



Leicester
City Council

Minutes of the Meeting of the
LICENSING ENFORCEMENT SUB-COMMITTEE

Held: TUESDAY, 6 AUGUST 2019 at 9:30 am

P R E S E N T:

Councillor Hunter (Chair)
Councillor Pickering (Vice Chair)

Councillor Dr Moore

Councillor Dr Sangster

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8. APPOINTMENT OF CHAIR

Councillor Hunter was appointed as Chair for the meeting.

9. APOLOGIES FOR ABSENCE

There were no apologies for absence.

10. 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.

11. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Licensing Enforcement Sub-Committee meeting held on 4th June 2019 be confirmed as a correct record.

12. 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 Grant of a Hackney Carriage and Private Hire Vehicle Driver's Licence
- B2) Application for the Grant of a Hackney Carriage and Private Hire Vehicle Driver's Licence

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

The Director of Neighbourhoods and Environmental Services submitted a report concerning the application for 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.

The Sub-Committee gave the applicant until 9.50am to attend the meeting. The Sub-Committee Members determined it was proper to hear the application in the absence of the applicant, as he had been given proper notice of the date and time of the meeting, but he had not attended.

The Licensing Team Manager outlined the details of the application, including the relevant City Council Policy Guidelines and drew Members' attention to the caution referred to in the report and previous convictions of a similar nature, 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 as such outweighed the public interest of their deliberation taking place with the parties represented present.

The Legal Adviser to the Sub-Committee and the Licensing Team Manager 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 advise Members on the wording of their decision.

The Licensing Team Manager returned to the meeting.

RESOLVED:

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

REASON FOR THE DECISION

The Sub-Committee had carefully considered the committee report placed before them and had taken into account the written representations submitted by the applicant. The Sub-Committee stated they had considered the case on its own merits. They added that the safety of the travelling public was their main priority and having considered all of the representations, they made the decision that the applicant was not a fit and proper person to grant a Hackney Carriage and Private Hire Vehicle Driver's Licence.

The Sub-Committee Members said they had reached the decision as the applicant had failed in his written representations to demonstrate that he was a fit and proper person following his previous convictions and Caution in May 2019

The applicant would be informed that he had 21 days to appeal the decision to the Magistrates Court.

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

The Director of Neighbourhoods and Environmental Services submitted a report concerning the application for 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.

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 and drew Members' attention to the caution detailed in the report. It was noted that the reason the application was brought before the Sub-Committee was due to the nature of the caution.

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.

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 advise Members on the wording of their 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 their decision.

RESOLVED:

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

REASON FOR THE DECISION

The Sub-Committee had carefully considered the committee report placed before them and had taken into account the oral and written representations. The Sub-Committee stated they had considered the case on its own merits. They added that the safety of the travelling public was their main priority and having heard all of the representations they made the decision that the applicant was not a fit and proper person to grant a Hackney Carriage and Private Hire Vehicle Driver's Licence.

The Sub-Committee said that having considered the Council's Policy Guidelines on criminal convictions, they concluded that no driver who had accepted a caution in relation to an offence under the Sexual Offences Act 2003 should hold a licence. It was the Sub-Committees' view that a caution with regard to a sexual offence should be taken very seriously.

The Sub-Committee added that having heard all of the representations, they

would not allow someone that they cared for to travel alone in a vehicle driven by the applicant at any time of the day or night.

The applicant was informed he would have 21 days to appeal the decision to the Magistrates Court.

15. ANY OTHER URGENT BUSINESS

As there were no other items of urgent business, the meeting closed at 11.20am.