
Application for Street Trading Consent

Licensing and Enforcement Sub Committee

Decision to be taken by: Licensing and Enforcement Sub
Committee

Decision to be taken on/Date of meeting: 26th November
2024

Lead director/officer: Deborah Bragg

Useful information

- Ward(s) affected: Castle
- Report author: Amy Day
- Author contact details: amy.day@leicester.gov.uk
- Report version number: 1

1. Summary

- 1.1 To determine an application for the grant of a street trading consent under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, for ZMS Fresh Fruit & Veg Ltd. The applicant is Mr Zaki Sharara.

2. Recommended actions/decision

- 2.1 The Sub-Committee may determine the application in one of the following ways:-
- (a) Grant the application, or
 - (b) Refuse the application.
- 2.2 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.
- 2.3 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.
- 2.4 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.
- 2.5 A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.
- 2.6 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.
- 2.7 It is recommended that the application be refused in accordance with the City Council's 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

3. Scrutiny / stakeholder engagement

- 3.1 Details of the application have been passed to the Police, Highways, Noise Control, Food Team, Festivals Team and the City Centre Director. Notices were placed at the location concerned for two weeks inviting anyone affected by the proposal to submit representations to the Licensing section.
- 3.2 Representations have been received from the Festivals Team, City Centre Director, Leicester Markets Manager and members of the public.
- 3.3 The Festivals Team are concerned that the proposed location is an event space used all year round.
- 3.4 The City Centre Director and Leicester Markets Manager are concerned that Leicester has had an historic market for nearly 800 years which currently trades on Green Dragon Square. The market sells a full range of fruit and vegetables at affordable prices.

- 3.5 A member of the public is asking why the applicant hasn't been directed to the purpose built market area as the proposed site is an open public space.
- 3.6 Copies of these representations are attached at **Appendices B1 – B4**.
- 3.7 Six representations have been received from members of the public who are in favour of the application. Copies of these are attached at **Appendices B5 – 10**.

4. Background and options with supporting evidence

- 4.1 Mr Sharara has applied for the grant of a street trading consent for ZMS fresh Fruit & Veg Ltd, Humberstone Gate, Leicester, under schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. A copy of the application is attached at **Appendix A**.
- 4.2 Mr Sharara would like to fresh fruit and vegetables, Monday to Sunday 9.00am to 6.00pm.

Proposed Location



5. Financial, legal, equalities, climate emergency and other implications

5.1 Financial implications

There are no significant financial implications arising from the contents of this report.

Signed: Jade Draper, Principal Accountant

Dated: 18th November 2024

5.2 Legal implications

Legal advice specific to the application will be provided at the meeting by Legal Officers

Signed: Deborah Bragg, Licensing Manager (Policy and Applications)

Dated: 18th November 2024

5.3 Equalities implications

Under the Equality Act 2010, public authorities have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

There are no direct equalities implicaton arising from the report. However it is important to consider issues of accessibility to the application process and its associated activities (such as lodging an appeal); The criteria used during determination of an application and its associated activities (such as lodging an appeal). It is also important to ensure that street trading activity does not hinder accessibility to public areas and that street trading is conducted professionally (for example, ensuring that members of the public are treated with an absence of discrimination, harassment, victimisation and any other conduct prohibited by The Equality Act 2010).

Signed: Surinder Singh, Equalities Officer

Dated: 18th November 2024

5.4 Climate Emergency implications

There are no significant climate emergency implications directly associated with this report.

Signed: Aidan Davis, Sustainability Officer

Dated: 18th November 2024

5.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

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.

6. Background information and other papers:

Leicester City Council Street Trading Policy

<https://www.leicester.gov.uk/media/186563/street-trading-policy-code-of-practice-mar-2020.pdf>

7. Summary of appendices:

Appendix A – Application

Appendices B1 – B4 – Representations against the application

Appendices B5 – B10 – Representations in support of application

8. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

No

9. Is this a “key decision”? If so, why?

No