

# Licensing Committee

## 7 September 2016

**Time** 10.00 am **Public Meeting?** YES **Type of meeting** Regulatory

**Venue** Committee Room 3 - 3rd Floor - Civic Centre

### Membership

**Chair** Cllr Alan Bolshaw (Lab)

#### Labour

Cllr Greg Brackenridge  
Cllr Ian Claymore  
Cllr Rita Potter  
Cllr Keith Inston  
Cllr John Rowley  
Cllr Daniel Warren  
Cllr Hazel Malcolm  
Cllr Anwen Muston  
Cllr Zee Russell

#### Conservative

Cllr Patricia Patten  
Cllr Arun Photay

#### Liberal Democrat

Quorum for this meeting is three Councillors.

### Information for the Public

If you have any queries about this meeting, please contact the democratic support team:

**Contact** Julia Cleary  
**Tel/Email** 01902 555046 (email: [julia.cleary@wolverhampton.gov.uk](mailto:julia.cleary@wolverhampton.gov.uk))  
**Address** Democratic Support, Civic Centre, 1st floor, St Peter's Square,  
Wolverhampton WV1 1RL

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

# Agenda

## Part 1 – items open to the press and public

*Item No.*    *Title*

### **BUSINESS ITEMS**

- 1            **Apologies for absence**
- 2            **Declarations of interest**
- 3            **Minutes of previous meeting** (Pages 3 - 6)
- 4            **Minutes of Sub Committee Meeting 27 July 2016** (Pages 7 - 8)
- 5            **Minutes of Sub Committee on 12 August 2016** (Pages 9 - 14)
- 6            **Matters arising**
- 7            **Training for Members of the Licensing Committee**

Training will be provided by Mr Philip Kolvin QC.

A buffet lunch will be provided.

## Attendance

### Members of the Licensing Committee

Cllr Alan Bolshaw (Chair)  
Cllr Greg Brackenridge  
Cllr Ian Claymore  
Cllr Patricia Patten  
Cllr Rita Potter  
Cllr Keith Inston  
Cllr John Rowley (Vice-Chair)  
Cllr Daniel Warren  
Cllr Hazel Malcolm  
Cllr Anwen Muston  
Cllr Zee Russell

### Employees

Colin Parr – Head of Governance  
Elaine Moreton – Section Leader, Licensing  
Julia Cleary – Democratic Support

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## Part 1 – items open to the press and public

*Item No.*    *Title*

- 1        **Apologies for absence**  
Apologies were received from Cllr Photay.
  
- 2        **Declarations of interest**  
There were no declarations of interest.
  
- 3        **Minutes of previous meetings**  
**Resolved:** That the minutes of the meeting held on 15<sup>th</sup> June 2016 be agreed as a correct record.
  
- 4        **Matters arising**  
Members received an update in relation to Malones Bar which had now become an African themed community venue.

Members also received an update regarding an applicant for a private hire driver's licence who was appealing against the decision of the Sub-Committee; officers were still awaiting clarification as to whether papers had been lodged in time with the courts.

Officers confirmed that licensing training had been arranged for 7<sup>th</sup> September 2016 and would be provided by Philip Kolvin QC.

The Chair welcomed Cllr Malcolm to the meeting.

5 **Health & Safety Statutory Plan for 2016/2017**

A report was submitted informing the Licensing Committee of the legal requirement to produce a Health & Safety Statutory Plan and reminding the Committee of the impact of the restructure of Regulatory Services in October and the reduction in resources allocated to the delivery of the Health and Safety service.

The Committee was requested to approve the 2016/17 Health and Safety Statutory Plan which was attached to the report.

**Resolved:** That the Health & Safety Statutory Plan 2016/17 be approved.

6 **Presentation in Relation to Online Taxi Applications**

The Committee received an update in relation to online taxi applications from the Head of Governance.

It was stated that the number of applications for private hire and hackney carriage driver licences had increased significantly in recent years due to deregulation and drivers moving to Wolverhampton from other neighbouring authorities. The service was expecting to receive in the region of 2000 additional applications before the end of the year.

A presentation was given showing Members the online application process which was hoped to go live in the next week.

Members considered the acceptance of already held DBS forms and some concern was expressed regarding time limits regarding this and whether safeguards had been built into the online application form. Officers confirmed that all DBS forms were checked and where appropriate cross checked rigorously and that a report would be brought to the next meeting regarding the current policy in relation to DBS checking.

The new process would significantly speed up to time taken for a driver's badge to be processed as the documents and information would have already been received and checked prior to the applicant attending the Civic Offices. It was confirmed that further checks would be made of the applicant's driving licence and passport prior to the badge being handed over at the Council Offices.

With regards to the vehicle applications, links were built into the system that would automatically populate the form with data from the DVLA including informing the applicant if the vehicle was too old to be licenced as a taxi. Work was also planned for the future to link the system with VOSA.

Members queried whether due to the reduced administrative costs associated with the online application form a challenge might be received regarding the application fees. Officers agreed that yes this was a possibility and it was suggested that the Council pilot a 10% reduction in fees for online applications.

The Committee were very impressed with the online system and thought it was a very impressive and much smarter way of working.

**Resolved:**

- a) That a report be brought to the next meeting in relation to DBS checks.
- b) That there be a pilot 10% fee reduction for online applications.
- c) That a follow up paper on the roll out of the online process be brought back to the Committee in 6 months.

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**Attendance**

**Chair** Cllr Alan Bolshaw (Lab)

**Labour**

Cllr Rita Potter

**Conservative**

Cllr Patricia Patten

**Employees**

Sarah Hardwick – Senior Solicitor  
Michelle Steadman - Licensing Officer  
Julia Cleary – Democratic Support

*Item No. Title*

**1 Apologies for absence**

There were no apologies were absence.

**2 Declarations of interest**

There were no declarations of interest.

**3 Exclusion of press and public**

Resolved:

That the public and press be excluded.

**4 Application for a Private Hire Driver's Licence (14.30)**

The Chair made introductions and outlined the procedure to be followed during the meeting.

Michelle Steadman, Licensing Officer, outlined the report in relation to the application for a Private Hire Driver Licence which had been circulated to all parties in advance of the meeting and, in doing so, indicated the reasons for referring this matter to the Sub-Committee with reference to Guidelines relating to Relevance of Convictions and Breaches of Licence Conditions and more particularly guideline 5.1.3 (b). This guideline relates to major traffic offences and provides that the applicant would not normally be granted a licence in the circumstances before 11 August 2024.

The Applicant confirmed that the information contained within the report was accurate and there were no questions from the Sub Committee for the Licensing Officer.

The Applicant stated that he was already working for a taxi operator firm in Birmingham and now wanted to work as a driver due to family circumstances. The Applicant stated that he had never been in trouble before the listed convictions. The Applicant confirmed that he had worked for the operator firm for 5 years.

The Applicant stated that in relation to the offence in 2011, he had failed to stop when travelling at excessive speed and that following a chase; the Police had resorted to deploying a stinger to halt his vehicle.

With regards to the later offence, the Applicant had been driving the vehicle as his friend who owned it had been drinking when they were stopped by the Police.

The Applicant had now retaken his driving test and produced a letter from the Mosque where he had carried out his community service.

Resolved

That, having considered all the information presented to the meeting, the Licensing Sub-Committee was not satisfied that the Applicant was a fit and proper

person to hold a private hire vehicle driver's licence and accordingly the application was refused.

**5 Application for a Driver's Licence (15.00)**

The Chair made introductions and outlined the procedure to be followed during the meeting.

Michelle Steadman, Licensing Officer, outlined the report in relation to the application for a Private Hire Driver Licence which had been circulated to all parties in advance of the meeting and, in doing so, indicated the reasons for referring this matter to the Sub-Committee with reference to Guidelines relating to Relevance of Convictions and Breaches of Licence Conditions and more particularly guideline 5.1.3 (a). This guideline relates to major traffic offences (other than drink driving and drug offences) and provides that the applicant would not normally be granted a licence in the circumstances before 28 July 2020.

The Applicant confirmed that the information contained within the report was accurate and there were no questions from the Sub Committee for the Licensing Officer.

The Applicant stated that he had been stopped by the Police for driving over the speed limit and explained that this was due to concern over his pregnant partner who he had just received a call from when he was on his way to work.

Resolved:

That, having considered all the information presented to the meeting, the Licensing Sub-Committee was satisfied that the Applicant was a fit and proper person to hold a private hire vehicle driver's licence and accordingly agreed to grant him a licence.

**6 Application for a Driver's Licence (15.30)**

The Chair made introductions and outlined the procedure to be followed during the meeting.

Michelle Steadman, Licensing Officer, outlined the report in relation to the application for a Private Hire Driver Licence which had been circulated to all parties in advance of the meeting and, in doing so, indicated the reasons for referring this matter to the Sub-Committee with reference to Guidelines relating to Relevance of Convictions and Breaches of Licence Conditions and more particularly guideline 5.1.3 (b). This guideline relates to major traffic offences (other than drink driving and drug offences) and provides that the applicant would not normally be granted a licence in the circumstances before 26 July 2021.

The Applicant confirmed that the information contained within the report was accurate and there were no questions from the Sub Committee for the Licensing Officer.

The Applicant stated that his whole family were in the taxi trade and that he had applied for the licence in order to support his family.

The Applicant explained the incident to the Sub-Committee and stated that he had been forced to drive the vehicle at knife point. He had to swerve to avoid a child in the road and in doing so he had hit a wall. The other passenger who had been in the vehicle at the time had then run off. When questioned, the Applicant stated that he did not know why one of the other men standing around the car had not driven it or how they knew that he could drive. The Applicant stated that he did not know the other men and had just been in the wrong place at the wrong time.

Resolved:

That, having considered all the information presented to the meeting, the Licensing Sub-Committee was not satisfied that the Applicant was a fit and proper person to hold a private hire vehicle driver's licence and accordingly refused to grant him a licence.

#### **7 Application for a Driver's Licence (16.00)**

The Applicant did not attend the meeting and was phoned by the Clerk who informed him that the meeting may go ahead in his absence; the Applicant had no objection to this.

The Chair made introductions and outlined the procedure to be followed during the meeting.

Michelle Steadman, Licensing Officer, outlined the report in relation to the application for a Private Hire Driver Licence which had been circulated to all parties in advance of the meeting and, in doing so, indicated the reasons for referring this matter to the Sub-Committee with reference to Guidelines relating to Relevance of Convictions and Breaches of Licence Conditions and more particularly guideline 5.1.3 (a). This guideline relates to major traffic offences (other than drink driving and drug offences) and provides that the applicant would not normally be granted a licence in the circumstances before 11 November 2021.

Resolved:

That, having considered all the information presented to the meeting, the Licensing Sub-Committee was not satisfied that the Applicant was a fit and proper person to hold a private hire vehicle driver's licence and accordingly refused to grant him a licence.

#### **8 Application for a Driver's Licence (16.30)**

The Chair made introductions and outlined the procedure to be followed during the meeting.

Michelle Steadman, Licensing Officer, outlined the report in relation to the application for a Private Hire Driver Licence which had been circulated to all parties in advance of the meeting and, in doing so, indicated the reasons for referring this matter to the Sub-Committee with reference to Guidelines relating to Relevance of Convictions and Breaches of Licence Conditions and more particularly guideline 5.1.3 (a). This guideline relates to major traffic offences (other than drink driving and drug offences) and provides that the applicant would not normally be granted a licence in the

circumstances before 28 July 2020; and 5.1.7(b). This guideline relates to dealing/supplying drugs and a licence would not normally be granted.

The Applicant confirmed that the information contained within the report was accurate and there were no questions from the Sub Committee for the Licensing Officer.

The Applicant stated that in relation to the conviction for using a motor vehicle uninsured against third party risks, that there had been a mistake by the insurance company and produced documentation to show this.

The Sub-Committee stated that the issue relating to the intent to deal drugs was the main concern to them and the Applicant stated that this had been only for financial gain and that he had not taken the drugs himself.

Resolved:

That, having considered all the information presented to the meeting, the Licensing Sub-Committee was not satisfied that the Applicant was a fit and proper person to hold a private hire vehicle driver's licence and accordingly refused to grant him a licence.

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## **Attendance**

**Chair** Cllr Alan Bolshaw (Lab)

### **Labour**

Cllr Rita Potter

### **Conservative**

Cllr Patricia Patten

### **Employees**

Joanne Till, Section Leader – Licensing

Sarah Hardwick, Senior Solicitor

Julia Cleary, Democratic Support Officer

### **Responsible Authorities**

Elaine Moreton (Licensing Authority)

Sargeant Kevin Flanagan – West Midlands Police

WPC Lisa Davies, Licensing Officer – West Midlands Police

### **Representatives for the Premise**

Mr Michael Jones – Representative of the Premise Licence Holder

Mr Balbinder Singh Gill – Premise Licence Holder and Designated Premise Supervisor

Mr Harjit Gill – Son of Premise Licence Holder

*Item No.*    *Title*

**1        Apologies for absence**

There were no apologies for absence.

**2        Declarations of interest**

There were no declarations of interest.

**3        Licensing Act 2003 - Review Hearing for the Pegasus**

An application had been made by West Midlands Police for a review of the premise licence in respect of the Pegasus Public House, Jackson Street, Whitmore Reans, WV6 0QQ.

The Licensing Officer provided an outline of the review application and the additional documentation that had been received in support of the premise licence holder, copies of the paperwork were made available at the meeting. West Midlands Police confirmed that they had no additional information to submit.

PC Davies introduced the case for the Police as follows:

1. On Friday 27th May 2016, a firearm had been discharged in the car park at the premises and two vehicles had received gunshot damage.
2. No 999 call had been made by the staff at the premises.
3. A member of the public notified the Police that they had heard what appeared to be gunshots.
4. The Premise Licence Holder had not informed the Police that there was to be an event (birthday party) at the premise.
5. When interviewed the Designated Premises Supervisor offered no explanation as to the events of the evening.
6. An investigation was on-going and the Sub-Committee were shown CCTV footage of the incident. Due to the on-going investigation the Police requested the press and public be excluded from the meeting for viewing of the CCTV. The CCTV evidence confirmed there had been a breach of licence conditions
7. There was Police concern relating to the response of the Designated Premises Supervisor/Premises Licence Holder to the incident
8. There was additional concern that Mr Harjit Gill had removed a damaged vehicle from the scene of the shooting, hindering the Police investigation.
9. There is no suggestion that the Premises Licence Holder or his son were connected to the individuals involved in the incident.
10. The Police confirmed that the licence had not been amended since 2005.

During this initial submission the Police stated they had considered recommending revocation of the licence but that they considered the Designated Premises Supervisor of good character and had therefore proposed conditions to be added to the licence.

The Panel questioned the Police on their submission.

There were no questions from the representative of the Premise Licence holder in relation to the CCTV and the Chair confirmed with both parties that they did not need to view the footage again.

The Licensing Officer questioned why the intelligence had only referred to the damage to the black range rover and the Police confirmed that at the time they had not been aware of the damage to another vehicle as this had been moved before they attended the scene. The Police confirmed that the other vehicle was thought to be collateral damage with the range rover being the target vehicle.

The Police stated that if they had been provided with the correct information at the time of the incident that the offender would probably have been caught.

The Sub-Committee questioned whether the Premise Licence Holder or his son could have known that this was going to happen; the Police stated that no but that they still should have informed the Police as soon as it had happened. The Chair queried whether the Premise Licence Holder could have been fazed by the incident and hence not related the information at the time; the Police agreed that this could have been the case but this did not account for the information not being brought to their attention days following the incident. The Committee questioned whether the Police were confident that if such an incident were to occur again that the Premise Licence Holder would act appropriately. The Police stated that no, they were not convinced of this, thus the need for additional conditions on the premise licence.

The representative of the Premise Licence Holder (Mr Jones) asked the Police whether they were suggesting that the Premise Licence Holder or his son were aware that gunshots had been fired. The Police confirmed that yes, this was what they were asserting and that if it was known why they were not informed.

The representative of the Premise Licence Holder outlined the case for the Premise which he stated had always been a quiet a well-run establishment. The Premise Licence Holder had been proactive since the incident and had approached a team of licensing experts to provide training for him and his staff.

Mr Jones stated that at the time of the incident the Premise Licence Holder nor his son were aware that a fire arm had been discharged. There was awareness that the range rover belonging to the party holder had been damaged and the vehicle owner had asked Mr Harjit Gill to remove the vehicle to avoid it sustaining any further damage. Mr Jones stated that the Premise Licence Holder nor his son could have known about the incident or done anything to prevent it and that any number of additional support staff would not have made any difference. Mr Jones confirmed that the Premise Licence Holder was prepared to accept the proposed conditions except for the first conditions that related to door staff and with an additional condition relating to the car park being suitably lit.

Mr Jones provided some alternative wording regarding the use of door staff which included removing reference to Thursday nights and having door staff for functions only or on a risk assessed basis or upon a reasonable request from the Police.

The Sub Committee queried whether the suggested conditions would mitigate against such as incident occurring again. The Police stated that the use of a robust door policy was an enforceable and recognised way to deal with such issues.

The Sub Committee considered the suitability of Mr Gill as the Designated Premises Supervisor and took into consideration that he had held that position for 33 years. Mr Gill stated that he understood that he must contact the Police whether there was a major or a minor issue at the premise and that he wanted to cooperate with the Police.

The Sub Committee voiced concerns regarding the response Mr Gill and his son had shown when confronted with the incident and asked again whether they were sure that they were not aware that the incident had involved gun fire and at what point they became aware that fire arms were involved. Mr Gill and his son reiterated that they were not aware at the time that firearms were involved and that they had been any gun fire. Mr Gill confirmed that he had not been pressured or asked not to report the incident to the Police. The first time Mr Gill was aware of the nature of the incident was when he was informed by the police when they arrived at the premise.

The Police requested clarification as to Mr H Gills role at the premise and confirmed that he had identified himself as the DPS on the night of the incident. Mr H Gill recalled this and confirmed that he was the DPS at another premises and was aware of the licensing objectives. Mr H Gill confirmed that he thought he had heard glasses breaking and that the disorder outside of the premise had led to the damage to the range rover and that he had moved the vehicle following a request from the owner to avoid it sustaining any additional damage.

As this evidence was presented during the hearing, the Police concluded that the actions of Mr Harjit Gill should be questioned. He was not the Designated Premises Supervisor however; his actions were interchangeable with Mr Gill the Designated Premises Supervisor. Before attending the hearing, the Police were prepared to believe that the Premises Licence Holder and his son were victims and that working with them to attach conditions to the licence was appropriate. However, due to the evidence presented, the Police questioned who knew what and when and whether the Premises Licence Holder/Designated Premises Supervisor or his son knew that there were firearms on the premises and whether they had deliberately hindered the Police investigation. The Police considered that because of the culture and honesty issue within management at the Premises a more robust action should be considered.

The Sub Committee considered a representation from Elaine Moreton, Licensing Authority (responsible authority) that supported the actions of the West Midlands Police, Mrs Moreton stated that on hearing the evidence today the Licensing Authority would also question whether the management of the premises was effective and therefore recommended revocation of the licence or removal of the Designated Premises Supervisor.

4 **Exclusion of press and public**

Resolved:

That the press and the public be excluded.

5 **Deliberations and decision**

The Sub-Committee considered the evidence that had been submitted.

6 **Re-admission of press and public**

The press and the public were readmitted.

7 **Announcement of decision**

On hearing the evidence the Sub-Committee were satisfied that:

1. The Premises Licence Holder and Harjit Gill were aware that a firearm had been discharged at the premises prior to being informed by the Police and that moving the vehicle from the scene of the shooting was done to remove evidence which hindered the Police investigation
2. The response to the incident by the premises was inadequate. It was the job of those in control of the premise to flag up, not cover up an incident and even if it believed that they did not realise shots had been fired, they still failed to notify the Police of damage to vehicles on their premises.
3. There had been a breach of licence conditions.

Therefore, based upon the above and having regard to the application and relevant representations made, the Sub-Committee has decided to revoke the licence in accordance with Section 52 of the Licensing Act 2003.

The above action was considered appropriate and proportionate action for the promotion of the prevention of crime and disorder and public safety licensing objectives.

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