



Leicester
City Council

Minutes of the Meeting of the
LICENSING ENFORCEMENT SUB-COMMITTEE
(MICROSOFT TEAMS MEETING)

Held: TUESDAY, 7 JULY 2020 at 10:00 am

P R E S E N T:

Councillor Hunter (Chair)

Councillor Fonseca
Councillor Gee

Councillor Singh Johal
Councillor Thomas

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68. APPOINTMENT OF CHAIR

RESOLVED:

That Councillor Hunter be appointed as Chair for the meeting.

The Chair outlined the procedure for the meeting to be followed and led on introductions.

69. APOLOGIES FOR ABSENCE

There were no apologies for absence.

70. DECLARATIONS OF INTEREST

Members were asked to declare any interests they may have in the business on the agenda.

There were no declarations of interest made.

71. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held 2 June 2020 be approved as a correct record.

At this point, the live stream of meeting ended.

72. 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 affairs of any particular person (including the authority)

B1) Personal Licence Review Application

B2) Personal Licence Review Application

73. PERSONAL LICENCE REVIEW APPLICATION

The Chair confirmed with the Sub-Committee Members that reports for the meeting had been read.

The Director of Neighbourhoods and Environmental Services submitted a report that required Members to determine an application for the review of an existing Personal Licence.

The applicant was not present. The Licensing Team Manager and Legal Advisor to the Sub-Committee were present.

It was noted that all relevant documents had been sent to the applicant, but the applicant had made no contact with the Licencing Team. Members agreed that the meeting should proceed without the applicant being present.

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

The Sub-Committee received legal advice from the Legal Advisor 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 the reasons made during private deliberation would be publicly announced within five working days. The Chair informed the meeting that the Legal Advisor to the Sub-Committee would be called back to give advice on the wording of the decision.

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

The Sub-Committee recalled the Legal Advisor to the Sub-Committee to give advice on the wording of the decision.

RESOLVED:

That the Personal Licence be REVOKED.

It was noted that the hearing of the application was held virtually in accordance with the Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales)(Regulations) 2020 (The 2020 Regulations) and in accordance with the Council's own Remote Procedure Rules.

The Sub-Committee Members had been asked to determine an application for the review of a Personal Licence.

In reaching their decision the Sub-Committee Members had carefully considered the Committee report, the representations made by the Licensing Team Manager at Leicester City Council and the legal advice given to them at the hearing. The Sub-Committee Members noted that no communication or representations had been received from the Personal Licence Holder despite a number of efforts made by the Licensing Authority to contact him.

The Sub-Committee Members considered the licensing objectives to be of paramount concern. They had considered the application on its own merits and in accordance with the licensing authority's Statement of Licensing Policy and guidance issued under Section 182 of the Licensing Act 2003.

REASON FOR THE DECISION

The Sub-Committee Members noted that the Personal Licence Holder was convicted on the 17th October 2019 of two offences, one of which was a relevant offence, namely Affray contrary to S.3 of the Public Order Act 1986 the facts of which were set out in section 5 of the report. Members also noted the sentence imposed by the Court.

The conviction for the relevant offence gave grounds under Section 132A of the Licensing Act 2003 to suspend or revoke the licence.

The Sub-Committee Members' overriding consideration was the protection of the public. The seriousness of the offence and the sentence imposed by the Crown Court clearly reflected the seriousness of the offending. As such the Sub-Committee Members had no confidence in the Personal Licence Holder's ability to uphold the licensing objectives particularly with regards to public safety, nor did they have confidence in his ability to act responsibly, legally and comply with the requirements of the Licensing Act 2003.

The Sub-Committee Members decision was, therefore, that the Personal Licence be revoked.

The Personal Licence Holder would be informed he had 21 days to appeal the decision to the Magistrates Court should he wish to do so.

74. PERSONAL LICENCE REVIEW APPLICATION

The Chair confirmed with the Sub-Committee Members that reports for the meeting had been read and that additional information that had been circulated to Members had been received.

The Director of Neighbourhoods and Environmental Services submitted a report that required Members to determine an application for the review of an existing Personal Licence.

The applicant was not present. The Licensing Team Manager, Nicola Marsh (Licensing Enforcement), and Legal Advisor to the Sub-Committee were present.

It was noted that all relevant documents had been sent to the applicant, and that the applicant had sent in a representation in the form of a letter.

The Licensing Team Manager outlined details of the application including the relevant City Council Policy Guidelines and drew Members' attention to the conviction referred to in the report. Questions from the Sub-Committee Members were answered.

The Sub-Committee received legal advice from the Legal Advisor 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 the reasons made during private session would be publicly announced within five working days. The Chair informed the meeting that the Legal Advisor to the Sub-Committee would be called back to give advice on the wording of the decision.

The Chair then asked all but Members of the Sub-Committee and Democratic

Support Officers to disconnect from the meeting. The Sub-Committee then deliberated in private in order to consider their decision.

The Sub-Committee recalled the Legal Advisor to the Sub-Committee to give advice on the wording of the decision.

RESOLVED:

That the Personal Licence be REVOKED.

It was noted that the hearing of the application was held virtually in accordance with the Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales)(Regulations) 2020 (The 2020 Regulations) and in accordance with the Council's own Remote Procedure Rules.

The Sub-Committee Members had been asked to determine an application for the review of a Personal Licence.

In reaching our decision the Sub-Committee Members have carefully considered the Committee report, the representations made by the Licensing Team Manager at Leicester City Council, the representation received in writing from the Personal Licence Holder, and the legal advice given to them at the hearing.

The Sub-Committee Members considered the licensing objectives to be of paramount concern. They had considered the application on its own merits and in accordance with the licensing authority's Statement of Licensing Policy and guidance issued under Section 182 of the Licensing Act 2003.

REASON FOR THE DECISION

The Sub-Committee Members noted that the Personal Licence Holder was convicted on the 7th November 2019 of one offence contrary to S.5 of the Road Traffic Act 1988 namely driving with excess alcohol, the facts of which were set out in section 5 of the report. Members also noted the sentence imposed by the Court.

The conviction for the relevant offence gave grounds under S132A of the Licensing Act 2003 to suspend or revoke the licence.

The Sub-Committee Members overriding consideration was the protection of the public. The seriousness of the offence and the sentence imposed by the Crown Court clearly reflected the seriousness of the offending.

The Sub-Committee Members had considered the representation received from the Personal Licence Holder and noted his remorse and the circumstances he stated that led to the commission of the offence. The Sub-Committee Members, however, stated that this did not excuse the complete lack of judgement shown when the Personal Licence Holder made the decision to drive a vehicle whilst under the influence of alcohol.

As such the Sub-Committee Members had no confidence in the Personal Licence Holder's ability to uphold the licensing objectives particularly with regards to public safety, nor did they have confidence in his ability to act responsibly, legally and comply with the requirements of the Licencing Act 2003.

The Sub-Committee Members decision was, therefore, that the Personal Licence be revoked.

The Personal Licence Holder would be informed he had 21 days to appeal the decision to the Magistrates Court should he wish to do so.

75. ANY OTHER URGENT BUSINESS

There being no other urgent business, the meeting closed at 11:17am.