



Leicester
City Council

MEETING OF THE LICENSING ENFORCEMENT SUB-COMMITTEE

DATE: TUESDAY, 1 OCTOBER 2019

TIME: 9:30 am

PLACE: Meeting Room G.01 Ground Floor, City Hall, 115 Charles Street, Leicester, LE1 1FZ

Members of the Sub-Committee

Councillors Cank, Fonseca and Pickering

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

for Monitoring Officer

Officer contact: Angie Smith
Democratic Support, Democratic Services
Leicester City Council,
City Hall, 115 Charles Street, Leicester, LE1 1FZ
Tel. 0116 454 6354
Email. Angie.Smith@leicester.gov.uk

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- ✓ 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.

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If you have any queries about any of the above or the business to be discussed, please contact Angie Smith, **Democratic Support on (0116) 454 6354 or email Angie.Smith@leicester.gov.uk** or call in at City Hall, 115 Charles Street.

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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 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 3rd September 2019 are attached, and Members will be asked to confirm them as a correct record.

5. APPLICATION FOR STREET TRADING CONSENT: MR MIROSLAW WECLAWIK, KURCZAK U BORYNY, 24 MORCOTE ROAD, LEICESTER, LE3 1QX

Appendix A

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

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 or by phoning Democratic Support on 454 6354.

(Ward Affected: Braunstone Park & Rowley Fields)

6. ANY OTHER URGENT BUSINESS



Leicester
City Council

Appendix A

Minutes of the Meeting of the
LICENSING ENFORCEMENT SUB-COMMITTEE

Held: TUESDAY, 3 SEPTEMBER 2019 at 9:30 am

P R E S E N T:

Councillor Hunter (Chair)
Councillor Singh Johal (Vice Chair)

Councillor Cank

Councillor Thomas

* * * * *

16. APPOINTMENT OF CHAIR

Councillor Hunter was appointed as Chair for the meeting.

17. APOLOGIES FOR ABSENCE

There were no apologies for absence.

18. DECLARATIONS OF INTEREST

Members were asked to declare any disclosable pecuniary or other interest they might have in the business on the agenda.

Councillor Singh Johal removed himself prior to deliberation of the application at Appendix B1 as he knew the applicant.

19. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the minutes of the meeting of the Licensing Enforcement Sub-Committee meeting held on 6th August 2019 be confirmed as a correct record.

20. APPLICATION FOR THE GRANT OF A HIGHWAYS AMENITIES LICENCE (STREET CAFÉ): SPENCERS, 21 SILVER STREET, LEICESTER, LE1 5EU

The Director of Neighbourhoods and Environmental Services submitted a report concerning the application for the grant of a Highways Amenities Licence for a Street Café for premises known as Spencer's, 21 Silver Street, Leicester,

LE1 5EU.

The applicant Mr Steven Finch on behalf of Spencer's was not present. The Licensing Team Manager, Legal Adviser to the Sub-Committee and local reporter were present at the meeting.

The Sub-Committee Members agreed to hear the application in the absence of the applicant.

The Licensing Team Manager outlined the details of the application, including the relevant City Council Policy Guidelines, and drew Members' attention to the objections referred to in the report. The Licensing Team Manager answered questions from Members.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of those present.

In reaching their decision, Members felt they should deliberate in private on the basis that this was in the public interest, and as such outweighed the public interest of their deliberation taking place with the parties represented present.

The Legal Adviser to the Sub-Committee, Licensing Team Manager and local reporter then withdrew from the meeting.

The Sub-Committee then gave the application full and detailed consideration. The Legal Adviser to the Sub-Committee was recalled to the meeting to advise Members on the wording of the decision.

The Licensing Team Manager and local reporter then returned to the meeting.

The Chair of the Sub-Committee advised all persons present that the Legal Adviser to the Sub-Committee was called back to the meeting to advise on the wording of the decision.

RESOLVED:

That the application for a Highways Amenities Licence for a Street Café for premises known as Spencers, 21 Silver Street, Leicester, LE1 5EU be GRANTED with additional conditions.

REASON FOR THE DECISION

The Sub-Committee had been asked to determine an application under the Highways Act 1980, for the grant of a Highways Amenities Licence.

In reaching their decision, Members had carefully considered the committee report, the presentation by the Licensing Team Manager, the representations submitted by Mr Steven Finch, a number of objections received from nearby local businesses and the legal advice given during the hearing.

The Sub-Committee stated that the licensing objectives were of paramount

concern. The Sub-Committee had considered the case on its own merits and in accordance with the Licensing Authority's Policy on Street Cafes.

The Sub-Committee added that as a result of what they had heard, they were content to grant the application in order to give the applicant a chance, however, they had taken into consideration the objections received.

ADDITIONAL CONDITIONS

1. The number of tables permitted in the street café to be limited to 4 and the number of chairs limited to 16, to ensure the entrance to and from the premises and the fire exit remain accessible at all times.
2. That a full skirted barrier be used to surround the tables placed on the highway.
3. At 5.00pm Sunday to Saturday, all tables, chairs, barriers and any objects of structure be removed from the highway and stored in a place within the premises off the highway.
4. A security door person be employed through the hours that the street café is open.

21. APPLICATION FOR THE GRANT OF A HIGHWAYS AMENITIES LICENCE (STREET CAFÉ): QUEEN VICTORIA ARTS CLUB, 41 RUTLAND STREET, LEICESTER, LE1 1RD

The Director of Neighbourhoods and Environmental Services submitted a report concerning the application for the grant of a Highways Amenities Licence for a Street Café for premises known as Queen Victoria Arts Club, 41 Rutland Street, Leicester, LE1 1RD.

The applicant Ms Cassandra Davidson was present at the meeting. The Licensing Team Manager, Legal Adviser to the Sub-Committee and local reporter were also present at the meeting.

Introductions were made, and the procedure for the meeting was outlined to those present.

The Licensing Team Manager outlined the details of the application, including the relevant City Council Policy Guidelines and drew Members' attention to the objections referred to in the report. The Licensing Team Manager answered questions from Members. It was noted that an additional condition had been requested by the Festival and Events Team at Leicester City Council.

Ms Davidson outlined the reasons for the application and answered questions from Members.

Ms Davidson was then given the opportunity to sum up her position and make any final comments.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of those present.

In reaching their decision, Members felt they should deliberate in private on the basis that this was in the public interest, and as such outweighed the public interest of their deliberation taking place with the parties represented present.

The Legal Adviser to the Sub-Committee, Licensing Team Manager, Ms Davidson and local reporter then withdrew from the meeting.

The Sub-Committee then gave the application full and detailed consideration. The Legal Adviser to the Sub-Committee was recalled to the meeting to advise Members on the wording of the decision.

The Licensing Team Manager, Ms Davidson and local reporter then returned to the meeting.

The Chair of the Sub-Committee advised all persons present that the Legal Adviser to the Sub-Committee was called back to the meeting to advise on the wording of the decision.

RESOLVED:

That the application for a Highways Amenities Licence for a Street Café for premises known as Queen Victoria Arts Club, 41 Rutland Street, Leicester, LE1 1RD be GRANTED as applied for, with an additional condition requested by the Festivals and Events Team, Leicester City Council.

REASON FOR THE DECISION

The Sub-Committee had been asked to determine an application under the Highways Act 1980, for the grant of a Highways Amenities Licence.

In reaching their decision, Members had carefully considered the committee report, the presentation by the Licensing Team Manager, the representations submitted by Ms Cassandra Davidson, the written objections received from nearby local residents and the legal advice given during the hearing.

The Sub-Committee stated that the licensing objectives were of paramount concern. The Sub-Committee had considered the case on its own merits and in accordance with the Licensing Authority's Policy on Street Cafes.

The Sub-Committee added that as a result of what they had heard, they were content to grant the application as applied for as they said the street café would be in keeping with Leicester's Cultural Quarter and would add to the ambience that made the city more attractive to visitors and residents alike.

ADDITIONAL CONDITION

1. No street furniture shall be placed outside during events that take place within the vicinity of the premises. The Licence Holder will be informed of the event days and times these restrictions apply to by a member of the

Festivals & Events Team at Leicester City Council. The Licence Holder will be notified a minimum of 3 days prior to the event.

22. APPLICATION FOR THE GRANT OF A HIGHWAYS AMENITIES LICENCE (STREET CAFÉ): MUM'S COFFEE SHOP, 2-3 HANNAM COURT, CHARLES STREET, LEICESTER, LE1 3FS

The Director of Neighbourhoods and Environmental Services submitted a report concerning the application for the grant of a Highways Amenities Licence for a Street Café for premises known as Mum's Coffee Shop, 2-3 Hannam Court, Charles Street, Leicester, LE1 3FS.

The applicant Ms Verity Stratford was present at the meeting accompanied by Mr Gavin Brownen. Objectors to the applicant Ms Susan Godwin and Ms Linda Flavell were present. The Licensing Team Manager, Legal Adviser to the Sub-Committee and local reporter were also present at the meeting.

Introductions were made, and the procedure for the meeting was outlined to those present.

The Licensing Team Manager outlined the details of the application, including the relevant City Council Policy Guidelines and drew Members' attention to the objections referred to in the report. The Licensing Team Manager answered questions from Members.

Ms Godwin and Ms Flavell outlined the reasons for their objections and answered questions from Members. They stated there would be no objection to the application of the hours of operation were reduced to cease earlier in the evening.

Ms Stratford outlined the reasons for the application and answered questions from Members. She stated she agreed that should the Sub-Committee be minded to grant the application, that the hours of operation applied for be reduced.

Ms Godwin, Ms Flavell, and Ms Stratford were then 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 those present.

In reaching their decision, Members felt they should deliberate in private on the basis that this was in the public interest, and as such outweighed the public interest of their deliberation taking place with the parties represented present.

The Legal Adviser to the Sub-Committee, Licensing Team Manager, Ms Godwin, Ms Flavell, and Ms Stratford, Mr Brownen and local reporter then withdrew from the meeting.

The Sub-Committee then gave the application full and detailed consideration.

The Legal Adviser to the Sub-Committee was recalled to the meeting to advise Members on the wording of the decision.

The Licensing Team Manager, Ms Godwin, Ms Flavell, and Ms Stratford, Mr Brownen and local reporter then withdrew from the meeting.

The Chair of the Sub-Committee advised all persons present that the Legal Adviser to the Sub-Committee was called back to the meeting to advise on the wording of the decision.

RESOLVED:

That the application for a Highways Amenities Licence for a Street Café for premises known as Mum's Coffee Shop, 2-3 Hannam Court, Charles Street, Leicester, LE1 3FS be GRANTED with additional conditions.

REASON FOR THE DECISION

The Sub-Committee had been asked to determine an application under the Highways Act 1980, for the grant of a Highways Amenities Licence.

In reaching their decision, Members had carefully considered the committee report, the presentation by the Licensing Team Manager, the representations by Ms Verity Stratford, the objections from nearby local residents and the legal advice given during the hearing.

The Sub-Committee stated that the licensing objectives were of paramount concern. The Sub-Committee had considered the case on its own merits and in accordance with the Licensing Authority's Policy on Street Cafes.

The Sub-Committee added that as a result of what they had heard, they were content to grant the application as they said the street café would add to the ambience of the city which the Street Cafes Policy aimed to achieve and make the city more attractive to visitors and residents alike.

The Sub-Committee brought to the attention of the applicant Point 12 of the Standard Conditions which stipulates that the Licence Holder shall remove the street furniture from the licensed area outside of the permitted hours.

ADDITIONAL CONDITIONS

1. The number of tables be reduced to 4 in total and the number of chairs reduced to 16 within the area of the street café.
2. The hours of the street café be reduced to the following in order to keep in line with opening hours of local shops:
 - 8am to 5pm Monday to Saturday
 - 9am to 4pm Sunday

Councillor Singh-Johal left the meeting at this point.

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

Paragraph 1

Information relating to an individual.

Paragraph 2

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

Paragraph 3

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

- B1) Application for the Renewal of a Hackney Carriage and Private Hire Vehicle Driver's Licence
- B2) Determination of Continued Entitlement of a Hackney Carriage and Private Hire Vehicle Driver's Licence

24. APPLICATION FOR THE RENEWAL OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE

The Director, Neighbourhoods and Environmental Services, submitted a report concerning an application for the renewal of a Hackney Carriage and Private Hire Vehicle Driver's Licence.

The applicant was present at the meeting. The Licensing Team Manager 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 Policy Guidelines, drew Members' attention to the conviction referred to in the report, and answered questions from Members.

The applicant set out the reasons why despite his conviction he ought to be considered an exception to the Council's guidelines on convictions, and answered questions from Members.

The applicant was then given the opportunity to sum up and make any final comments.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of the applicant.

In reaching their decision, Members felt they should deliberate in private on the basis that this was in the public interest, and as such outweighed the public interest of their deliberation taking place with the parties represented present.

The Legal Adviser to the Sub-Committee, the Licensing Team Manager, and the applicant then withdrew from the meeting.

The Sub-Committee then gave the application full and detailed consideration. The Legal Adviser to the Sub-Committee was recalled to the meeting to advise Members on the wording of the decision.

The Licensing Team Manager and the applicant then returned to the meeting.

The Chair informed all persons present that they had recalled the Legal Adviser to the Sub-Committee for advice on the wording of their decision.

RESOLVED:

That the application for the renewal of a Hackney Carriage and Private Hire Vehicle Driver's Licence be GRANTED.

REASON FOR THE DECISION

The Sub-Committee stated they had been asked to determine whether to renew the applicant's Hackney Carriage and Private Hire Vehicle Driver's Licence, in accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

In reaching their decision the Sub-Committee had carefully considered the committee report, including the appendices, the presentation by the legal officer, all representations submitted by the applicant and the legal advice given during the hearing.

The Sub-Committee said of paramount consideration when determining the application was the protection and the safety of the public, and all matters including unemployment were secondary to the public safety factor.

It had been reported that the applicant had one conviction recorded against him for breach of a non-molestation order contrary to Section 42A of the Family Law Act 1996, and as a result the Sub-Committee were required to consider whether or not they were satisfied on a balance of probabilities that he remained since the grant of his Hackney Carriage and Private Hire Vehicle Driver's Licence a fit and proper person.

The Sub-Committee stated that on balance and after consideration of the all

the information presented to them, including the applicant's representations, the applicant was a fit and proper person due to the fact that the applicant had held an unblemished licence since 2005, had been honest in his application to renew the licence, and throughout the application process. On that basis the decision of the Sub-Committee was to renew the licence.

25. DETERMINATION OF CONTINUED ENTITLEMENT OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE

Councillor Singh Johal returned to the meeting at this point.

The Director of Neighbourhoods and Environmental Services submitted a report concerning the determination of continued entitlement to retain a Hackney Carriage and Private Hire Vehicle Driver's Licence.

The applicant was present. The Licensing Team Manager and Legal Adviser to the Sub-Committee were also present at the meeting.

Introductions were made and the Chair outlined the procedure for the meeting to those present.

The Licensing Team Manager outlined the details of the application, including the relevant City Council Policy Guidelines. It was noted there was no recommendation, but the application had been brought before the Committee due to the number and type of driving convictions recorded.

The applicant set out the reasons why he ought to be considered a fit and proper person to continue to hold a Hackney Carriage and Private Hire Vehicle Driver's Licence and answered questions from Members and the Licensing Team Manager.

The applicant was then given the opportunity to sum up and make any final comments.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present.

In reaching their decision, Members felt they should deliberate in private on the basis that this was in the public interest, and as such outweighed the public interest of their deliberation taking place with the parties represented present.

The Legal Adviser to the Sub-Committee, the Licensing Team Manager and the applicant then withdrew from the meeting.

The Sub-Committee gave the application full and detailed consideration.

The Legal Adviser to the Sub-Committee then returned to the meeting to assist Members with the wording of the decision.

The Licensing Team Manager and the applicant then returned to the meeting.

The Chair of the Sub-Committee explained to all persons present that they had recalled the Legal Adviser to the Sub-Committee for advice on the wording of the decision.

RESOLVED:

That the applicant be allowed to RETAIN his Hackney Carriage and Private Hire Vehicle Driver's Licence.

REASON FOR DECISION

The Sub-Committee stated they had been asked to determine whether the applicant should be allowed to retain his Hackney Carriage and Private Hire Vehicle Driver's Licence, in accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

In reaching their decision the Sub-Committee had carefully considered the committee report, including the appendices, the presentation by the legal officer, all representations submitted by the applicant and the legal advice given during the hearing.

The Sub-Committee said of paramount consideration when determining the application was the protection and the safety of the public, and all matters including unemployment were secondary to the public safety factor.

It was noted that on the 3rd July 2019, the applicant pleaded guilty to a number of offences contrary to the Transport Act 1968, the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 and the Goods Vehicles (Licensing of Operators) Act 1995. As a result the Sub-Committee was required to consider whether or not they were satisfied on a balance of probabilities that the application remained since the grant of his Hackney Carriage and Private Hire Vehicle Driver's Licence a fit and proper person. The Sub-Committee said that on balance and after consideration of all the information presented to them, including the applicant's representations, and despite the fact the applicant had been convicted of a number of offences including one of dishonesty which they believed was committed intentionally, they accepted the fact the applicant had informed the Licensing Authority of the convictions immediately, and hoped the applicant had learnt his lesson.

The Sub-Committee were therefore satisfied that the applicant was a fit and proper person to hold a Hackney Carriage and Private Hire Vehicle Driver's Licence, and on that basis, the decision of the Sub-Committee was that the licence should not be revoked and the applicant be allowed to retain his licence.

26. ANY OTHER URGENT BUSINESS

There being no other items of urgent business, the meeting closed at 1.15pm.



Leicester
City Council

WARD: Braunstone Park & Rowley Fields

LICENSING COMMITTEE

1st October 2019

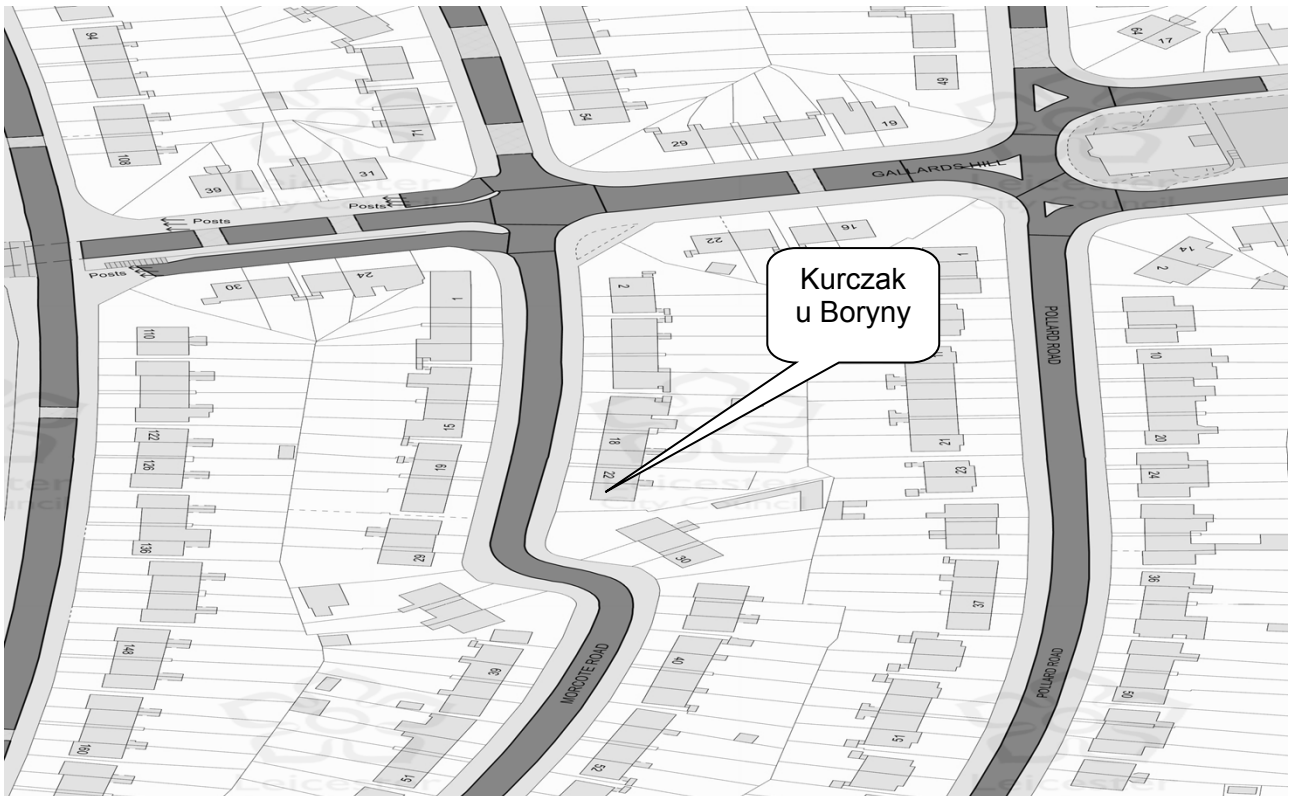
APPLICATION FOR STREET TRADING CONSENT

Mr Miroslaw Weclawik

Kurczak u Boryny, 24 Morcote Road, Leicester, LE3 1QX

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 Kurczak u Boryny. The applicant is Mr Miroslaw Weclawik.

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 Weclawik has applied for the grant of a street trading consent from the front garden of 24 Morcote Road, Leicester, under schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. A copy of the application is attached at Appendix A.

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 Highways and Noise Control in relation to this application. However representations have been received from the Police, Food Team and local residents. They are all concerned that if the application is granted there will be an increase in noise, litter, unacceptable odours, parking and anti-social behaviour in the area. Copies of the representations are attached at Appendix B

6. Legal Implications (Including Human Rights Act)

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

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

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

Where a consent is surrendered or revoked, the council shall remit or refund as they consider appropriate the whole or a part of any fee paid for grant or renewal of the consent as per Schedule 4 paragraph 9(5) of the Local Government (Miscellaneous Provisions) Act 1982.

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

John Moss, Solicitor

7. Crime and Disorder

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

8. Consultation

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

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

None

10. Officer to Contact

Amy Day
Licensing Officer
0116 454 3054

Jean Arnold

From: Crm-feedback
Sent: 09 August 2019 22:02
To: Licensing
Subject: Street trade licence. Case reference: ST135642069



Leicester
City Council

Street trade licence

Case raised by: [REDACTED] 2019-08-09 22:01:52 Product: Self

x

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.	Miroslaw	Weclawik		[REDACTED]	[REDACTED]

Your address:

Flat	House number	Street	Town	County	Postcode

Flat	House number	Street	Town	County	Postcode
	24	Morcote Road	Leicester	Leicester City	LE3 1QX

Please give the details of any food business that you have operated in the last 12 months: I have not opened a business in the last 12 months.

Business name: Kurczak u Boryny

Business type: Grilled Food

What goods do you intend to sell?: I intend on selling grilled chicken, mince burgers, salads, wraps, chips and drinks.

Is the business address the same as your contact address? : Yes

Please explain how your business may impact on public nuisance:: It should not cause noise. I will not have loud working machines in the trailer. There is also no sitting area provided so potential customers will have to take their food away with them. This means people shall not stick around just take their food and go. If needed, I can arrange noise level signs to keep it under control. There will be bins provided to keep the area tidy.

Please explain how your business may impact on crime and disorder:: My business will only provide food. Take away only. The locals would buy food and go to their homes, I don't believe it will impact crime

or disorder. However, if anything would ever happen I would make sure to contact the Police right away. Any money made from trading in the food trailer would be kept in the safe.

Please explain how your business may impact on road safety: : The neighbours are very territorial over their parking. Most people are home by 5pm. This business would be in my front garden not on the path. People will come and go as usual. I will not place anything on the road or the public path. No littering signs will be displayed on the trailer and the fence.

Please explain how your business may impact on the health and safety at schools and for their pupils:: The business will not be open during school hours . It would be opened at 3pm after all the kids have finished school. It shall not interfere with the school and shall not impact their pupils health and safety.

Please explain the likely demand for the goods that you intend to sell:: I believe there will be demand for the goods because the food is really good. I have used the trailer for personal use to cook for family and friends, everyone is encouraging me to open this as my own business. I have got previously experience in the food industry, working in the food trailer. People in this day and age order ready food more than they cook. Grilled food is a healthier option and I know that once people try it they will keep on buying.

Are the goods that you intend to sell already available in other fixed premises nearby? If so, please give details: : Not many take away places in my area radius. They are further away and they open later on in the day till very late. They don't sell grilled food.

Please give reasons why your application should be granted as an exception to the council's general policy on street trading: :I have 10 years of experience in food industry. I have previously worked in a trailer. I am not scared of hard work. I would like to start my own business because every time anyone tries the food I make they are very satisfied. I believe my application should be granted as an exception to the councils policy because I have the knowledge and the skill to turn it into a successful business.

How many months of trading consent do you wish to apply for? : 3 months street trading consent

What date(s) do you wish to trade?: Everyday, Monday - Sunday. From 3pm till 10pm.

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

Date:: 09 08 19

Amy Day

From: [REDACTED]
Sent: 14 August 2019 10:33
To: Amy Day
Subject: Re: Street trading application

Hello,

I want to trade from a white stationary food trailer. It is fully equipped. At the moment I keep the trailer on the side of my house (in the front garden). But I would like to move it to the front of my house, it will still be in my garden, facing the public walking area. At all times kept behind my gate.

Let me know if that answers your question or want me to send over photos of it.

Thank you

Mirosław Weclawik

On Mon, 12 Aug 2019 at 16:35, Amy Day <Amy.Day@leicester.gov.uk> wrote:

Mr Weclawik,

I am in receipt of your street trading application.

Can you confirm exactly where you want to trade from.

Thanks

Amy Day

Licensing Officer

Licensing Authority

Leicester City Council

Email: amy.day@leicester.gov.uk

Telephone: 0116 454 3054

www.leicester.gov.uk/licensing

From: Dave Howard
Sent: 15 August 2019 07:41
To: Amy Day <Amy.Day@leicester.gov.uk>

[REDACTED]
Subject: RE: New street trading application
Importance: High

Hi Amy

If I am reading this correctly the applicant wants to set up the food business in their front garden. This has the potential to generate concerns from a planning, business rates and Noise/Pollution perspective.

Furthermore I don't believe that this business is registered with us in food safety.

We will make contact with the applicant and require registration of this new business and ensure that standards of food safety are satisfactory.

However I am concerned that the City Council need to consider if, first and foremost, the front garden of a domestic dwelling a legitimate place to operate a food trailer from?

Permitting such could set a precedent for other similar applications and create issues of noise and nuisance, disturbance, litter, parking etc in areas not typically associated with business activities.

Regards

Dave

[REDACTED]
Sent: 19 August 2019 15:12

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

Subject: Notice of Application for street trading consent at 24 Morcote Road, Le31qx

Dear whom it may concern,

We live at [REDACTED] to no.24 whom have applied for street trading to sell fast food from their address.

We are very strongly against this [REDACTED] There are a number of reasons why we are against the idea.

*The hours of trading are 3pm - 10pm EVERYDAY!, we feel that this is unacceptable as we already suffer from a lot of anti social behaviour on the street and feel that this will add to this and encourage more people to hang around outside of our home.

* The fast food catering van is [REDACTED] [REDACTED] from our front door. We feel that this could be not only a fire hazard but will also stink our house out if we have doors/windows open.

* It will encourage rats/vermin in a residential area. We also worry about the extra litter that we will suffer from because of it. We already have people hanging around and leaving their rubbish on the street/gardens.

* Parking on the street is an issue already and by trading from this address it will only make the situation worse.

* It will only encourage more anti social behaviour and trouble to outside of our property, which we already suffer from with quad bikes/mopeds/youths hanging around in gangs.

* We have a number of takeaways in the area already, selling exactly the same things so it wouldn't be beneficial to anyone on the street.

We feel that this COULD be a potentially good business but NOT from a residential property. Maybe he could trade on an industrial estate or commercial area, which would be much more appropriate.

A resident on the street has been around with a petition against the street trading, which we have also signed.

We look forward to your reply

[REDACTED]

From: Licensing <Licensing@leicestershire.pnn.police.uk>

Sent: 20 August 2019 13:21

To: Amy Day <Amy.Day@leicester.gov.uk>

Subject: RE: NEW STREET TRADING APPLICATION - 24 MORCOTE ROAD, LEICESTER.

Hi Amy

I sent this out to our local officer at Braunstone and his observations are as follows:-

My initial feeling is –

With the location not being on a main road whereby there is an acceptance of traffic both on foot and vehicular would this cause additional issues around parking and the possibility of having large groups congregating in the area (especially at after school times). On occasions having such a build-up of young person's inherently leads to ASB issues (noise, litter etc).

The applicant states that there will be no seating etc but would this stop persons from standing around (or sitting) on the public pavement to eat the food purchased? Also what would be done around the associated litter? I assume that he could place a bin on his land but again this would either encourage persons to stay to consume the food or to potentially litter down the road.

Kind regards

Tracey Skidmore

Licensing Section

Leicestershire Police

<http://www.leics.police.uk>

