



Leicester
City Council

Minutes of the Meeting of the
LICENSING ENFORCEMENT SUB-COMMITTEE
Microsoft Teams Meeting

Held: TUESDAY, 2 FEBRUARY 2021 at 10:45 am

P R E S E N T:

Councillor Pickering (Vice-Chair in the Chair)

Councillor Dr Sangster

Councillor Shelton

Councillor Thomas

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117. APPOINTMENT OF CHAIR

RESOLVED:

That Councillor Karen Pickering be appointed as Chair for the meeting.

It was noted that the hearing of the applications were 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.

118. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Dr Moore.

119. DECLARATIONS OF INTEREST

There were no declarations of interest.

120. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Licensing Enforcement Sub-Committee held on 1st December 2020 be approved as a correct record.

121. APPLICATION FOR A NEW STREET TRADING CONSENT: MR PAUL REID, PIGGY'S, OPPOSITE 153 SCUDAMORE ROAD, LEICESTER

The application was withdrawn prior to the meeting.

122. 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) Personal Licence Review Application

B2) Determination of Continued Entitlement to Retain a Hackney Carriage and Private Hire Vehicle Drivers Licence

123. 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, Licensing Enforcement Officer and Legal Adviser to the Sub-Committee were present.

Councillor John Thomas joined the meeting at this point.

It was noted that all relevant documents had been sent to the applicant, but the applicant had made no contact with the Licensing 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 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 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 Adviser 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 Adviser to the Sub-Committee to give advice on the wording of the decision.

RESOLVED:

That the Personal Licence be REVOKED.

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 representations had been received from the Personal Licence Holder.

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 24th April 2020 of two offences, both of which were relevant offences, namely Assault by Beating contrary to S.39 of the Criminal Justice Act 1988 and Stalking contrary to Section 4 of the Protection from Harassment

Act 1997. The facts of the convictions were set out in subsection 5 of the report. Members also noted the sentence imposed by the Court.

Members confirmed that the convictions for the relevant offences 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 Court clearly reflected the seriousness of the offending. Members stated that the fact the offending was domestic in nature mattered not, and that the Personal Licence Holder had a propensity to commit offences of violence or put people in fear of violence. 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 that he has 21 days to appeal this decision to the Magistrates Court should he wish to do so.

124. DETERMINATION OF CONTINUED ENTITLEMENT TO RETAIN A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE

Introductions were made and the Chair outlined the procedure of the meeting to those present.

The Director of Neighbourhoods and Environmental Services submitted a report that required Members to determine a driver's continued entitlement to retain a Hackney Carriage and Private Hire vehicles driver's licence.

The driver and his legal representative were present. The Licensing Team Manager, Licensing Enforcement Officer and Legal Adviser to the Sub-Committee were present.

The Licensing Team Manager outlined details of the application, including the relevant City Council Policy Guidelines, and answered questions from Members.

Councillor Sangster left the meeting at this point due to technical issues.

The driver and his legal representative were invited to set out the reasons why he ought to be allowed to continue to hold a Hackney Carriage and Private Hire Vehicle Driver's Licence and answered questions from Members and the Licensing Team Manager.

Councillor Sangster re-joined the meeting during the driver and his legal representatives' submission. It was confirmed the legal representative had not

deviated from the previously submitted representation in the agenda pack which had been read by Councillor Sangster who could, therefore, continue as a panel Member for the meeting.

All parties were 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 Chair announced that the decision and reasons made during private deliberation would be publicly announced in writing within five working days.

The Chair informed the meeting the Legal Adviser 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 to consider their decision.

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

RESOLVED:

That the Hackney Carriage and Private Hire Vehicle Driver's Licence be REVOKED.

The Sub-Committee Members had been asked to determine whether the driver should be entitled to retain his Hackney Carriage and Private Hire Vehicle Driver's Licence. Members had considered this in accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

Members had carefully considered the Committee report placed before them and had also taken account of the oral and written representations.

The Members' paramount consideration when they considered the matter was the protection and the safety of the public. All other matters including unemployment were secondary to the public safety factor.

Members were informed the driver had held a Hackney Carriage and Private Hire Vehicle Driver's Licence since 16 February 2010. Members were mindful that the driver had not been convicted of a criminal offence but that they had been provided with information, contained in Section 5 of the report placed before the Committee that called into question the driver's character and which questioned whether he remained a fit and proper person to hold a Hackney Carriage and Private Hire Vehicle Driver's Licence.

The Members took their collective responsibility as Corporate Parents seriously and took a serious view of the driver's behaviour towards a vulnerable, looked after, young adult which brought into question the driver's character and integrity. Members were also mindful that the protection of the public was their overriding consideration.

Members found the driver's behaviour to be highly inappropriate and were satisfied on a balance of probabilities that the driver was no longer a fit and proper person. They also found that the behaviour constituted 'any other reasonable cause' under section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

Members, therefore, found that it was appropriate to revoke the driver's Hackney Carriage and Private Hire Vehicle Driver's Licence.

The driver would be informed he had 21 days to appeal the decision to the Magistrate's Court should he wish to do so.

125. CLOSE OF MEETING

There being no other items of urgent business, the meeting closed at 12.55pm.