

CITY OF
WOLVERHAMPTON
COUNCIL

Non-Statutory Licensing Sub-Committee

Minutes - 4 April 2019

Attendance

Members of the Non-Statutory Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)

Cllr Rita Potter

Cllr Jane Stevenson

Employees

Sarah Hardwick

Elaine Moreton

Kirsty Tuffin

Donna Cope

Senior Solicitor

Section Leader, Licensing

Democratic Services Officer

Democratic Services Officer

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

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Private Hire Vehicle Driver (SL) into the Hearing. SL was accompanied by his mother. The Chair led round-table introductions and outlined the procedure to be followed.

The Section Leader, Licensing, outlined the report regarding a six-month review of a Private Hire Vehicle Driver's Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee for consideration to be given as to whether SL remained a fit and proper person to hold a Private Hire Vehicle Driver's Licence.

SL confirmed that the information contained within the report was accurate.

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

The Chair invited SL to make his submission.

SL discussed his experience as a Private Hire Vehicle Driver over the past six months and detailed his current employment with Club Cars. He stated that he enjoyed his job and had been promoted as a result of his hard work.

All parties were invited to question SL on his submission.

In response to questions from the Sub-Committee, SL elaborated further on his current employment and provided the Sub-Committee with references from his current employer (copies filed with these minutes).

The Sub-Committee were heartened by SL's submission and how he had turned his life around.

SL thanked the Sub-Committee for believing in him and giving him a chance.

Resolved:

The Sub-Committee considered all the evidence presented at the Hearing, both written and oral and were satisfied that SL remained a fit and proper person to hold a Private Hire Vehicle Driver's Licence and that no further action was required.

5 **Review Prior to Renewal of a Private Hire Vehicle Operator's Licence (BC)**

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Private Hire Vehicle Operator (AD) into the Hearing. The Chair led round-table introductions and outlined the procedure to be followed.

Sarah Hardwick, Senior Solicitor, advised the Sub-Committee that prior to the Hearing, an email had been received from AD, stating that his Solicitor was unable to attend the Hearing.

AD confirmed this was correct and requested that the Hearing be adjourned to enable his Solicitor to attend.

Resolved:

The Sub-Committee agreed to adjourn the hearing until a further date.

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

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

The Section Leader advised the Sub-Committee that the new Council Guidelines relating to relevance of convictions and breaches of licence conditions were now in place and as a result, some of the dates within the report had changed. The Section Leader confirmed the amended dates.

MA confirmed that the information contained within the report was accurate.

All parties were invited to question the Section Leader on the report. Elaine Moreton provided responses to questions asked.

The Chair invited MA to make representations.

MA discussed the situation that led to the allegations being made against him and he detailed his personal circumstances. He admitted to plying for hire, which he deeply regretted, but stated the allegations of assault were not true.

All parties were invited to question MA on his submission.

In response to questions from the Sub-Committee, Section Leader and Solicitor, MA discussed his employment history as a Hackney Carriage Driver and elaborated further on the situations that led to the alleged assault.

The Chair invited MA to make a final statement.

MA stated that the allegations of assault made against him were not true and had ruined his life. He stated he was a good person and needed work to support his family. He stated that apart from the allegation of assault no other complaints had ever been made against him whilst working as a taxi driver.

MA 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:

Having considered all the evidence presented at the Hearing, both written and oral, the Sub-Committee resolved that the applicant was a fit and proper person and therefore they determined to depart from the guidelines and grant MA a Private Hire Vehicle Driver's Licence subject to the following:

- That the Applicant attended a Review Hearing before the Licensing Sub-Committee after six months from grant of his licence.
- On attending the six-month review hearing it would assist if the Applicant were to produce a letter of reference from the company he was working for as to his performance as a private hire vehicle driver whilst licensed.

Granting of the licence was also subject to MA passing the knowledge test, a satisfactory medical, and producing documentation of his immigration status/ right to work in 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.

- 7 **Review of a Hackney Carriage and Private Hire Vehicle Driver's Licence (CA)**
The Chair invited Elaine Moreton, Section Leader, Licensing, and the Driver (CA) into the Hearing. CA was accompanied by his Solicitor, Nigel Ford.

The Chair led round-table introductions and outlined the procedure to be followed.

The Section Leader, Licensing, outlined the report regarding a Review of a Hackney Carriage and Private Hire Vehicle Driver's Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee for consideration to be given as to whether CA was a fit and proper person to hold a Hackney Carriage and Private Hire Vehicle Driver's Licence due to the information outlined in the report.

Nigel Ford, Solicitor representing CA confirmed that the information contained within the report was accurate.

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

The Chair invited CA to make his submission.

Nigel Ford made representations on behalf of his client. He stated that his client fully accepted the allegations against him and he was sorry. He discussed his client's current personal circumstances and stated CA was a hardworking family man with no convictions. He said his client was deeply sorry and embarrassed by the incident.

All parties were invited to question CA and Mr Ford on the submission.

In response to questions asked, Mr Ford stated that his client had been experiencing personal problems at the time of the incident and that he was not a bad man. He stated that his client lacked understanding of equality issues and would welcome further training if deemed appropriate by the Sub-Committee.

In response to questions asked, Sarah Hardwick, Senior Solicitor, and Elaine Moreton, Section Leader Licensing, elaborated on the training available to CA.

The Chair invited CA to make a final statement and Mr Ford did so on behalf of his client. He stated that his client was deeply sorry for his actions and would welcome further training. He stated that it was a one-off incident and no other complaints had been made against his client.

CA, Mr Ford (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 which was read out by the Senior Solicitor.

Resolved:

The Sub-Committee considered all the evidence before them, both written and oral, provided at the hearing.

In the circumstances, section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and paragraph 5.1.25 of the Council Guidelines relating to Relevance of Convictions and Breaches of Licence Conditions, allowed the Council to suspend or revoke the dual licence. However, members were minded to rely upon paragraph 1.12 of the Guidelines which provide that in appropriate circumstances a suspension or revocation may be abated, by the licence holder demonstrating to the satisfaction of the Council that they had successfully completed and passed appropriate training which should be evidenced in writing to the Council.

Members required CA to attend the one-day Hackney Carriage and Private Hire Vehicle Driver knowledge course at his own expense.

[NOT PROTECTIVELY MARKED]

Subject to CA successfully completing and passing the course, which should be evidenced in writing, no further action would be taken. However, should CA not complete and pass the course he would be required to attend a further review of his Hackney Carriage and Private Hire Vehicle Driver's Licence by the Sub-Committee.