



Leicester
City Council

Minutes of the Meeting of the
LICENSING ENFORCEMENT SUB-COMMITTEE

Held: TUESDAY, 3 SEPTEMBER 2019 at 9:30 am

P R E S E N T:

Councillor Hunter (Chair)
Councillor Singh Johal (Vice Chair)

Councillor Cank

Councillor Thomas

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16. APPOINTMENT OF CHAIR

Councillor Hunter was appointed as Chair for the meeting.

17. APOLOGIES FOR ABSENCE

There were no apologies for absence.

18. DECLARATIONS OF INTEREST

Members were asked to declare any disclosable pecuniary or other interest they might have in the business on the agenda.

Councillor Singh Johal removed himself prior to deliberation of the application at Appendix B1 as he knew the applicant.

19. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the minutes of the meeting of the Licensing Enforcement Sub-Committee meeting held on 6th August 2019 be confirmed as a correct record.

20. APPLICATION FOR THE GRANT OF A HIGHWAYS AMENITIES LICENCE (STREET CAFÉ): SPENCERS, 21 SILVER STREET, LEICESTER, LE1 5EU

The Director of Neighbourhoods and Environmental Services submitted a report concerning the application for the grant of a Highways Amenities Licence for a Street Café for premises known as Spencer's, 21 Silver Street, Leicester,

LE1 5EU.

The applicant Mr Steven Finch on behalf of Spencer's was not present. The Licensing Team Manager, Legal Adviser to the Sub-Committee and local reporter were present at the meeting.

The Sub-Committee Members agreed to hear the application in the absence of the applicant.

The Licensing Team Manager outlined the details of the application, including the relevant City Council Policy Guidelines, and drew Members' attention to the objections referred to in the report. The Licensing Team Manager answered questions from Members.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of 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 Legal Adviser to the Sub-Committee, Licensing Team Manager and local reporter then withdrew from the meeting.

The Sub-Committee then gave the application full and detailed consideration. The Legal Adviser to the Sub-Committee was recalled to the meeting to advise Members on the wording of the decision.

The Licensing Team Manager and local reporter then returned to the meeting.

The Chair of the Sub-Committee advised all persons present that the Legal Adviser to the Sub-Committee was called back to the meeting to advise on the wording of the decision.

RESOLVED:

That the application for a Highways Amenities Licence for a Street Café for premises known as Spencers, 21 Silver Street, Leicester, LE1 5EU be GRANTED with additional conditions.

REASON FOR THE DECISION

The Sub-Committee had been asked to determine an application under the Highways Act 1980, for the grant of a Highways Amenities Licence.

In reaching their decision, Members had carefully considered the committee report, the presentation by the Licensing Team Manager, the representations submitted by Mr Steven Finch, a number of objections received from nearby local businesses and the legal advice given during the hearing.

The Sub-Committee stated that the licensing objectives were of paramount

concern. The Sub-Committee had considered the case on its own merits and in accordance with the Licensing Authority's Policy on Street Cafes.

The Sub-Committee added that as a result of what they had heard, they were content to grant the application in order to give the applicant a chance, however, they had taken into consideration the objections received.

ADDITIONAL CONDITIONS

1. The number of tables permitted in the street café to be limited to 4 and the number of chairs limited to 16, to ensure the entrance to and from the premises and the fire exit remain accessible at all times.
2. That a full skirted barrier be used to surround the tables placed on the highway.
3. At 5.00pm Sunday to Saturday, all tables, chairs, barriers and any objects of structure be removed from the highway and stored in a place within the premises off the highway.
4. A security door person be employed through the hours that the street café is open.

21. APPLICATION FOR THE GRANT OF A HIGHWAYS AMENITIES LICENCE (STREET CAFÉ): QUEEN VICTORIA ARTS CLUB, 41 RUTLAND STREET, LEICESTER, LE1 1RD

The Director of Neighbourhoods and Environmental Services submitted a report concerning the application for the grant of a Highways Amenities Licence for a Street Café for premises known as Queen Victoria Arts Club, 41 Rutland Street, Leicester, LE1 1RD.

The applicant Ms Cassandra Davidson was present at the meeting. The Licensing Team Manager, Legal Adviser to the Sub-Committee and local reporter were also present at the meeting.

Introductions were made, and the procedure for the meeting was outlined to those present.

The Licensing Team Manager outlined the details of the application, including the relevant City Council Policy Guidelines and drew Members' attention to the objections referred to in the report. The Licensing Team Manager answered questions from Members. It was noted that an additional condition had been requested by the Festival and Events Team at Leicester City Council.

Ms Davidson outlined the reasons for the application and answered questions from Members.

Ms Davidson was then given the opportunity to sum up her position and make any final comments.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of 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 Legal Adviser to the Sub-Committee, Licensing Team Manager, Ms Davidson and local reporter then withdrew from the meeting.

The Sub-Committee then gave the application full and detailed consideration. The Legal Adviser to the Sub-Committee was recalled to the meeting to advise Members on the wording of the decision.

The Licensing Team Manager, Ms Davidson and local reporter then returned to the meeting.

The Chair of the Sub-Committee advised all persons present that the Legal Adviser to the Sub-Committee was called back to the meeting to advise on the wording of the decision.

RESOLVED:

That the application for a Highways Amenities Licence for a Street Café for premises known as Queen Victoria Arts Club, 41 Rutland Street, Leicester, LE1 1RD be GRANTED as applied for, with an additional condition requested by the Festivals and Events Team, Leicester City Council.

REASON FOR THE DECISION

The Sub-Committee had been asked to determine an application under the Highways Act 1980, for the grant of a Highways Amenities Licence.

In reaching their decision, Members had carefully considered the committee report, the presentation by the Licensing Team Manager, the representations submitted by Ms Cassandra Davidson, the written objections received from nearby local residents and the legal advice given during the hearing.

The Sub-Committee stated that the licensing objectives were of paramount concern. The Sub-Committee had considered the case on its own merits and in accordance with the Licensing Authority's Policy on Street Cafes.

The Sub-Committee added that as a result of what they had heard, they were content to grant the application as applied for as they said the street café would be in keeping with Leicester's Cultural Quarter and would add to the ambience that made the city more attractive to visitors and residents alike.

ADDITIONAL CONDITION

1. No street furniture shall be placed outside during events that take place within the vicinity of the premises. The Licence Holder will be informed of the event days and times these restrictions apply to by a member of the

Festivals & Events Team at Leicester City Council. The Licence Holder will be notified a minimum of 3 days prior to the event.

22. APPLICATION FOR THE GRANT OF A HIGHWAYS AMENITIES LICENCE (STREET CAFÉ): MUM'S COFFEE SHOP, 2-3 HANNAM COURT, CHARLES STREET, LEICESTER, LE1 3FS

The Director of Neighbourhoods and Environmental Services submitted a report concerning the application for the grant of a Highways Amenities Licence for a Street Café for premises known as Mum's Coffee Shop, 2-3 Hannam Court, Charles Street, Leicester, LE1 3FS.

The applicant Ms Verity Stratford was present at the meeting accompanied by Mr Gavin Brownen. Objectors to the applicant Ms Susan Godwin and Ms Linda Flavell were present. The Licensing Team Manager, Legal Adviser to the Sub-Committee and local reporter were also present at the meeting.

Introductions were made, and the procedure for the meeting was outlined to those present.

The Licensing Team Manager outlined the details of the application, including the relevant City Council Policy Guidelines and drew Members' attention to the objections referred to in the report. The Licensing Team Manager answered questions from Members.

Ms Godwin and Ms Flavell outlined the reasons for their objections and answered questions from Members. They stated there would be no objection to the application of the hours of operation were reduced to cease earlier in the evening.

Ms Stratford outlined the reasons for the application and answered questions from Members. She stated she agreed that should the Sub-Committee be minded to grant the application, that the hours of operation applied for be reduced.

Ms Godwin, Ms Flavell, and Ms Stratford were then 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 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 Legal Adviser to the Sub-Committee, Licensing Team Manager, Ms Godwin, Ms Flavell, and Ms Stratford, Mr Brownen and local reporter then withdrew from the meeting.

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

The Legal Adviser to the Sub-Committee was recalled to the meeting to advise Members on the wording of the decision.

The Licensing Team Manager, Ms Godwin, Ms Flavell, and Ms Stratford, Mr Brownen and local reporter then withdrew from the meeting.

The Chair of the Sub-Committee advised all persons present that the Legal Adviser to the Sub-Committee was called back to the meeting to advise on the wording of the decision.

RESOLVED:

That the application for a Highways Amenities Licence for a Street Café for premises known as Mum's Coffee Shop, 2-3 Hannam Court, Charles Street, Leicester, LE1 3FS be GRANTED with additional conditions.

REASON FOR THE DECISION

The Sub-Committee had been asked to determine an application under the Highways Act 1980, for the grant of a Highways Amenities Licence.

In reaching their decision, Members had carefully considered the committee report, the presentation by the Licensing Team Manager, the representations by Ms Verity Stratford, the objections from nearby local residents and the legal advice given during the hearing.

The Sub-Committee stated that the licensing objectives were of paramount concern. The Sub-Committee had considered the case on its own merits and in accordance with the Licensing Authority's Policy on Street Cafes.

The Sub-Committee added that as a result of what they had heard, they were content to grant the application as they said the street café would add to the ambience of the city which the Street Cafes Policy aimed to achieve and make the city more attractive to visitors and residents alike.

The Sub-Committee brought to the attention of the applicant Point 12 of the Standard Conditions which stipulates that the Licence Holder shall remove the street furniture from the licensed area outside of the permitted hours.

ADDITIONAL CONDITIONS

1. The number of tables be reduced to 4 in total and the number of chairs reduced to 16 within the area of the street café.
2. The hours of the street café be reduced to the following in order to keep in line with opening hours of local shops:
 - 8am to 5pm Monday to Saturday
 - 9am to 4pm Sunday

Councillor Singh-Johal left the meeting at this point.

23. 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.

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 Renewal 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

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

The Director, Neighbourhoods and Environmental Services, submitted a report concerning an application for the renewal of a Hackney Carriage and Private Hire Vehicle Driver's Licence.

The applicant was present at the meeting. The Licensing Team Manager 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 Policy Guidelines, drew Members' attention to the conviction referred to in the report, and answered questions from Members.

The applicant set out the reasons why despite his conviction he ought to be considered an exception to the Council's guidelines on convictions, and answered questions from Members.

The applicant was then given the opportunity to sum up and make any final comments.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of the applicant.

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

The Sub-Committee then gave the application full and detailed consideration. The Legal Adviser to the Sub-Committee was recalled to the meeting to advise Members on the wording of the decision.

The Licensing Team Manager and the applicant then returned to the meeting.

The Chair informed all persons present that they had recalled the Legal Adviser to the Sub-Committee for advice on the wording of their decision.

RESOLVED:

That the application for the renewal of a Hackney Carriage and Private Hire Vehicle Driver's Licence be GRANTED.

REASON FOR THE DECISION

The Sub-Committee stated they had been asked to determine whether to renew the applicant's Hackney Carriage and Private Hire Vehicle Driver's Licence, in accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

In reaching their decision the Sub-Committee had carefully considered the committee report, including the appendices, the presentation by the legal officer, all representations submitted by the applicant and the legal advice given during the hearing.

The Sub-Committee said of paramount consideration when determining the application was the protection and the safety of the public, and all matters including unemployment were secondary to the public safety factor.

It had been reported that the applicant had one conviction recorded against him for breach of a non-molestation order contrary to Section 42A of the Family Law Act 1996, and as a result the Sub-Committee were required to consider whether or not they were satisfied on a balance of probabilities that he remained since the grant of his Hackney Carriage and Private Hire Vehicle Driver's Licence a fit and proper person.

The Sub-Committee stated that on balance and after consideration of the all

the information presented to them, including the applicant's representations, the applicant was a fit and proper person due to the fact that the applicant had held an unblemished licence since 2005, had been honest in his application to renew the licence, and throughout the application process. On that basis the decision of the Sub-Committee was to renew the licence.

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

Councillor Singh Johal returned to the meeting at this point.

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

Introductions were made and the Chair outlined the procedure for the meeting to those present.

The Licensing Team Manager outlined the details of the application, including the relevant City Council Policy Guidelines. It was noted there was no recommendation, but the application had been brought before the Committee due to the number and type of driving convictions recorded.

The applicant set out the reasons why he ought to be considered a fit and proper person to continue to hold a Hackney Carriage and Private Hire Vehicle Driver's Licence and answered questions from Members and the Licensing Team Manager.

The applicant was then given the opportunity to sum up 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 Legal Adviser to the Sub-Committee, the Licensing Team Manager and the applicant then withdrew from the meeting.

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

The Legal Adviser to the Sub-Committee then returned to the meeting to assist Members with the wording of the decision.

The Licensing Team Manager and the applicant then returned to the meeting.

The Chair of the Sub-Committee explained to all persons present that they had recalled the Legal Adviser to the Sub-Committee for advice on the wording of the decision.

RESOLVED:

That the applicant be allowed to RETAIN his Hackney Carriage and Private Hire Vehicle Driver's Licence.

REASON FOR DECISION

The Sub-Committee stated they had been asked to determine whether the applicant should be allowed to retain his Hackney Carriage and Private Hire Vehicle Driver's Licence, in accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

In reaching their decision the Sub-Committee had carefully considered the committee report, including the appendices, the presentation by the legal officer, all representations submitted by the applicant and the legal advice given during the hearing.

The Sub-Committee said of paramount consideration when determining the application was the protection and the safety of the public, and all matters including unemployment were secondary to the public safety factor.

It was noted that on the 3rd July 2019, the applicant pleaded guilty to a number of offences contrary to the Transport Act 1968, the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 and the Goods Vehicles (Licensing of Operators) Act 1995. As a result the Sub-Committee was required to consider whether or not they were satisfied on a balance of probabilities that the application remained since the grant of his Hackney Carriage and Private Hire Vehicle Driver's Licence a fit and proper person. The Sub-Committee said that on balance and after consideration of all the information presented to them, including the applicant's representations, and despite the fact the applicant had been convicted of a number of offences including one of dishonesty which they believed was committed intentionally, they accepted the fact the applicant had informed the Licensing Authority of the convictions immediately, and hoped the applicant had learnt his lesson.

The Sub-Committee were therefore satisfied that the applicant was a fit and proper person to hold a Hackney Carriage and Private Hire Vehicle Driver's Licence, and on that basis, the decision of the Sub-Committee was that the licence should not be revoked and the applicant be allowed to retain his licence.

26. ANY OTHER URGENT BUSINESS

There being no other items of urgent business, the meeting closed at 1.15pm.