



Leicester
City Council

Minutes of the Meeting of the
LICENSING AND PUBLIC SAFETY COMMITTEE

Held: THURSDAY, 22 SEPTEMBER 2016 at 5:30 pm

P R E S E N T :

Councillor Thomas (Chair)
Councillor Hunter (Vice Chair)

Councillor Dr Barton

Councillor Cank

Councillor Shelton

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1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Byrne and Fonseca.

2. DECLARATIONS OF INTEREST

Members were asked to declare any interests they might have in the business on the agenda. No such declarations were made.

3. MEMBERSHIP OF THE COMMITTEE

It was noted that the membership of the Committee for the municipal year 2016/17 as approved at the Council meeting on 19 May 2016 is:-

| | |
|---------------|-------------------|
| Chair | Councillor Thomas |
| Co Vice-Chair | Councillor Byrne |
| Co Vice-Chair | Councillor Hunter |

Councillor Barton
Councillor Cank
Councillor Cole
Councillor Fonseca
Councillor Shelton
Councillor Unsworth

4. TERMS OF REFERENCE

The Terms of Reference of the Committee that were approved by the Annual Council Meeting on 19 May 2016 were noted.

5. DATES OF COMMITTEE MEETINGS

The dates for Committee meetings for the municipal year 2016/17 approved by the Annual Council meeting on 19 April 2016 were noted as:-

Tuesday 25 October 2016

Tuesday 24 January 2017

Tuesday 9 May 2017

6. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the minutes of the meeting held on 27 October 2015 be approved as a correct record.

7. PETITIONS

The Monitoring Officer reported that no petitions had been submitted in accordance with the Council's procedures.

8. QUESTIONS, REPRESENTATIONS, STATEMENTS OF CASE

The Monitoring Officer reported that no questions, representations and statements of case had been submitted in accordance with the Council's procedures.

9. OUTCOME OF APPEAL AGAINST REFUSAL OF PREMISES LICENCE - LICENSING ACT 2003 - CANDLE ROOMS, 25 GRAVEL STREET, LEICESTER

The Director of Neighbourhood and Environmental Services submitted a report providing the outcome of a recent appeal to the Magistrates' Court against a Licensing Hearing Sub-Committee's decision to refuse an application for a new premises licence. A copy of the Magistrates' decision was also submitted to Members for information. Members were asked to note the report.

Officers commented that:-

- a) That the applicant had appealed against a decision not to approve an application in the Cumulative Impact Zone.
- b) The Magistrates dismissed the appeal and granted most of the Council's costs. The Magistrates' decision was explained in full and it stated what the Magistrates had taken into account and what they had disregarded.
- c) The applicant's barrister had been critical about the Council's decision and felt that it was not entirely clear why the application had been refused.
- d) The Police had presented a number of crime statistics in relation to violent assaults thefts in the area which helped the Magistrates to set out the reasons for dismissing the appeal.
- e) The Magistrates had taken over two hours to make their decision and Members were reminded that they had 5 working days after the hearing to make their decision know to the applicants, but the practicalities of arranging a further meeting for the members involved was recognised.
- f) The Police would be considering how they make representations in the future on applications in a Cumulative Impact Zone. In this particular instance, the Police had clearly wanted to object to the application and had provided conditions they would have wished to see in place should Members have decided to approve the application. It was felt that this may not have been helpful in this instance as it provided a distraction to their primary standpoint of refusal.

In discussing the issues arising from the report Members commented that:-

- a) They recognised the importance of stating full reasons for their decisions.
- b) They felt that where the Police objected to an application in a Cumulative Impact Zone they should not also include potential conditions in the objection should Members be minded to approve an application. The Council's policy on Cumulative Impact Zones created a rebuttable presumption that an application for a new premises licence would be refused, unless the applicant could show that their premises were unlikely to add to the problems of saturation. The onus was clearly placed upon the applicant to demonstrate that their premises would not add to the existing cumulative impact and they would promote the licensing objectives should the application be granted.
- c) Should they be minded to approve an application in a Cumulative Impact Zone, Members could seek the views of the Police on any conditions they would wish to see attached to the approval at the meeting before issuing their decision.

It was also noted that the applicant was now in discussion with the Police on

operating the premises without the licence. Officers commented that if this subsequently gave rise for concerns Council officers had powers of entry to observe the operation of the premises and if this was refused the Police had powers of forced entry.

RESOLVED:

That the report be received and noted and that officers have further discussions with the Police in relation to the presentation of their objections to future applications within Cumulative Impact Zones, taking into account the comments made by Members.

10. SUMMARY UPDATE OF PENALTY POINTS SCHEME

The Director of Neighbourhood and Environmental Services submitted a report providing an update on the points scheme relating to licensed drivers of hackney carriages and private hire vehicles, which came into effect on 1st December 2015 on a one year trial basis. An appendix to the report gave details of the penalty points that had been issued in the previous 8 months. Members were asked to note the report.

Officers stated that the City Mayor would review the scheme after a year of operation. This trial scheme was in addition to the enforcement work carried out by officers. In some instances penalty points could be given to the driver in preference to seeking a prosecution which could be unsuccessful. The penalty points were awarded by the Head of Service and there was a right of appeal. If the points were subsequently awarded, they stayed on the driver's record for a period of 3 years. Should a driver accumulate more than 12 points, they would be referred to the Sub-Committee to determine if they were a fit and proper person to retain the licence. The Sub-Committee would have the options of suspending or revoking a licence or recommending additional training etc in instances where they decided to allow the continued entitlement to a licence.

In response to Members' questions on the report and appendix, officers commented that:-

- a) The two incidents of refusing to take a person with a dog had not involved a disabled person; as the Council's policy would have resulted in a prosecution in these circumstances.
- b) Penalty points had been awarded in 60 instances involving 60 different drivers.
- c) Failure to attend a 6 monthly MOT test was more prevalent amongst private hire vehicles whereas parking contraventions were more prevalent amongst hackney carriage drivers. It was hoped that these would reduce in time.
- d) Points for having an unroadworthy vehicle were only issued in instances where it was obvious to the driver that the vehicle had a serious fault.

Points were not issued for minor conditions that the driver would not be aware of until an MOT test failure.

- e) Once the authority was aware of a serious offence by a driver an emergency hearing would be held to consider suspending or revoking the licence.
- f) The Police notified the Council of serious offences committed by hackney carriage and private hire drivers and Police procedures also included asking detained persons if they had more than one occupation.

Members suggested that there may be a merit in reviewing the scheme after 2 years as this would provide a comparison of data to see if the policy was improving standards by reducing the number of penalty points awarded.

RESOLVED:

That the report be received and Members comments be noted.

11. CLOSE OF MEETING

The Chair declared the meeting closed at 6.35 pm.