



# Licensing Sub-Committee

## Minutes – 26 March 2014

### Attendance

#### Members of the Sub-Committee

Cllr Bishan Dass (chair)  
Cllr Alan Bolshaw  
Cllr Mark Evans

#### Employees Education and Enterprise

Marise Astley	Compliance Officer
Jayne Freeman-Evans	Section Leader (Environmental Health)
Elaine Moreton	Section Leader (Licensing)

#### Delivery

Sarah Hardwick	Senior Solicitor
Linda Banbury	Democratic Support Officer

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

<i>Item No.</i>	<i>Title</i>	<i>Action</i>
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### BUSINESS ITEMS

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| 1. | <b>Apologies for Absence</b><br>There were no apologies for absence. | - |
| 2. | <b>Declarations of interest</b><br>No interests were declared.       | - |

### DECISION ITEMS

### EXCLUSION OF PRESS AND PUBLIC

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| 3. | <b>Exclusion of press and public</b><br>Resolved:<br>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 item of business as it |  |
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involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A of the Act.

## **Part 2 – exempt items, closed to the press and public**

### **4. Review of a private hire vehicle driver's licence**

The chair welcomed everyone to the meeting, introductions were made and he outlined the procedure to be followed.

Mr Qaidi was in attendance at the meeting accompanied by his representative, Mr Nolan, in connection the review of his Licence. Mr Nolan expressed concern that Mr Qaidi had been denied the opportunity to test the evidence given that the witnesses were not in attendance at the meeting. He was aware of the right of appeal against the decision made by the Sub-Committee to the Magistrates' Court, but believed that without the opportunity to question the witnesses today, Mr Qaidi would not receive a fair hearing. The Solicitor advised that the Sub-Committee were not obliged to call witnesses and that the only test that applied in this case was whether Mr Qaidi was a fit and proper person to hold a licence. The Sub-Committee would consider all the information before them, both written and oral and were able to examine hearsay evidence and attach appropriate weight to the written statements.

The Section Leader (Licensing) outlined the report, which had been circulated to all parties in advance of the meeting.

Mr Nolan indicated that all the written evidence was refuted by Mr Qaidi. Mr Qaidi addressed each witness statement separately, concluding that all the witness statements and those of the Environmental Services officers were inaccurate. With regard to the witness statement of CB, Mr Qaidi indicated that he could not recall the journey in question as it occurred in December. On a point of clarification, Jayne Freeman-Evans advised that a summary of the interview with Mr Qaidi had been taken in accordance with normal practice in regard to breaches of conditions.

The Section Leader (Licensing) drew attention to correspondence received from the Children's Safeguarding Service containing general comments in regard to one of the witness statements. It was agreed that it would not be appropriate to introduce this additional information at this stage.

Mr Nolan was afforded the opportunity to make a final statement on behalf of Mr Qaidi. He believed that this was an extraordinary case and that Mr Qaidi should have been given the opportunity to provide a formal statement under PACE conditions. He further believed that they were isolated incidents and that suspension, rather than revocation, would be the appropriate action for the Sub-Committee to take.

The Section Leader (Licensing), Mr Nolan and Mr Qaidi withdrew from the meeting to enable the Sub-Committee to reach their decision. The Sub-Committee considered all the evidence presented at the meeting and the Solicitor advised them of the options open to them in determining the review.

The parties returned to the meeting and the Solicitor advised them of the decision of the Sub-Committee as follows:

Resolved:

That, the Sub-Committee considered all the evidence before them, both written and oral, and were satisfied that hearsay could be introduced. They attached the appropriate weight to the written statements.

Elaine  
Moreton/  
Linda  
Banbury

The Sub-Committee were satisfied that there were sufficient similarities between the evidence of Zoe Bird, Charlie Buckley and Emma Jones to believe what they said.

The only test which applies in this case is whether you are a fit and proper person to hold a Private Hire Vehicle Driver's Licence. The Sub-Committee were concerned about public safety and the transporting of vulnerable persons, by Mr Qaidi going forward. In the circumstances the Sub-Committee do not believe that you are a fit and proper person and, therefore, in accordance with Section 61 (1)(b) and (2B) of the Local Government (Miscellaneous Provisions) Act 1976, have resolved to revoke your Private Hire Vehicle Driver's Licence with immediate effect in the interests of public safety. This decision is also made in accordance with paragraphs 2.2.1, 2.2.2 and 5.1.22 of the guidelines relating to relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 25 July 2012.