



Leicester
City Council

Minutes of the Meeting of the
LICENSING ENFORCEMENT SUB-COMMITTEE

Held: TUESDAY, 1 OCTOBER 2019 at 9:30 am

P R E S E N T:

Councillor Pickering (Chair)

Councillor Cank

Councillor Fonseca

* * * * *

27. APPOINTMENT OF CHAIR

Councillor Pickering was elected as Chair for the meeting.

28. APOLOGIES FOR ABSENCE

There were no apologies for absence.

29. 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.

30. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Licensing Enforcement Sub-Committee meeting held on 3rd September 2019 be confirmed as a correct record.

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

The Director, Neighbourhoods 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 Kurczak U Boryny, 24 Morcote Road, Leicester, LE3 1QX.

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

The applicant Mr Miroslaw Weclawik was not present at the meeting and was given additional time to arrive. PC Flavill from Leicestershire Police was present. Also present was the Licensing Team Manager and the Legal Adviser to the Sub-Committee.

A decision was made by the Sub-Committee to continue with the meeting in the absence of the applicant. Introductions were made and the procedure for the meeting was outlined to those present.

The Licensing Team Manager presented the report.

PC Flavill outlined the reasons for the representation and answered questions from Members.

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.

The Licensing Team Manager, the Legal Adviser to the Sub-Committee, and PC Flavill 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.

The Licensing Team Manager and PC Flavill 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 street trading consent under Schedule 4 of the Local Government (Miscellaneous provisions) Act 1982, for Kurczak U Boryny, 24 Morcote Road, Leicester, LE3 1QX, be REFUSED.

REASONS FOR THE DECISION

Sub-Committee members said that they had 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, all objections received, whether in person or in writing, and the legal advice given during the hearing.

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 potential for further crime and disorder to take place within the vicinity of the street trading premises
2. There had been no clarity as to where the trading would actually take place, whether in the garden or the highway
3. The Sub-Committee Members had concerns regarding food safety and hygiene as they had received no information as to whether there would be running water from the trailer, and no toilet facilities
4. Members had concerns regarding road safety and potential for nuisance parking in an already built up area.
5. Members were also concerned over ownership of the property as it was not clear within the application.

The Sub-Committee's decision therefore was to REFUSE the application.

32. ANY OTHER URGENT BUSINESS

There being no other items of urgent business, the meeting closed at 10.15am.

