



Leicester
City Council

LICENSING ENFORCEMENT SUB-COMMITTEE

DATE: TUESDAY, 28 NOVEMBER 2023

TIME: 10:00 am

PLACE: Meeting Room G.02, Ground Floor, City Hall, 115 Charles Street, Leicester, LE1 1FZ

Members of the Sub-Committee

Councillors Cank, Chauhan and Pickering.

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: Jessica Skidmore
Democratic Support, Leicester City Council
City Hall, 115 Charles Street, Leicester, LE1 1FZ
Tel: 0116 454 2623
email: jessica.skidmore@leicester.gov.uk

Information for Members of the Public

Attending meetings and access to information

You have the right to attend formal meetings such as Full Council, committee meetings, and Scrutiny Commissions and see copies of agendas and minutes.

However, on occasion, meetings may, for reasons set out in law, need to consider some items in private.

Due to Covid we recognise that some members of the public may not feel comfortable viewing a meeting in person because of the infection risk.

Anyone attending in person is very welcome to wear a face covering and we encourage people to follow good hand hygiene and hand sanitiser is provided for that purpose.

If you are displaying any symptoms of Coronavirus: a high temperature; a new, continuous cough; or a loss or change to your sense of smell or taste, and/or have taken a recent test which has been positive we would ask that you do NOT attend the meeting in person please.

Dates of meetings and copies of public agendas and minutes are available on the Council's website at www.cabinet.leicester.gov.uk or by contacting us using the details below.

NOTE:

Separate guidance on attending the meeting is available for officers. Officers attending the meeting are asked to contact the Democratic Support Officer in advance to confirm their arrangements for attendance.

Making meetings accessible to all

Wheelchair access – Public meeting rooms at the City Hall are accessible to wheelchair users. Wheelchair access to City Hall is from the middle entrance door on Charles Street - press the plate on the right hand side of the door to open the door automatically.

Braille/audio tape/translation - If you require this please contact the Democratic Support Officer (production times will depend upon equipment/facility availability).

Induction loops - There are induction loop facilities in City Hall meeting rooms. Please speak to the Democratic Support Officer using the details below.

Filming and Recording the Meeting - The Council is committed to transparency and supports efforts to record and share reports of proceedings of public meetings through a variety of means, including social media. In accordance with government regulations and the Council's policy, persons and press attending any meeting of the Council open to the public (except Licensing Sub Committees and where the public have been formally excluded) are allowed to record and/or report all or part of that meeting. Details of the Council's policy are available at www.leicester.gov.uk or from Democratic Support.

If you intend to film or make an audio recording of a meeting you are asked to notify the relevant Democratic Support Officer in advance of the meeting to ensure that participants can be notified in advance and consideration given to practicalities such as allocating appropriate space in the public gallery etc..

The aim of the Regulations and of the Council's policy is to encourage public interest and engagement so in recording or reporting on proceedings members of the public are asked:

- ✓ to respect the right of others to view and hear debates without interruption;
- ✓ to ensure that the sound on any device is fully muted and intrusive lighting avoided;
- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

Further information

If you have any queries about any of the above or the business to be discussed, please contact Jessica Skidmore, Democratic Support on **(0116) 454 2623** or email jessica.skidmore@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

FIRE / EMERGENCY EVACUATION

If the emergency alarm sounds, you must evacuate the building immediately by the nearest available fire exit and proceed to the area outside the Ramada Encore Hotel on Charles Street as directed by Democratic Services staff. Further instructions will then be given.

1. **APPOINTMENT OF CHAIR**
2. **APOLOGIES FOR ABSENCE**
3. **DECLARATIONS OF INTEREST**

Members will be 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 25th July 2023 and 29th August 2023 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 2

Information which is likely to reveal the identity of an individual.

Paragraph 3

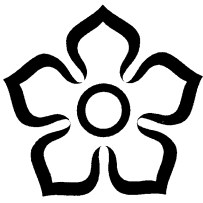
Information relating to the financial or business affairs of any particular person (including the authority).

B1) APPLICATION FOR THE 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** **Appendix B**

The Director of Neighbourhood and Environmental Services submits a report.

- 7. ANY OTHER URGENT BUSINESS** **Appendix B**



Leicester
City Council

Appendix A

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

* * * * *

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.

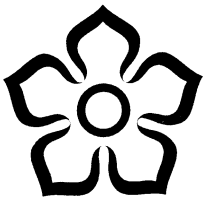
The sub-committee noted that the food offering was targeted to a specific group of Students and residents however it was satisfied that similar food was on offer in locations nearby.

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.



Leicester
City Council

Minutes of the Meeting of the
LICENSING ENFORCEMENT SUB-COMMITTEE

Held: TUESDAY, 29 AUGUST 2023 at 10:00 am

P R E S E N T:

(Chair)

(Vice Chair)

Councillor Adatia

Councillor Cank

Councillor Byrne

* * * * *

1. APPOINTMENT OF CHAIR

Councillor Byrne was appointed as Chair.

2. APOLOGIES FOR ABSENCE

No apologies were received.

3. 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.

4. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Licensing Enforcement Sub-Committee held on 25 July 2023 be confirmed as a correct record.

5. ANY OTHER URGENT BUSINESS

The Chair had agreed to take the following items as urgent business to allow the applications to be considered within the statutory time periods.

- APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE AND

PRIVATE HIRE VEHICLE DRIVER'S LICENCE.

6. 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 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).

B1) APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE.

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

The Chair led introductions and informed those present of housekeeping and evacuation procedures.

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

The applicant was invited to set out the reasons why he ought to be granted the Hackney Carriage and Private Hire Vehicle Driver's Licence and answered questions from Members and Officers.

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 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 the grant of a new Hackney Carriage and Private Hire Vehicle Driver's Licence be REFUSED as Members were not satisfied that the applicant was a fit and proper person to hold a Licence.

The applicant would be provided with reasons for the decision in writing within 5 working days.

The applicant would be advised of the right to appeal the decision.

Appendix B

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

