

MINUTES

meeting: **LICENSING SUB-COMMITTEE**

date: **7 DECEMBER 2011**

PRESENT:-

Councillor Dass (Chair);
Councillors Claymore and Davis

OFFICERS IN ATTENDANCE:-

S Hardwick	-	Senior Solicitor, Governance Services, Delivery Directorate
E Moreton	-	Principal Officer (Licensing), Prosperity Division, Education and Enterprise Directorate
C W Craney	-	Democratic Services Officer, Governance Services, Delivery Directorate

Wolverhampton
City Council



PART I - OPEN ITEMS
(Open to the Press and Public)

Apologies for Absence

152 No apologies for absence were received.

Declarations of Interest

153 No declarations of interest in relation to the matters under consideration at the meeting were made.

Exclusion of Press and Public

154 Resolved:-
That, in accordance with Section 100A (4) of the Local Government Act 1972, the press and public be excluded from consideration of the items of business in Part II of the Agenda, on the grounds that in view of the nature of the business to be transacted or the nature of the proceedings, exempt information falling within paragraph 3 of Schedule 12A to the Act (information relating to the business affairs of a particular person) is likely to be disclosed.

PART II - EXEMPT ITEMS
(Press and Public Excluded)

Representation against Proposed Decision to Refuse an Application for Registration under the Vehicles (Crime) Act 2001 (Appendix 1)

In attendance:-
Mr D W Sherwood – Applicant
Inspector P Affron – West Midlands Police

The Chair, Councillor Dass, introduced the Sub-Committee and Officers and outlined the procedure to be followed at the meeting. E Moreton, Principal Officer (Licensing), Prosperity Division, Education and Enterprise Directorate, then outlined briefly the report together with the proposed reasons for the refusal of the application. Mr Sherwood presented his case and responded to questions raised by Members of the Sub-Committee and Officers as appropriate. Inspector P Affron, West Midlands Police, outlined the reasons behind the police objection to any application being granted for Registration under the Vehicles (Crime) Act 2001 .

Mr Sherwood was afforded the opportunity to make a final statement. All parties, with the exception of the City Council's Senior Solicitor and the Democratic Support Officer, then withdrew from the meeting to enable the Sub-Committee to make its decision.

The Senior Solicitor outlined the powers available to the Sub-Committee in determining the matter.

The parties returned and the Chair outlined the decision of the Sub-Committee:-

Resolved:-

155

That, having considered all representations made and noted the information provided by the West Midlands Police which indicated certain unspent convictions, the Sub-Committee has decided that Mr Sherwood was fit and proper person to carry out the business of a Motor Salvage Operator and that the application for registration be approved .

The parties then withdrew from the meeting.

Review of a Private Hire Vehicle Driver's Licence (Appendix 2)

In attendance:-

Mr M Shahzad – Applicant

Mr C Loach – Enoch – Evans (Solicitors) – Applicant's Representative

The Chair, Councillor Dass, introduced the Sub-Committee and Officers and outlined the procedures to be followed at the meeting. E Moreton then outlined briefly the report and the reasons behind the decision to refer the matter to the Sub-Committee for consideration.

Mr C Loach, Enoch – Evans (Solicitors), the Applicant's Representative, outlined his Client's response to the Council's case and together with his Client responded to questions raised by Members of the Sub-Committee and Officers, as appropriate. Mr Shahzad and his Representative were afforded the opportunity to make a final statement. All parties, with the exception of the City Council's Senior Solicitor and the Democratic Support Officer, then withdrew from the meeting to enable the Sub-Committee to make its decision.

The Senior Solicitor outlined the powers available to the Sub-Committee in determining the matter.

The parties returned and the Chair outlined the decision of the Sub-Committee.

156

Resolved:-

That having considered carefully all the information contained within the Licensing Officer's report and listened carefully to the representations made by the Applicant and his Representative at the meeting, the Sub-Committee decided to depart from the accepted Guidelines but to suspend the licence for a period of one month and that the case be subject to review by the Head of Service in 6 and 12 months time.

In accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, the Applicant had a right of appeal to the Magistrate's Court within 21 days from the date on which he received the written decision.

The parties then withdrew.

Review of a Private Hire Vehicle Driver's Licence (Appendix 4)

In attendance:-

Mr I D Goddard – Applicant

Mr M Wollack – Applicant's Representative

Mr R Stokes – Personal friend of Applicant

The Chair, Councillor Dass, introduced the Sub-Committee and Officers and outlined the procedure to be followed. E Moreton then outlined briefly the report and the reasons behind the decision to refer the matter to the Sub-Committee for consideration.

Mr Wollack, the Applicant's Representative, outlined Mr Goddard's response to the Council's case and together with Mr Goddard responded to questions raised by Members of the Sub-Committee and Officers, as appropriate. Mr Goddard and his Representative were afforded the opportunity to make a final statement. All parties, with the exception of the City Council's Senior Solicitor and the Democratic Support Officer, then withdrew from the meeting to enable the Sub-Committee to make its decision.

The Senior Solicitor outlined the powers available to the Sub-Committee in determining the matter.

The parties returned and the Chair outlined the decision of the Sub-Committee.

157

Resolved:-

That having considered carefully all the information contained within the Licensing Officer's report and listened carefully to the representations made by the Applicant and his Representative at the meeting, the Sub-Committee decided to not revoke Mr Goddard's Private Hire Vehicle Driver's Licence but to review his case further in 6 months' time.

In accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, the Applicant had a right of appeal to the Magistrate's Court within 21 days from the date on which he received the written decision.

The parties then withdrew.

Review Prior to Renewal of a Private Hire Vehicle Driver's Licence (Appendix 3)

In attendance:-

Mr N M Ayerh – Applicant

The Chair, Councillor Dass, introduced the Sub-Committee and Officers and outlined the procedure to be followed at the meeting. E Moreton then outlined briefly the report and the reasons behind the decision to refer the matter to the Sub-Committee for consideration.

Mr Ayerth outlined his response to the Council's case and answered questions raised by Members of the Sub-Committee and Officers, as appropriate. Mr Ayerh was afforded the opportunity to make a final statement. All parties, with the exception of the City Council's Senior Solicitor and the Democratic Support Officer, then withdrew from the meeting to enable the Sub-Committee to make its decision.

The Senior Solicitor outlined the powers available to the Sub-Committee in determining the matter.

The parties returned and the Chair outlined the decision of the Sub-Committee.

158

Resolved:-

That having considered carefully all the information contained within the Licensing Officer's report and listened carefully to the representations made by the Applicant at the meeting, the Sub-Committee decided to not take any further action, and to not revoke the current private hire driver's licence which would be subject to a review in 6 months' time by the Head of Service.

In accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, the Applicant had a right of appeal to the Magistrate's Court within 21 days from the date on which he received the written decision.

The parties then withdrew.

Review Prior to Renewal of a Private Hire Vehicle Driver's Licence (Appendix 5)

E Moreton presented a report which advised that the Applicant's Private Hire Vehicle Driver's Licence had expired on 24 November 2011 and drew to the attention of the Sub-Committee that his Driving Licence had been revoked in 2008. S Hardwick drew to the attention of the Sub-Committee that the consideration was now limited to the renewal of the Licence and of the courses of action available to the Council to refuse to renew the Licence.

159

Resolved:-

That, having carefully considered all the information contained in the Licensing Officer's report and, in particular, the decision by the Applicant not to attend the Hearing it was considered that as he did not currently hold a valid Driver's Licence the Sub-Committee decided Mr Shah was not a fit and proper person to hold a Private Hire Vehicle Driver's Licence and decided to refuse to renew the Licence in accordance with paragraph 5.1.3(a), 5.1.18(b) and 5.1.19(c) of the Council's Guidelines..

In accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, the Applicant had a right of appeal to the Magistrate's Court within 21 days from the date on which he received the written decision.