



Leicester  
City Council

**MEETING OF THE LICENSING ENFORCEMENT SUB-COMMITTEE**

**DATE: TUESDAY, 5 NOVEMBER 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 Hunter, Moore, Sangster and Singh Johal

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](mailto:Angie.Smith@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 & Scrutiny Commissions and see copies of agendas and minutes. On occasion however, meetings may, for reasons set out in law, need to consider some items in private.

Dates of meetings and copies of public agendas and minutes are available on the Council's website at [www.cabinet.leicester.gov.uk](http://www.cabinet.leicester.gov.uk), from the Council's Customer Service Centre or by contacting us using the details below.

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

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

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

### Further information

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

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

## **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. APPLICATION FOR STREET TRADING CONSENT: [Appendix A](#)  
MR ISMAIL MOTARA, ZIIMS FOODS, OUTSIDE 2  
GERVAS ROAD, LEICESTER, LE5 2EH**

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 Ziims Foods, Outside 2 Gervas Road, Leicester, LE5 2EH. The applicant is Mr Ismail Motara.

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 phoning Democratic Support on 454 6354.

(Ward Affected: Thurncourt)

- 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.

B1) Determination of Continued Entitlement of 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 B1](#)**

The Director of Neighbourhood and Environmental Services submits a report.

**7. ANY OTHER URGENT BUSINESS**



Leicester  
City Council

WARD: Thurncourt

LICENSING COMMITTEE

5 November 2019

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**APPLICATION FOR STREET TRADING CONSENT**

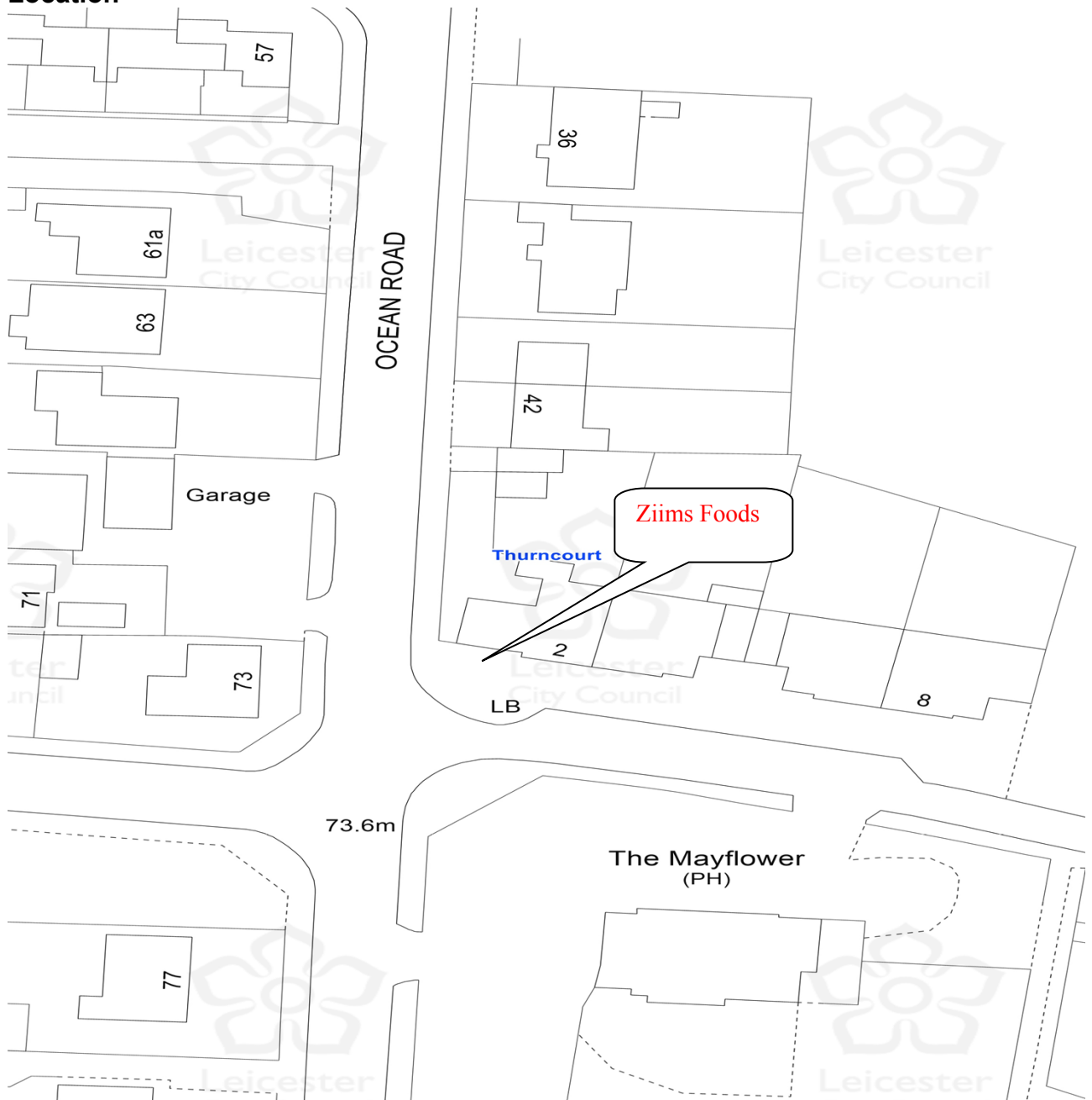
**MR ISMAIL MOTARA**

**ZIIMS FOODS, OUTSIDE 2 GERVAS ROAD, LE5 2EH**

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**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 Ziims Foods, 2 Gervas Road, LE5 2EH. The applicant is Mr Ismail Motara.

## **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 Motara has applied for the grant of a street trading consent for Ziims Foods, 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 the Police, Highways, Noise Control, or the Food Team, in relation to this application. However, four representations have been received from local residents in relation to this application. They are concerned that a van trading on the footway will cause anti-social behaviour in the area, such as excessive litter, parking issues, vermin and youths lingering. There are also concerns regarding access for pedestrians on the pavement. 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  
Noise Team  
Food Team  
Members of the public

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

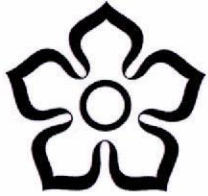
None

## **10. Officer to Contact**

Lynsay Coupe  
Licensing Officer  
0116 454 3065



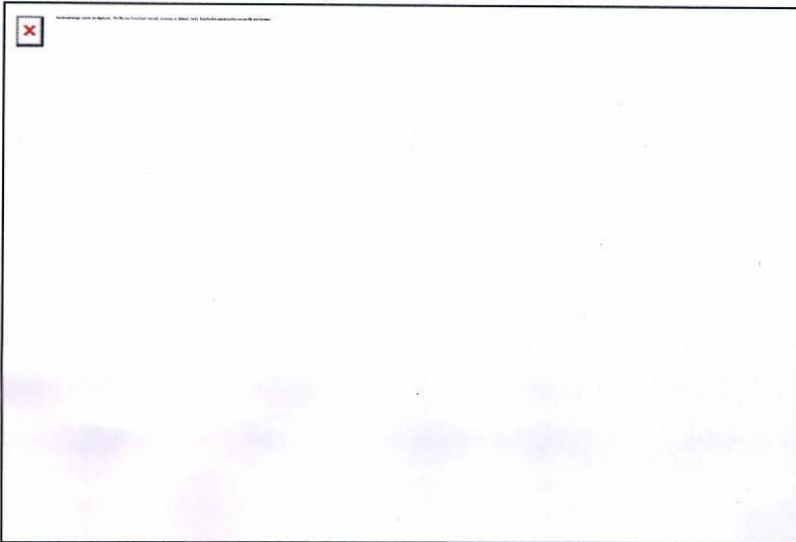
**From:** Crm-feedback  
**Sent:** 15 September 2019 21:14  
**To:** Licensing  
**Subject:** Street trade licence. Case reference: ST143848421



**Leicester**  
**City Council**

## Street trade licence

Case raised by: 2019-09-15 21:13:32 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.	Ismail	Motara			

**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: None

**Business name:** Ziims Foods

**Business type:** Food truck

**What goods do you intend to sell?:** All halal food Chips, burgers, hotdogs, healthy indian food and drinks

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

**Business address:**

Enter the postcode or street name	Please select the address	The address is not listed
Le5 2eh	Shop 2 Gervas Road, Leicester	

I can confirm the food will be made and sold to the public from the trailer. The trailer will be 12ft length and 7ft wide and be kept on my private land at the front of 2 gervas road next to current cashpoint that is currently situated there. Customer can approach the truck to purchase and can pre order over the telephone for collection or delivery to their homes.

**Please explain how your business may impact on public nuisance::** It would not be a public nuisance as non of the products are harmful or of intoxication . We will sell Halal food that no other business is doing in the area. It would reduce pollution as residents travel outside the area for the type of food we will be selling. Additionally the demand for this type of food is high amongst the residents and would benefit from such service

**Please explain how your business may impact on crime and disorder::** This food business eliminates the possibility to have any impact on crime and disorder. This business would be outside shops that are currently in business and not in a designated area.

**Please explain how your business may impact on road safety:** : There wouldn't be any affect as there is plenty of safe parking available all around the area. Therefore no distraction to any drivers, locals or road traffic.

**Please explain how your business may impact on the health and safety at schools and for their pupils::** There will be no impact on the health and safety of anybody including children as we will be selling food made from high quality products and always work under the practice of food hygiene and safety policy. The service we will provide will be for adult customers additionally we will also be selling healthy rice and curries

**Please explain the likely demand for the goods that you intend to sell::** It is in a very high demand as no other business cater for halal diet and we will offer a delivery service in the local area. There is not a business like the one we are offering. Additionally we will be serving British meals for the needs of other groups . Offering local delivery creating jobs and reducing pollution for the locals from going out of the area.

**Are the goods that you intend to sell already available in other fixed premises nearby? If so, please give details:**  
: Nothing available for now, so there is no risk of competition

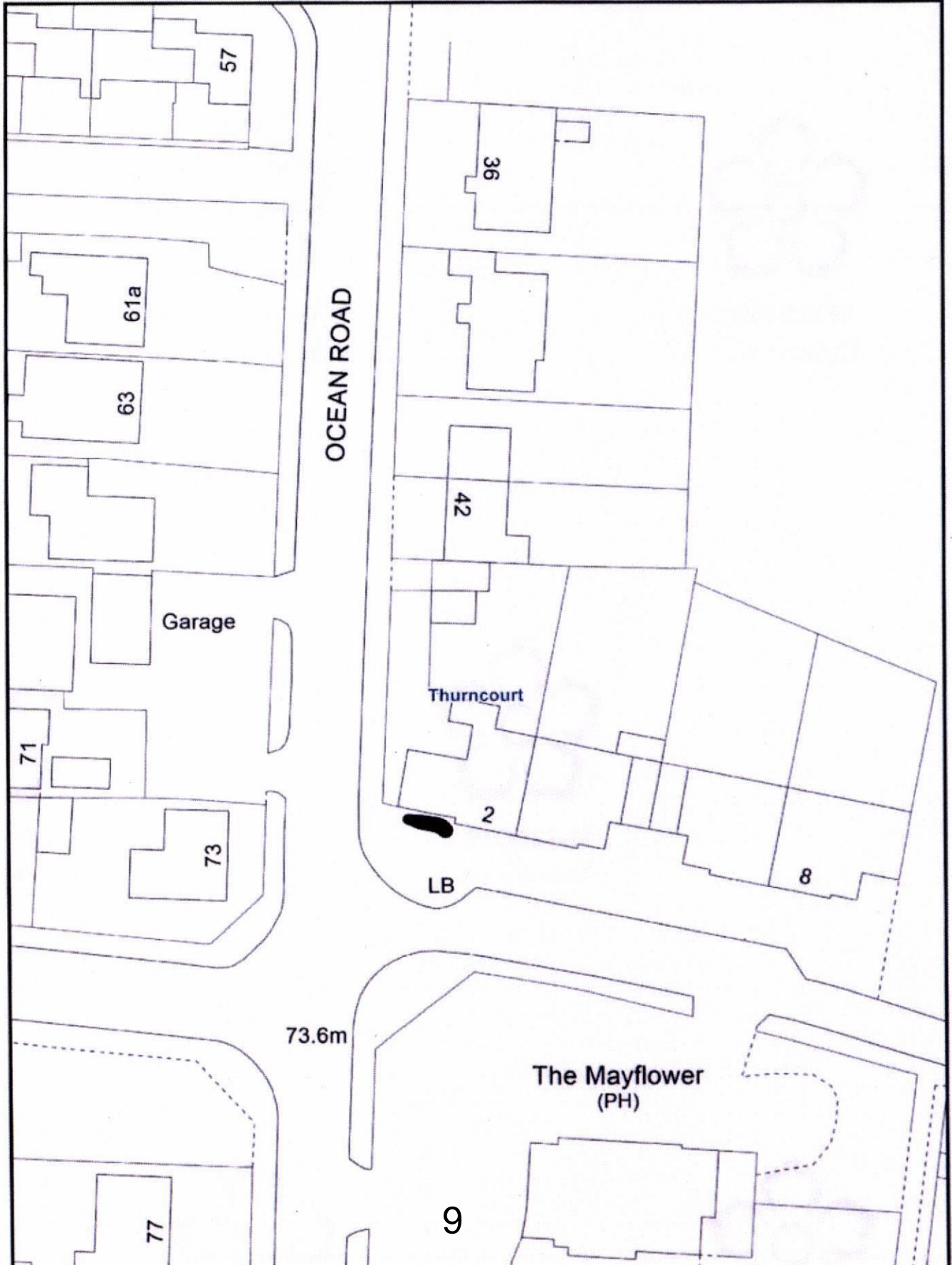
**Please give reasons why your application should be granted as an exception to the council's general policy on street trading:** :Currently there is a lack of the type of food I will be offering. And we will be offering services from collection to delivery for the locals. The truck would not affect anyone as it will be situated on my private land. Currently the area is restricted for food delivery as it is outside their catchment area. Therefore outcasting the residents here. The services will be offered to many elderly and adults that live closeby suitable for all ethnicity. It will within certain hours of the day. The food manufactured will be in accordance with the health and safety policy and we will use high quality ingredients and recyclable packaging.

**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?:** 30th October 2019

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

Date:: 15 09 19





█ Ocean Road  
Thurnby Lodge  
Leicester  
LE5 2ER

Licensing Section  
Leicester City Council  
City Hall  
115 Charles Street  
LE1 1FZ

LICENSING SECTION  
**RECEIVED**

30 SEP 2019

Dear Sir/Madam,

Re: Take away licence on Gervas Road

LEICESTER CITY COUNCIL

I have seen notification that the shop at 2 Gervas Road has applied for a food license to run a fast food van outside. I have a number of concerns regarding this, which are:

If the van is parked in the layby, where will the customers using the shops park? This could damage the success of the local shops.

There will be an increase in rubbish. Currently, the owners leave their meat and waste bin on the main Ocean Road and, the rubbish that comes out of it not only smells, but litters the street. Adding A take away van will only make this problem worse.

There will be an increase in kids/drunks hanging around. This will prevent many of the local elderly residents using the shops and will make them feel vulnerable. This was a problem when the Mayflower public house was open and a security camera had to be fitted by the council which has since been decommissioned when the pub closed.

There are existing food outlets including a sandwich shop and Chinese take-away, so could damage their businesses and more take away options really aren't required.

Most of the community are elderly, many of whom do not eat the suggested food that it will sell.

The shop currently has deliveries from vans which use the pavement to park on because parking is already an issue, by doing this there is continual breakage of the slabs, increasing the risk of people falling. If a take away van parks there, this will make the problem worse.

New house are due to be built on the old public house plot. Will people want to buy houses facing a take away van?

Plus personally, I do not want to have to sit in my house on a hot day with the windows closed due to the noise and smell of a take-away van. I am 76 years old and already struggle to park outside of my house due to the number of cars that park on the streets surrounding these shops and as my mobility decreases I do not want this problem to become worse.

Yours sincerely

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04 OCT 19  
LEICESTER CITY COUNCIL

[redacted] Ocean Rd  
Leicester

[redacted] LE5 2ER

2-10-19

Dear Sir or Madam,

I am writing to object to a proposal by Zima Food for a food hut outside 2 Getwas Road.

On the grounds of more parking and traffic problems at a very busy road junction, more litter & smell also it could cause anti social behaviour and noise ~~late~~ late at night, so near to private residential properties and pensioners bungalows.

At the moment the hut is parked in the garden at the back of the shop on to Ocean Road, is this going to be permanent, as it was lifted in with a large crane on 30-9-19.

Yours sincerely

[redacted]



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**From:** [REDACTED]  
**Sent:** 03 October 2019 13:35  
**To:** Lynsay Coupe  
**Subject:** Re: 2 Gervas Road

Thank you for your email. I confirm I wish to oppose the application for street trading outside 2 Gervas Road as firstly there is already a huge problem with rats in this area, particularly due to the rubbish in and around the shop gardens. I have had to have the council round on several occasions to treat rats in and around here. I feel this van will cause even more problems with this.

Secondly this would be in the way of people walking to these shops. This area has a lot of elderly with walkers wheelchairs scooters etc and will cause issues with this. I think there would also be an increase in youths hanging around this van which can only cause problems in an elderly neighbourhood.

Thirdly this road already has significant issues with the volume and speed of traffic coming up and down ocean road and the surrounding area which the council have been made aware of. I feel this would add to this problem with more people driving to this van and parking over driveways and on street corners where the buses have to get round and can only serve to add to this problem.

Kind regards

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**From:** Licensing  
**Sent:** 04 October 2019 08:43  
**To:** Lynsay Coupe  
**Subject:** FW: application for siting of kebab van on gervas road

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**From:** [REDACTED]  
**Sent:** 04 October 2019 02:29  
**To:** Licensing  
**Subject:** application for siting of kebab van on gervas road

Dear Rachel Hall, I would like to object to the siting of a kebab van in front of the shops on gervas road on thurnby lodge estate as I feel this will just draw youths into what is generally a quiet elderly persons area and cause anti social behaviour, its bad enough having a derelict pub in that area that keeps getting broken into it would also be an obstruction for elderly disabled residents visiting the shops. other aspects of this application I'm not happy with are that 10 days is not a very long time for the elderly people of that area to mount a campaign as they don't have easy access to a city councillor any more due to the demolition of the ocean road community centre also the notification disappeared from the lampost for 3 or 4 days probably taken down by the applicant ? also the owner of the shop at 4 gervas road tells me that he could not find the application on the council website, and it seems that the applicant is very confident of a positive out come as they continue to equip the kebab van in the grounds of the shop at 2 gervas road so linking the owner with the application and rubbing our noses in it.

kind regards

[REDACTED]

# Appendix B1

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

Document is Restricted

