



Leicester
City Council

MEETING OF THE LICENSING ENFORCEMENT SUB-COMMITTEE

DATE: TUESDAY, 4 JUNE 2019
TIME: 9:30 am
**PLACE: Meeting Room G.02 - City Hall, 115 Charles Street, Leicester,
LE1 1FZ**

Members of the Sub-Committee

Councillors Hunter, Pickering and Singh Johal

Members of the Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

for Monitoring Officer

Officer contact: Angie Smith
Democratic Support, Democratic Services
Leicester City Council,
City Hall, 115 Charles Street, Leicester, LE1 1FZ
Tel. 0116 454 6354
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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 & Scrutiny Commissions and see copies of agendas and minutes. On occasion however, meetings may, for reasons set out in law, need to consider some items in private.

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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 Angie Smith, **Democratic Support on (0116) 454 6354 or email Angie.Smith@leicester.gov.uk** or call in at City Hall, 115 Charles Street.

For Press Enquiries - please phone the **Communications Unit on 0116 454 4151**

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 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 are 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 30 April 2019 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) Determination of Continued Entitlement of a Hackney Carriage and Private Hire Vehicle Driver's Licence

6. DETERMINATION OF CONTINUED ENTITLEMENT OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE [Appendix B1](#)

The Director of Neighbourhood and Environmental Services submits a report.

7. ANY OTHER URGENT BUSINESS



Leicester
City Council

Minutes of the Meeting of the
LICENSING ENFORCEMENT SUB-COMMITTEE

Held: TUESDAY, 30 APRIL 2019 at 9:30 am

P R E S E N T:

Councillor Thomas (Chair)
Councillor Hunter (Vice Chair)

Councillor Unsworth

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67. APPOINTMENT OF CHAIR

Councillor Thomas was elected as Chair for the meeting.

68. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Shelton.

69. DECLARATIONS OF INTEREST

There were no declarations of interest made.

70. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 5 March 2019 be confirmed as a correct record.

71. 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 an individual.

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

B1) Determination of Continued Entitlement of a Hackney Carriage and Private Hire Vehicle Driver's Licence.

B2) Determination of Continued Entitlement of a Hackney Carriage and Private Hire Vehicle Driver's Licence.

72. DETERMINATION OF CONTINUED ENTITLEMENT OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE

The Director of Neighbourhoods and Environmental Services submitted a report concerning the determination of continued entitlement to retain a Hackney Carriage and Private Hire Vehicle Driver's Licence.

The applicant was not present at the meeting. The Licensing Team Manager and Legal Adviser to the Sub-Committee were present at the meeting. The Members of the Sub-Committee agreed to continue with the meeting in the absence of the applicant as they considered the applicant had been given adequate information to attend the meeting, and no communication from the applicant had been received.

The Licensing Team Manager outlined the details of the report, including the relevant City Council Policy Guidelines, 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 such outweighed the public interest of their deliberation taking place with parties represented present.

The Legal Adviser to the Sub-Committee and the Licensing Team Manager then withdrew from the meeting.

The Sub-Committee then gave the application full and detailed consideration.

The Legal Adviser to the Sub-Committee and the Licensing Team Manager then returned to the meeting.

RESOLVED:

That the applicant's Hackney Carriage and Private Hire Vehicle Driver's Licence be REVOKED.

REASON FOR THE DECISION

The Sub-Committee Members had carefully considered the Committee Report placed before them and had taken into account the Council's Driver Penalty Points Scheme, the Regulators' Code and the oral and written representations.

The applicant was asked to appear before the Committee as he had accumulated 12 points under the Council's Driver Penalty Points Scheme in a three-year period. However, the applicant had failed to attend the meeting.

The Sub-Committee Members noted the accumulation only just fell within the three-year period. The earliest points from 2016 had now expired and were no longer on the applicant's record. They also noted that the applicant had been licensed since September 2010 and that Members had not been advised of any other relevant matters in the applicant's record of conduct.

However, the accumulation of 12 points, relating as it did to three separate incidents, was concerning to the Sub-Committee, and they were not satisfied that the applicant had learnt from the interventions of the Licensing Section, and believed that until such time that he did, there was a risk to the public.

In addition, the Sub-Committee had heard that on 06/02/19 the applicant had indicated to a Licensing Officer that he was leaving the trade "as passengers are animals", and that the comment was unacceptable.

In the circumstances the Sub-Committee were of the opinion that the applicant was no longer a fit and proper person to hold a Hackney Carriage & Private Hire Vehicle Driver's Licence, and they accordingly revoked his licence.

The applicant would be advised that he could appeal the decision to the Magistrate's Court.

73. DETERMINATION OF CONTINUED ENTITLEMENT OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE

The application was withdrawn prior to the start of the meeting.

74. ANY OTHER URGENT BUSINESS

The application was withdrawn prior to the start of the meeting.

Appendix B1

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

Document is Restricted

