



Leicester  
City Council

Minutes of the Meeting of the  
LICENSING ENFORCEMENT SUB-COMMITTEE

Held: TUESDAY, 5 NOVEMBER 2019 at 9:30 am

P R E S E N T:

Councillor Pickering (Chair)

Councillor Dr Moore

Councillor Shelton

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**39. APPOINTMENT OF CHAIR**

Councillor Pickering was appointed as Chair for the meeting.

**40. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Hunter, Sangster and Singh Johal.

**41. DECLARATIONS OF INTEREST**

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

No declarations were made.

**42. APPLICATION FOR STREET TRADING CONSENT: MR ISMAIL MOTARA, ZIIMS FOODS, OUTSIDE 2 GERVAS ROAD, LEICESTER, LE5 2EH**

The Director Neighbourhood and Environmental Services, submitted a report that required Members to determine an application for a street trading consent under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, for Ziims Foods, outside 2 Gervas Road, Leicester, LE5 2EH.

Members noted that representations had been received in respect of the application, which necessitated that the application had to be considered by Members.

The applicant Mr Ismail Motara was present at the meeting accompanied by his wife Mrs Motara and father. Mr Richard Thomas, Ms Sally Allen, Ms Irene

Riley, Ms Jean Tarr and Ms Michelle Hall, local residents who had made representations, were present. Also present was the Licensing Team Manager, the Legal Adviser to the Sub-Committee, and local reporter from the Leicester Mercury.

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

The Licensing Team Manger presented the report.

Local residents outlined the reasons for the representations and answered questions from Members.

Mr Motara and Mrs Motara outlined the details of the application and answered questions from Members and local residents.

All parties were then given the opportunity to sum up their positions and make any final comments.

Prior to Members considering the application, the Legal Adviser to the Sub-Committee advised Members of the options available to them in making a decision. Members were also advised of the relevant policy and statutory guidance that needed to be taken into account when making their decision.

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.

Mr Ismail Motara, Mrs Motara and father, Mr Thomas, Ms Allen, Ms Riley, Ms Tarr, Ms Hall, Licensing Team Manager, Legal Adviser to the Sub-Committee, and local reporter from the Leicester Mercury then withdrew from the meeting.

Members then gave the application full and detailed consideration.

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

Mr Ismail Motara, Mrs Motara and father, Mr Thomas, Ms Allen, Ms Riley, Ms Tarr, Ms Hall, Licensing Team Manager, and local reporter from the Leicester Mercury 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 the decision.

RESOLVED:

that the application for street trading consent under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, for Ziims Foods, outside 2 Gervas Road, Leicester, LE5 2EH, be REFUSED.

Sub-Committee Members said that they have been asked to determine an application for street trading consent and had considered the matter on its own merits and in accordance with the Council's Street Trading Policy.

In reaching their decision Members had carefully considered the committee report, the presentation by the Licensing Officer, representation submitted by the applicant, the objections received, and the legal advice given during the hearing.

#### REASON FOR THE DECISION

As a result of what Members had heard, they were of the opinion that the application should be refused for the following reasons:

1. The application fell outside of the Council's Policy on Street Trading.
2. The Sub-Committee were also of the opinion that the area was primarily residential and as such did not believe the granting of consent would be in keeping with the area.
3. The Sub-Committee has taken into consideration concerns raised by local residents in relation to the parking issues in the area.
4. The Sub-Committee considered that such a food business may cause a public nuisance due to the odours that such a business would produce.

#### 43. 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 3

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

B1) Determination of Continued Entitlement of a Hackney Carriage and Private Hire Vehicle Driver’s Licence

**44. 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 concerning the determination of continued entitlement to retain a Hackney Carriage and Private hire Vehicle Driver’s Licence.

The applicant was present accompanied by a legal representative. 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 legal representative for the applicant brought to the attention of the Sub-Committee additional medical information pertinent to the matter to be discussed.

In agreement with the Sub-Committee Members, the applicant and legal representative, the Chair moved that the application be adjourned to a future meeting of the Licensing Enforcement Sub-Committee to allow Licensing Team Officers to consider the additional information put before them.

**45. CLOSE OF MEETING**

The meeting closed at 11.21am.