

Attendance

Members of the Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)
Cllr Rita Potter
Cllr Wendy Thompson

Employees

Chris Howell	Licensing Manager
Elaine Moreton	Section Leader, Licensing
Phil Richards	District Officer, Environmental Protection
Shaun Walker	Service Lead, Environmental Protection
Sarah Hardwick	Senior Solicitor
Chris Simmons	Solicitor
Charlotte Webb	Business Support Officer
Donna Cope	Democratic Services Officer

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

There were no declarations of interest.

3 Review of the Licence Conditions for Oxley Court Mobile Home Caravan Site

The Chair invited Chris Howell, Licensing Manager, Phil Richards, District Officer, Environmental Protection, and Shaun Walker, Service Lead, Environmental Protection, into the Hearing. The Chair led round-table introductions and outlined the procedure to be followed.

The Licensing Manager outlined the report which had been circulated to all parties in advance of the meeting.

All parties were invited to question the Licensing Manager on the report.

In response to questions from the Sub-Committee, the following details were confirmed by the Licensing Manager and District Officer:

- The existing licensing conditions were outdated.
- A full consultation had been carried out including ward Members and residents of the site.
- The proposed conditions would replace the existing ones.
- No correspondence had been received from the site owner during the consultation.
- The proposed conditions were to ensure the site owner was complying with relevant site regulations.
- The site owner could appeal the decision of the Sub-Committee to the Magistrate's Court.

The Chair invited the Licensing Manager and District Officer to make a final statement. Both had nothing further to add.

Resolved:

That Members of the Licensing Sub Committee approved the replacement of existing conditions of the licence relating to Oxley Court Mobile Home Caravan Site by adding new conditions in accordance with section 8 of the Caravan Sites and Control of Development Act 1960, which reflect and apply the Model Standards 2008 for Caravan Sites in England (Section 5 CSCDA 1960).

4 Exclusion of press and public

Resolved:

That, in accordance with section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information falling within paragraph 1 of Schedule 12A to the Act relating to any individual.

5 Application for a Private Hire Vehicle Drivers Licence (AR)

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (AR) into the Hearing. AR was accompanied by his Solicitor Ms Natasha Bournes. The Chair led round-table introductions and outlined the procedure to be followed.

The Section Leader, Licensing, outlined the report regarding an application for a Private Hire Vehicle Driver's Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee by an authorised employee of the council for further consideration to be given as to whether AR was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report. AR confirmed that the information contained within the report was accurate.

All parties were invited to question the Section Leader on the report.

Sarah Hardwick, Senior Solicitor, questioned page 55 of the report and the Section Leader confirmed that 5.1.12(a) had been written in error and should state 5.1.12(b).

The Chair invited AR to make representations.

Ms Natasha Bournes made representations on behalf of her client. She stated that his offences were committed a long time ago and he had not committed any further offences for nine years. She detailed the situations that had led to his convictions and discussed how he had complied fully with the punishments imposed. She discussed his current personal circumstances and the steps he had taken to turn his life around.

Ms Bournes requested that the Sub-Committee receive a letter from her client's GP confirming his forthcoming appointment for an anger management assessment. The Sub-Committee agreed to the request (copy filed with these minutes).

All parties were invited to question AR and Ms Bourne on the submission.

In response to questions from the Sub-Committee, Section Leader and Solicitor, AR detailed the situations that had led to his convictions, elaborated on his current personal circumstances and gave further details regarding his forthcoming anger management assessment.

The Chair invited AR to make a final statement. Ms Bourne had nothing further to add.

AR, Ms Bourne and the Section Leader left the room to allow the Sub-Committee to determine the matter.

The Chair invited all parties to return.

The Chair detailed the decision of the Sub-Committee.

Resolved:

As part of the application process AR was subject to a DBS Criminal Record check. This revealed repeat major traffic and other violent offences that were relevant for the purpose of the Council Guidelines relating to the Relevance of Convictions and Breaches of Licence Conditions (The Guidelines). Convictions of violence related to criminal damage on 23 August 2001 and conduct which amounted to harassment on 7 May 2013.

Based upon the Applicant's account of circumstances surrounding the harassment in 2013, the Licensing Sub-Committee were satisfied that this had not resulted in violence and therefore would disregard this for the purpose of the violence guideline. Therefore, the relevant Guideline for the purpose of decision making was 5.1.3 (b) which provided a licence would not be granted until 17 November 2022.

Having considered all the evidence presented at the Hearing, both written and oral, the Sub-Committee resolved to depart from the guidelines and grant AR a Private Hire Vehicle Driver's Licence for a period of 12 months subject to the following:

- That the Applicant completes an Anger Management Course at his own expense;
- That the Applicant attends a Licensing Review Hearing after six months which would review the Applicant's conduct and driving record to determine whether there was any reason that the licence should not continue.

Granting of the licence was also subject to AR passing the knowledge test, a satisfactory medical, and producing documentation of his immigration status/ right to work in the UK.

The Applicant's right of Appeal against the imposition of the Conditions was clearly stated.

6 Application for a Private Hire Vehicle Driver's Licence (AH)

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (AH) into the Hearing. AH was accompanied by his Solicitor, Mr Khomar Masaud. The Chair led round-table introductions and outlined the procedure to be followed.

The Section Leader, Licensing, outlined the report regarding an application for a Private Hire Vehicle Driver Licence, which had been circulated to all parties in advance of the meeting. She referred to an error on Page 63 of the report and confirmed that the Guidelines clearance date should state 06/11/2019 not 23/06/2021. The matter had been referred to the Sub-Committee by an authorised employee of the council for further consideration to be given as to whether AH was a

fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report. AH confirmed that the information contained within the report was accurate.

All parties were invited to question the Section Leader, Licensing, on the report.

Sarah Hardwick, Senior Solicitor, questioned Pages 65 and 66 of the report and the Section Leader confirmed that both pages were exact duplicates. As a result of this, the Sub-Committee agreed to disregard Page 65 of the report.

The Chair invited AH to make representations.

Mr Khomar Masaud made representations on behalf of his client and requested that the Sub-Committee receive character references from associates of AH. The Sub-Committee agreed to the request (copies filed with these minutes).

Mr Masaud gave an overview of his client's current personal circumstances and acknowledged his sole conviction. He stated that his client had made a bad decision nine years ago and was remorseful.

All parties were invited to question AH and Mr Masaud on the submission.

In response to questions from the Sub-Committee and the Section Leader, Licensing, AH detailed the situations that lead to his conviction and elaborated further on his personal circumstances. He stated that he had been stupid but was now a changed person and family man.

The Chair invited AH to make a final statement and Mr Masaud did so on behalf of his client.

AH, Mr Masaud (applicant's solicitor) and the Section Leader left the room to allow the Sub-Committee to determine the matter.

The Chair invited all parties to return.

The Chair detailed the decision of the Sub-Committee.

Resolved:

That, having considered all the evidence presented at the Hearing, both written and oral, the Sub-Committee resolved to depart from the Council Guidelines relating to Relevance of Convictions and Breaches of Licence Conditions and grant AH a Private Hire Vehicle Driver's Licence for a period of 12 months, subject to AH passing the knowledge test, a satisfactory medical, and producing documentation of his immigration status/ right to work in the UK.

7 Application for a Private Hire Vehicle Driver's Licence (SL)

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (SL) into the Hearing. SL was accompanied by his mother, Sheila Kaur Landa. The Chair led round-table introductions and outlined the procedure to be followed.

The Section Leader, Licensing, outlined the report regarding an application for a Private Hire Vehicle Driver's Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee by an authorised employee of the council for further consideration to be given as to whether SL was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report.

Sarah Hardwick, Senior Solicitor, queried a name discrepancy on the Applicant's DBS Criminal Record check and SL confirmed that the DBS check was his.

All parties were invited to question the Section Leader, Licensing, on the report and the Section Leader answered accordingly.

The Chair invited SL to make representations.

SL requested that the Sub-Committee receive character references from associates of his and other supporting documents. The Sub-Committee agreed to the request (copies filed with these minutes).

SL discussed his childhood and detailed the situations that had led to his convictions. He stated that he had been naïve and fallen into the wrong crowd during a difficult period of his life. He stated that his move to London was to distance himself from crime and he was now a better person.

All parties were invited to question SL on his submission.

In response to questions from the Sub-Committee and the Senior Solicitor, SL discussed how he had tried to turn his life around and elaborated further on his personal circumstances.

The Chair invited SL to make a final statement.

SL stated that his offences were committed over 20 years ago and he was now a changed person.

SL, his mother, and the Section Leader left the room to allow the Sub-Committee to determine the matter.

The Chair invited all parties to return.

The Chair detailed the decision of the Sub-Committee.

Resolved:

Having considered all the evidence presented at the Hearing, both written and oral, the Sub-Committee resolved to depart from the guidelines and grant SL a Private Hire Vehicle Driver's Licence for a period of 12 months subject to the following:

- That the Applicant attends a Review Hearing before the Licensing Sub-Committee after six months from grant of his licence.

- On attending the six month review hearing the Applicant is to produce a letter of reference from the company he is working for as to his performance as a private hire vehicle driver whilst licensed.

Granting of the licence was also subject to SL passing the knowledge test, a satisfactory medical, and producing documentation of his immigration status/ right to work in the UK.

The Applicant's right of Appeal against the imposition of the Conditions was clearly stated.