



Leicester
City Council

Minutes of the Meeting of the
LICENSING ENFORCEMENT SUB-COMMITTEE

Held: TUESDAY, 25 JULY 2023 at 10:00 am

P R E S E N T:

Councillor Cank (Chair)

Councillor Pantling

Councillor Westley

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1. APPOINTMENT OF CHAIR

Councillor Cank was appointed as Chair for the meeting.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Adatia.

3. DECLARATIONS OF INTEREST

Members were asked to declare any interests they had in the business on the agenda.

There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Licensing Enforcement Sub-Committee held 27 June 2023 be 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 1 Appendix A 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 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 that 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) Application for grant of a Hackney Carriage and Private Hire Vehicle Driver's Licence

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

The Director of Neighbourhood and Environmental Services submitted a report that required Members to determine an application for the grant of a Hackney Carriage and Private Hire Vehicle Driver's Licence.

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

The Licensing Team Manager presented the report and outlined details of the driver, including the relevant City Council Guidelines.

The driver was invited to set out the reasons why he was fit and able to be granted a Hackney Carriage and Private Hire Vehicle Driver's Licence.

All parties present 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.

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 Officer 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 Hackney Carriage and Private Hire Vehicle Driver's Licence be GRANTED for 1 year subject to following conditions:

1. After a licence being issued, the driver must meet with the Licensing Manager on a quarterly basis to review his behaviour and driving record. The driver must comply with any instructions given by the Licensing Manager as to how and when these meetings will be undertaken.
2. The driver must immediately notify the licensing Manager should he be arrested for any criminal offence.
3. The Licensing team must refer to committee any behaviour from the driver which poses a risk to public protection or if he fails to comply with the conditions set out in this decision.
4. If there is satisfactory compliance with the conditions, the driver may apply to renew his licence on the usual basis.

The reason for restricting the Licence to 1 year and attaching conditions was to ensure the safety of the travelling public. In reaching its decision the committee gave weight to the representations made by the driver and to the time which had passed since the original conviction.

The driver would have 21 days to appeal the decision.

7. APPLICATION FOR STREET TRADING CONSENT, HOUSE OF HYDERABAD (LEICESTER) LIMITED, OPPOSITE 36 VICTORIA PARK ROAD, LEICESTER

The Director of Neighbourhood and Environmental Services submitted a report that required Members to determine an application for Street Trading Consent for House of Hyderabad(Leicester) Limited, Opposite 36 Victoria Park Road, Leicester.

The Company's Director Mr Mamidi and shareholders Mr Goverdyan

Chandavolu, Mr Kalyan Dhivale attended the hearing. Solicitor, Mr Amitabath Sharma represented the applicant. He was accompanied by his office manager Mr Francis Naginton . Mrs Sally Williams was present as an objector. The Licensing Team Manager and Legal Adviser to the Sub-Committee were also present.

The Licensing Team Manager presented the report and outlined details of the application, including details of the relevant City Council guidelines.

Mrs Williams was invited to set out her reasons for objecting to the application and answered questions from Members, Officers, and the applicants.

The applicants were invited to set out the reasons why they ought to be granted Street Trading Consent and answered questions from Members, Officers, and Mrs Williams.

There was a 10-minute adjournment in order for the applicants to clarify information on their application.

All parties present 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.

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 Officer 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 Street Trading Consent be REFUSED.

In considering the application by House of Hyderabad (Leicester) Limited for a street trading consent on Victoria Park Road Leicester, the Sub-Committee considered all the representations, both written and oral, and took account of

the Council's Street Trading Policy and the Regulator's Code.

In addition to the Officer's Report, the Sub-Committee heard oral representations from the solicitor for the company and the Company's Director and shareholders.

The sub-committee were not persuaded to depart from the Council's Street trading policy which states that there is a general presumption against street trading particularly in the vicinity of schools.

The application did not meet any of the exceptions set out in the policy.

St Crispins School is a very short distance away. from the proposed location
The sub-committee accepted the representations put forward by residents particularly those relating to the inappropriateness of the location, the road safety issues and traffic hazard which would arise due to congestion on Victoria Park Road.

The solicitor representing the company put forward a number of steps which the company proposed to take in order to either negate or mitigate the objections put forward by residents including changing the operational hours to reduce any impacts on the school and changing the location. The applicant was prepared to take any steps required of it.

The sub-committee could only consider the location applied for. A separate application would be required for any other location.

The Company director and shareholders admitted that the information supporting the application had been googled and that it had been a mistake to use information which was untrue and not applicable to this location. They apologised for the mistake.

The sub-committee could not overlook the mistake as making a false statement in an application is a criminal offence under section10(4) Schedule 4 Local

Government (Miscellaneous Provisions) Act 1982.

The sub-committee noted that the food offering was targeted to a specific group of Students and residents however it was satisfied that similar food was on offer in locations nearby.

The Sub-Committee decided the application on its own merits and took into account the factors set out in the Council's Street Trading Policy.

There was no right of appeal against the Sub-Committee's decision.

8. ANY OTHER URGENT BUSINESS

There being no other business, the meeting closed at 11.31am.