



Leicester  
City Council

## **LICENSING ENFORCEMENT SUB-COMMITTEE**

**DATE: TUESDAY, 4 MAY 2021**  
**TIME: 10:00 am**  
**PLACE: Meeting held virtually using Zoom**

### **Members of the Sub-Committee**

Councillors Cank, Pickering, Thomas, and Westley

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

for Monitoring Officer

**Officer contact:** *Jacob Mann*  
*Democratic Support, Leicester City Council*  
*City Hall, 115 Charles Street, Leicester, LE1 1FZ*  
*Tel: 0116 454 5843*  
*email: [Jacob.Mann@leicester.gov.uk](mailto:Jacob.Mann@leicester.gov.uk)*

## 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](http://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](mailto:angie.smith@leicester.gov.uk)

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

# LEICESTER CITY COUNCIL LICENSING SUB-COMMITTEE PROCEDURAL GUIDE

## INTRODUCTORY PHASE

**The meeting will be held in public unless stated otherwise in the report.**

Present at the hearing will be Members of the Licensing Sub-Committee (minimum 3 Members), Officers from the Licensing Authority, a Legal Adviser to the Sub-Committee, an Officer from Democratic Services.

1. Participants at the meeting will introduce themselves as follows:
  - a. Members and Officers
  - b. Statutory Consultees (if any)
  - c. The Applicant and any representatives
  - d. Persons who have made representations
2. The Chair will check that the Applicant has received a copy of the Officer report.

## INFORMATION GATHERING

3. The Licensing Officer presents the report (previously circulated)  
  
Questions (for clarification purposes only):  
Members  
Statutory Consultees (if any)  
Persons who have made representations  
Applicant and Representative (s)
4. Depending on the nature of the report, Statutory Consultees present their comments.  
  
Questions (for clarification purposes only):  
Members  
Officers  
Persons who have made representations  
Applicant and Representative(s)
5. Persons who have made representations  
  
Questions (for clarification purposes only):  
Members  
Officers  
Statutory Consultees (is any)  
Applicant and Representative(s)
6. Applicant's Case  
  
Questions (for clarification purposes only):  
Members  
Officers  
Statutory Consultees  
Persons who have made representations

7. Summing up in the following order

Officers  
Statutory Consultees  
Persons who have made representations  
Applicant and Representative(s)

8. The Legal Adviser to the Sub-Committee to advise the Sub-Committee in the presence of the Applicant, Representatives, Officers, Statutory Consultees, and persons who have made representations on relevant issues the Members need to be aware of when they come to make their decision.

### **DECISION MAKING**

9. Apart from the Sub-Committee Members and the Democratic Support Officer everyone will be asked to withdraw from the meeting The Legal Adviser to the Sub-Committee may be called back to the meeting to advise on the wording of the decision the Sub-Committee Members will have made during private deliberation.

The Applicant will be advised that the decision made by the Sub-Committee will be made public within 5 working days of the meeting.

## **PUBLIC SESSION**

### **AGENDA**

#### **LIVE STREAM OF MEETING:**

A live stream of the meeting can be viewed on our YouTube channel at [https://www.youtube.com/channel/UCddTWO00\\_gs0cp-301XDbXA](https://www.youtube.com/channel/UCddTWO00_gs0cp-301XDbXA).

- 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 2 March 2021 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 3

Information relating to the financial or business affairs of any particular person (including the authority).

- B1) Determination of continued entitlement to retain a Hackney Carriage and Private Hire Vehicle Drivers Licence.
- B2) Application made under the Scrap Metal Dealers Act 2013.

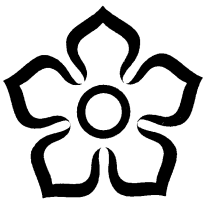
**6. DETERMINATION OF CONTINUED ENTITLEMENT TO RETAIN A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS LICENCE** [Appendix B1](#)

The Director of Neighbourhood and Environmental Services submits a report.

**7. APPLICATION MADE UNDER THE SCRAP METAL DEALERS ACT 2013** [Appendix B2](#)

The Director of Neighbourhood and Environmental Services submits a report.

**8. ANY OTHER URGENT BUSINESS**



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

\* \* \* \* \*

**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.

# Appendix B1

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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# Appendix B2

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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