

Licensing Sub-Committee

Minutes - 12 December 2017

Attendance

Members of the Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)
Cllr John Rowley

Employees

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| Elaine Moreton | Section Leader - Licensing |
| Jacky Bramley | Senior Legal Executive |
| Donna Cope | Democratic Services Officer |

Part 1 – items open to the press and public

Item No. *Title*

1 Apologies for absence

Apologies for absence were received from Councillor Russell.

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 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 Driver's Licence (GB)

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (GB) into the Hearing. GB was accompanied by Mr Patel, a local shop keeper and friend. 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 by an authorised employee of the council for further consideration to be given as to whether GB was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report. GB confirmed that the information contained within the report was accurate. The Section Leader advised that GB had undergone medical tests as recommended by the Licensing Manager prior to his application being determined by the Licensing Sub-Committee. This was discussed further during the hearing.

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

The Chair invited GB to make representations.

GB gave an overview of his current personal circumstances and acknowledged his convictions, saying they had occurred during a bad patch in his life.

All parties were invited to question GB on his submission.

In response to questions from the Sub-Committee, the Senior Legal Executive and the Section Leader, GB detailed the situations that lead to his convictions and elaborated further on his personal circumstances.

The Sub-Committee referred to the report from a Licensing Hearing that GB had attended on 10 August 2017. Within the report the Licensing Manager stated that during the hearing GB looked visibly under the influence of alcohol and there was a smell of alcohol in the room. As a result of this, he advised that GB undertook a medical examination with the council's nominated doctor.

GB denied these allegations but acknowledged that the examination by Dr Mahay (nominated doctor) had revealed alcohol in his blood. He stated that his own doctor had carried out an examination two days later which had revealed his blood was free of alcohol, however he produced no evidence of this.

The Section Leader, Licensing, referred to the medical examination report from Dr Mahay (copy filed with these minutes) which indicated GB was alcohol dependant and a user of amphetamines. GB denied these allegations and stated that if there was alcohol in his blood it may have been due to a family celebration the night before.

In response to further questions from the Sub-Committee, the Senior Legal Executive and the Section Leader, GB stated that he currently took anti-depressants, had never taken amphetamines in his life and only drank at weekends if he could afford it. It was also stated that GB's slurred speech was due to a speech impediment and the smell of alcohol was his aftershave.

The Section Leader, Licensing, referred to a previous incident where she had seen GB at the Licensing reception desk where he had clearly been drinking. GB denied this.

The Chair invited GB to make a final statement. GB said he had made mistakes and wanted to be given a chance to prove himself.

GB, Mr Patel 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 both written and oral, provided at the hearing, the Sub-Committee is not satisfied that GB 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 paragraphs 5.1.10(b) and 5.1.25 of the guidelines relating to the relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 12 July 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.

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

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (SH) into the Hearing. SH was accompanied by his solicitor, Mr I Hussain. 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 by an authorised employee of the council for further consideration to be given as to whether SH was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report. Mr I Hussain, representing SH, 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 SH to make representations.

Mr I Hussain gave an overview of his client's current personal circumstances and acknowledged his convictions. He stated that the offences had occurred a long time ago during a bad patch in his life and that his client had not committed any further offences since 2006. Mr I Hussain had known SH for a long time and believed him to be a fit and proper person, confirmed by glowing reports from his Probation Officer.

Mr I Hussain requested that the Sub-Committee receive eleven character references from associates of SH. The Sub-Committee agreed to the request (copies filed with these minutes).

All parties were invited to question SH on his submission.

In response to questions from the Sub-Committee, the Senior Legal Executive and the Section Leader, Licensing, SH detailed the situations that lead to his convictions and elaborated further on his personal circumstances.

The Chair invited SH to make a final statement. SH acknowledged the severity of his convictions but stated he now had a family and was a changed man.

SH, Mr I Hussain (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 both written and oral, provided at the hearing, the Sub-Committee is not satisfied that SH 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 and 5.1.13(b) of the guidelines

relating to the relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 12 July 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.

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

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (DPU) into the Hearing. 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 by an authorised employee of the council for further consideration to be given as to whether DPU was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report. DPU 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 DPU to make representations.

DPU stated that his convictions relating to dishonesty were unfair as he did not realise he was committing an offence.

All parties were invited to question DPU on his submission.

In response to questions from the Sub-Committee, the Senior Legal Executive and the Section Leader, DPU detailed the situations that lead to his convictions. He stated that due to his nationality, language barriers and limited knowledge of British regulations, he hadn't realised he was doing wrong.

The Chair invited DPU to make a final statement. DPU acknowledged that he had made mistakes and was sorry.

DPU 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 both written and oral, provided at the hearing, the Sub-Committee is not satisfied that DPU 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 the relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 12 July 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.

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

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (AA) into the Hearing. AA was accompanied by his young son. 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 by an authorised employee of the council for further consideration to be given as to whether AA was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report. AA 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 AA to make representations.

AA gave an overview of his current personal circumstances and acknowledged his convictions, saying they had occurred during a bad patch in his life. He stated that he had been out of trouble for 15 years and was now a SIA trained Security Officer.

AA requested that the Sub-Committee receive two character references from associates of his. The Sub-Committee agreed to the request (copies filed with these minutes).

All parties were invited to question AA on his submission.

In response to questions from the Sub-Committee, the Senior Legal Executive and the Section Leader, AA detailed the situations that lead to his convictions and elaborated further on his personal circumstances.

The Chair invited AA to make a final statement. AA acknowledged that he had made mistakes and was sorry. He stated that he had a family now and was a changed man.

AA, his son 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 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 5.1.7(b) of the guidelines relating to the relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 12 July 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.

8 **Application for a Private Hire Vehicle Driver's Licence (MK)**

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (MK) into the Hearing. 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 by an authorised employee of the council for further consideration to be given as to whether MK was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report. MK 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 MK to make representations.

MK gave an overview of his current personal circumstances and acknowledged his convictions, saying they had occurred during a bad patch in his life when he was young and naive. He stated that for the last 9 years he has worked as assistant manager at his uncle's restaurant.

All parties were invited to question MK on his submission.

In response to questions from the Sub-Committee and the Senior Legal Executive, MK detailed the situations that lead to his convictions, elaborated further on his personal circumstances.

The Chair invited MK to make a final statement.

MK requested that the Sub-Committee receive five character references from associates of his. The Sub-Committee agreed to the request (copies filed with these minutes).

MK acknowledged that he had made mistakes and had learnt from them. He had a family now whom he needed to support and was a changed man. He had not been in trouble for 10 years and wanted the chance to prove himself.

MK, 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 grant MK a Private Hire Vehicle Driver's Licence for a period of 12 months, subject to MK passing the knowledge test, a satisfactory medical, and producing documentation of his immigration status/ right to work in the UK.