



Leicester  
City Council

Minutes of the Meeting of the  
LICENSING ENFORCEMENT SUB-COMMITTEE

Held: TUESDAY, 20 AUGUST 2024 at 10:00 am

P R E S E N T:

Councillor Barton (Chair)

Councillor Adatia

Councillor Bonham

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**10. APPOINTMENT OF CHAIR**

Councillor Barton was appointed as Chair.

**11. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**12. 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.

**13. 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 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 the any action taken or to be taken in connection with the prevention, investigation or persecution of crime.

- B1) APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE
- B2) APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE AND PRIVATE HIRE OPERATORS LICENCE
- B3) DETERMINATION OF CONTINUED ENTITLEMENT TO RETAIN A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE

## **14. DETERMINATION OF CONTINUED ENTITLEMENT TO RETAIN A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS 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 not present. The Licensing Enforcement Officer and Legal Adviser to the Sub-Committee were present.

Members considered an email request from the applicant on the 19<sup>th</sup> of August to reschedule the hearing to a later date and decided to continue with the hearing based on all of the facts provided.

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

The Licensing Enforcement Officer presented the report and outlined details of the applicant, including the relevant City Council Guidelines, and also presented the summary prepared by the Legal Advisor.

All parties present were given the opportunity to sum up their positions and

answered questions from Members.

The Sub-Committee received legal advice from the Legal Adviser to the Sub1Committee 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 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 Governance Services 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 & Private Hire Vehicle Driver's Licence be REVOKED as Members of the Sub-Committee 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.

All parties would be advised of the right to appeal the decision.

## **15. PUBLIC SESSION**

### **16. APPLICATION FOR THE GRANT OF PAVEMENT LICENCE - BATON ROUGE AT QUEENS, 41 RUTLAND STREET, THE QUEENS BUILDING, LEICESTER LE1 1RE**

The Directors of Baton Rouge@41 Mr Sean Jones and MR James Smith attended the hearing. There was no attendance by any objectors.

The Legal adviser to the committee informed committee that the Business and Planning Act 2020 introduced a streamlined approach for the application and grant of a Pavement Licence. Once an application for a Pavement Licence is made authority has 28 days from the day after the application is made (excluding public holidays) to consult on and determine the application. This consists of 14 calendar days for public consultation and then 14 calendar days to consider and determine the application after consultation.

The application for a Pavement Licence by Baton Rouge had been made on 19<sup>th</sup> July 2024 and by the time of the hearing 28 calendar days had expired.

The 2020 Act stipulates that if a local authority does not determine within the period stipulated, the application for a Pavement Licence will be deemed to have been granted subject to any local conditions published by the local authority before the application was submitted.

On receiving the legal advice, Councillors expressed their disappointment and asked the Licensing officer to investigate what had happened and to ensure that unfortunate incidents such as this did not occur again.

The Directors of Baton Rouge@41 Limited were advised to take heed of the objections submitted by members of the public and to address the highlighted issues.

## **17. 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.

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**18. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS LICENCE**

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The applicant was present. The Licensing Enforcement Officer 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 Enforcement Officer presented the report and outlined details of the applicant, including the relevant City Council Guidelines, and also presented the summary prepared by the Legal Advisor.

The applicant was invited to set out their representations and answered questions from Members.

All parties present were given the opportunity to sum up their positions and answered questions from Members.

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 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 Governance Services 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 & Private Hire Vehicle Driver's Licence be GRANTED for a period of one-year, in order to safeguard the travelling public, as Members of the Sub-Committee were satisfied that the applicant had taken rehabilitative steps since his conviction. If after driving for one-year the applicant is able to demonstrate a clear record, he can renew his license as normal.

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

All parties would be advised of the right to appeal the decision.

**19. ANY OTHER URGENT BUSINESS**

There was no other urgent business.