

CITY OF  
WOLVERHAMPTON  
COUNCIL

# **Non-Statutory Licensing Sub-Committee**

Minutes - 8 May 2019

## **Attendance**

### **Members of the Non-Statutory Licensing Sub-Committee**

Cllr Alan Bolshaw (Chair)

Cllr Keith Inston

Cllr Wendy Thompson

### **Employees**

Sarah Hardwick

Elaine Moreton

Donna Cope

Senior Solicitor

Section Leader, Licensing

Democratic Services Officer

## 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 Driver's Licence (AK)**

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (AK) into the Hearing. AK was accompanied by her Solicitor, Mr Anthony Schiller. 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 AK 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 that AK had previously submitted character references and wished for them to be considered by the Sub-Committee. The Sub-Committee agreed to the request (copies filed with these minutes).

All parties were invited to question the Section Leader on the report.

Mr Schiller, Solicitor representing AK, stated that some of the dates within the report were incorrect. He provided the correct dates and confirmed that his client had not be prejudiced by the inaccuracies within the report.

The Chair invited AK to make representations.

Mr Schiller made representations on behalf of his client. He stated that AK had held a Private Hire Vehicle Driver's licence with Sandwell Metropolitan Borough Council for 9 years and during that time she had not received a single complaint. He detailed the circumstances that led to his client's conviction and stated she was a good, hardworking person who would be an asset to the trade.

All parties were invited to question AK and Mr Schiller on the submission.

In response to questions asked, AK and Mr Schiller elaborated further on the situations that lead to AK's conviction and confirmed that she had a clean driving licence.

The Chair invited AK to make a final statement and Mr Schiller did so on behalf of his client. He stated that AK had a good history as a licensed driver and had learnt from her mistakes.

AK, Mr Schiller 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 depart from the Council Guidelines relating to Relevance of Convictions and Breaches of Licence Conditions and grant AK a Private Hire Vehicle Driver's Licence subject to AK passing the knowledge test, a satisfactory medical, and producing documentation of her immigration status/ right to work in the UK.

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#### **Review of a Private Hire Vehicle Driver's Licence (SH)**

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Private Hire Vehicle Driver (SH) into the Hearing. SH was accompanied by his friend Mr Khan. 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 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 SH was a fit and proper person to hold a Private Hire Vehicle Driver's Licence.

The section leader reported the following updates since the report had been published:

- SH had submitted a Private Hire Vehicle Driver's Licence renewal application, so therefore Members would be reviewing his current licence and determining his renewal application;
- Witness statements had been received from Stockport Council;
- SH had not received a warning letter from Stockport Council as stated in the report.

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

The Chair invited SH to make his submission.

Mr Khan, friend of SH, made representations on his behalf. He discussed the situations that led to the allegations made against him and stated they were not true. He also advised the Sub-Committee that the application in question had been completed by an agency, not by SH.

All parties were invited to question SH on his submission.

In response to questions asked, Mr Khan and SH elaborated further on the situations that led to the alleged misconduct and stated that the allegations were not true.

The Chair invited SH to make a final statement.

Mr Khan did so on behalf of SH. He stated again that the allegations were untrue, and that SH wanted a chance to prove himself.

SH, Mr Khan 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. The Sub-Committee were not satisfied that SH was a fit and proper person and therefore, in accordance with Section 51 and Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, decided that SH's Private Hire Vehicle Driver's Licence would be revoked and his application to renew would be refused.

The decision was made in accordance with paragraphs 5.1.10, 5.1.25 and 5.1.9 of the guidelines relating to relevance of convictions and breaches of licence conditions agreed by the Non-Statutory Licensing Committee on 20 March 2019.

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.

Councillor Wendy Thompson withdrew from the meeting.

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#### **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. AD was accompanied his mother and Solicitor, Mr Anthony Schiller. The Chair led round-table introductions and outlined the procedure to be followed.

The Section Leader, Licensing, outlined the report regarding a review prior to renewal of 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 for consideration to be given as to whether AD was a fit and proper person to hold a Private Hire Vehicle Operator's Licence due to the information outlined in the report.

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

The Chair invited AD to make representations.

Mr Schiller made representations on behalf of his client. He discussed AD's employment history as a Private Hire Vehicle Driver and Operator and stated that AD had made mistakes due to lack of experience. Mr Schiller detailed the situations that led to the breach of licence conditions and explained how AD had addressed these. He stated AD was a fit and proper person to hold a Private Hire Vehicle Operator's Licence and had learnt from his mistakes.

Mr Schiller requested that the Sub-Committee received a number of supporting press articles relating to his client. The Sub-Committee agreed to the request (copies filed with these minutes).

All parties were invited to question AD and Mr Schiller on the submission.

In response to questions asked, AD and Mr Schiller elaborated further on the situations that lead to the breach of licence conditions and discussed further how AD had put measures in place to ensure they would not happen again.

The Chair invited AD to make a final statement and Mr Schiller did so on behalf of his client. He stated that AD had made mistakes but had made significant investments and changes to his business model to address them.

AD, Mr Schiller 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 presented at the Hearing, both written and oral and having considered all the information presented, the Licensing Sub-Committee did not find AD to be a fit and proper person to hold a Private Hire Vehicle Operator's Licence.

In accordance with Sections 55 and 62 of the Local Government (Miscellaneous Provisions) Act 1976 and paragraphs 5.1.19 and 5.1.25 of the Council's guidelines the Sub-Committee decided that the application for renewal was refused. It was noted that the licence granted on 30.10.17 expired on 29.10.18 and therefore review of that licence was not necessary and renewal only had been determined. Full reasons for the decision would be detailed in a decision letter forwarded to AD.

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.