



Leicester
City Council

Minutes of the Meeting of the
LICENSING ENFORCEMENT SUB-COMMITTEE

Held: TUESDAY, 6 SEPTEMBER 2022 at 5:30 pm

P R E S E N T:

Councillor Singh Johal (Chair)

Councillor Cank

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Councillor Dr Sangster

17. APPOINTMENT OF CHAIR

Councillor Singh Johal was appointed as Chair for the meeting.

18. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Shelton. Councillor Cank was present.

19. 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 of interest made.

20. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Licensing Enforcement Sub-Committee held on 5 July 2022 be confirmed as a correct record.

21. 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 involved 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 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).

Paragraph 7

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

B1) Determination of Continued Entitlement to Retain 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

22. 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 which required Members to make a determination of continued entitlement to retain a Hackney Carriage and Private Hire Vehicle Driver's Licence.

Prior to commencement of the presentation of the report, Members heard that the driver had requested that the report be taken to a future meeting for consideration to allow for the accompaniment of the driver's legal representative.

Members agreed that the report could be heard at future meeting of the Licensing Enforcement Sub-Committee.

23. 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 make a determination of continued entitlement to retain a Hackney Carriage and Private Hire Vehicle Driver's Licence.

The Chair led on Introductions and outlined the procedure for the meeting.

The driver was present. The Licensing Team Manager (Enforcement) and Legal Adviser to the Sub-Committee were also present.

The Licensing Team Manager outlined the details of the application, including the relevant City Council Guidelines. The Legal Adviser to the Sub-Committee was also called to give advice on a procedural matter during presentation of the report.

The Licensing Team Manager then showed dash-cam footage of an incident involving the driver and answered questions from Members.

The driver made representations and answered questions from Members and the Legal Adviser to the Sub-Committee.

All parties 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 and were advised of the options available to them in making their decision.

The Sub-Committee were also advised of the relevant policy and statutory guidance that needed to be taken into account when making their decision.

In order to reach their decision, the Sub-Committee felt they should deliberate in private on the basis that it was in the public interest and as such outweighed the public interest of their deliberation taking place with the parties represented present.

In reaching their decision the Sub-Committee Members had carefully considered the written report and verbal representation by the Licensing Team Manager (Enforcement). The Members had also considered the representations made by the driver, and the legal advice given to them during the meeting. The Sub-Committee Members had taken account of the relevant policy and statutory guidance.

The Chair announced that full reasons for the decision would be confirmed in writing 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 Officer to withdraw from the meeting. Members 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 driver be allowed to RETAIN his Hackney Carriage and

Private Hire Vehicle Driver's Licence subject to the following:

That the circumstances presented in the case, namely the poor standard of driving while undertaking private hire bookings with passengers on 28 May 2022 and 03 June 2022 constituted 'any other reasonable cause' under section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 and that:

1. A warning letter be issued to the driver reminding him that he must comply with the Council's Driver Code of Conduct at all times and maintain a good standard of driving at all times.
2. The following conditions be added to the driver's Hackney Carriage and Private Hire Vehicle Driver's Licence:
 - a) The driver shall only drive a Hackney Carriage or a Private Hire Vehicle which has a working dash-cam system agreed by the Council's Licensing Team.
 - b) The Driver shall keep the recordings from the dash-cam system for a minimum period of 31 days.
 - c) The driver shall make the recordings from the dash-cam system available to Officers of Leicester City Council on demand.

The driver would be advised of his right to appeal the decision to the Magistrates' Court.

24. PUBLIC SESSION

The meeting moved into public session.

25. APPLICATION FOR THE GRANT OF A HIGHWAYS AMENITIES LICENCE (STREET CAFÉ): MAMBA BAR, 29 MARKET STREET, LEICESTER, LE1 6DN

The Director of Neighbourhood and Environmental Services submitted a report which asked Members to determine an application for the grant of a Highways Amenities Licence (Street Café) for premises known as Mamba Bar, 29 Market Street, Leicester, LE1 6DN.

Introductions were made and the procedure for the meeting outlined.

Mr Harjinder Athwal, joint owner for Mamba Bar was present. PC Jeff Pritchard (Leicestershire Police) and Ms Lorraine Moore (Licensing Enforcement Officer) were present having made representations. Also present was the Licensing Team Manager (Enforcement) and the Legal Adviser to the Sub-Committee.

The Licensing Team Manager (Enforcement) presented the report. It was noted an application was received on 18th July 2022 for the grant of a licence. Within the objection period there were three objections received from a local business, Leicestershire Police and Leicester City Council's Licensing Enforcement Team, with the objections raising concerns of noise, anti-social behaviour and

crime and disorder.

PC Pritchard was given the opportunity to outline the details of the Police representation and answered questions from Members.

Ms Moore was given the opportunity to outline the details of the Licensing Enforcement Team representation and answered questions from Members and Legal Adviser to the Sub-Committee.

Mr Athwal was given the opportunity to present his case, and answered questions from Members, the Police, Licensing Enforcement Officers and Legal Adviser to the Sub-Committee.

All parties 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 and were advised of the options available to them in making their decision.

The Sub-Committee were also advised of the relevant policy and regulatory code that needed to be taken into account when making their decision,

In order to reach their decision, the Sub-Committee felt they should deliberate in private on the basis that it was in the public interest and as such outweighed the public interest of their deliberation taking place with the parties represented present.

In reaching their decision the Sub-Committee Members had carefully considered the written report presented by the Licensing Team Manager (Enforcement) and the written and verbal representations made by Leicestershire Police, Licensing Enforcement Team and Local Business. The Members had also considered the representation made by Mr Athwal, and the legal advice given to them during the meeting. The Sub-Committee Members had taken account of the Council's Street Café Licensing Policy and the Regulators' Code.

The Chair announced that full reasons for the decision would be confirmed in writing 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 withdraw from the meeting. Members 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 a Highways Amenities Licence be GRANTED to Mr Harjinder Athwal for three tables, six chairs and enclosing barriers to be placed at Mamba Bar on Market Street, Leicester in accordance with the Licensed Plan seven days a week from 1.00pm to Midnight, subject to the Council's standard conditions, and following additional conditions:

ADDITIONAL CONDITIONS

- (a) The Licence holder shall ensure that the Licensed Area is supervised by a member of staff at all times the street café is open
- (b) The Licence holder shall ensure that the Licensed Area is fully covered by unobstructed CCTV at all times the street café is open.
- (c) The Licence holder shall ensure that a trained CCTV operative is available at all times to download and issue CCTV footage at the time of request from the police, local authority or other authorised persons.
- (d) The Licence holder shall ensure CCTV is retained for a minimum of 31 days and permit the identification of individuals in all lighting conditions. The Licence holder shall ensure it is available to the police, local authority or authorised persons at the time of request.
- (e) The Licence holder shall ensure CCTV is provided to an officer from a responsible authority within 7 days of a formal request.
- (f) The Licence holder shall ensure only drinks supplied by the premises are consumed within the Licensed Area.
- (g) The Licence holder shall ensure that all customers using the Licensed Area are seated with the exception of entry and egress.
- (h) The Licence holder shall ensure that customers do not stand and consume drinks within the Licensed Area.
- (i) The Licence holder shall complete risk assessments for the street café and if necessary in accordance with the relevant risk assessment, employ additional Security Industry Authority (SIA) door supervisors who are clearly identifiable to patrol/monitor the Licensed Area.
- (j) The Licence holder shall ensure that no amplified or unamplified music or other entertainment takes place in the Licensed Area.

The applicant would be provided with the reasons for the decision in writing within five working days.

It was noted there was no right of appeal against the decision.

The Chair at this point advised the meeting of the request to adjourn the meeting to a future date given the time of the evening which had been accepted by parties. The reconvened Sub-Committee would take place on 27th September at 9.30am, Meeting Room G02, City Hall.

The meeting closed at 9.00pm.

26. APPLICATION FOR THE GRANT OF A HIGHWAYS AMENITIES LICENCE (STREET CAFÉ): GROUNDED KITCHEN (SALVADOR DELI), 50 QUEENS ROAD, LEICESTER, LE2 1TU

The agenda item to be taken to the reconvened meeting at 9.30am, 27th September 2022.

27. APPLICATION FOR THE GRANT OF A HIGHWAYS AMENITIES LICENCE (STREET CAFÉ): GELATO VILLAGE, 107 QUEENS ROAD, LEICESTER, LE2 1TT

The agenda item to be taken to the reconvened meeting at 9.30am, 27th September 2022.