



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.

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.

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.

