



Leicester
City Council

Minutes of the Meeting of the
LICENSING ENFORCEMENT SUB-COMMITTEE

Held: TUESDAY, 2 MARCH 2021 at 10:00 am

P R E S E N T:

Councillor Singh Johal (Chair)

Councillor Fonseca

Councillor Westley

Councillor Thomas

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126. APPOINTMENT OF CHAIR

RESOLVED:

That Councillor Kulwinder Singh Johal be appointed as Chair for the meeting.

It was noted that the hearing of the applications were held virtually in accordance with the Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales)(Regulations) 2020 (the 2020 Regulations) and in accordance with the Council's own Remote Procedure Rules.

127. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Cank.

128. DECLARATIONS OF INTEREST

There were no declarations of interest.

129. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Licensing Enforcement Sub-Committee held on 2 February 2021 be approved as a correct record.

130. PRIVATE SESSION

131. PERSONAL LICENCE REVIEW APPLICATION

The Chair paused the meeting, so that the link to join the meeting could be sent to the Personal Licence Holder (PLH) to join the meeting.

The Chair led on introductions and all those in attendance re-introduced themselves for the benefit of the PLH.

The Chair confirmed with the Sub-Committee Members that reports for the meeting had been read.

The Director of Neighbourhood and Environmental Services submitted a report that required Members to determine an application for the review of an Personal Licence.

The PLH, The Licensing Team Manager, Licensing Enforcement Officer and Legal Adviser to the Sub-Committee were present.

The Licensing Enforcement Officer outlined details of the application including the relevant City Council Policy Guidelines and drew Members' attention to the conviction referred to in the report.

While the Licensing Enforcement Officer was addressing the Sub-Committee, Councillor John Thomas joined the meeting and declared he had no declarations of interest. The Licensing Enforcement Officer began her presentation to the Sub-Committee afresh.

The PLH addressed the Sub-Committee and answered questions from Members.

Each party was then given the opportunity to sum up their case 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 the reasons made during private deliberation would be publicly announced 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 Officers to disconnect from the meeting. The Sub-Committee then deliberated in private in order 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 Personal Licence be REVOKED.

The Sub-Committee had listened carefully to all the representations and had taken account of the Statutory Guidance, the Regulators' Code, and the Council's Licensing Policy.

The Sub-Committee were informed that on 10 January 2006, the Council issued a Personal Licence to the PLH. On 9 November 2018, he was convicted at Leicester Crown Court, of an offence of wounding with intent to cause grievous bodily harm contrary to section 18 of the Offences against the Persons Act 1861. The brief circumstances of the offending were that on 19 September 2017, the PLH was in an argument with his brother. The PLH assaulted his brother with an axe. His brother received a broken arm and deep lacerations. The PLH received a sentence of imprisonment of 5½ years and was made subject to a restraining order until further order. He had now been released from prison.

It was noted the conviction was a relevant offence as listed in Schedule 4 of the Licensing Act 2003. The conviction was not spent for the purposes of the Rehabilitation of Offenders Act 1974 (in accordance with section 5(1)(b) of that Act it was excluded from rehabilitation as it was a sentence of imprisonment for a term exceeding 48 months).

The PLH provided written and oral representations asking that he be allowed to retain his Personal Licence. He indicated that he was not a danger to anyone and referred to the incident that led to his conviction as a family situation that went wrong. He indicated that he had always worked in the club industry and did not have any other skills, and that retention of his Personal Licence was his only hope of supporting his family.

However, the Sub-Committee had no confidence that the PLH would uphold the licensing objectives. The Sub-Committee did not accept his indication that he was not a danger to anyone and was of the opinion that his offending clearly demonstrated his unsuitability to hold a Personal Licence which authorised an individual to supply alcohol, or authorised the supply of alcohol, in accordance with a Premises Licence. The Council's Licensing Policy details: "The Licensing Authority recognises the important role that personal licence holders have to play in the promotion of the licensing objectives at premises selling alcohol. For this reason, personal licence holders are required to have prescribed training and not have relevant convictions that would indicate their unsuitability".

The Sub-Committee's decision, made under section 132A(8) of the Licensing Act 2003, was that to promote the licensing objectives, it was appropriate to REVOKE the appellant's Personal Licence.

The PLH would be informed he may appeal the decision within 21 days to the

Magistrates Court.

132. ANY OTHER URGENT BUSINESS

There being no items of urgent business, the meeting closed at 10:50am.