



Leicester
City Council

Minutes of the Meeting of the
LICENSING ENFORCEMENT SUB-COMMITTEE

Held: TUESDAY, 5 JULY 2022 at 10:00 am

P R E S E N T:

Councillor Pickering (Vice-Chair in the Chair)

Councillor Ali

Councillor Fonseca

Councillor Cank

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8. APPOINTMENT OF CHAIR

Councillor Pickering was appointed as Chair for the meeting.

9. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Cank.

10. DECLARATIONS OF INTEREST

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

There were no declarations of interest.

11. MINUTES OF PREVIOUS MEETING

AGREED:

That the minutes of the meeting of the Licensing Enforcement Sub-Committee held on 7th June 2022 be confirmed them as a correct record.

12. 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 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 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 an individual.

Paragraph 2

Information that is likely to reveal the identity of an individual.

Paragraph 3

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

Paragraph 7

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

- B1) Personal Licence Review Application
- B2) Determination of Continued Entitlement to Retain a Hackney Carriage and Private Hire Vehicle Driver's Licence
- B3) Determination of Continued Entitlement of an Operator's Licence

13. PERSONAL LICENCE REVIEW APPLICATION

The Director of Neighbourhood and Environmental Services submitted a report that required Members to determine the review of a personal licence application.

Councillor Fonseca declared an interest for the avoidance of doubt that the Personal Licence Holder was a constituent in his Ward, but was not known to Councillor Fonseca.

The Personal Licence Holder was not present at the meeting. The Licensing Officer presenting the report and Legal Adviser to the Sub-Committee were present.

Councillors sought assurance that the Personal Licence holder had been served notice of the hearing which was confirmed. Also, correspondence had been received from the Personal Licence Holder prior to the hearing, in the form of a representation (Appendix 6 to the report). It was agreed to continue with the hearing in the absence of the Personal Licence Holder.

The Licensing Officer presented the report and outlined the details of the application, including the relevant City Council guidelines, and conviction outlined in the report, and answered questions from Members.

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, 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 evidence 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 to give advice on the wording of the 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.

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.

14. 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 Officer and the Legal Adviser to the Sub-Committee were also present.

The Licensing Officer 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 Officer 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.

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.

15. DETERMINATION OF CONTINUED ENTITLEMENT OF A PRIVATE HIRE OPERATOR'S LICENCE

The Director, Neighbourhoods and Environmental Services, submitted a report that required Members to make a determination of continued entitlement to retain a Private Hire Operator's Licence.

The holder of the Operator's Licence was present. The Licensing Officer and Legal Adviser to the Sub-Committee were also present.

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

The Private Hire Operator's Licence holder was invited to set out the reasons why he ought to be allowed to retain his 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.

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The Chair then asked all but Members of the Sub-Committee and Democratic Support Officer 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 Hearing be adjourned to the next meeting of Licensing Enforcement Sub-Committee due to a technicality.

It had been established during private deliberation that the Private Hire Operator's Licence was jointly owned.

16. CLOSE OF MEETING

There being no items of urgent business, the meeting closed at 12.01pm.