

CITY OF
WOLVERHAMPTON
COUNCIL

Non-Statutory Licensing Sub-Committee

Minutes - 18 February 2020

Attendance

Members of the Non-Statutory Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)
Cllr Obaida Ahmed
Cllr Anwen Muston

Employees

Richard Phillips	Solicitor
Donna Cope	Democratic Services Officer
Elaine Moreton	Section Leader – Licensing
Bronee Davies	Senior Licensing Officer (observing)

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 - SS

The Chair invited Elaine Moreton, Section Leader Licensing, Bronee Davies, Senior Licensing Officer, and the Applicant (SS) into the Hearing. SS was accompanied by his wife 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 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 SS was a fit and proper person to hold a Private Hire Vehicle Driver'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 SS to make representations.

Mr Schiller made representations on behalf of his client. He detailed the circumstances that led to his client's convictions and stated that SS had been an excellent taxi driver for a long time and had no penalty points on his driving licence. He stated that SS no longer drank alcohol, for which he had medical evidence, and had sought professional help and guidance on the matter. He stated that SS had learnt from his mistakes and was now older and wiser.

Mr Schiller advised that SS had additional supporting documents with him 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 SS and Mr Schiller on the submission.

In response to questions asked, Mr Schiller elaborated further on the situations that led to his client's convictions and stated that SS underwent regular blood tests confirming that he no longer drank alcohol. He stated that the circumstances surrounding his client's convictions were unique and requested that the Sub-Committee depart from the Council guidelines.

All parties agreed to adjourn the hearing to allow Elaine Moreton the opportunity to view the supporting documents submitted by Mr Schiller.

The Sub-Committee adjourned at 11.03 hours.

The Hearing reconvened at 11.27 hours.

The Chair invited Elaine Moreton to question SS and Mr Schiller on the supporting documents. Mr Schiller provided responses to questions asked.

The Chair invited Mr Schiller and SS to make a final statement and Mr Schiller did so. He stated that SS had a good history as a licensed driver and had learnt from his mistakes. He stated that his client was not a risk to the public and had medical evidence confirming he no longer drank alcohol.

SS, his wife, Mr Schiller, the Section Leader and Senior Licensing Officer left the room to allow the Sub-Committee to determine the matter.

All parties were invited back to the meeting.

The Chair advised them of the decision of the Sub-Committee, which was explained in full by the Solicitor.

Resolved:

That having considered all the evidence both written and oral, provided at the hearing, the Sub-Committee was not satisfied that SS was a fit and proper person and therefore, in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, a Private Hire Vehicle Driver's Licence was not granted. This decision was made in accordance with paragraph 5.1.4(b) of the guidelines relating to the relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 20 March 2019.

The 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, and the potential costs of doing so.

The Sub-Committee adjourned at 11.43 hours.

The Hearing reconvened at 11.56 hours.

5 **Application for a Private Hire Vehicle Driver's Licence - SH**

The Chair invited Elaine Moreton, Section Leader Licensing, Bronee Davies, Senior Licensing Officer, and the Applicant (SH) into the Hearing. SH was accompanied by

his 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 SH was a fit and proper person to hold a Private Hire Vehicle Driver'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 SH to make representations.

Mr Schiller made representations on behalf of his client.

He stated that SH was innocent of the allegation made against him and wanted to clear his name. He stated that his client had no criminal convictions, a clear DBS and had received no other complaints whilst working as a licensed driver.

All parties were invited to question SH and Mr Schiller on the submission. SH and Mr Schiller provided responses to questions asked.

The Chair invited Mr Schiller and SH to make a final statement. Mr Schiller did so. He reiterated that his client had a clean DBS and said the stain on his character was haunting him.

SH, Mr Schiller, the Section Leader and Senior Licensing Officer left the room to allow the Sub-Committee to determine the matter.

All parties were invited back to the meeting.

The Chair advised them of the decision of the Sub-Committee, which was explained in full by the Solicitor.

Resolved:

That having considered all the evidence both written and oral, provided at the hearing, the Sub-Committee was not satisfied that SH was a fit and proper person and therefore, in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, a Private Hire Vehicle Driver's Licence was not granted. This decision was made in accordance with paragraphs 5.1.9 and 5.1.25 of the guidelines relating to the relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 20 March 2019.

The 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, and the potential costs of doing so.