



Leicester
City Council

Minutes of the Meeting of the
LICENSING ENFORCEMENT SUB-COMMITTEE

Held: TUESDAY, 7 MARCH 2023 at 5:30 pm

P R E S E N T:

Councillor Singh Johal (Chair) – First Hearing
Councillor Gee (Chair)

Councillor Fonseca

Councillor Nangreave

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34. APPOINTMENT OF CHAIR

Councillor Singh Johal was appointed as Chair.

35. APOLOGIES FOR ABSENCE

No apologies were received.

36. DECLARATIONS OF INTEREST

Members were asked to declare any interests they might have in the business to be discussed on the agenda.

Councillor Singh Johal declared an interest in the second hearing to be heard, in which he knew the applicant personally.

It was noted that Councillor Singh Johal would be withdrawing from the meeting after the first hearing and Councillor Gee would be taking over as Chair for the rest of the meeting.

37. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Licensing Enforcement Sub-Committee held on 6 December 2022 be confirmed as a correct record.

38. 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) Determination of Continued Entitlement to Retain a Hackney Carriage and Private Hire Vehicle Driver's Licence.

B2) Determination of Continued Entitlement to Retain a Hackney Carriage and Private Hire Vehicle Driver's Licence.

B3) Personal Licence Review Application.

39. DETERMINATION OF CONTINUED ENTITLEMENT TO RETAIN A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS LICENCE

The Director of Neighbourhood and Environmental Services submitted a report that required Members to determine an application for the Determination of Continued Entitlement to Retain a Hackney Carriage and Private Hire Vehicle Driver's Licence.

The driver was present, along with his Solicitor, Mr Mirza and his Interpreter, Ms E Toor. The Licensing Team Manager and Legal Adviser to the Sub-Committee were also present.

The Chair led introductions and informed those present of housekeeping and

evacuation procedures.

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

Mr Mirza, on behalf of the driver, was invited to set out the reasons why the driver's entitlement to a Hackney Carriage and Private Hire Vehicle Driver's Licence should continue. Both Mr Mirza and the driver answered questions from Members and Officers.

All parties present 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.

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 Officer to leave the meeting. The Sub-Committee 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 driver's Hackney Carriage and Private Hire Vehicle Driver's Licence be SUSPENDED subject to the following:

1. That the driver serve a 6-week period of suspension, which will be applied to the first new Driver's Licence granted to the driver on his application for renewal or otherwise following his Driver's Licence expiry on 31st March 2023.

The driver would be provided with reasons for the decision in writing within 5 working days.

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

40. DETERMINATION OF CONTINUED ENTITLEMENT TO RETAIN A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS LICENCE

Following his declaration of interest, Councillor Singh Johal stepped down as Chair of the meeting and withdrew from the meeting room at 6:25pm.

Councillor Gee was appointed as Chair for the meeting.

The Director of Neighbourhood and Environmental Services submitted a report that required Members to determine an application for the Determination of Continued Entitlement to Retain a Hackney Carriage and Private Hire Vehicle Driver's Licence.

The driver was present, along with his son and daughter. The driver agreed for his son to make representations on his behalf. The Licensing Team Manager and Legal Adviser to the Sub-Committee were also present.

The Chair led introductions and informed those present of housekeeping and evacuation procedures.

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

The applicant was invited to set out the reasons why his entitlement to a Hackney Carriage and Private Hire Vehicle Driver's Licence should continue. The driver and his son answered questions from Members and Officers.

All parties present 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.

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 Officer to leave the meeting. The Sub-Committee 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 driver's Hackney Carriage and Private Hire Vehicle Driver's Licence be SUSPENDED subject to the following:

1. That the driver be suspended for a period of 4 weeks following the expiry of the appeal period for the decision.
2. It was noted that it was likely that there may be insufficient time for the driver to serve the full 4 weeks prior to the expiry of his current licence. If this scenario were to arise, the driver may serve a 2-week suspension within his current licence and the remaining 2 weeks at the beginning of his new licence.

The driver would be provided with reasons for the decision in writing within 5 working days.

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

41. 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 issued by this authority.

The Personal Licence Holder was present at the meeting accompanied by their partner. The Licensing Team Manager presenting the report and Legal Adviser to the Sub-Committee were present.

The Chair led introductions and informed those present of housekeeping and evacuation procedures.

The Licensing Team Manager 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 the applicant.

The Personal Licence Holder was given the opportunity to address the Sub-Committee and set out the reasons why he ought to keep his personal licence.

All parties present 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, 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 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.

42. ANY OTHER URGENT BUSINESS

There being no further urgent business, the meeting closed at 7:42pm.