

CITY OF
WOLVERHAMPTON
COUNCIL

Regulatory Sub- Committee

Minutes - 30 September 2021

Attendance

Members of the Regulatory Sub-Committee

Cllr Phil Page (Chair)
Cllr Anwen Muston
Cllr Wendy Dalton

Employees

Elaine Moreton	Section Leader Licensing
Onkaren Sandhu	Section Leader Licensing
Sarah Hardwick	Senior Solicitor
Donna Cope	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 **(RA) Application for a Private Hire Vehicle Driver's Licence**

The Chair invited Elaine Moreton, Section Leader Licensing, Onkaren Sandhu, Section Leader Licensing, and the Applicant (RA) into the Hearing. RA was accompanied by his Solicitor, Mr Anthony Schiller. The Chair led round-table introductions and outlined the procedure to be followed.

Elaine Moreton, 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 RA 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. No questions were asked.

The Chair invited RA to make representations.

Mr Schiller made representations on behalf of his client. He outlined his client's convictions and stated that RA was rehabilitated and had learnt from his mistakes. He stated that RA had rebuilt his life and was now older and wiser.

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

In response to questions asked, Mr Schiller detailed the circumstances that led to his client's convictions and stated that RA had not been in trouble for a decade.

In response to further questions, RA stated that he had made one mistake and he was now a changed person.

The Chair invited Mr Schiller and RA to make a final statement. Mr Schiller did so.

RA, Mr Schiller, Elaine Moreton and Onkaren Sandhu 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 Senior Solicitor.

Resolved:

That having considered all the evidence both written and oral, provided at the hearing, the Sub-Committee was not satisfied that RA 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 5.1.9 of the guidelines relating to the relevance of convictions and breaches of licence conditions agreed by the Non-Statutory Licence 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, and the potential costs of doing so.

5 **(MN) Application for a Private Hire Vehicle Driver's Licence**

MN was unable to attend. Hearing deferred to a future date.

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

The Chair invited Elaine Moreton, Section Leader Licensing, Onkaren Sandhu, Section Leader Licensing, and the Applicant (RJ) into the Hearing. The Chair led round-table introductions and outlined the procedure to be followed.

Elaine Moreton, 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 RJ 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. No questions were asked.

The Chair invited RJ to make representations.

RJ detailed the circumstances that led to his convictions and stated that he had been young and foolish. He stated that he now only drank alcohol on special occasions and had settled down.

He stated that he 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).

RJ stated that he was a different person now and asked the Sub-Committee to grant him a temporary badge so that he could prove himself.

All parties were invited to question RJ on his submission.

In response to questions asked, RJ outlined his current situation and discussed his previous employment. He stated that he had now grown up and had completed an alcohol course whilst in prison.

The Chair invited RJ to make a final statement. RJ did so.

RJ, Elaine Moreton and Onkaren Sandhu left the room to allow the Sub-Committee to determine the matter.

All parties were invited back to the meeting.

Sarah Hardwick, Senior Solicitor, reported that the Sub-Committee were concerned about RJ's alcohol offences and would like the relevant tests carried out to establish whether he still drank alcohol.

RJ advised the Sub-Committee that he used to work as a delivery driver for Amazon where he had been required to take regular random alcohol tests.

Following discussions on this, it was agreed to adjourn the Hearing to allow Mrs Moreton, Section Leader, speak with a doctor regarding alcohol testing methods and time scales.

The Sub-Committee adjourned at 12.40 hours.

The Hearing reconvened at 12.47 hours.

Mrs Moreton reported back to the Sub-Committee, and RJ responded to questions regarding his previous employment with Amazon.

Following further discussions, it was agreed to adjourn the Hearing again to allow Mrs Moreton, Section Leader, seek further clarification on alcohol testing.

The Sub-Committee adjourned at 12.53 hours.

The Hearing reconvened at 12.57 hours.

Mrs Moreton reported back to the Sub-Committee.

RJ, Elaine Moreton and Onkaren Sandhu 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 Senior Solicitor.

Resolved:

That having considered all the evidence both written and oral, provided at the hearing, the Sub-Committee decided to defer consideration of the application to allow Licensing Services to contact Amazon and obtain a reference confirming that RJ had

previously worked for them, his conduct whilst employed, and that when tested for alcohol his results had been negative.

Should the Council receive a positive reference from Amazon, the Regulatory Sub-Committee delegated the power to grant the application to officers with the stipulation that his licence be subject to review by an officer every 3 months for the period of the licence, that being 12 months.

If Amazon failed to provide a reference or when received, the feedback was negative, RJ would again be required to attend before the Regulatory Sub-Committee.