

M M I N U T E S

meeting: **LICENSING SUB-COMMITTEE**

date: **1 FEBRUARY 2012**

PRESENT:-

Councillor Dass (Chair)
Councillors Claymore and Davis

OFFICERS IN ATTENDANCE:-

L Banbury, Democratic Support Officer - Delivery (Governance)
S Hardwick, Senior Solicitor - Delivery (Governance)
E Moreton, Section Leader, Licensing - Education and Enterprise

OFFICERS ALSO I N ATTENDANCE:-

R Edge, N Sansom, V Simpson, J Till and G Wills (in the capacity of
observer and with the approval of the parties involved in the individual cases)

Wolverhampton
City Council



PART I - OPEN ITEMS

Declarations of Interest

200 No interests were declared.

Exclusion of Press and Public

201 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 particular persons) is likely to be disclosed.

PART II - EXEMPT ITEMS

Review of a Private Vehicle Driver's Licence (Appendix 21)

The Chair introduced the Sub-Committee and Officers. The Section Leader (Licensing) then briefly outlined the report. Responding to Members' questions, the Officer advised that the rear of all badges included the instruction that any convictions should be reported to the Council within 14 days and a further copy of the guidelines was supplied to all drivers at the application and review stages. She further advised that Mr Iqbal had not been required to undertake the knowledge course, as it was not a condition of the Licence at the time originally applied.

Mr Iqbal was in attendance at the meeting, accompanied by his legal adviser Mr Loach, in connection with the review of his Private Hire Vehicle Driver's Licence and they answered questions raised by Members of the Sub-Committee and Officers as appropriate. Mr Iqbal confirmed that he currently only had one vehicle utilised for private hire and he agreed to return any unused Private Hire plates to the Licensing Authority and to provide details of his current insurance policy.

Mr Iqbal and Mr Loach were afforded the opportunity to make a final statement.

All parties, with the exception of the City Council's Solicitor and Democratic Support Officer, then withdrew from the meeting to enable the Sub-Committee to make their decision.

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

202

Resolved:-

(a) That having carefully considered all the information contained in the Licensing Officer's report and the representations made at the meeting, the Sub-Committee consider that Mr A Iqbal is considered a fit a proper person to hold a Private Hire Vehicle Driver's Licence and, as such no further action will be taken on this matter. The decision is, however, subject to Mr Iqbal attending and passing the knowledge course and also subject to the return, to the Licensing Authority, of the unused Private Hire plates and sight of his motor insurance policy.

(b) That Mr Iqbal's Private Hire Vehicle Driver's Licence be reviewed again by the Licensing Sub-Committee in three months time.

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

Application for a Private Hire Vehicle Driver's Licence (Appendix 22)

The Chair introduced the Sub-Committee and Officers. The Section Leader (Licensing) then briefly outlined the report. She advised that the applicant had completed and passed all the necessary training requirements.

Mr Chahal was in attendance at the meeting, accompanied by his wife, in connection with his application for a Private Hire Vehicle Driver's Licence and Mrs Chahal answered questions raised by Members of the Sub-Committee and Officers as appropriate on behalf of her husband. She indicated that the changes to the medical certificate were due to a misunderstanding as she was not aware that the changes must be carried out by a doctor.

Mr Chahal and his wife were afforded the opportunity to make a final statement.

All parties, with the exception of the City Council's Solicitor and Democratic Support Officer, then withdrew from the meeting to enable the Sub-Committee to make their decision.

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

203

Resolved:-

That a Private Hire Vehicle Driver's Licence be granted to Mr D S Chahal for a period of twelve months, subject to review by the Head of Service in six months and twelve months time.

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

Application for a Private Hire Vehicle Driver's Licence (Appendix 23)

The Chair introduced the Sub-Committee and Officers. The Section Leader (Licensing) then briefly outlined the report and specifically the convictions detailed at section 4.

Mr Speirs was in attendance at the meeting, in connection with his application for a Private Hire Vehicle Driver's Licence and answered questions raised by Members of the Sub-Committee and Officers as appropriate. He produced five letters of reference, which were viewed by the Sub-Committee Members and Officers. When questioned, he elaborated on the crimes resulting in the convictions detailed in the report.

Mr Speirs was afforded the opportunity to make a final statement.

All parties, with the exception of the City Council's Solicitor and Democratic Support Officer, then withdrew from the meeting to enable the Sub-Committee to make their decision.

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

204

Resolved:-

That having carefully considered all the information contained in the Licensing Officer's report and, in particular, the convictions detailed in section 4, together with the representations made by the applicant at the meeting, including five letters of reference, the Sub-Committee consider that Mr A Speirs is not considered as a fit and proper person to hold a Private Hire Vehicle Driver's Licence. They have decided not to grant the Licence in accordance with paragraphs 1.5, 5.1.13(b), 5.1.7(b) and 5.1.1(b) of the Council's Guidelines relating to the relevance of convictions and breaches of licence conditions and Section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

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

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

Application for a Private Hire Vehicle Operator's Licence (Appendix 24)

The Chair introduced the Sub-Committee and Officers. The Section Leader (Licensing) then briefly outlined the report.

Mr Asid was in attendance at the meeting, accompanied by the current holder of the Operator's Licence Mr Farooq, in connection with his application for a Private Hire Vehicle Operator's Licence and answered questions raised by Members of the Sub-Committee and Officers as appropriate. It was noted that Mr Asid was already part owner in the Company but wished to take over the Licence as Mr Farooq was due to leave the Country for a period of months. Mr Farooq would remain a partner in the business.

Mr Asid afforded the opportunity to make a final statement.

All parties, with the exception of the City Council's Solicitor and Democratic Support Officer, then withdrew from the meeting to enable the Sub-Committee to make their decision.

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

205

Resolved:-

That a Private Hire vehicle Operator's Licence be granted to Mr M Asid for a period of twelve months in respect of an existing business known as 'City Cars', which operates from Lanesfield Drive, Ettingshall, Wolverhampton, WV4 6TZ.

The applicant agreed to participate in a training session with the Council's Licensing and Compliance Officers, which would be made a condition of the Licence. The Sub-Committee also urged the applicant to remind drivers of the need to ensure that they do not use mobile phones in their Private Hire Vehicles, irrespective of whether or not the engine is running.

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