



Leicester
City Council

Minutes of the Meeting of the
LICENSING ENFORCEMENT SUB-COMMITTEE

Held: TUESDAY, 7 FEBRUARY 2023 at 10:00 am

P R E S E N T:

Councillor Pickering (Chair)

Councillor Ali

Councillor Whittle

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25. APPOINTMENT OF CHAIR

Councillor Pickering was appointed as Chair for the meeting.

26. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Cank.

27. 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 made.

28. 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) Application for the Grant of 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) Application for the Grant of a Hackney Carriage and Private Hire Vehicle Driver's Licence.

B4) Application for the Grant of a Hackney Carriage and Private Hire Vehicle Driver's Licence.

29. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES DRIVERS 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 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 application for the grant of a new Hackney Carriage and Private Hire Vehicle Driver's Licence be GRANTED with the following conditions:

1. Prior to being issued with a licence he undertakes CSE training and any other training relevant to the offence and caution as identified by the Council's Licensing Manager
2. After being issued with a driver's licence, to meet with the Licensing Manager on a quarterly basis to review the applicant's behaviour and driving record. The applicant must follow any instructions from the Licensing Manager as to how and when these meetings will be undertaken.
3. The Licensing team must refer this matter to committee should there be any inappropriate behaviour from the applicant or if he fails to comply with the conditions set out in this decision
4. If there is satisfactory compliance with the conditions, the applicant may apply to renew his licence on the usual basis

The applicant 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.

30. 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 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 applicant was present, along with his son, his Solicitor, Mr Anthony Schiller 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.

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.

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

RESOLVED:

That the driver be allowed to **RETAIN** his Hackney Carriage and Private Hire Vehicle Driver's Licence subject to the following warning:

1. That the applicant ensure that in the future, he complies with all aspects of the Licensing regime including the code of conduct, the conditions of his licence and all applicable policies.

The applicant 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.

31. 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.

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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 the Members of the sub-committee were satisfied that the applicant was a fit and proper person to hold the Licence.

That a written warning be issued to the applicant reminding him of the need to comply fully with the requirement to notify the Licensing Section immediately if he is reported or convicted of any offence, including endorsements on their DVLA Driving licence.

The applicant 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.

32. 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.

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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 REFUSED as Members were not 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.

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

33. ANY OTHER URGENT BUSINESS

There being no further business, the meeting closed at 1:25pm.

