



Leicester
City Council

Minutes of the Meeting of the
LICENSING ENFORCEMENT SUB-COMMITTEE

Held: TUESDAY, 4 JUNE 2019 at 9:30 am

P R E S E N T:

Councillor Hunter (Chair)
Councillor Pickering (Vice Chair)

Councillor Cank

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1. APPOINTMENT OF CHAIR

Councillor Hunter was elected as Chair for the meeting.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Singh Johal.

3. DECLARATIONS OF INTEREST

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

No declarations were made.

4. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Licensing Enforcement Sub-Committee meeting held on 30th April 2019 be confirmed as a correct record.

5. 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 to Retain 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

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 at the meeting accompanied by an advisor. The Licensing Team Manager and Legal Adviser to the Sub-Committee were also present at the meeting. Observing at the meeting were officers of the Council.

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, in respect of which it was noted that the overriding consideration was the protection of the public and all other matters were secondary to the public safety factor.

Members raised points relating to matters in the report.

The applicant's representative 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.

Members received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those at the meeting.

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, the applicant and his legal representative and observing officers 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, the applicant and his legal representative and observing officers 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 THE DECISION

The Sub-Committee had carefully considered the Committee Report placed before them and had taken into account the Regulators' Code and oral and written representations.

The Sub-Committee were of the view that the issues in the applicant's bankruptcy which had been referred to them were specific to those proceedings and, in this particular case, did not lead them to the conclusion that the applicant was no longer a fit and proper person to hold his licence.

The Sub-Committee were concerned that the Committee was misled on 18th January 2019 in that an incorrect answer was given by the applicant's solicitor to a question regarding previous hearings in the applicant's bankruptcy. The Sub-Committee had heard two conflicting accounts as to how and why the incorrect answer was given. The Sub-Committee were not in a position to decide which version was correct, but in any event, this was not necessary.

The Sub-Committee took the provision of incorrect information extremely seriously, but in their view, in the particular circumstance of this case, what transpired on 18th January 2019 did not lead the Sub-Committee to the conclusion that the applicant was no longer a fit and proper person to hold his licence.

The Sub-Committee were advised that in the many years the applicant had held his licence, the Licensing Authority had received no complaints regarding his conduct from taxi passengers, other taxi drivers or road users whilst

working as a taxi driver and no points had been recorded on his licence under the Council's Penalty Points Scheme.

In those circumstances the Sub-Committee were of the opinion that the applicant continued to be a fit and proper person to hold a Hackney Carriage and Private Hire Vehicle Driver's Licence and that their decision was to allow the applicant to retain his licence.

7. ANY OTHER URGENT BUSINESS

There being no other urgent business the meeting closed at 10:32am.