



Leicester
City Council

Minutes of the Meeting of the
LICENSING ENFORCEMENT SUB-COMMITTEE

Held: TUESDAY, 31 OCTOBER 2023 at 10:00 am

P R E S E N T:

Councillor Pickering (Chair)

Councillor Chauhan

Councillor Whittle

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1. APPOINTMENT OF CHAIR

Councillor Pickering was appointed as Chair.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

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

There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Licensing Enforcement Sub-Committee held on 26 September 2023 be confirmed as a correct record.

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 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 DRIVERS LICENCE

B2) DETERMINATION OF CONTINUED ENTITLEMENT TO RETAIN A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS LICENCE

B3) APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE

6. 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 Continued Entitlement to Retain a Hackney Carriage and Private Hire Vehicle Driver's Licence.

The driver was present along with his interpreter. A Licensing Officer, 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 Licensing Officer showed the driver and the Sub-Committee colour photographs on their mobile device of the black and white photographs detailed in the report.

The driver was invited to set out his representations and 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 announced 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 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 conviction for the use of his vehicle with a defective type constituted 'any other reasonable cause' under section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 and that the Hackney Carriage and Private Hire Vehicle Driver's Licence be SUSPENDED for a period of three months.

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.

7. 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 Continued Entitlement to Retain a Hackney Carriage and Private Hire Vehicle Driver's Licence.

The driver was present, along with his wife and his Interpreter. 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 driver, including the relevant City Council Guidelines.

The driver, through his interpreter, was invited to make representations. The driver presented a Notice of Intended Prosecution he had received from the Police and a copy of his written response. 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 circumstances presented concerning the driver's criminal convictions constituted 'any other reasonable cause' under section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 and that it was appropriate to issue a warning letter reminding his that he must contact the Licensing Section immediately if he is reported for or convicted of any offences (motoring and non-motoring). No other action was to be taken regarding the driver's 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.

8. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE

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

The applicant was present, 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 he ought to be granted the Hackney Carriage and Private Hire Vehicle Driver's Licence and 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 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 application for the grant of a new Hackney Carriage and Private Hire Vehicle Driver's Licence be GRANTED as Members

were satisfied that the applicant was a fit and proper person to hold a Licence.

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

The applicant would be advised of the right to appeal the decision.

9. ANY OTHER URGENT BUSINESS

There being no other urgent business, the meeting closed at 12:20pm.