



Leicester
City Council

Minutes of the Meeting of the
LICENSING ENFORCEMENT SUB-COMMITTEE

Held: TUESDAY, 5 APRIL 2022 at 9:30 am

P R E S E N T:

Councillor Byrne (Chair)

Councillor Gee

Councillor Shelton

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1. APPOINTMENT OF CHAIR

Councillor Byrne was appointed as Chair for the meeting.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Pickering and Westley.

3. DECLARATIONS OF INTEREST

Members were asked to declare any interests they had in the business on the agenda.

There were no declarations of interest.

4. APPLICATION FOR A STREET TRADING CONSENT FOR AWESOME KEBAB, SIDE OF MEMON CENTRE, ABBOTSFORD ROAD, LEICESTER

The Director of Neighbourhood and Environmental Services submitted a report on an application for a Street Trading Consent for Awesome Kebab, Side of Memon Centre, Abbotsford Road, Leicester.

The applicant Mr Saif Uddin was present. The Licensing Team Manager and the Legal Adviser to the Sub-Committee were also present.

The Licensing Team Manager outlined details of the application, including the relevant City Council Guidelines.

Mr Uddin was invited to set out the reasons why he ought to be granted Street

Trading Consent and answered questions from Members and Officers.

All parties were 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 Chair announced that the decision and reasons made during private deliberation would be publicly announced in writing within five working days. The Chair informed the meeting the Legal Adviser to the Sub-Committee would be called back to give advice on the wording of the decision.

The Chair then asked all but Members of the Sub-Committee and Democratic Support Officers to leave the meeting. the Sub-Committee then deliberated in private.

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

RESOLVED:

That the application for a Street Trading Consent for Awesome Kebab, Side of Memon Centre, Abbotsford Road, Leicester be REFUSED. Members agreed it was appropriate for the promotion of the licensing objective of the prevention of public nuisance to refuse the application.

The applicant would be provided with the reasons for the decision in writing within five working days.

5. 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 involved 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 was considered that the public interest in maintaining the information as exempt outweighed the public interest in disclosing the information.

Paragraph 1

Information relating to any individual

Paragraph 2

Information which is likely to reveal the identity of an individual

Paragraph 7

Information relating to the any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime

B1) Determination of continued entitlement to retain a Hackney Carriage and Private Hire Vehicle Driver's Licence

B2) Personal Licence Review Application

6. 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 requiring Members to make a determination of continued entitlement to retain a Hackney Carriage and Private Hire Vehicle Driver's Licence.

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

The Licensing Team Manager outlined details of the application, including the relevant City Council Guidelines.

The driver was invited to set out the reasons why he ought to be allowed to retain his Hackney Carriage and Private Hire Vehicle Driver's Licence and answered questions from Members and Officers.

All parties were 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 all those present and were advised of the options available to them in making their decision.

The Sub-Committee 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, the Sub-Committee 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, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Chair announced that full reasons for the decision would be publicly announced and confirmed in writing within five working days. The Chair informed the meeting that the Legal Adviser to the Sub-Committee would be called back to give advice on the wording of the decision.

The Chair then asked all but Members of the Sub-Committee and Democratic Support Officers to withdraw from the meeting. Members then deliberated in private to consider their decision.

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

RESOLVED:

That the Hackney Carriage and Private Hire Vehicle Driver's Licence be REVOKED. Members agreed it was appropriate for the promotion of the licensing objectives of public safety and the protection of children from harm to revoke the driver's licence

The driver would be provided with the reasons for the decision in writing within five working days.

All parties would be advised of the right to appeal the decision to the Magistrates Court.

7. PERSONAL LICENCE REVIEW APPLICATION

The Director, Neighbourhoods and Environmental Services, submitted a report that required Members to determine an application for a personal licence review.

The Personal Licence Holder was not present, The Licensing Team Manager and the Legal Adviser to the Sub-Committee were also present.

The Licensing Team Manager presented the report and outlined the details of the application, including the relevant City Council Guidelines.

All parties 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 all those present and were advised of the options available to them in making their decision.

The Sub-Committee 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, the Sub-Committee 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, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Chair announced that full reasons for the decision would be publicly

announced and confirmed in writing within five working days. The Chair informed the meeting that the Legal Adviser to the Sub-Committee would be called back to give advice on the wording of the decision.

The Chair then asked all but Members of the Sub-Committee and Democratic Support Officers to withdraw from the meeting. Members then deliberated in private to consider their decision.

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

RESOLVED:

That the Personal Licence be REVOKED. Members agreed it was appropriate for the promotion of the licensing objective of the public safety, revoke Personal Licence.

The Personal Licence Holder would be provided with the reasons for the decision in writing within five working days.

All parties would be advised of the right to appeal the decision to the Magistrates Court.

8. ANY OTHER URGENT BUSINESS

There being no other urgent business, the meeting closed at 10:47am.