out should pedestrians divert into the road. The café must be considered in its context. LCC guidance says 'Additional width may be required in areas with high volumes of pedestrian or vehicular traffic'. I think this is a place where more space is needed.

Additionally I feel the diagram of 4 chairs around tables is misleading and can't be fitted into the depth of café available, not even 1.2m. A 2 seater table with the table against the premises and chairs either side might work.

Otherwise it would be yet another street café on Queens Rd whose barriers would creep further over the footway than the licence allows – and difficult to enforce effectively.

This is a permanent licence, not a temporary one while footfall was lower over Covid.

Finally, there are a lot of homes very close to this premises, noise carries outdoors. While I don't suppose a Gelato will be opening very late, the street café should be limited to 8pm to prevent nuisance, in line with its currently promoted opening hours. 11pm is too late.

I may be prepared to withdraw my objection if

- There was a condition limiting end of hours to 20 00 hours
- The café is limited to tables which are against the building line with one chair each side. I'm not sure if there is room for two across the frontage or not.
- An absolute minimum 2 metres is taken from the line of the lamppost and bin (not the kerb or the bollard) and that this measurement does not include the barrier, including its feet, protruding into the space. Nor any A-board. Preferably it should be greater than 2 metres.

Sally Williams

\*\*\*\*\*

Good Morning,

I am in receipt of your objection to the above Street Café. Apologies for the delay, but I have been on annual leave.

There have been a couple of objections, similar to the concerns that you have raised.

The Street Café times have now been reduced to 0800hrs – 2100hrs (Mon – Sun) and agreed by the applicant and the individual objecting.

There has also been a new plan submitted (please see attached) which has reduced the area of the street café and falls within the guidelines and measurements required and agreed by our highways team.

I hope that this addresses the grounds for your objections.

Kind regards

Nicola Marsh

.....

Thank you for this Nicola. I might have considered this acceptable apart from still being too many chairs/tables shown to fit the space.

However Gelato Village has been jumping the gun, and put out a café. This has had two effects.

- 1) It has demonstrated the problems this café could cause.
- 2) It has indicated this is an applicant who may not keep to the rules, and therefore proposals may need to be tighter than for others. We already have too many cafes that do not meet the agreed plans.

3)

I attach some photos from this morning.

- There was no protection from the north end, causing potential hazard for VI person approaching.
- The combination of cafes and people that wait around this area was causing most people to divert in front of the bus-stop. There have been falls there.
- While I don't know the measurements of the café put out, there did not appear to be 2 metres between the café and the street furniture. The café was taking more than half the available footway width.
- It was clear that there wasn't room for two tables with eight chairs in the available space. There were two chairs on one table and three with the other (not all occupied). I noted that there didn't appear to be room for two tables/chairs side-by-side across the frontage width - so one table/chairs was set back, creating greater depth. There was no way eight seats could have been provided even within this over large area.
- There was also an A-board beyond the café. It was obstructive to people trying to access the doorway.

I am prepared to compromise on the finish time to 2100 hours, due to the nature of the business.

But I still don't believe there is sufficient footway left with the café barriers as they have them – and my objection to seating for 8 around two tables remains as I simply don't see how it can be achieved in the area proposed. Indeed I'm now not sure there can't be two tables/two chairs each as I suggested in my objection. This is a small premises in a congested area.

The evidence of seeing the café in situ confirms this – and the likelihood if allowed is that this premises will keep spreading the barriers leading to a detriment to pedestrians or a constant enforcement issue.

I'm still prepared for negotiation, but my objection remains at present.



\*\*\*\*\*



\*\*\*\*\*



## Objection (2)

Hi Licensing,

Re. Gelato Village, 107 Queens Road – application for a street café licence to have two tables and eight chairs contained by barriers Mon-Sun 08:00 to 23:00

While FCP does not object to the principle of a street café at this location, we have concerns about both the hours applied for and the size of the proposed café, so must **object** to the application.

### Hours

The opening hours for the Queens Road branch are shown on Gelato Village's [website](#) as Mon-Thu 15:00-20:00, Fri-Sat 13:00-21:00 and Sun 12:00-18:00, so it seems unlikely that Gelato Village would use their street café licence to 23:00, but this could set a precedent that others, including bars on Queens Road, would want to follow.

### Space

The plan provided with the applications doesn't appear to be scale, showing the tables and chairs smaller than actual within the 1.8m barriered area. Also, the 2m clear distance is measured from the kerb rather than the street furniture, and the plan shows the bollard and lamp post at the edge of the pavement when they are actually set back from the edge. Here's how it looks on the latest Street View on Google Maps:



The inner edge of the bollard is ~50cm in from the kerb and the inner edge of the lamp post ~90cm in from the kerb, so the 2.0m minimum clear footway needs to be measured between the front of the street café barriers and the street furniture. Based on the measurements shown on the plan and the actual position of the bollard and the lamp post, that would make the street café only 90cm deep, which wouldn't accommodate two tables with four chairs each, but might accommodate two tables with two chairs each if they were up against the front of the shop. Although this pavement café would not be right next to the bus stop, people do congregate there when waiting for a bus, increasing congestion on that section of footway. If the lamp post were moved closer to the kerb as part of the Queens Road improvements, then the depth of the street café could perhaps be increased.

**Objection**

FCP objects to this application based on:

1. the proposal leaving less than the required 2m minimum between the barriers and street furniture, and
2. the requested hours for the street café being later than the opening hours.

We would be prepared to withdraw our objection if:

1. the depth of the street café is reduced to allow at least the minimum 2.0m between the front of the feet of the street café barriers and the inner edge of the lamp post
2. the hours for the street café are reduced in line with the opening hours.

Best regards,

**Ian Brown**

Chair, Friends of Clarendon Park

\*\*\*\*\*

Good Morning,

I am in receipt of your objection to the above Street Café. Apologies for the delay, but I have been on annual leave.

There have been a couple of objections, similar to the concerns that you have raised.

The Street Café times have now been reduced to 0800hrs – 2100hrs (Mon – Sun) and agreed by the applicant and the individual objecting.

There has also been a new plan submitted (please see attached) which has reduced the area of the street café and falls within the guidelines and measurements required and agreed by our highways team.

Kind regards

Nicola Marsh

\*\*\*\*\*

Hi Nichola,

Thanks for sending the revised plan, and no problem about the delay – I've been away on holidays too.

It's good to see that the depth of the proposed café has been reduced from 1.8m to 1.5m and the that standalone barrier has been relocated closer to the tables. However, the plan still shows two tables with four chairs each, which seems optimistic with a depth of only 1.5m and is likely to result in customers moving the barriers further out. Also, although the revised plan shows 2.3m from the front of the barrier to the kerb, I'm not convinced this leaves the minimum 2m between the barriers and the bollard and particularly the lamp post. Finally, as you can see from the attached photos, Gelato Village are already putting out their street café but without the standalone barrier.



We'll be reviewing this application at an FCP committee meeting on Thursday evening, so I'll let you know our view on these changes on Friday.

In the meantime, could you confirm that the measurement of the 2.0m minimum distance between the barriers and street furniture should be taken from the protruding feet of the barriers rather than the uprights?

Best regards,

**Ian Brown**

Chair, Friends of Clarendon Park





Good afternoon

The barrier in its entirety should be contained within the licenced area of the street café. Our highways team – have approved the area that GELATO wish to licence on the details of the new plan.

I hope this answers your queries.

Kind regards

Nicola Marsh

\*\*\*\*\*

**Nicola Marsh**

---

**From:** Queens Road Admin <[REDACTED]>  
**Sent:** 21 July 2022 10:49  
**To:** Nicola Marsh  
**Cc:** [REDACTED]  
**Subject:** RE: General Street Cafè Enquiry

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** gelato

Hi Nicola,

Thanks for your reply.

I am replying here to the objections to the licence at Queens Road.

1. We are well over 28 days and the latest objections were not processed because you were on leave: is this really acceptable?
2. The objections have no ground: shall we keep going back and forward indefinitely because someone is always going to find a possible (but not true) problem with it? The plan clearly stays within the limits, so unless the furniture is fixed to the floor, it could always be moved as the one inside the store does, so staff puts it back in its place.
3. Again I really don't think it is a valid objection to limit a business like ours operating times that much during that time frame. Not sure how Cllr Danny Myers would agree to this when promoting the 'Nighttime economy'.

Both objections are groundless and ludicrous so it is really your duty to push them back to whoever raised them, keeping in mind how much this is impacting our business.

Sorry but I am not available to play this silly game, while other areas of the City - and of Queens Road - have no control whatsoever on what happens on pavements, including the council itself which reduced the pavement opposite us to a width of 60cm because of a road marking pole?

I am sure the paper will be more than interesting to hear our ordeal just to put out a couple of chairs...

I trust you will be able to grant the licence soon.

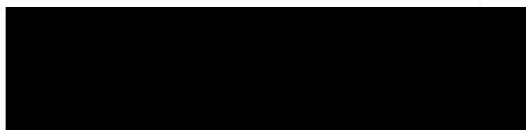
Kind regards,

Daniele

--

**Mr Daniele Taverna**  
**Director**

**Gelato Village**  
 Leicester, UK





Please ask for: Matt Robinson  
Direct Line: 07729 625 530  
Email: matthew.robinson@leicester.gov.uk



Owner  
Gelato Village  
107 Queens Road  
Leicester  
LE2 1TT

Tuesday 7<sup>th</sup> June 2022

REF: Unlicensed Street Café - Gelato Village

Dear Sir/Madam,

**HIGHWAY AMENITIES LICENCE – STREET CAFÉ  
HIGHWAYS ACT 1980 – PART VII A  
BUSINESS PLANNING ACT 2020**

The Licensing Section of Leicester City Council is in receipt of information which indicates that you are placing tables and chairs on the highway.

Records held in this office show that your premises is without a valid Highway Amenities Licence (Street Café) which is required for the placing of such furniture on the highway.

Until a valid licence is issued you are required to **remove** the table and chairs from the Highway with immediate effect.

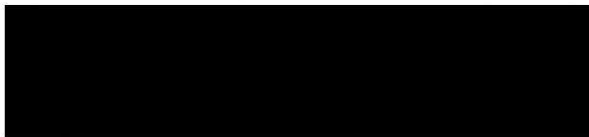
Failure to do so may result in prosecution action being taken against you.



For information on obtaining a Highways Amenities Licence, please see the information on the Leicester City Council website.

I trust this letter will receive your most urgent attention.

Many Thanks



Licensing Enforcement Section  
Leicester City Council

Please ask for: Licensing Enforcement  
Direct line 0116 454 0049  
Our ref: N&ES/SC/NM  
Email [licensingenforcement@leicester.gov.uk](mailto:licensingenforcement@leicester.gov.uk)  
Date: 22/07/2022



Mr Daniele Taverna  
Gelato Village  
107 Queens Road  
Leicester  
LE2 1TT

Friday 22<sup>nd</sup> July 2022

Dear Sir/Madam,

REF: Unlicensed Street Café - Gelato Village

**HIGHWAY AMENITIES LICENCE – STREET CAFÉ (HIGHWAYS ACT 1980)**

**With reference to letter dated 7<sup>th</sup> June 2022**

The Licensing Section of Leicester City Council is in receipt of further information which indicates that, despite numerous warnings, you continue to place tables, chairs & barriers on the highway which without a licence is classed as an obstruction.

Records held in this office show that you do not hold a valid Highway Amenities Licence (Street Café) which is required for the placing of such furniture on the highway.

Until a valid licence is issued you are required to **remove all furniture** from the Highway with immediate effect.

Please note that this and previous correspondence re this matter will form part of the report for Licensing Committee relating to any applications for Street Cafes.

Failure to do so may result in prosecution action being taken against you and seizure of any furniture placed on the highway without a licence.

Yours faithfully

Nicola Marsh  
Licensing Enforcement Officer

---

**LEICESTER CITY COUNCIL**

Licensing Enforcement Team, Licensing Authority, York House, 91 Granby Street, Leicester, LE1 6FB  
[www.leicester.gov.uk](http://www.leicester.gov.uk)



Please ask for: Licensing Enforcement  
Direct line: 0116 454 0049  
Email: [licensingenforcement@leicester.gov.uk](mailto:licensingenforcement@leicester.gov.uk)  
Our ref: N&ES/Street Café/nmGe  
Date: 22/07/2022

**CONFIDENTIAL**

Mr Daniele Taverna  
Gelato Village  
107 Queens Road  
Leicester  
LE2 1TT

Dear Sir

**APPLICATION FOR HIGHWAYS AMENITIES LICENCE**

**PROPOSED : Gelato Village, 107 Queens Road, Leicester LE2 1TT**

Further to your email regarding the above application, please find enclosed copies of the objections received from local businesses and other interested parties.

As you are aware, the application will now be deferred to the Licensing Enforcement Sub-Committee for determination. The next committee meeting is scheduled to take place on **6<sup>th</sup> September 2022**.

In order for your application to be heard at the meeting your written representation must be received no later than **Friday 5<sup>th</sup> August 2022**. If you are unable to submit your written representation by this date, you may request for the hearing to be deferred until the next scheduled hearing in October 2019.

Please also note that there have been two other objections that have already been agreed.

1. Reduce the hours on the application from 0800hrs – 2300hrs to 0800hrs – 2100hrs – concern for noise in a residential area.
2. Reduce the licenced area of the street cafe as the "MEASUREMENTS GIVEN ON APPLICATION ARE INCORRECT ( SPACE BETWEEN BUILDING LINE AND LAMP COLUMN IS 3.2 METRES, NOT 3.8 METRES AS STATED, 3.7 METRES BETWEEN BUILDING LINE AND BOLLARD) – Highways

In the meantime, if you wish to discuss the matter further, please do not hesitate to contact me.

Yours sincerely

Nicola Marsh  
**LICENSING ENFORCEMENT OFFICER**



## Objection (1)



Dear licensing

I am writing to object to the street café planned for Gelato Village on Queens Rd.

I don't object to the principle of a small café, but to the extent planned – and the diagram seems misleading.

This is a congested section of Queens Rd footway, partly due to it being close to the busiest bus stop in the area, plus a number of small premises that mean people are coming in and out of a number of entrances as well as walking along the street. Gelato itself sometimes has queues on the street. Cyclists and e-scooters regularly travel along the footway now – especially food couriers to the many takeaways. As you can see in the photo the congestion is increased by the street café for Bondade which does not leave enough room for people to pass properly by the bus stop and shelter. This can mean groups of people waiting while others come past in the opposite direction. The population of the area includes a high number of young people who walk in groups. Having navigated that bottleneck people can currently walk forward in a natural flow near the building line, apart from any A-boards when placed out. A street café of any sort at Gelato alters this direct pedestrian flow line, and puts pedestrians nearer to the road and the fixed street furniture.

The measurement on Gelato's plan appears to be to the kerb edge. The bollard and lamppost are shown at equal distance but the lamppost is further from the kerb – and there is a bin just beyond the premises on the other side. As you can see from the photo, the area beyond the line of the bin and lamppost is not a usable bit of the footway.

There needs to be an absolute minimum 2m space between the line of these bits of street furniture and the café (not just to the bollard), or a convoluted route will be created, risking



people walking into the lamppost. If the measurements given are to the kerb edge, it would mean that the space for a café is less than the 1.2m shown.

Even 2m space is not much for this location with its high volume of pedestrians and bus passengers (especially at some peak times) plus buses pulling out should pedestrians divert into the road. The café must be considered in its context. LCC guidance says 'Additional width may be required in areas with high volumes of pedestrian or vehicular traffic'. I think this is a place where more space is needed.

Additionally I feel the diagram of 4 chairs around tables is misleading and can't be fitted into the depth of café available, not even 1.2m. A 2 seater table with the table against the premises and chairs either side might work.

Otherwise it would be yet another street café on Queens Rd whose barriers would creep further over the footway than the licence allows – and difficult to enforce effectively.

This is a permanent licence, not a temporary one while footfall was lower over Covid.

Finally, there are a lot of homes very close to this premises, noise carries outdoors. While I don't suppose a Gelato will be opening very late, the street café should be limited to 8pm to prevent nuisance, in line with its currently promoted opening hours. 11pm is too late.

I may be prepared to withdraw my objection if

- There was a condition limiting end of hours to 20 00 hours
- The café is limited to tables which are against the building line with one chair each side. I'm not sure if there is room for two across the frontage or not.
- An absolute minimum 2 metres is taken from the line of the lamppost and bin (not the kerb or the bollard) and that this measurement does not include the barrier, including its feet, protruding into the space. Nor any A-board. Preferably it should be greater than 2 metres.

\*\*\*\*\*

Good Morning,

I am in receipt of your objection to the above Street Café. Apologies for the delay, but I have been on annual leave.

There have been a couple of objections, similar to the concerns that you have raised.

The Street Café times have now been reduced to 0800hrs – 2100hrs (Mon – Sun) and agreed by the applicant and the individual objecting.

There has also been a new plan submitted (please see attached) which has reduced the area of the street café and falls within the guidelines and measurements required and agreed by our highways team.

I hope that this addresses the grounds for your objections.

Kind regards

Nicola Marsh

.....

Thank you for this Nicola. I might have considered this acceptable apart from still being too many chairs/tables shown to fit the space.

However Gelato Village has been jumping the gun, and put out a café. This has had two effects.



- 1) It has demonstrated the problems this café could cause.
- 2) It has indicated this is an applicant who may not keep to the rules, and therefore proposals may need to be tighter than for others. We already have too many cafes that do not meet the agreed plans.

3)

I attach some photos from this morning.

- There was no protection from the north end, causing potential hazard for VI person approaching.
- The combination of cafes and people that wait around this area was causing most people to divert in front of the bus-stop. There have been falls there.
- While I don't know the measurements of the café put out, there did not appear to be 2 metres between the café and the street furniture. The café was taking more than half the available footway width.
- It was clear that there wasn't room for two tables with eight chairs in the available space. There were two chairs on one table and three with the other (not all occupied). I noted that there didn't appear to be room for two tables/chairs side-by-side across the frontage width - so one table/chairs was set back, creating greater depth. There was no way eight seats could have been provided even within this over large area.
- There was also an A-board beyond the café. It was obstructive to people trying to access the doorway.

I am prepared to compromise on the finish time to 2100 hours, due to the nature of the business.

But I still don't believe there is sufficient footway left with the café barriers as they have them – and my objection to seating for 8 around two tables remains as I simply don't see how it can be achieved in the area proposed. Indeed I'm now not sure there can't be two tables/two chairs each as I suggested in my objection. This is a small premises in a congested area.

The evidence of seeing the café in situ confirms this – and the likelihood if allowed is that this premises will keep spreading the barriers leading to a detriment to pedestrians or a constant enforcement issue.

I'm still prepared for negotiation, but my objection remains at present.

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## Objection (2)

Hi Licensing,

Re. Gelato Village, 107 Queens Road – application for a street café licence to have two tables and eight chairs contained by barriers Mon-Sun 08:00 to 23:00

While FCP does not object to the principle of a street café at this location, we have concerns about both the hours applied for and the size of the proposed café, so must **object** to the application.

### Hours

The opening hours for the Queens Road branch are shown on Gelato Village's [website](#) as Mon-Thu 15:00-20:00, Fri-Sat 13:00-21:00 and Sun 12:00-18:00, so it seems unlikely that Gelato Village would use their street café licence to 23:00, but this could set a precedent that others, including bars on Queens Road, would want to follow.

### Space

The plan provided with the applications doesn't appear to be scale, showing the tables and chairs smaller than actual within the 1.8m barriered area. Also, the 2m clear distance is measured from the kerb rather than the street furniture, and the plan shows the bollard and lamp post at the edge of the pavement when they are actually set back from the edge. Here's how it looks on the latest Street View on Google Maps:



The inner edge of the bollard is ~50cm in from the kerb and the inner edge of the lamp post ~90cm in from the kerb, so the 2.0m minimum clear footway needs to be measured between the front of the street café barriers and the street furniture. Based on the measurements shown on the plan and the actual position of the bollard and the lamp post, that would make the street café only 90cm deep, which wouldn't accommodate two tables with four chairs each, but might accommodate two tables with two chairs each if they were up against the front of the shop. Although this pavement café would not be right next to the bus stop, people do congregate there when waiting for a bus, increasing congestion on that section of footway. If the lamp post were moved closer to the kerb as part of the Queens Road improvements, then the depth of the street café could perhaps be increased.

**Objection**

FCP objects to this application based on:

1. the proposal leaving less than the required 2m minimum between the barriers and street furniture, and
2. the requested hours for the street café being later than the opening hours.

We would be prepared to withdraw our objection if:

1. the depth of the street café is reduced to allow at least the minimum 2.0m between the front of the feet of the street café barriers and the inner edge of the lamp post
2. the hours for the street café are reduced in line with the opening hours.

Friends of Clarendon Park

\*\*\*\*\*

Good Morning,

I am in receipt of your objection to the above Street Café. Apologies for the delay, but I have been on annual leave.

There have been a couple of objections, similar to the concerns that you have raised.

The Street Café times have now been reduced to 0800hrs – 2100hrs (Mon – Sun) and agreed by the applicant and the individual objecting.

There has also been a new plan submitted (please see attached) which has reduced the area of the street café and falls within the guidelines and measurements required and agreed by our highways team.

Kind regards

Nicola Marsh

\*\*\*\*\*

Hi Nichola,

Thanks for sending the revised plan, and no problem about the delay – I've been away on holidays too.

It's good to see that the depth of the proposed café has been reduced from 1.8m to 1.5m and the that standalone barrier has been relocated closer to the tables. However, the plan still shows two tables with four chairs each, which seems optimistic with a depth of only 1.5m and is likely to result in customers moving the barriers further out. Also, although the revised plan shows 2.3m from the front of the barrier to the kerb, I'm not convinced this leaves the minimum 2m between the barriers and the bollard and particularly the lamp post. Finally, as you can see from the attached photos, Gelato Village are already putting out their street café but without the standalone barrier.

We'll be reviewing this application at an FCP committee meeting on Thursday evening, so I'll let you know our view on these changes on Friday.



In the meantime, could you confirm that the measurement of the 2.0m minimum distance between the barriers and street furniture should be taken from the protruding feet of the barriers rather than the uprights?

Friends of Clarendon Park



Good afternoon

The barrier in its entirety should be contained within the licenced area of the street café. Our highways team – have approved the area that GELATO wish to licence on the details of the new plan.

I hope this answers your queries.

Kind regards

Nicola Marsh

\*\*\*\*\*



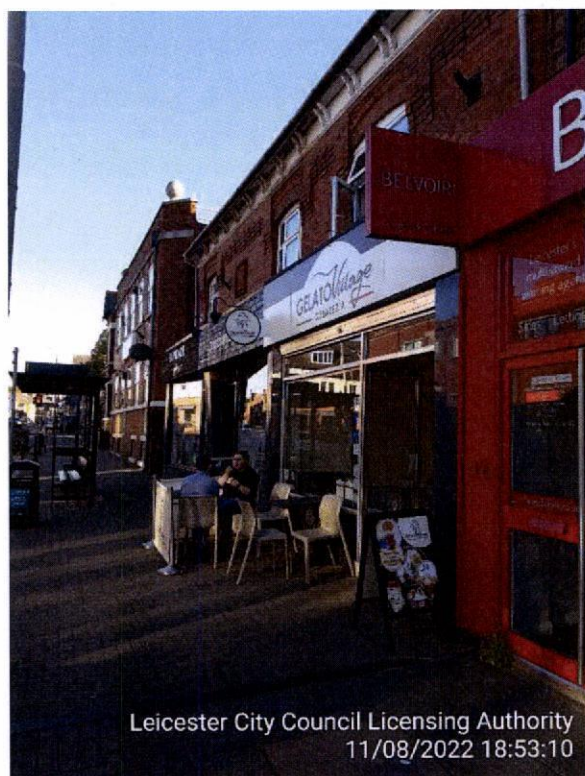


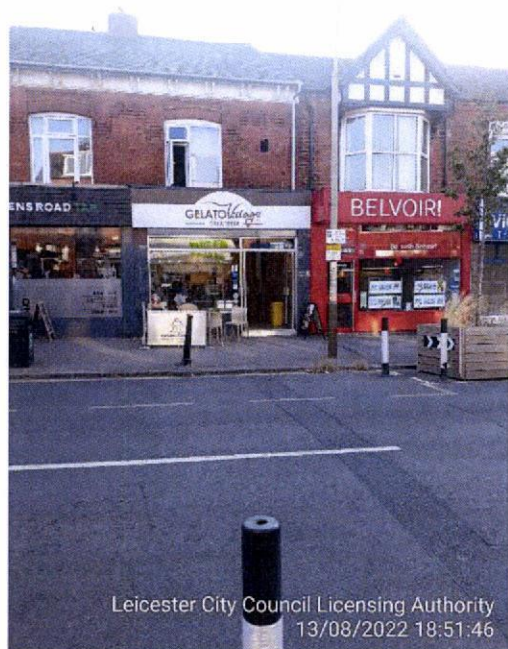


Photos taken by licensing enforcement officers page 2











**Nicola Marsh**

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**From:** Tj Mavani  
**Sent:** 17 August 2022 23:51  
**To:** Nicola Marsh  
**Subject:** FW: General Street Café Enquiry

For the report

## Licensing Enforcement Team

Licensing Authority

Phone: 0116 454 0049

Email: [licensingenforcement@leicester.gov.uk](mailto:licensingenforcement@leicester.gov.uk)

Web: [www.leicester.gov.uk/licensing](http://www.leicester.gov.uk/licensing)

---

**From:** GV Admin <[REDACTED]>  
**Sent:** Friday, July 22, 2022 3:07:44 PM  
**To:** Cllr Adam Clarke <[REDACTED]> Fiona Byrne <[REDACTED]> Cllr Danny Myers <[REDACTED]>  
**Subject:** Fwd: RE: General Street Café Enquiry

Cllrs Clarke and Myers,

I am afraid the issues I wanted to discuss with Cllr Clarke, won't be resolved anytime soon, because they link directly to how different departments of the Council function (or rather don't).

In this case, I'm referring to our application for a Street café licence for our Queens Road store.

Do you reckon that it is at all acceptable that groundless objections stop the licence to be issued (on top of wasting days because of the officer being on leave). I've been informed that we'll have to wait until September now for the committee to meet? Are we stuck in the Middle Ages? What good will it be for our business to put tables out (two) in October?

Is this how the Civil Servants of Leicester City Council enact the political vision of the Major and Councillors of which we are constantly reminded? What about the Night Time Economy?

When running a business (a small one in particular) the last thing one needs is to be constantly hassled by either too zealous or incompetent Officials: this seems to happen way too frequently. This is not quite supporting small businesses...

We are not deeming ourselves above the law, but there seems to be loads of bad or lack of application of it everywhere you look in the city and that is not right nor fair.

If this goes ahead, our only conclusion is that we are not a welcome addition to the City.

I trust I will hear from you very soon.

Best regards,

Daniele Taverna  
Director  
Gelato Village  
Leicester  
[REDACTED]



===== Forwarded Message =====

From : [REDACTED]  
To : [Nicola.Marsh@leicester.gov.uk](mailto:Nicola.Marsh@leicester.gov.uk)  
Cc : [REDACTED]  
Date : Thu, 21 Jul 2022 10:49:28 +0100  
Subject : RE: General Street Cafè Enquiry

===== Forwarded Message =====

Hi Nicola,

Thanks for your reply.

I am replying here to the objections to the licence at Queens Road.

1. We are well over 28 days and the latest objections were not processed because you were on leave: is this really acceptable?
2. The objections have no ground: shall we keep going back and forward indefinitely because someone is always going to find a possible (but not true) problem with it? The plan clearly stays within the limits, so unless the furniture is fixed to the floor, it could always be moved as the one inside the store does, so staff puts it back in its place.
3. Again I really don't think it is a valid objection to limit a business like ours operating times that much during that time frame. Not sure how Cllr Danny Myers would agree to this when promoting the 'Nighttime economy'.

Both objections are groundless and ludicrous so it is really your duty to push them back to whoever raised them, keeping in mind how much this is impacting our business.

Sorry but I am not available to play this silly game, while other areas of the City - and of Queens Road - have no control whatsoever on what happens on pavements, including the council itself which reduced the pavement opposite us to a width of 60cm because of a road marking pole?

I am sure the paper will be more than interesting to hear our ordeal just to put out a couple of chairs...

I trust you will be able to grant the licence soon.

Kind regards,

Daniele

--

**Mr Daniele Taverna**  
**Director**

**Gelato Village**  
Leicester, UK

---

--- On Wed, 20 Jul 2022 14:51:30 +0100 **Nicola Marsh** <[Nicola.Marsh@leicester.gov.uk](mailto:Nicola.Marsh@leicester.gov.uk)> wrote ---

Good afternoon,

I will address each point raised.

1. St Martins is a privately owned area and therefore the legislation regarding street cafes do not apply and we have no powers to enforce any issues in the square.
2. Veenoo have applied for the area that they are using. You are also able to alter your licenced area for your street café by contacting our licensing applications team and completing the online application for a major variation.
3. Sonrisa – the planters allow pedestrians to walk through the street café although by the layout of the street, pedestrians usually travel around the outer edge. I actually walked through it yesterday to remain in the shade from the afternoon sun.
4. Prana – with regards to parasols – You are able to have removable parasols in your street café if you apply for them or can contact the licensing applications team with regards to adding them to your existing licence.

Regarding your application for the street café on Queens Road, the objections were surrounding the concerns of the size of the licenced area ( I have forwarded the new plan for consideration to the persons objecting) and the amount of tables and chairs – their concerns were that the two tables with four chairs may encourage customers to push the barriers out of the licensed area to gain enough space to sit down comfortably.

Would you consider reducing the amount of chairs?

The other objection was the opening times – which I have forwarded the new agreed times. They did suggest 2000hrs as a cease time – I am still waiting for the reply from them for the proposed 2100hrs cease time.

I hope this answers your queries satisfactorily.

Kind regards

Nicola

---

**From:** GV Admin [REDACTED]  
**Sent:** 19 July 2022 19:18  
**To:** Nicola Marsh <[Nicola.Marsh@leicester.gov.uk](mailto:Nicola.Marsh@leicester.gov.uk)>  
**Subject:** General Street Café Enquiry

Hi Nicola,

Since you have been so helpful, I thought I'd ask you a question regarding the licensing enforcement in St Martins: sorry for taking advantage of your availability.

I would just like to have clarified the usage of pavements by some of our neighbours so I we may be able to do the same?

Veenoo seems now to have permission to use the entire width of the pavement, from their store-front to the curb, leaving a gap in between for pedestrians, who are then faced by the items put out by the store adjacent.

Sonrisa, is leaving an entire area closed off with planters: sometime ago when I enquired about leaving heavy-duty parasol out (like also Prana at Town Hall Square does), but during a meeting with other council officials someone from the Licensing department said that it couldn't be done .

As I said at the beginning I don't mean to cause trouble, but only understand how things work.

Many thanks for your attention so far.

Kind regards,

Daniele

--

**Mr Daniele Taverna**  
**Director**

**Gelato Village**  
Leicester, UK

---

*This e-mail (including any attachments) is intended for the above named addressee only.*

*If this email has come to you in error please notify the sender and delete the email and any attachments. You must take no action based on it, nor may you forward it or copy it to anyone.*

*In consideration of Gelato Village Ltd disclosing to you the information set out in this message which is not publicly available, you undertake to treat the information as being strictly private and confidential, and you shall take all precautions to maintain its status as such and to use and apply the information solely for the purpose for which it is intended.*

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Would you like to report a problem with:: A footpath or verge

To help us to deal with this problem, please tell us what type of problem it is:: Outdoor seating

Tell us where it is::

Select property	In order to help us find it, please provide as much detail about the exact location as possible.
107 Queens Road, Leicester	There is outdoor seating in front of Gelato Village. This is within feet of a bus stop and in front of a bollard.

Map Ward: Ward: CA,

upload:

Upload a file or photo
Gelato_Village_LE2_1TT.jpg

**Tell us about the problem; give us a brief description :** The outdoor seating is an accessibility issue so close to the bus stop and in front of a bollard. The space is too small for a wheel chair and difficult to negotiate with a mobility aid. I am particularly concerned because I was taking a picture of the shop front in passing, it being a relatively new business in my area, when the staff came out and questioned me about why I was taking a picture because they have been receiving complaints from locals about the outdoor seating.

Customer details:

Title	First name	Surname	Phone number	Mobile number	Email address

Customer address:

Flat	House number	Street	Town	County	Postcode

Assigned to:: Licencing

Does this task need to be reassigned?: Yes

## Task reassignment:

Please select an email address	To:	CC:	Reason for reassignment
Licensing	<a href="mailto:licensing@leicester.gov.uk">licensing@leicester.gov.uk</a>		

## Case notes:

Note	Note Date	Added by:
Passed to officer to investigate	22/07/2022 10:12:37	

## Email case note?:

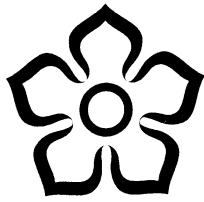
## Send job sheet:

## Case status: Closed









Leicester  
City Council

WARD: Beaumont Leys

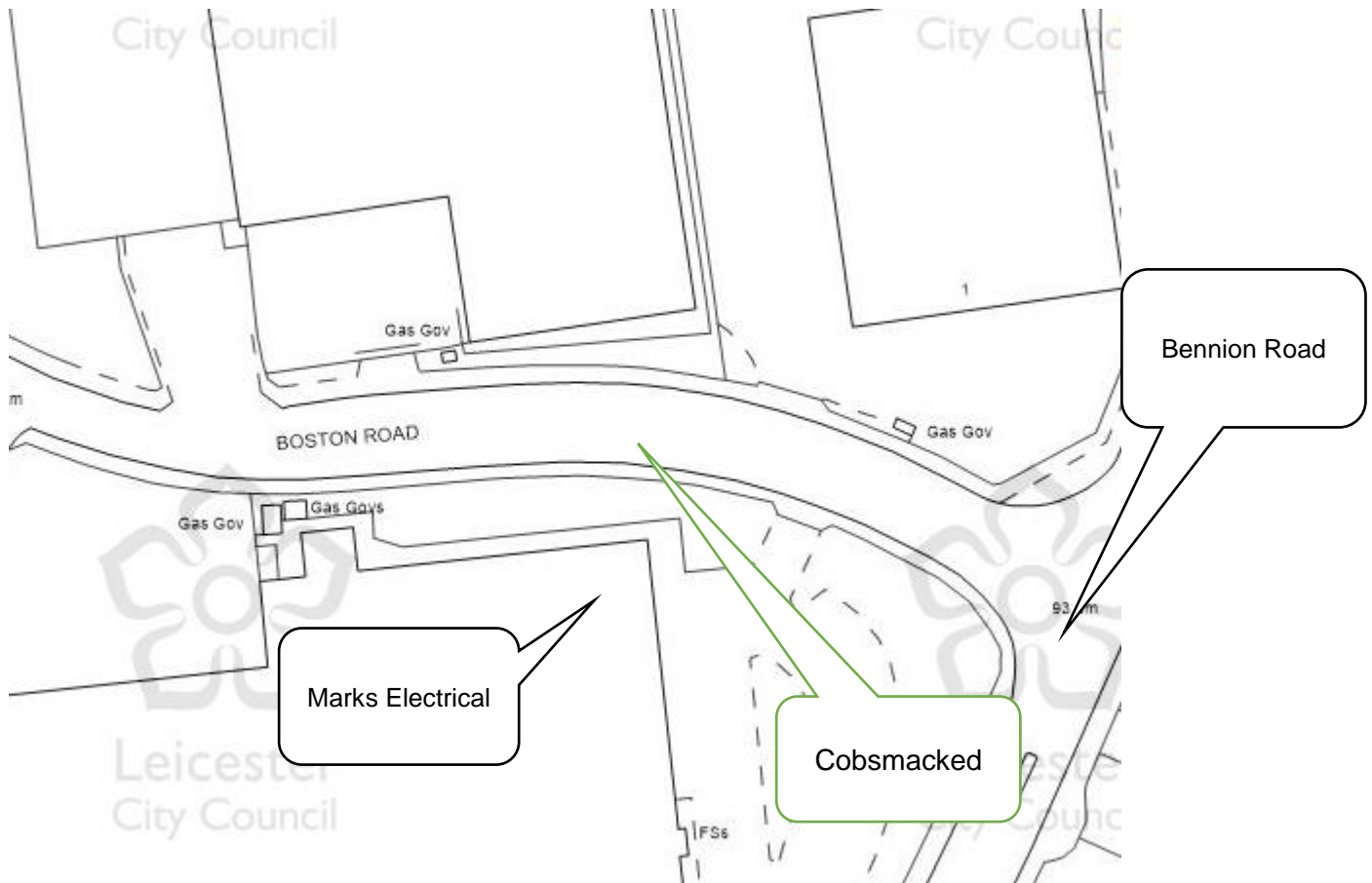
LICENSING COMMITTEE

4<sup>th</sup> October 2022

**APPLICATION FOR STREET TRADING CONSENT**  
**MR JOHN DERRY**  
**COBSMACKED, BOSTON 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 Cobsmacked. The applicant is Mr John Derry.

### **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 Derry has applied for the grant of a street trading consent for Cobsmacked Boston Road, Leicester, under schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. A copy of the application is attached at Appendix A.

Mr Derry would like to sell cobs, salads, jacket potatoes, soups, stews and similar items from a mobile van from Monday to Saturday 07:00-14:00.

#### 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.

- 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 be 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, Noise Control and the Food Team in relation to this application. However, seven representations have been received from members of the public and comments from the Highway Team.

Highways have requested that the vehicle is placed so it does not affect the turning circles of vehicle leaving the premises opposite. A copy of the representation is attached at Appendix B1.

The representees are concerned that if this application is granted, it will cause more traffic and parking issues on an already very congested road and that there is already sufficient provision of food retailers in the vicinity of the site. Copies of the representations are attached at Appendix B2-B8.

## **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**

Vicky Marshall  
Licensing Officer  
0116 454 3048

## Victoria Marshall

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**From:** Licensing  
**Sent:** 09 May 2022 11:56  
**To:** Licensing  
**Subject:** FW: Street trade licence. Case reference: ST420810407  
**Attachments:** Payment Authentication Receipt - DO NOT REPLY TO THIS E-MAIL

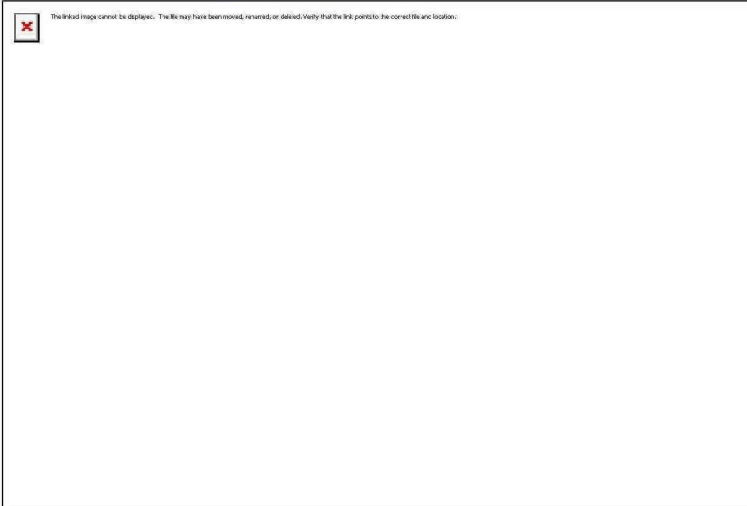
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**From:** Crm-feedback <crm.feedback@leicester.gov.uk>  
**Sent:** 09 May 2022 11:46  
**To:** Licensing <Licensing@leicester.gov.uk>  
**Subject:** Street trade licence. Case reference: ST420810407



## Street trade licence

Case raised by: [john\\_derry@sky.com](mailto:john_derry@sky.com) 2022-05-09 11:46:00 Product: Self



**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.	John	Derry			

**Your address:**

Flat	House number	Street	Town	County	Postcode

**Please give the details of any food business that you have operated in the last 12 months:** Skidaddle Soft Play & Party Zone Ltd  
15/09/2015 to present  
Charnwood Borough Council

**Business name:** Cobsmacked

**Business type:** Mobile food van

**What goods do you intend to sell?:** Breakfast and Lunch cobs, homemade soups and stews (healthy option), Salads, Vegetarian/Vegan options, Jacket potatoes with healthy fillings, religious dietary requirement options.

**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
Boston Road	Street Record Boston Road Access Road, Leicester	



**Please explain how your business may impact on public nuisance::** There is a possibility of littering We will provide two large bins and have no littering signs displayed and encourage all customers the bins. Oil will be recycled and packaging to a minimum.

**Please explain how your business may impact on crime and disorder::** Our van will be mobile which will not be left overnight at the site therefore reducing the risk of vandalism.

**Please explain how your business may impact on road safety: :** People may need to cross the road and as it is on an industrial estate there may be traffic. We will have signage up on the vehicle to remind customers to look left and right when crossing the road and to walk further away from the van to avoid an obstructed view. We will not be in a restricted parking area and therefore not causing a hazard to other vehicles. We will also encourage customers to walk to our business via the signage on our van rather than using a vehicle and this is in line with the government and council environment policy for reducing vehicle usage.

**Please explain how your business may impact on the health and safety at schools and for their pupils::** N/A as it is on an industrial Estate.

**Please explain the likely demand for the goods that you intend to sell::** There will be a steady flow of customers throughout the day as people have lunch breaks at various times. Having canvassed various businesses and employees in the area we have had positive feedback for the placement of a mobile food van and our menu ideas.

**Are the goods that you intend to sell already available in other fixed premises nearby? If so, please give details: :**  
There are no other mobile vans on the estate.

**Please give reasons why your application should be granted as an exception to the council's general policy on street trading: :** Consent has previously be granted in this area so precedence has been set. This site is now vacant and we wish to give the surrounding workers an opportunity to have access to healthy warm quality home made food as our canvassing of the area has shown that the units have no quality catering facilities for their staff. We plan to be serving from 7.00am to service the surrounding units that are either operating 24 hours or the start of their business is not necessarily 09.00 - 17.00.

With a Council agenda of healthy eating we feel we could link into that with the healthy options that we can provide for the public as there are no other outlets that do this within the area.

**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?:** 13/05/2022

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

**Date::** 09 05 22

## Victoria Marshall

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**From:** [REDACTED]  
**Sent:** 06 June 2022 10:53  
**To:** Victoria Marshall  
**Subject:** Re: Street Trading application  
**Attachments:** Screenshot\_20220606-104746\_Instagram.jpg

Good morning Victoria,

Apologies for the delay in responding, the trading hours that we were going to operate at are 07.00 - 14.00 Monday to Saturday.

I have also attached a map of the area with the red x being the position that we are looking at.

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

Kind regards  
John Derry  
[REDACTED]





Marks Electrical  
Appliance Shop

Boston Rd

Boston Rd

124

Waistead Builders

Boston Rd

Boston Rd

Bennion Rd

Bennion Rd

Max Energy



120













## **To Licensing**

### **Street Trading Consent Application Highway Management Consultation Response**

**Street:** Boston Road, outside Marks Electrical

**Applicant Name:** John Derry

We have no specific objection to this application but would require compliance with all of our standard conditions and request the unit is placed where it would not interfere with the turning circles for vehicles accessing the units opposite.

Name: Andrew Smith

Date: 5/8/2022

**N.B. If consent is granted action may still be taken at a later date under the Highways Act 1980 in respect of obstruction of the highway.**

#### **Standards Conditions**

Do not park on footways.

Do not park within 15 metres of a junction.

Do not pour anything into drainage gullies e.g. fat or greasy water.

Comply with all Traffic Regulation Orders restrictions e.g. yellow lines, school keep clear markings, pedestrian crossing markings.

Comply with any future Traffic Regulation Order whether temporary or permanent.

Comply with the street's traffic sensitivity restriction by not parking when the street is traffic sensitive.

Vacate the site if roadworks are in progress or any other highway approved works or activity e.g. erection of scaffold or a parade.



## Victoria Marshall

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**From:** Licensing  
**Sent:** 05 August 2022 12:23  
**To:** Victoria Marshall  
**Subject:** FW: Food van application - Boston Road

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**From:** [REDACTED]  
**Sent:** 05 August 2022 12:14  
**To:** Licensing <Licensing@leicester.gov.uk>  
**Cc:** 'parking@leicester.gov.uk' <parking@leicester.gov.uk>  
**Subject:** Food van application - Boston Road

Morning

**I am writing to formally object to the application made for another food van on our estate.**

There is already a van on the street and recently they moved off the street onto private land with electricity supply and reduced noise through no generator as previously used. AN improvement, but please not another one!! 😞

Parking is a huge issue on the estate already as businesses try to bounce back after the Pandemic and people return to the office. APC/Parcelrite regularly dump their trailers over 4-5 spaces and then illegal parking is unmonitored by the council and police. When our car park fills up at busy periods, staff and customers need to park hundreds of yards away.

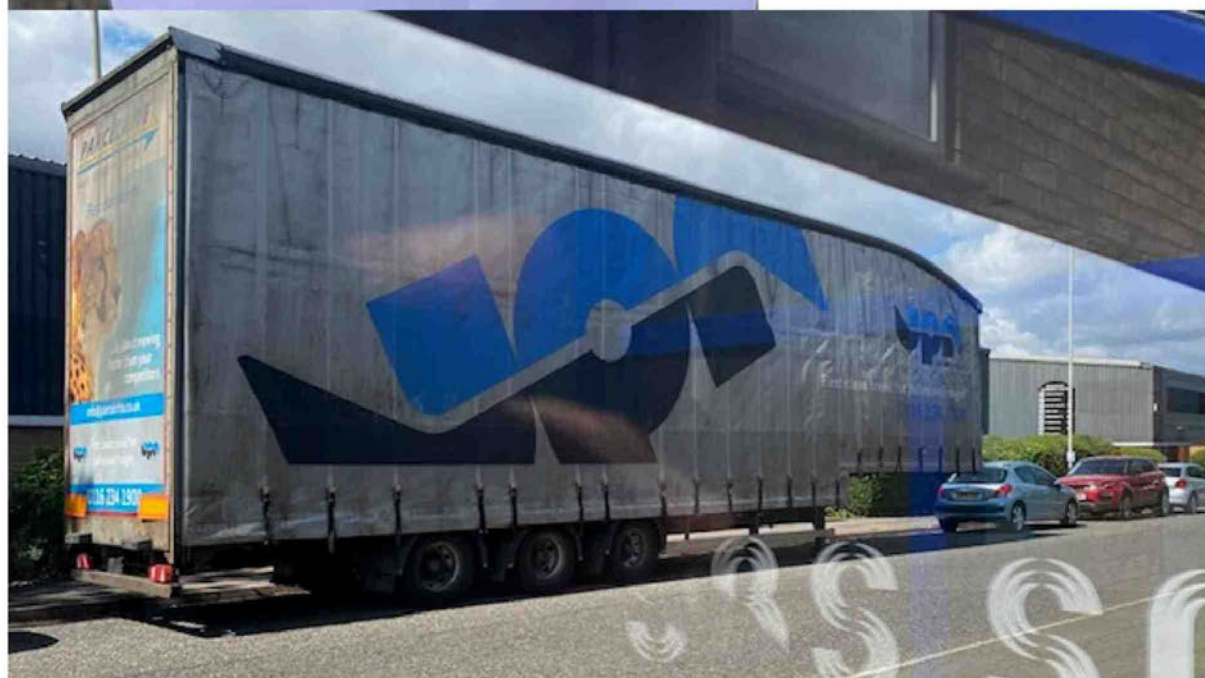
Now to hear the council has plans to make more money from selling yet more food licenses for commercial purposes is disgusting and we fear that the parking situation will be unsustainable.

I couldn't object more to our Road becoming an over parked diner.....

Please forward this to your colleagues who might help with the parking situation – APC/Parcelrite have their own yard yet park in an inconsiderate manner.... I have guessed their email address!

# NOTICE OF APPLICATION FOR STREET TRADING CONSENT

Name of applicant: Mr John Derry	Trading name: Cobsmacked
Details of site applied for: Boston Road alongside Marks Electrical Leicester	
Details of Application (supplied by the applicant):  New trader wishing to sell cobs, salads, jacket potatoes, soups, stews and similar items from a mobile van.  Trading hours: Monday to Saturday 07:00-14:00	
<ul style="list-style-type: none"> <li>This application is necessary as a result of Leicester City Council's street trading policy that came into effect on 27 August 2008. Details of the policy are available at <a href="http://www.leicester.gov.uk/licensing">www.leicester.gov.uk/licensing</a></li> <li>Any representation relating to this application must be made in writing to the Licensing Authority no later than <b>18<sup>th</sup> August 2022</b>.</li> <li>Representations must be addressed to Licensing Section Leicester City Council City Hall 115 Charles Street Leicester LE1 1FZ or sent by email to <a href="mailto:licensing@leicester.gov.uk">licensing@leicester.gov.uk</a></li> </ul>	



## Victoria Marshall

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**From:** Licensing  
**Sent:** 17 August 2022 12:03  
**To:** Victoria Marshall  
**Subject:** FW: Boston road,cob van license

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**From:** [REDACTED]  
**Sent:** 17 August 2022 11:47  
**To:** Licensing <Licensing@leicester.gov.uk>  
**Subject:** Boston road,cob van license

I would like to inform you that there is a problem with traffic in this area as it is.  
Alongside mark electrical there is a lorry's waiting all the time. Another cob van will be extremely dangerous to stand there.  
I say NO to this license.





## Victoria Marshall

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**From:** Licensing  
**Sent:** 12 August 2022 12:07  
**To:** Victoria Marshall  
**Subject:** FW: Application for street trading

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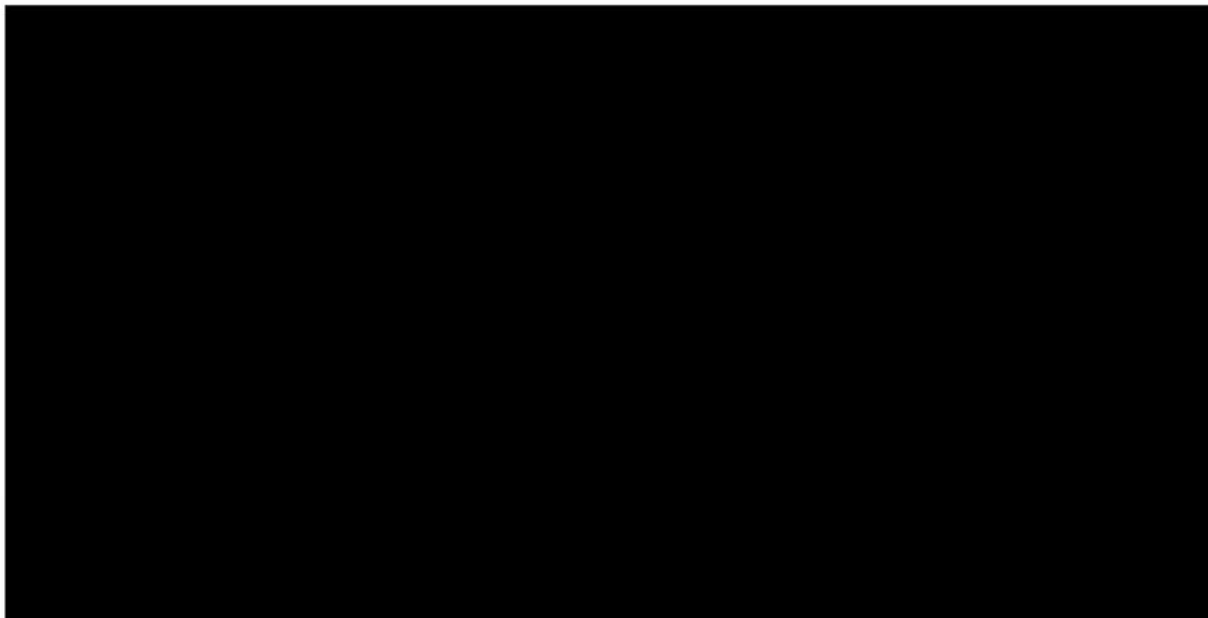
**From:** [REDACTED]  
**Sent:** 12 August 2022 11:49  
**To:** Licensing <Licensing@leicester.gov.uk>  
**Subject:** FW: Application for street trading

Dear Sir,

I wish to object to the granting of a street licence for a trader Mr John Derry wishing to position a mobile van on Boston Road alongside Marks Electrical building.

The reasons for the objection are as follows.

1. The Boston road is already very congested with parked vehicles of all sizes but in particular heavy goods units, some of which leave trailers behind for days.
2. The insulation company opposite Marks Electrical has articulated lorries reversing off Boston Road during the day and it is already a hazard turning off Bennion Road to find the immediate access to Boston Road blocked!
3. There is already a similar operation less than 500 yards from the proposed site so it can't be argued it's actually needed or providing a new service.



## Victoria Marshall

---

**From:** Licensing  
**Sent:** 10 August 2022 15:24  
**To:** Victoria Marshall  
**Subject:** FW: Cobsmacked John Derry application

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**From:** [REDACTED]  
**Sent:** 10 August 2022 15:21  
**To:** Licensing <Licensing@leicester.gov.uk>  
**Subject:** Cobsmacked John Derry application

Good afternoon,

We have noticed an application for the above to have a cob van situated outside Marks Electrical Boston Road LE4,

This would only add to the sheer volume of traffic and additional traffic, the road is always extremely busy with Artic etc parked up and this would cause further issues,

[REDACTED]



## Victoria Marshall

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**From:** Licensing  
**Sent:** 18 August 2022 09:34  
**To:** Victoria Marshall  
**Subject:** FW: Food retail trailer Boston Rd Leicester

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**From:** [REDACTED]  
**Sent:** 17 August 2022 19:06  
**To:** Licensing <Licensing@leicester.gov.uk>  
**Subject:** Food retail trailer Boston Rd Leicester

**To whom it may concern**

I am writing to object to the proposed opening of a new hot food trailer in the vicinity of Boston Road Leicester. There is already a hot food vendor situated on this road that provides adequate service for the surrounding area. Another outlet would just create more smell pollution and litter in the area. With the shopping precinct opposite the proposed site there is ample amounts of fast food and healthy options readily available so there simply is no need for and in my opinion not even business to warrant another vendor operating here.

## Victoria Marshall

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**From:** Licensing  
**Sent:** 09 August 2022 10:50  
**To:** Victoria Marshall  
**Subject:** FW: Notice of Objection

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**From:** [REDACTED]  
**Sent:** 09 August 2022 10:23  
**To:** Licensing <Licensing@leicester.gov.uk>  
**Subject:** Notice of Objection

To whom this may concern,

Good morning,

I am writing to you today to strongly object the application of a new trader wishing to sell cobs etc from a mobile van. I believe the applicant name is Mr John Derry and the trading name is Cobsmacked.



The road is already quite an congested road and the addition of another mobile van will only just add more disruption to the constantly busy road already.

There are large vehicles up and down the road as well as normal cars and for the safety of pedestrians it really is not needed.

There is already one mobile van in the area, which we believe has been there for some time and never caused any issues.

I hope you take on our points and strongly consider them.

I look forward to hearing from you.

Many thanks.

Kind Regards,



## Victoria Marshall

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**From:** Licensing  
**Sent:** 08 August 2022 11:32  
**To:** Victoria Marshall  
**Subject:** FW: New Street Trading Application on Boston Road alongside Marks Electrical

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**From:** [REDACTED]  
**Sent:** 06 August 2022 15:40  
**To:** Licensing <Licensing@leicester.gov.uk>  
**Subject:** New Street Trading Application on Boston Road alongside Marks Electrical

To Leicester City Council

I am [REDACTED] and I am the licence holder of street trading licence for Boston road since 2007 with licence number LEISTC0036. Last year I made another application on the renewal time (August) of my licence and I moved my cob van to corner of Boston Road/Sheene Road. I got my new licence and number is LEISTC0528.

I found out that a new street trading application made for Boston Road alongside Marks Electrical.

I would like to object to application as it would be unfair to me if council grants the application. Because I am trading in the industrial estate since 2007 and I have goodwill in there. A new cob van will be a competitor to me and the estate is not big, as it only has Boston road and Sheene road. So the estate does not need one more cob van. Also Marks Electrical is approximately 50 meters away from my cob van.

Beaumont Leys shopping centre is in the walking distance as some people choose to go there as there are more options in there such as Greggs, Subway, Costa, Mc Donalds, Fish Shop etc... In addition, Jiffy Vans from Britannia and Mc Gorum's they visit the estate in the morning and afternoon and they sound the chimes and they do sales in estate.

Since the big companies with lots of staff, closed down in the estate such as Mark Group and Artisan Printing, it did affect my business badly, and when corona hit the whole world in 2020 that affected my business terribly. As we reopened, I am trying my best to keep my business to survive. As I mentioned earlier a competition will not help at all, while there is already a competition in place.(B.Leys shopping centre and Britannia and Mc Gorum Jiffy Vans)

I was on Boston road from 2007 until last year and I am off the road now which helps the traffic in the estate as people parking their cars and vans on the road it is always usual to see traffic jam in the estate especially when artic lorries make manoeuvres/turns. Another cob van on Boston Road will cause more traffic in the estate.

Please take my concerns in to consideration while assessing the application.

Yours sincerely

A solid black rectangular box used to redact the signature of the sender.



