



Leicester
City Council

Minutes of the Meeting of the
LICENSING ENFORCEMENT SUB-COMMITTEE

Held: TUESDAY, 4 FEBRUARY 2020 at 9:30 am

P R E S E N T:

Councillor Pickering (Chair)

Councillor Dr Moore

Councillor Dr Sangster

Councillor Thomas

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46. APPOINTMENT OF CHAIR

Councillor Pickering was appointed as Chair for the meeting.

47. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Hunter.

48. 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.

49. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Licensing Enforcement Sub-Committee held on 5 November 2020 be approved as a correct record.

50. PRIVATE SESSION

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

Under the law, the Sub-Committee is entitled to consider certain items in private where in the circumstances the public interest in maintaining the matter exempt from publication outweighs the public interest in disclosing the information. Members of the public will be asked to leave the meeting when such items are discussed.

The Sub-Committee is recommended to consider the following reports in private on the grounds that they contain 'exempt' information as defined by the Local Government (Access to Information) Act 1985, as amended, and consequently that the Sub-Committee makes the following resolution:

“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 they involve 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 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.

51. 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 presenting the report, Licensing Team Manager and Legal Adviser to the Sub-Committee were present.

Introductions were made and the procedure for the meeting was outlined.

The applicant's attention was drawn to errors contained within the report. The applicant was asked if he was happy to continue with the hearing, and he

confirmed he was. Members were asked to disregard the errors contained within the report.

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

The applicant set out the reasons that, despite his previous convictions, he ought to be considered an exception under the Council's Policy Guidelines on convictions, and be considered a fit and proper person to hold a Hackney Carriage and Private Hire Vehicle Driver's Licence. He then 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 applicant, Legal Adviser to the Sub-Committee, the Licensing Team Manager presenting the report, and 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 and the Licensing Team Manager were called back to the meeting to clarify a point raised by Members during private deliberation. The Legal Adviser to the Sub-Committee and the Licensing Team Manager then withdrew from the meeting.

The Legal Adviser to the Sub-Committee then returned to the meeting to advise Members on the wording of their decision.

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

RESOLVED:

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

The Sub-Committee had been asked to determine whether to grant the applicant a Hackney Carriage and Private Hire Vehicle Driver's Licence. The Sub-Committee considered the application in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.

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 the legal advice during the hearing.

REASON FOR THE DECISION

The Sub-Committee stated their paramount consideration was the protection and safety of the public, and that all other matters including unemployment were secondary to the public safety factor.

The Sub-Committee noted the applicant had a list of convictions dating back to March 2000 which included, amongst other offences, motoring convictions, dishonesty convictions and convictions relating to violence. It was noted the last conviction recorded against the applicant was on the 1st February 2018 for an offence using a mobile phone whilst driving for which he received a disqualification from driving for 56 days.

The Sub-Committee Members were required to consider whether they were satisfied on a balance of probabilities that the applicant was a fit and proper person to hold a licence. The Sub-Committee stated it had been a difficult decision to reach, however, on balance and after consideration of all the information presented to them, they were of the opinion that due to the number and the nature of convictions recorded against the applicant, they could not be satisfied that he was a fit and proper person to hold a Hackney Carriage and Private Hire Vehicle Driver's Licence, despite the fact that the last conviction recorded against him was in February 2018 and before that in 2010. It was stated that the overriding aim of the Licensing Authority when carrying out its functions in relation to the licensing of Hackney or Private Hire drivers was the protection of the public. The Sub-Committee did not believe that the protection of the public would be upheld if they were to grant the applicant a licence, therefore, the decision of the Sub-Committee was to refuse the application.

The applicant was reminded that he had 21 days to appeal the decision to the Magistrate's Court.

52. CLOSE OF MEETING

There being no other items of urgent business, the meeting closed at 10.44am.