



Leicester
City Council

Minutes of the Meeting of the
LICENSING ENFORCEMENT SUB-COMMITTEE

Held: TUESDAY, 3 AUGUST 2021 at 10:00 am

P R E S E N T:

Councillor Pickering (Chair)

Councillor Cank

Councillor Shelton

* * * * *

1. APPOINTMENT OF CHAIR

Councillor Pickering was appointed as Chair for the meeting.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Govind.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meetings of the Licensing Enforcement Sub-Committee held 4 May and 2 July 2021 are 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 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 any 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 holding that information)

Paragraph 7

Information relating to the any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

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

6. APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE

Introductions were made and the Chair outlined the procedure of the meeting to those present.

The Director of Neighbourhood and Environmental Services submitted a report on an application for a Hackney Carriage and Private Hire Vehicle Driver's Licence.

The applicant was present, the Licensing Team Manager, and the Legal Adviser to the Sub-Committee were also present.

The Licensing Team Manager outlined details of the application, including the relevant City Council Policy Guidelines.

The Licence Holder was invited to set out the reasons why he ought to be granted the Licence and answered questions from Members and Officers.

All parties were 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 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 Officers 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 Hackney Carriage and Private Hire Vehicle Driver's Licence be REFUSED.

Members had carefully considered the Sub-Committee Report placed before them. Members had taken account, where appropriate, of the Department for Transport's "Statutory Taxi & Private Hire Vehicle Standards", the Regulators' Code and the Council's "Guidelines for Licensing Hackney Carriage and Private Hire Vehicle Drivers". Members had taken account of the oral and written representations.

Members of the Sub-Committee had to determine a matter related to an application for the grant of Hackney Carriage and Private Hire Drivers Licence by the applicant.

The application for a driver's licence was commenced on 31st May 2018 and completed on 30th January 2020 however there had been a substantial delay in the application being referred to the Sub-Committee for determination.

The reasons for referral to the Sub-Committee related to the behaviour of the applicant at a knowledge test on 24th April 2019 and his behaviour towards officers after that date.

The report before Sub-Committee, together with the statement at Appendix A to the report set out that on 24th April 2019 a Licensing Officer witnessed the applicant using his mobile phone whilst undertaking a knowledge test. This was despite being instructed not to use his phone whilst undertaking the test. When the phone was confiscated, the Licensing Officer noticed that a map application was open and had been used to assist with the test. After the test was completed, the applicant begged the Licensing Officer to pass him and made inappropriate comments to her. When the Licensing Officer informed the applicant that he had failed because he had not reached the required pass mark and because he had cheated, the applicant continued to beg the Licensing Officer to pass him and offered to come to an arrangement if she passed him. The Licensing Officer informed the applicant that she would not alter the mark and that the applicant would have to re-apply for a knowledge test.

Subsequently, the applicant re-took the knowledge test on 3rd July 2019 and passed it.

On 16th July 2019, the applicant was informed by email that he would need to complete the remainder of the application process but that he would be referred to Sub-Committee due to his behaviour on 24th April 2019.

On 17th July 2019 the applicant telephoned the Licensing Manager who reported that he was shouting and aggressive during the conversation. She stated that the applicant was demanding an apology because everything was lies.

In June 2021, the applicant contacted the Licensing Team to check on the progress of his application. When informed that the matter was being referred to Sub-Committee, it was reported that the applicant became aggressive and agitated. He told the Licensing Manager that everything that was being alleged against him was lies.

Before the Sub-Committee, the applicant stated that it was all a misunderstanding and the situation on the day was not helped because of his grasp of English. He stated that there was no guidance offered to applicants undertaking the knowledge test and that one question on the paper was confusing, so he had called the Licensing Officer over and asked for her help, at which point the Licensing Officer had told him that he had to 'sort it out' himself. He thought that this was unfair and therefore used his mobile phone which was beside him to check the information on the written paper and laminated map. During questioning before the Sub-Committee, the applicant accepted that his phone had been confiscated after the Licensing Officer had witnessed him using the phone and that after he had been informed that he had failed he had asked the Licensing Officer to sort it out, meaning the incorrect question and he denied that he offered to come to some arrangement. He accepted that he may have called her 'babe' and that he may have said that she was in good shape because of the fact that she went to the gym.

The applicant submitted that he was working as delivery driver and had throughout the pandemic continued working. He stated that in all the years he had worked as a delivery driver there had been no complaints against him and that he had a 5-star rating on delivery websites.

The Sub-Committee was mindful that public safety was of paramount importance.

On a balance of probabilities, the Sub-Committee accepted the version of events presented to them by the Licensing Officer of the events of 24th April 2019 and to the subsequent behaviour reported by the Licensing Manager in her interactions with the applicant.

The applicant himself accepted that despite instructions to the contrary he used

his mobile phone whilst undertaking the knowledge test. The applicant also accepted that he had called the Licensing Officer a 'babe' and he had referred to her shape. On a balance of probabilities, the Sub-Committee also found that the applicant had begged the Licensing Officer to pass him and due the fact that he would have had to wait another year to take the test, he did offer to come to an arrangement.

To grant the Licence, the Sub-Committee was required to be satisfied that the applicant was a fit and proper person to hold the Licence.

The Sub-Committee found that the applicant was not a fit and proper person to hold a Hackney Carriage and Private Hire Driver's Licence due to his dishonesty on 24th April 2018, due to his inappropriate behaviour towards the Licensing Officer and Licensing Manager and due to his offer to come to some arrangement.

Based on the information available before the Sub-Committee, each member of the Sub-Committee would not allow a person they care for, regardless of their condition, to travel alone in a vehicle driven by the applicant.

The applicant would be informed that he would have 21 days to appeal the decision to the Magistrates Court.

7. ANY OTHER URGENT BUSINESS

There being no other urgent business, the meeting closed at 10.35am.