



Leicester
City Council

Minutes of the Meeting of the
LICENSING ENFORCEMENT SUB-COMMITTEE

Held: TUESDAY, 27 JUNE 2023 at 10:00 am

P R E S E N T:

Councillor Pickering (Chair)

Councillor Cank

Councillor Whittle

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1. APPOINTMENT OF CHAIR

Councillor Pickering was appointed as Chair.

2. APOLOGIES FOR ABSENCE

No apologies were received.

3. DECLARATIONS OF INTEREST

Members were asked to declare any interests they might have in the business to be discussed on the agenda.

Councillor Cank declared an interest in the first hearing to be heard, as she was the ward councillor for the Troon ward, in which the driver resided.

4. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Licensing Enforcement Sub-Committee held on 7 February 2023 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 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 was considered that the public interest in maintaining the information as exempt outweighed the public interest in disclosing the information.

Paragraph 1

Information relating to an individual.

Paragraph 2

Information that 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).

Paragraph 7

Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

B1) Determination of Continued Entitlement to Retain a Hackney Carriage and Private Hire Vehicle Driver's Licence.

B2) Personal Licence Review Application.

6. DETERMINATION OF CONTINUED ENTITLEMENT TO RETAIN A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS LICENCE

The Director of Neighbourhood and Environmental Services submitted a report that required Members to determine an application for the Determination of Continued Entitlement to Retain a Hackney Carriage and Private Hire Vehicle Driver's Licence.

The driver was present, along with his Interpreter. The Licensing Team Manager and Legal Adviser to the Sub-Committee were also present.

The Chair led introductions and informed those present of housekeeping and evacuation procedures.

The Licensing Team Manager presented the report and outlined details of the driver, including the relevant City Council Guidelines.

The driver, through his interpreter, was invited to set out the reasons why the driver's entitlement to a Hackney Carriage and Private Hire Vehicle Driver's Licence should continue. The driver answered questions from Members and

Officers.

All parties present were given the opportunity to sum up their positions 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 Officer to leave the meeting. The Sub-Committee then deliberated in private 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 Hackney Carriage and Private Hire Vehicle Driver's Licence be REVOKED as Members were not satisfied that the driver remained a fit and proper person to hold a licence

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

In reaching their decision, the Sub-Committee Members had carefully considered the Committee report presented by the Licensing Manager, all representations and the legal advice provided.

The Sub-Committee Member's considered the licensing objectives to be of paramount concern together with the protection and safety of the travelling public. They had considered the application on its own merits and all other matters including unemployment were secondary to the public safety factor.

Members had not taken anything presented to them at face value and confirmed that they had scrutinised all information put before them by all parties to the proceedings.

The driver would be provided with reasons for the decision in writing within 5 working days.

All parties would be advised of the right to appeal the decision.

7. PERSONAL LICENCE REVIEW APPLICATION

The Director of Neighbourhood and Environmental Services submitted a report that required Members to determine the review of a personal licence issued by this authority.

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

It was noted that the Personal Licence Holder was absent from the meeting without notice. Members and officers present discussed how the meeting should proceed. It was agreed to proceed with the hearing in the Personal Licence Holder's absence.

The Chair led introductions and informed those present of housekeeping and evacuation procedures.

The Licensing Team Manager presented the report and outlined the details of the application, including the relevant City Council guidelines, and conviction outlined in the report.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present and were advised of the options available to them in making their decision.

The Sub-Committee were also advised of the relevant policy and statutory guidance that needed to be taken into account when making their decision.

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 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 leave the meeting. the Sub-Committee then deliberated in private to give advice on the wording of the 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 Personal Licence Holder would be provided with the reasons for the decision in writing within five working days.

All parties would be advised of the right to appeal the decision.

8. ANY OTHER URGENT BUSINESS

There being no other urgent business, the meeting closed at 12pm.