

# Licensing Sub-Committee

## Minutes - 26 July 2017

### Attendance

#### Members of the Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)  
Cllr Anwen Muston

#### Employees

Mike Hooper	Democratic Services Officer
Elaine Moreton	Section Leader - Licensing
Jacky Bramley	Legal Executive/Assistant
Yahya Uddin	Democratic Services Apprentice ( <i>observing</i> )
Ala Sairani	Legal Intern ( <i>observing</i> )

### Part 1 – items open to the press and public

*Item No.*    *Title*

1        **Apologies for Absence**

Apologies for absence were received from Councillor Inston.

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        **Application for a Private Hire Vehicle Driver's Licence (RA) (14.00)**

The Chair invited Elaine Moreton, Section Leader – Licensing and the Applicant (RA) into the Hearing, 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 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 paragraph 5.1.9. RA confirmed that the information contained within the report was accurate.

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

The Chair invited RA to make representations.

All present received copies of a written submission from RA and five character references (copies filed with these minutes), which had been received by the Democratic Services Officer in advance of the Hearing. RA gave an overview of his current personal circumstances and acknowledged his convictions, saying that they had occurred during a bad patch in his life.

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

In response to questions from the Sub-Committee, the Senior Legal Executive and the Section Leader – Licensing, RA detailed the situations that lead to his convictions, elaborated further on his personal circumstances and stated his relationships to those that had provided references.

The Chair invited RA to make a final statement. RA felt that there was no need for him to repeat the evidence already provided. He had made mistakes that he shouldn't have and he did not think that he would make them again. He had a family. He had no issues with females, it just happened to be that some of his convictions had involved women.

RA, the Section Leader (Licensing) and the Democratic Services Apprentice 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 both written and oral, provided at the hearing, the Sub-Committee is not satisfied that RA 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 5.1.9 of the guidelines relating to relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 26 April 2017.

The Senior Legal Executive 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.

*RA and the Section Leader – Licensing left the room.*

*The Legal Intern joined the meeting in an observational capacity.*

5 **Application for a Private Hire Vehicle Driver's Licence (MW) (14.30)**

The Chair invited Elaine Moreton, Section Leader – Licensing and the Applicant (MW) into the Hearing. MW was accompanied by Mr A. Khan, Lawyer. 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 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 paragraph 5.1.9. Mr Khan, representing MW, confirmed that the information contained within the report was accurate.

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

The Chair invited MW to make representations.

Mr Khan requested that the Sub-Committee receive ten character references from associates of MW. The Sub-Committee agreed to the request (copies filed with these minutes).

*The Hearing was adjourned for 18 minutes to allow copies of the references to be made and for all parties to consider them.*

Mr Khan drew attention to the terminology used within the DBS Criminal Record information in relation to MW's conviction under paragraph 5.1.9. He then stated that the references submitted demonstrated a reformed character, detailed his current personal circumstances and highlighted that his current employment required SIA accreditation and had therefore been subject to enhanced DBS checks.

Whilst it was acknowledged that all sexual offences were very serious, the one for which MW was convicted sat at the lower end of the scale. He had no further convictions, he was a family man, he was remorseful and he had admitted to the offence.

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

In response to questions from the Sub-Committee, the Senior Legal Executive and the Section Leader – Licensing, MW detailed the situations that lead to his convictions and elaborated further on his personal and work circumstances. Mr Khan confirmed that MW had applied to Birmingham City Council for a Licence and had been refused.

MW, Mr Khan, the Section Leader (Licensing), the Democratic Services Apprentice and the Legal Intern 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 both written and oral, provided at the hearing, the Sub-Committee is not satisfied that MW 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 5.1.9 of the guidelines relating to relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 26 April 2017.

The Senior Legal Executive 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.