

# Licensing Sub-Committee

## Minutes - 27 June 2017

### Attendance

**Chair** Cllr Alan Bolshaw (Lab)

#### Labour

Cllr Rita Potter

#### Conservative

Cllr Patricia Patten

#### Employees

Leonie Woodward  
Elaine Moreton  
Mike Hooper

Lead Lawyer  
Section Leader – Licensing  
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            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 remaining items of business as they involve the likely disclosure of exempt information falling within paragraph 3 of schedule 12A to the act relating to the business affairs of particular persons.

**4            Adjournment**

The meeting was adjourned at 10.02 am as the agenda item 4 applicant (AA) had not arrived. The meeting re-convened at 10.06 am when the applicant arrived.

**5            Application for a Private Hire Vehicle Driver's Licence (AA) (10.00 am)**

The Chair invited Elaine Moreton, Section Leader – Licensing, and the Applicant (AA) into the Hearing, made introductions and outlined the procedure to be followed.

The Section Leader – Licensing, outlined the report regarding an application for a Private Hire Driver Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee in accordance with Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions, specifically 5.1.10 (b). Copies of three references provided by two employers and a business partner, submitted in advance of the Hearing, were circulated (copies filed with these minutes).

All parties were invited to question the Section Leader – Licensing on the report. No questions were asked.

AA confirmed that the information contained within the report was accurate.

The Chair invited AA to make representations.

AA stated that he had made big mistakes in committing offences as an easily influenced 18/19 year old. Since then he had disassociated himself from those bad influences and had turned his life around. He was now married and had a child on the way but he was still paying the price for those convictions as he had had job applications turned down as a direct result of them. He went on to describe the circumstances of the incidents that lead to his convictions.

All parties were invited to question the Applicant on his submission.

In response to questions from the Sub-Committee, AA elaborated further on the circumstances of the incidents that lead to his convictions, as well as stating why he wanted to become a private hire driver.

No questions were asked by the Lead Lawyer or the Section Leader – Licensing.

The Chair invited AA to make a final statement. AA said that he had been as honest as he could be and would appreciate the chance to move his life forward, leaving his convictions behind. He had wider ambitions to open businesses in the Wolverhampton area. He would never exploit a customer.

AA and the Section Leader (Licensing) left the room to allow the Sub-Committee to determine the matter.

The Chair invited AA and the Section Leader (Licensing) back into the Hearing.

The Chair detailed the decision of the Sub-Committee.

Resolved:

That having considered all the evidence both written and oral, provided at the hearing, the Sub-Committee is not satisfied that AA is a fit and proper person and therefore, in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, a Private Hire Vehicle Driver's Licence is not granted. This decision is made in accordance with paragraph 5.1.10(b) of the guidelines relating to relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 26 April 2017.

The Lead Lawyer detailed the applicant's right of appeal to the Magistrates' Court against the decision of the Sub-Committee, within 21 days of receipt of the decision, and the potential costs of doing so.

AA and the Section Leader (Licensing) left the room.

## **6 Application for a Private Hire Vehicle Driver's Licence (SM) (10.30 am)**

The Chair invited Elaine Moreton, Section Leader – Licensing, and the Applicant (SM) into the Hearing, made introductions and outlined the procedure to be followed.

The Section Leader – Licensing outlined the report regarding an application for a Private Hire Driver Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee in accordance with Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions, specifically the accumulation of nine penalty points on his driving licence, which were no longer relevant for 'Totting' purposes.

All parties were invited to question the Section Leader – Licensing on the report. No questions were asked.

SM confirmed that the information contained within the report was accurate.

The Chair invited SM to make representations.

SM stated that he had never been in trouble before or since the two offences for which he had accumulated nine penalty points. He then went on to describe the incidents in detail, as well as his personal situation at the time. He added that he had since researched the law to ensure that such incidents would not happen again.

All parties were invited to question the Applicant on his submission.

In response to questions from the Sub-Committee, SM stated that he had learned from his mistakes, detailed measures taken to ensure that such incidents would not happen again and said that his driving licence was now clean. He had already passed the knowledge test and knew which company he would approach for work.

No questions were asked by the Lead Lawyer or the Section Leader - Licensing.

The Chair invited SM to make a final statement. SM apologised for the incidents and said that they had made him determined to make sure he did not find himself in such situations again.

SM and the Section Leader – Licensing left the room to allow the Sub-Committee to determine the matter.

The Chair invited SM and the Section Leader (Licensing) back into the Hearing.

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 agree to grant a Private Hire Vehicle Driver's Licence for a period of 12 months. The Licence is subject to SM passing the knowledge test and a satisfactory medical, if he hasn't already done so.

The Lead Lawyer detailed the applicant's right of appeal to the Magistrates' Court against the decision of the Sub-Committee, within 21 days of receipt of the decision, and the potential costs of doing so.

SM and the Section Leader (Licensing) left the room.