

Leicester
City Council

PLEASE NOTE: This will be a 'virtual meeting', a link to which will be available on the Council's website at least 24hrs before the meeting.

MEETING OF THE LICENSING ENFORCEMENT SUB-COMMITTEE

DATE: TUESDAY, 2 JUNE 2020
TIME: 10:00 am
PLACE: Virtual Teams Meeting

Members of the Sub-Committee

Councillors Cank, Hunter, Pickering, Sangster and Thomas

Members of the Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

for Monitoring Officer

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Information for members of the public

PLEASE NOTE that any member of the press and public may listen in to proceedings at this 'virtual' meeting via a weblink which will be publicised on the Council website at least 24hrs before the meeting. Members of the press and public may tweet, blog etc. during the live broadcast as they would be able to during a regular Committee meeting at City Hall / Town Hall. It is important, however, that Councillors can discuss and take decisions without disruption, so the only participants in this virtual meeting will be the Councillors concerned, the officers advising the Committee and any objectors and applicants relevant to the applications to be considered.

Attending meetings and access to information

You have the right to attend/observe formal meetings such as full Council, committee meetings & Scrutiny Commissions and see copies of agendas and minutes. On occasion however, meetings may, for reasons set out in law, need to consider some items in private.

Dates of meetings and copies of public agendas and minutes are available on the Council's website at www.cabinet.leicester.gov.uk, or by contacting us using the details below.

Making meetings accessible to all

Braille/audio tape/translation - If you require this please contact the Democratic Support Officer (production times will depend upon equipment/facility availability).

Further information

If you have any queries about any of the above or the business to be discussed, please contact Angie Smith, Democratic Support on **(0116) 454 6354** or email angie.smith@leicester.gov.uk

For Press Enquiries - please phone the **Communications Unit on 0116 454 4151**

PUBLIC SESSION

AGENDA

1. **APPOINTMENT OF CHAIR**
2. **APOLOGIES FOR ABSENCE**
3. **DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business to be discussed.

4. **MINUTES OF PREVIOUS MEETING** **Appendix A**

The minutes of the meeting of the Licensing Enforcement Sub-Committee held on 5th May 2020 are attached, and Members will be asked to confirm them as a correct record.

5. **PRIVATE SESSION**

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

Under the law, the Sub-Committee is entitled to consider certain items in private where in the circumstances the public interest in maintaining the matter exempt from publication outweighs the public interest in disclosing the information. Members of the public will be asked to leave the meeting when such items are discussed.

The Sub-Committee is recommended to consider the following reports in private on the grounds that they contain 'exempt' information as defined by the Local Government (Access to Information) Act 1985, as amended, and consequently that the Sub-Committee makes the following resolution:-

“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 is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.”

Paragraph 1

Information relating to an individual.

Paragraph 2

Information 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).

B1) Determination of Continued Entitlement to Retain a Licence to Store Explosives and a Licence to Supply Adult Fireworks

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

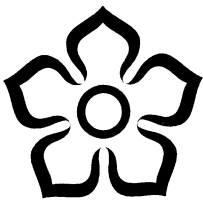
6. DETERMINATION OF CONTINUED ENTITLEMENT TO RETAIN A LICENCE TO STORE EXPLOSIVES AND A LICENCE TO SUPPLY ADULT FIREWORKS [Appendix B1](#)

The Director of Neighbourhood and Environmental Services submits a report.

7. DETERMINATION OF CONTINUED ENTITLEMENT TO RETAIN A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE [Appendix B2](#)

The Director of Neighbourhood and Environmental Services submits a report.

8. ANY OTHER URGENT BUSINESS



Leicester
City Council

Appendix A

Minutes of the Meeting of the
LICENSING ENFORCEMENT SUB-COMMITTEE

Held: TUESDAY, 5 MAY 2020 at 10:00 am

P R E S E N T:

Councillor Hunter (Chair)
Councillor Singh Johal (Vice Chair)

Councillor Dr Moore

Councillor Shelton

Councillor Thomas

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53. APPOINTMENT OF CHAIR

Councillor Hunter was appointed as Chair for the meeting.

54. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Dr. Moore who joined the meeting in Private Session before consideration of agenda item Appendix B1.

55. DECLARATIONS OF INTEREST

Members were asked to declare any disclosable pecuniary interest or other interest they might have in the business on the agenda.

No declarations were made.

56. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Licensing Enforcement Sub-Committee held on 4th February 2020 be approved as a correct record.

57. 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 involves 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 is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.

Paragraph 1

Information relating to an individual.

Paragraph 2

Information which 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).

B1) Application for the Renewal of a Hackney Carriage and Private Hire Vehicle Driver's Licence.

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

The Director of Neighbourhoods and Environmental Services submitted a report concerning the renewal for a Hackney Carriage and Private Hire Vehicle Driver's Licence.

The applicant, representative for the applicant, and translator for the applicant were present at the meeting. The Licensing Team Manager presenting the report, and Legal Adviser to the Sub-Committee were also present.

Introductions were made and the procedure for the meeting outlined.

The Licensing Team Manager outlined the details of the application, including the relevant City Council Policy Guidelines and drew Members' attention to the applicant's licence history referred to in the report and answered questions from Members.

The applicant provided information about the incident and subsequent complaint outlined in the report and answered questions from Members and the Licensing Officer through the translator. The applicant, at his own request (and having confirmed that his representative was authorised to continue on his behalf at the meeting) then disconnected from the meeting. He was followed by the translator. The representative for the applicant gave information for the applicant and answered questions from Members.

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

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

RESOLVED:

That the application for the renewal of a Hackney Carriage and Private Hire Vehicle Driver's Licence be REFUSED.

The Sub-Committee had been asked to determine an application for the renewal of the Licence. In reaching their decision, Members had carefully considered the committee report, the presentation by the Licensing Team Manager, all representations submitted by the applicant and his representative and the legal advice given during the hearing and took account of the Regulators' Code.

REASON FOR THE DECISION

The Sub-Committee stated they had not found the applicant's explanation of the incident on 3rd January 2020 to be credible.

Members considered the incident must have been upsetting and terrifying for the complainant, her friend and her friend's mother. Members added the applicant's behaviour fell well below the standard of behaviour expected and required from a hackney carriage and private hire vehicle driver.

The Sub-Committee Members found the circumstances presented to them in the applicant's case constituted 'any other reasonable cause' under section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 and that it was appropriate to refuse to renew the Hackney Carriage and Private Hire Vehicle Driver's Licence.

The applicant would be advised of his right to appeal to the Magistrate's Court within 21 days.

59. CLOSE OF MEETING

There being no items of urgent business, the meeting closed at 12.09pm.

Appendix B1

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Appendix B2

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

