

Attendance

Members of the Regulatory Sub-Committee

Cllr Zee Russell (Chair)
Cllr Gillian Wildman
Cllr Jonathan Crofts

Employees

David Abel	Licensing Solicitor
Greg Bickerdike	Licensing Manager
Shelley Humphries	Democratic Services Officer
Lorraine Jones	Service Lead Licensing

Part 1 – items open to the press and public

Item No. *Title*

- 1 **Apologies for Absence**
Apologies were received from Donna Cope.
- 2 **Declarations of interest**
There were no declarations of interest made.
- 3 **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.
- 4 **Application for a Private Hire Vehicle Operator's Licence**
The Chair invited Greg Bickerdike, Licensing Manager; Lorraine Jones, Service Lead Licensing; the Applicant, MI and the Applicant's Solicitor, RS into the Hearing. The Chair led round-table introductions and outlined the procedure to be followed. All parties confirmed all paperwork had been received although it was requested by the applicant's solicitor that the appendices added since the last adjourned hearing be excluded. This request was refused as, in the interest of public protection, there was no reason to exclude evidence that had been published and circulated prior to the hearing. All parties then agreed to continue.

Greg Bickerdike, Licensing Manager, outlined the report regarding an application for a Private Hire Vehicle Operator's Licence, which had been circulated to all parties in advance of the meeting. It was summarised that the applicant was not deemed fit and proper to hold a licence. This was partially due to an attempt to transfer a licence which had expired and could not be transferred whilst one of the directors named on Companies House (MB) was in the process of being prosecuted. Furthermore, it had not been disclosed on the application being considered today that this was in progress and it was believed that the applicant had been operating without a licence for a period between the licence expiring and the applicant receiving confirmation that the licence had expired as there was evidence that bookings had been taken during this time.

It was explained that paragraph 2.3 of the Conditions of Operating a Private Hire Vehicle Company stated that a new licence would not normally be granted under these circumstances and, although the Licensing Manager had delegated authority to refuse, the decision had been referred to the Sub-Committee to determine. It was outlined that it was licence holder's responsibility to ensure the licence was valid and renewed before expiry.

The applicant's solicitor stated that the applicant had not knowingly attempted to conceal the prosecution and had applied as a sole trader as the business was not a limited company and this was the only other option provided on the online form. It was stated the applicant then only answered the questions as provided by the online digital form.

The Sub-committee adjourned at 11:47 am and reconvened at 12:02 pm.

In terms of the prosecution of the applicant's business partner it was noted that, although it was not the applicant being prosecuted, the two were sufficiently involved in the running of the business to be held to account for its actions. The applicant's solicitor advised that the applicant wished to be solely responsible for the business going forward and that the business partner intended to retire. It was noted that whatever the motive for not disclosing the prosecution, the fact remained that it had not been disclosed and this was of concern.

Reference was made to an email from Licensing Services in which the applicant's solicitor noted that the applicant had been advised to re-apply for a new licence as a limited company. It was confirmed that the prosecution was not known to the Officer who provided this response and the wording was not intended to suggest that if a licence had been applied for, it would automatically be granted. It was noted that whatever the circumstance, it would be considered reckless to continue to operate without confirmation there was a licence in place.

The Sub-committee adjourned at 1:05 pm and reconvened at 1:15 pm.

In terms of the period between 6 November and 7 December 2023, the applicant's solicitor stated it was believed by the applicant that they were permitted to operate. It was noted all bookings following this were subcontracted to another licensed operator as soon as the applicant was made aware that the licence had expired and they should not be operating.

In response to the query why the prosecution of MB had not come to light until recently, it was noted that there had been a delay receiving a response to a data request from another authority.

It was stated that the applicant had also been told in a phone call by a Licensing Officer that they could operate once their application had been submitted. It was again considered that both the applicant and the Licensing Officer may have been under the mistaken impression that the application being discussed was a renewal and not a new application. In response to the query whether any Licensing staff member would advise an applicant to continue operating once their application had been submitted, it was confirmed this advice would only be given in respect of a renewal which was submitted in time with everything complete and correct; a new applicant would not be told they could operate until the licence had been granted.

The applicant's solicitor outlined the case as the applicant having been under the belief that they were able to continue trading once the application was submitted, that they had completed the online form as it was set out with no deliberate intention to conceal the prosecution of the applicant's business partner and that operation of the applicant's company ceased and bookings sub-contracted out to another licensed operator as soon as they were certain they no longer held a licence. The solicitor also outlined services provided by the firm to their local community during the pandemic and that the applicant had been hospitalised in 2022 due to an operation and still undertaken a safeguarding course whilst convalescing.

It was noted that the applicant's business partner also planned to submit a not guilty plea in relation to their prosecution. The applicant spoke of ambitions to merge with another firm in the future.

The Sub-Committee adjourned at 3:26 pm and reconvened at 3:45 pm.

David Abel, Solicitor stated there was provision to add a condition that the business partner (MB) be excluded from all future involvement in the business. All parties were in agreement with this proposal.

Due to time constraints, it was proposed that everyone but the Sub-Committee members and David Abel, Solicitor leave the meeting to allow the Sub-Committee to determine the matter and for the decision to be sent in writing to the applicant and the applicant's solicitor.

The Chair closed the meeting at 5.37 pm for the Sub-committee to determine the outcome with David Abel, Solicitor present. The Licensing Manager, Service Lead, Section Leader, MI, RS and the Democratic Services Officer all left.

Resolved:

That the decision of the Regulatory Sub-committee be sent in writing to the applicant following the hearing.