

Attendance

Members of the Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)
Cllr Keith Inston
Cllr Patricia Patten

Employees

Sarah Hardwick	Senior Solicitor
Elaine Moreton	Section Leader - Licensing
Greg Bickerdike	Section Leader - Licensing
Donna Cope	Democratic Services Officer
Henry Gregory	Graduate Management Trainee (Observer)

Part 1 – items open to the press and public

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 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 KH

The Chair invited Elaine Moreton, Section Leader, Licensing, Greg Bickerdike, Section Leader, Licensing (observing) and the Applicant (KH) into the Hearing. KH was accompanied by his Solicitor, Mr Upkar Bahia, and son, Abid Hussain. The Chair led round-table introductions and outlined the procedure to be followed.

Elaine Moreton, Section Leader, Licensing, 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. 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 KH was a fit and proper person to hold a Private Hire Vehicle Operator's Licence due to the information outlined in the report.

Mr Upkar Bahia, Applicant's Solicitor, clarified that his client's current Private Hire Vehicle Operator's Licence in Rotherham had been extended to 26 March 2019 and confirmed that all other 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 KH to make representations.

Mr Bahia made representations on behalf of his client. He stated that KH spoke adequate English; had lived in the country for 30-40 years; had been a taxi driver for over 25 years; currently held a Private Hire Vehicle Operator's licence in Rotherham and had previously managed an off-licence.

All parties were invited to question KH and Mr Bahia on the submission and the following concerns were raised:

- The applicant's ability to communicate in English;
- Who the business would be controlled by;
- What address the business would operate from in Wolverhampton;
- The preferred premises location had not been visited by applicant;
- There were errors on the application form;
- The lack of a business plan should the licence be granted;
- How the satellite office in Wolverhampton would be manned or how often the site would be visited by the applicant.

In response to questions from the Sub-Committee, the Senior Solicitor and the Section Leader, KH and Mr Bahia stated the following:

- KH wanted a Private Hire Vehicle Operator's licence in Wolverhampton as he had been approached by Wolverhampton drivers seeking work;
- He had held a Private Hire Vehicle Operator's licence for 8 years in Rotherham;
- He would manage the business and his sons would help;
- The business would operate from a premises in York Street which he hadn't yet visited;
- 3-4 sites had been considered and KH would make a final decision should the licence be granted;
- He was not aware of any errors on the form;
- All Wolverhampton paperwork would be kept at the Wolverhampton office and KH would visit there 2-3 times a week.

The Chair invited KH to make a final statement. Mr Bahia did so on his client's behalf.

KH, Mr Bahia, Abid Hussain, Elaine Moreton and Greg Bickerdike, 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 which was read out in full by the Senior Solicitor.

Resolved:

That having considered all the evidence both written and oral, provided at the hearing, the Sub-Committee is not satisfied that KH is a fit and proper person and therefore, in accordance with Section 55 of the Local Government (Miscellaneous Provisions) Act 1976, a Private Hire Vehicle Operator's Licence is not granted. This decision is made in accordance with paragraph 4.6 of the guidelines relating to the relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 12 July 2017.

The reasons for the refusal, read out in full, are:

1. It has been stated that your language skills are adequate but if necessary you could seek assistance from others. The Licensing Sub Committee have

experienced some difficulty understanding answers to some questions and therefore find that your ability to communicate in English is not to a satisfactory standard to hold an Operator's licence.

2. It is not clear which address you intend to operate from in Wolverhampton. You have considered a number of sites and not taken a lease on York Chambers, which appears to be preferred one.
3. Whilst the Licensing Sub Committee can understand why you would not take a lease prior to obtaining a licence, there appears no clear plan of how the business would operate if a licence were granted. You have not viewed the premises at York Chambers, leaving this to a son. We wonder how you can be sure the premises will be fit for purpose.
4. You initially stated that some records, required to be kept in accordance with licence conditions, would be retained at your Rotherham base. When asked how enforcement officers at City of Wolverhampton Council could get quick access to such records you stated they would be held at Wolverhampton but seemed to give no clear idea how the satellite office would be manned or how often you would visit the site.
5. No clear response was given when asked how cross bordering worked.
6. The LSC are concerned that the extended family are to be the "controlling mind" of the business and not the applicant. This is evidenced in a number of ways to include the applicant confirming his sons assist him with running of the business, that they have attended prospective sites for the business on his behalf and it appears the applicant spends significant periods of time outside the UK.

The Senior Solicitor 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 AH

The Chair invited Elaine Moreton, Section Leader, Licensing, Greg Bickerdike, Section Leader, Licensing (observing) and the Applicant (AH) into the Hearing. The Chair led round-table introductions and outlined the procedure to be followed.

Elaine Moreton, 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. 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 however stated he had not received a copy. The Democratic Services Officer confirmed the paperwork had been sent to him and provided him with a further copy of the report.

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

The Chair invited AH to make representations.

AH stated that he had applied for a Private Hire Vehicle Driver's Licence to enable him to work for his father. He stated he had grown up and matured since committing his offences and had previously held a Private Hire Vehicle Operator's Licence in Sheffield and Rotherham.

All parties were invited to question AH on his submission.

In response to questions from the Sub-Committee, the Senior Solicitor and the Section Leader, AH detailed the situations that lead to his convictions, and elaborated further on his personal circumstances. He stated that he no longer wanted the hassle of being an Operator and had let his Operator's Licence in Rotherham expire. He stated he was a changed person and did not have an attitude problem.

Whilst answering questions, AH got agitated and frustrated with the panel, claiming it was a waste of time as his father's application had already been refused.

The Chair calmed him down and continued with the proceedings.

AH claimed that the reports submitted by Rotherham Council made him look bad and he wasn't to blame for the incidents mentioned.

The Chair invited AH to make a final statement. AH acknowledged that he had made mistakes and had learned from them. He said he was no longer argumentative and had matured; had never had issues as a Private Hire Vehicle Driver in Rotherham and was applying for a licence to help his father.

AH, Elaine Moreton and Greg Bickerdike, 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 which was read out in full by the Senior Solicitor.

Resolved:

That having considered all the evidence both written and oral, provided at the hearing, the Sub-Committee is not satisfied that AH 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 4.6 of the guidelines relating to the relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 12 July 2017.

The reasons for the refusal, read out in full, are:

1. There is an extensive history of convictions which indicate a pattern of behaviour and these include a recent motoring conviction from 2016.
2. We have evidence before us that your Private Hire Vehicle Driver's Licence with Rotherham Council was revoked in 2016 and there is documented history of conflict with that Council. You have stated that you are no longer

argumentative yet that argumentative nature has been demonstrated today before members.

Whilst the Senior Solicitor explained the reasons for refusal AH became extremely angry, made inappropriate comments to the panel and left the room.

6 **Application for a Private Hire Vehicle Operator's Licence SSM**

The Chair invited Elaine Moreton, Section Leader, Licensing, Greg Bickerdike, Section Leader, Licensing (observing) and the Applicant (SSM) into the Hearing. SSM was accompanied by her Solicitor, Mr Upkar Bahia. The Chair led round-table introductions and outlined the procedure to be followed.

Elaine Moreton, Section Leader, Licensing, 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. 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 SSM was a fit and proper person to hold a Private Hire Vehicle Operator's Licence due to the information outlined in the report.

Mr Upkar Bahia, applicant's Solicitor, sought clarification on the reason why the application had been referred to Sub-Committee. The Section Leader and Senior Solicitor confirmed that the matter had been referred to the Sub-Committee for further consideration to be given as to whether SSM was a fit and proper person to hold a Private Hire Vehicle Operator's Licence.

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

The Chair invited Mr Bahia to make representations on behalf of his client.

Mr Bahia did so. He stated that his client was a Business Graduate and had applied for the licence in isolation from any other family member as she wanted to manage her own business independently.

All parties were invited to question SSM and Mr Bahia on the submission and the following concerns were raised:

- SSM had no previous experience as an operator;
- Who the business would be controlled by;
- How and where the Wolverhampton records would be kept;
- How the satellite office in Wolverhampton would be manned;
- The proposed business structure did not show independence from family.

In response to questions from the Sub-Committee, the Senior Solicitor and the Section Leader, SSM and Mr Bahia stated the following:

- SSM already had knowledge and experience in this area;
- Her family had extensive knowledge and could assist her when required;
- Commuting to the Wolverhampton office would not be a problem;
- SSM would operate the business from her home in Rotherham;

- The husband of SSM would help financially;
- SSM bought the Private Hire Vehicle Operator's business in Rotherham from her brother in law;
- Her father in law owned the property in Rotherham from where the business would be operated;
- The Wolverhampton office would not be manned and records would be kept on a computer data base;

The Chair invited SSM to make a final statement. Mr Bahia did so on his client's behalf.

SSM, Mr Bahia, Elaine Moreton and Greg Bickerdike, 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 which was read out in full by the Senior Solicitor.

Resolved:

That having considered all the evidence both written and oral, provided at the hearing, the Sub-Committee is not satisfied that SSM is a fit and proper person and therefore, in accordance with Section 55 of the Local Government (Miscellaneous Provisions) Act 1976, a Private Hire Vehicle Operator's Licence is not granted. This decision is made in accordance with paragraph 4.6 of the guidelines relating to the relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 12 July 2017.

The reasons for the refusal, read out in full, are:

1. Whilst you have presented positively about your academic business background the Sub-Committee is concerned that you have no experience as an operator having had no involvement in the running of a base before and limited experience working within the industry.
2. You have stated that records, required to be kept in accordance with licence conditions, would be retained at the Wolverhampton base on a computer. When asked how enforcement officers at Wolverhampton could get quick access to such records you stated you would travel down from Rotherham for this. When concern was expressed about the fact records may be required more urgently it was stated that with modern technology records could be sent electronically. There is a lack of clarity about how records are to be held and disclosed at an essentially unmanned base.
3. The Licensing Sub Committee are concerned that the applicant's extended family are to be the "controlling mind" of the business and not the applicant. This is evidenced in a number of ways. The applicant has applied for an operator's licence in Rotherham for a business previously owned by a family member, which will operate out of a property owned by the applicant's father in law and the business of the applicant is to be financed primarily by the family. This does not indicate independence from the family.

The Senior Solicitor 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 JW**

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (JW) 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 JW was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report. JW 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 JW to make representations.

JW detailed the situations that had led to his convictions and explained that he had made personal progress since the offences were committed. He discussed his current personal circumstances and admitted he had been stupid.

JW 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 JW on his submission.

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

The Chair invited JW to make a final statement.

JW had nothing further to add.

JW 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 JW a Private Hire Vehicle Driver's Licence

for a period of 12 months, subject to JW passing the knowledge test, a satisfactory medical, and producing documentation of his immigration status/ right to work in the UK.

8 **Application for a Private Hire Vehicle Driver's Licence MZ**

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (MZ) into the Hearing. MZ was accompanied by his daughter Sadia Zahid. 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 MZ was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report. MZ confirmed that the information contained within the report was accurate.

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

The Chair invited MZ to make representations.

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

MZ detailed the situations that had led to his convictions and acknowledged he had been naïve.

All parties were invited to question MZ on his submission.

No questions were asked but the Section Leader clarified the applicant's conviction for dishonesty and explained why he would not be cleared of the offence until 2023.

The Chair invited MZ to make a final statement.

MZ acknowledged that he had been naïve and had learnt his lesson. He enjoyed being a private hire vehicle driver and had worked in the occupation for 22 years. He was currently supporting his 3 children at university and needed work.

MZ 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 MZ a Private Hire Vehicle Driver's Licence for a period of 12 months, subject to MZ passing the knowledge test, a satisfactory

medical, and producing documentation of his immigration status/ right to work in the UK.