



Leicester
City Council

Minutes of the Meeting of the
LICENSING ENFORCEMENT SUB-COMMITTEE

Held: TUESDAY, 5 MAY 2020 at 10:00 am

P R E S E N T:

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

Councillor Dr Moore

Councillor Shelton

Councillor Thomas

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53. APPOINTMENT OF CHAIR

Councillor Hunter was appointed as Chair for the meeting.

54. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Dr. Moore who joined the meeting in Private Session before consideration of agenda item Appendix B1.

55. DECLARATIONS OF INTEREST

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

No declarations were made.

56. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Licensing Enforcement Sub-Committee held on 4th February 2020 be approved as a correct record.

57. 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.

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

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

The applicant, representative for the applicant, and translator for the applicant were present at the meeting. The Licensing Team Manager presenting the report, and Legal Adviser to the Sub-Committee were also present.

Introductions were made and the procedure for the meeting outlined.

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

The applicant provided information about the incident and subsequent complaint outlined in the report and answered questions from Members and the Licensing Officer through the translator. The applicant, at his own request (and having confirmed that his representative was authorised to continue on his behalf at the meeting) then disconnected from the meeting. He was followed by the translator. The representative for the applicant gave information for the applicant and answered questions from Members.

All parties were 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 Chair announced that the decision and reasons would be publicly announced and confirmed in writing within five working days. The Chair informed the meeting the Legal Adviser to the Sub-Committee would be called to give advice on the wording of the decision.

The Chair then asked all but the Members of the Sub-Committee and Democratic Support Officer to disconnect from the meeting. The Sub-Committee then deliberated in private to consider their decision.

RESOLVED:

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

The Sub-Committee had been asked to determine an application for the renewal of the Licence. In reaching their decision, Members had carefully considered the committee report, the presentation by the Licensing Team Manager, all representations submitted by the applicant and his representative and the legal advice given during the hearing and took account of the Regulators' Code.

REASON FOR THE DECISION

The Sub-Committee stated they had not found the applicant's explanation of the incident on 3rd January 2020 to be credible.

Members considered the incident must have been upsetting and terrifying for the complainant, her friend and her friend's mother. Members added the applicant's behaviour fell well below the standard of behaviour expected and required from a hackney carriage and private hire vehicle driver.

The Sub-Committee Members found the circumstances presented to them in the applicant's case constituted 'any other reasonable cause' under section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 and that it was appropriate to refuse to renew the Hackney Carriage and Private Hire Vehicle Driver's Licence.

The applicant would be advised of his right to appeal to the Magistrate's Court within 21 days.

59. CLOSE OF MEETING

There being no items of urgent business, the meeting closed at 12.09pm.