

# Licensing Committee

## 2 November 2016

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

**Venue** Committee Room 2 - 3rd Floor - Civic Centre

### Membership

**Chair** Cllr Alan Bolshaw (Lab)

**Vice-chair**

#### 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** Mike Hooper  
**Tel/Email** 01902 551250 / [mike.hooper@wolverhampton.gov.uk](mailto:mike.hooper@wolverhampton.gov.uk)  
**Address** Democratic Support, Civic Centre, 2nd 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 - 4)**
- 4            **Minutes of the Licensing Sub-Committee held on 13 September 2016 (Pages 5 - 10)**
- 5            **Minutes of the Licensing Sub-Committee held on 6 October 2016 (Pages 11 - 16)**
- 6            **Minutes of the Licensing Sub-Committee held on 18 October 2016 (Pages 17 - 20)**
- 7            **Matters arising**

### **DECISION ITEMS**

- 8            **Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions Relating to Hackney Carriage and Private Hire Vehicle Proprietors and Drivers and Private Hire Vehicle Operators (Pages 21 - 24)**
- 9            **Responsible Authorities Forum Terms of Reference (Pages 25 - 30)**

# Licensing Committee

## Minutes - 7 September 2016

### Attendance

#### Members of the Licensing Committee

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

#### Employees

Colin Parr – Head of Governance  
Sarah Hardwick - Senior Solicitor  
Julia Cleary – Democratic support Officer

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## 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        **Minutes of previous meeting**  
Resolved:     That the minutes of the previous meeting be agreed as a correct record.
- 4        **Minutes of Sub Committee Meeting 27 July 2016**  
Resolved:     That the minutes of the licensing sub-committee held on 27<sup>th</sup> July 2016 be agreed as a correct record.
- 5        **Minutes of Sub Committee on 12 August 2016**  
Resolved:     That the minutes of the licensing sub-committee held on 12 August 2016 be agreed as a correct record.

- 6 **Matters arising**  
The Chair queried whether the minutes were accurate in anticipating an additional 2000 taxi applications. It was confirmed that this included all applications and that it was expected that there would be in the region of 200 to 300 additional driver applications. The Committee requested that an update be brought to a future meeting regarding the increase in applications and where the applicants were from.

Resolved: That a monitoring report on the increase in applications be brought back to the Committee in 6 months.

# Licensing Sub-Committee

## Minutes - 13 September 2016

### Attendance

**Chair** Cllr Alan Bolshaw (Lab)

#### Labour

Cllr John Rowley  
Cllr Anwen Muston

#### Conservative

### Employees

Leonie Woodward  
Elaine Moreton  
Mike Hooper  
Parpinder Singh  
Joanne Till

Lead Lawyer  
Section Leader – Licensing  
Democratic Support Officer  
Public Health Development Officer  
Section Leader – Licensing

*Item No.*    *Title*

**1        Apologies for absence**

There were no declarations of interest.

**2        Declarations of interest**

There were no declarations of interest.

**3        Exclusion of the Press and Public**

Resolved

That the press and public be excluded.

**4        Licensing Act 2003 - Application for a Variation to a Premise Licence - Drinks Express, 64 Chapel Ash**

An application had been made by Mrs Hardip Kaur and Mr Rajit Singh, the Premises Licence Holders, in respect of Drinks Express, 64 Chapel Ash, Wolverhampton WV3 9TT.

The Section Leader (Licensing) provided an outline of the variation application, drawing attention to an administrative error in the report – the premises were in Park Ward, not St. Peter's. Mrs Kaur confirmed that the summary was accurate.

The applicants presented their application. The request to extend the sale of alcohol for an additional 4 hours, until 3am, on Thursday, Friday and Saturday had been made due to demand from existing customers, including local brewery staff, and following requests to deliver goods after hours. Currently, people were travelling to a 24 hour off-licence in Penn Fields to purchase alcohol after 11pm. The applicants felt that the extended hours would allow their business to reach its full capacity, not just through the sale of alcohol but of other goods as well.

The applicants stated that they had not had any issues with littering in the vicinity of the shop nor any trouble. A declaration had been signed following consultation with the Police for the store to have SIA registered door staff. 24 hour CCTV cameras were already in operation and recordings were retained for 30 days. There was also an incident book on site. Overall, the applicants felt that they had been very good licence holders with no problems stemming from the sale of alcohol from their premises.

The Sub-Committee questioned the Licence holders on their application, with the latter providing the following responses:

They had deemed that there was demand for the additional opening hours as a high number of customers had been requesting it for a long time. Both the brewery and many takeaway outlets were located in the vicinity of the premises and many people wanted to be able to purchase a couple of beers after work or to take home with their food. It was accepted that when a previous request for extended hours, around 6-7

years ago, was refused there had been alcohol related issues in the area. However, since the removal of a nearby bus stop those problems had been eradicated. In addition, if a customer appeared to be drunk they would not be served alcohol.

The Police had never been called to the premises. The only time they had visited was to erect a poster regarding a mental health matter.

They were not aware of any anti-social behaviour (ASB) in the vicinity of the shops during its opening hours. They had also consulted local takeaways with regard to such issues occurring after 11pm but they had been assured that there were no such problems.

There had been incidences of ASB at the nearby bus shelter but since it had been removed two years ago such issues no longer existed.

The Section Leader – Licensing referred to a meeting between herself, the Licensing Manager, the Council's ASB Team and the Licence Holders 4 years previous in which issues were raised regarding people being sold single cans of alcohol. Mrs Kaur replied that drunk people were no longer served alcohol and that they knew the local people with alcohol related issues. She added that she believed that the ASB Officer was happy with the measures they had taken.

The Section Leader – Licensing asked the Premises Licence Holders if they believed that serving late night alcohol to people returning home from pubs or clubs could increase the potential for alcohol related ASB or criminal activity, why they had not requested to open late between Sunday and Wednesday, to clarify the requests they had received from the general public and local takeaway owners and to explain why they needed to sell alcohol during the extended opening hours. Mrs Kaur reiterated that they did not serve drunk people and added that it should be recognised that we now live in a 24 hour society. She knew that not all customers had already been drinking as a large percentage drove there. They had received many requests from customers to sell alcohol after 11pm and an offer from a local takeaway owner to purchase the shop. It was expected that post 11pm sales would be evenly split between alcohol and other items but they could see no reason why responsible people should not be served alcohol.

The Public Health Development Officer asked the Premises Licence Holders how they could know whether or not the customers that purchased alcohol would drink it in the streets throughout the night rather than go home. Mrs Kaur said that it was down to making a judgement call. West Park was closed at night and she should be able to serve customers that are not drunk.

Councillor Hardacre, Ward Member for Park Ward, asked the Premises Licence Holders if they themselves would be present during the extended hours, if they knew the working definition of the term drunk and disorderly, the percentage of customers that had requested late night alcohol sales, whether or not money was their key concern and whether or not there were incidences of ASB in Chapel Ash. Mrs Kaur provided the following responses. Either herself or her husband would always be present during the extended hours while the other looked after their children. They were able to identify drunk people through their loud and unruly behaviour. They estimated that around 60% of their customers had requested later hours. Of course

maximising income was a key concern, as it would be to any business, but the key issue should be that there had never been any issues with their role as Licence Premises Holders. There were no ASB concerns in the vicinity of the shop, even the church and Barclays bank were now free of people hanging around there.

The Chair asked the applicants if they were the Designated Premises Supervisors (DPS) of any other stores and, if so, had there been any cause for concern there with regard to ASB. Mrs Kaur said that they ran the Merridale Supermarket, that it closed at 9 pm and that there had been no examples of ASB either there or at the off-licence next door.

The Sub-Committee considered a representation from the Section Leader – Licensing, who stated that her initial concern had been in regard to why the applicants had only requested the extended hours for three nights of the week. In her view, the Operating Schedule was not sufficient to meet the necessary obligations but the Licensing Authority would concur with the views of the Police should they be satisfied with the conditions regarding Security Industry Association (SIA) accredited door staff. Ms Moreton also suggested that the Panel could form an additional condition, in line with the conditions agreed in consultation with the applicant in 2012, to restrict sales of single cans of alcohol.

The Chair asked Ms Moreton what the role and/or the impact of SIA staff would be. Ms Moreton replied that such security would help towards the prevention of crime and disorder and ASB as well as safe from harm objectives.

The Sub-Committee considered a representation from Parpinder Singh, Public Health Development Officer who said that his concerns had been appeased with regard to issues of crime and disorder. However, the city was currently suffering from soaring levels of alcohol related crime, hospital admissions and mortality rates and Mr Singh could not see why the hours that alcohol was available for purchase should be extended. He felt that people should go home after a takeaway and, to ensure that they are in a better state of mind when buying alcohol to be consumed at home, they should purchase it prior to consuming alcohol whilst out.

*Sergeant J. Flanagan arrived at the meeting at 10:25am. All parties agreed that he could observe the meeting but not take part in proceedings.*

The Sub-Committee considered a representation from Councillor M. Hardacre, Park Ward Member, which included crime figures from March-June 2016 for both Chapel Ash and for a 200 metre radius of the premises. Councillor Hardacre's key objections centred around the potential effects that extended availability of alcohol could have on the many vulnerable people residing in the area, on ASB, public nuisance and crime levels and the potential for setting a precedent for late licences.

Joanne Till, Section Leader – Licensing, asked if Councillor Hardacre had statistics detailing the key times that crimes took place in the area. The Public Health Development Officer said that, from data received from West Midlands Police and hospitals, most crimes were committed between 2am - 4am.

All parties were afforded the opportunity to make closing statements.

All parties, with the exception of the Solicitor and Democratic Support Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee.

Resolved:

That, having carefully considered the submissions of the Applicant, West Midlands Police, Public Health and the Licensing Authority, the Sub-Committee reject the application for a variation to the Premises Licence in respect of Drinks Express, 64 Chapel Ash, Wolverhampton, WV3 9TT as it is considered appropriate for the promotion of the prevention of crime and disorder in that extra opening hours of four hours on each of Thursday, Friday and Saturday would increase public nuisance as well as have an effect on public safety.

## 5 **Application for a Private Hire Driver Licence (11.30)**

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

Elaine Moreton, Section Leader – Licensing, outlined the report regarding an application for a Private Hire Driver Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee in accordance with Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions, specifically paragraph 5.1.12(a) (Violence). The conviction would not be clear of the guidelines until October 2019.

The Applicant (MR), accompanied by Mr M. Sarfraz, Manager of Blueline Cars of Birmingham who MR had been working for at the time, confirmed that the information contained within the report was accurate.

In reference to the relevant conviction, Mr Sarfraz, on behalf of MR, provided a detailed account of the incident which led to it. He added that he had no concerns regarding the character of MR. MR stated that he was really sorry that the incident occurred and emphasised that he had a clean driving licence and that the relevant conviction was the only time that he had been in trouble with the Police.

All parties, with the exception of the Solicitor and Democratic Support Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee.

Resolved

That, having considered all of the information presented to the meeting, both written and oral, the Licensing Sub-Committee was not satisfied that the Applicant (MR) was a fit and proper person to hold a Private Hire Driver's Licence and accordingly the application was refused.

The Applicant (MR) has a right of appeal against the decision of the Sub-Committee to the Magistrates' Court within 21 days of receipt of the decision.

**6 Application for a Private Hire Driver Licence (12.00)**

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

Elaine Moreton, Section Leader – Licensing, outlined the report regarding an application for a Private Hire Driver Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee in accordance with Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions, specifically paragraph 5.1.3(b) – Major Traffic Offences.

The Applicant (ML), accompanied by Mr S. Ali, Director of 247 Cars, confirmed that the information contained within the report was accurate.

Mr Ali stated that the applicant had approached 247 Cars in January 2016 as he sought employment. He had found ML to be open and honest and would not hesitate to offer him employment. ML said that he had been 22 years old at the time of the relevant offence. He had since matured, had not been in trouble with the Police since and held a clean driving licence.

All parties, with the exception of the Solicitor and Democratic Support Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee.

**Resolved**

That, having considered all of the information presented to the meeting, both written and oral, the Licensing Sub-Committee was not satisfied that the Applicant (ML) was a fit and proper person to hold a Private Hire Driver's Licence and accordingly the application was refused.

The Applicant (ML) has a right of appeal against the decision of the Sub-Committee to the Magistrates' Court within 21 days of receipt of the decision.

# Licensing Sub-Committee

## Minutes - 6 October 2016

### Attendance

**Chair** Cllr Alan Bolshaw (Lab)

#### Labour

Cllr John Rowley

#### Conservative

Cllr Patricia Patten

### Employees

Sarah Hardwick  
Mike Hooper  
Elaine Moreton  
Joanne Till

Solicitor  
Democratic Support Officer  
Section Leader - Licensing  
Section Leader - Licensing

*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 the public and press be excluded.

**4            Licensing Act 2003 - Personal Licence Application (10:00)**

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

Jo Till, Section Leader – Licensing, outlined the report regarding an application for a Personal Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee following objections raised by the Police that to issue a Personal Licence would seriously undermine the Prevention of Crime licensing objective.

The Applicant confirmed that the information contained within the report was accurate.

The Applicant stated that his crimes were committed during a particularly stressful period brought about by the break-up of his marriage. He confirmed that the six convictions for Assault Occasioning Actual Bodily Harm (ABH) related to six incidents carried out on separate occasions, all involving violence and/or sexual violence against prostitutes.

PC Mitch Harvey, on behalf of West Midlands Police, stated that he had researched the Applicant's convictions for ABH and felt that the nature and manner of the offences were such that the Applicant should not be afforded the opportunity to work in a trade that would place him in a position to commit offences against vulnerable people. All six offences had taken place. In addition, as the Applicant had served over 30 months imprisonment for those crimes they would never be spent convictions.

The Police and applicant were afforded the opportunity to make a closing statement.

All parties, with the exception of the Solicitor and Democratic Support Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee.

Resolved:

That, having carefully considered the submissions of the West Midlands Police and the applicant, the Sub-Committee reject the application for a Personal Licence as it is considered appropriate for the promotion of the crime prevention objective.

5 **Licensing Act 2003 - Personal Licence Application (11:00)**

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

Jo Till, Section Leader – Licensing, outlined the report regarding an application for a Personal Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee following objections raised by the Police that to issue a Personal Licence would seriously undermine the Prevention of Crime licensing objective.

The Applicant, accompanied by his Father, confirmed that the information contained within the report was accurate.

The Applicant had been convicted of theft. He said that at the time of the crimes he had been stupid and immature and that he was sorry for them. He then detailed the events that led to the convictions.

The Applicant had also been convicted of dangerous driving, a crime that he regretted and acknowledged could have resulted in grave consequences. At the time of the crime he was mourning a grandparent and was hanging around with a bad crowd. He had since disassociated himself from those people and was due to get married in 2017.

PC Mitch Harvey, on behalf of West Midlands Police, stated that he had researched the Applicant's convictions and the overviews of them provided by him did not concur with the evidence considered in court. Of particular concern was that the thefts were committed against drunk and vulnerable females. In addition, the convictions were not yet spent.

The Police and applicant were afforded the opportunity to make a closing statement.

All parties, with the exception of the Solicitor and Democratic Support Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee.

Resolved:

That, having carefully considered the submissions of the West Midlands Police and the applicant, the Sub-Committee reject the application for a Personal Licence as it is considered appropriate for the promotion of the crime prevention objective.

**6 Application for Private Hire Driver's Licence (13:00)**

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

Elaine Moreton, Section Leader – Licensing, outlined the report regarding an application for a Private Hire Driver Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee in accordance with Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions, specifically paragraph 5.1.12(b) and paragraph 5.1.13(b).

The Applicant (RM) confirmed that the information contained within the report was accurate but argued that some of the terminology used in the Summary of Convictions/Offences was misleading and that a number of the convictions had been the result of exaggerated or false reports.

RM circulated to the Sub-Committee personal references obtained from a doctor, a community psychiatric nurse and a previous employer.

RM stated that a Private Hire Driver Licence would broaden his long term job prospects as, due to a back condition, manual labour opportunities were limited. He already had work lined up should the Licence be granted.

All parties, with the exception of the Solicitor and Democratic Support Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee.

Resolved

That, having considered all of 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 Driver's Licence and accordingly the application was refused.

**7 Application for Private Hire Driver's Licence (13:30)**

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

Elaine Moreton, Section Leader – Licensing, outlined the report regarding an application for a Private Hire Driver Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee in accordance with Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions, specifically paragraph 5.1.12(a).

The Applicant (WS) confirmed that the information contained within the report was accurate.

WS stated that the offence relating to paragraph 5.1.12(a), for which he received a caution, related to a letter to an ex-girlfriend in which he threatened to circulate

compromising pictures of her. He regretted the action and had not been in trouble with the Police either before or after it.

WS stated that his partner was expecting their first child and that his main reason for applying for a Private Hire Driver's Licence was to enable him to find work that offered flexible working hours.

All parties, with the exception of the Solicitor and Democratic Support Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee.

Resolved

That, having considered all of 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 Driver's Licence and accordingly the application was granted for a period of 12 months subject to a satisfactory medical test and him passing the knowledge test. The Licence is subject to a review by Licensing Services in six months time.

## 8 **Application for Private Hire Driver's Licence (14:00)**

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

Elaine Moreton, Section Leader – Licensing, outlined the report regarding an application for a Private Hire Driver Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee in accordance with Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions, specifically paragraph 5.1.7(b).

The Applicant (ZB) confirmed that the information contained within the report was accurate.

ZB stated that the convictions relating to paragraph 5.1.7(b) were all part of the same offence, hence the resulting concurrent sentence. He had owed money and had been enticed to commit the crimes to pay off his debt.

ZB circulated a character reference to the Sub-Committee. He stated that he was young and naive when he was convicted and that he was now a changed man but those convictions were restricting his employment opportunities. However, he had received a job offer subject to him obtaining his Private Hire Driver's Licence.

All parties, with the exception of the Solicitor and Democratic Support Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee.

Resolved

That, having considered all of 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 Driver's Licence and accordingly the application was granted for a period of 12 months subject to passing the knowledge test and a satisfactory medical, to specifically include a drug assessment to ascertain whether or not the applicant is a drug user, to be carried out by a medical professional of the Council's choosing at the applicant's expense. The Licence is also subject to two reviews by Licensing Services, the first in six months time and the second prior to the renewal of the Licence.

# Licensing Sub-Committee

## Minutes - 18 October 2016

### Attendance

**Chair** Cllr Alan Bolshaw (Lab)

#### Labour

Cllr Ian Claymore  
Cllr Keith Inston

#### Conservative

### Employees

Jo Till	Section Leader – Licensing
Jacky Bramley	Legal Executive
Mike Hooper	Democratic Services Officer
Andy Johnston	Environmental Health District 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            Licensing Act 2003 - Temporary Event Notice in respect of The Old School, 73 Dudley Road, Blakenhall, Wolverhampton, WV2 3BY**

As the Applicant was not present, the Sub-Committee agreed to adjourn the meeting for 10 minutes to afford her additional time in the event that she had been delayed. The Applicant did not attend.

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

Jo Till, Section Leader – Licensing, outlined the report regarding an application for a Temporary Event Notice (TEN), which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee following an objection received from the Council’s Environmental Health on the grounds that they were satisfied that allowing the premises to be used in accordance with the notice would undermine the licensing objectives.

Despite several attempts, officers had been unable to make contact with the Applicant, either via the telephone or in person at the address provided. However, contact had been made with the Events Manager of the premises who had informed the Section Leader – Licensing that the event had been cancelled.

The Chair invited the Environmental Health District Officer to make his representation on behalf of the service. He stated that the premises were owned by the Council but were run by a team of trustees. The Events Manager had recently vacated the role which had then been covered by two other trustees. This had led to a number of events being held for which TENs had not been applied for, which had resulted in complaints from residents of a nearby palliative care home. The complaints could be summarised as excessive noise until around 5 am consisting of loud music, singing, shouting and the closing of car doors. In addition, the last event for which a TEN had been granted also attracted similar complaints. Also of concern was Police intelligence that indicated that some of the events for which TENs had been granted had been fabricated as cover for raves.

Resolved:

That the press and the public be excluded.

The Sub-Committee considered the evidence provided.

Resolved:

That the press and public be readmitted.

The Chair and the Legal Executive announced the decision of the Sub-Committee.

Resolved:

That, having regard to the objections of the Environmental Health Authority of the City of Wolverhampton Council and in accordance with Section 105(3) of the Licensing Act 2003 (as amended), a Counter Notice be issued to the Temporary Event Notice Applicant as it is considered necessary for the promotion of the prevention of public nuisance and the protection of children from harm licensing objectives, the reasons being as follows:

- The event would certainly be attended by family members of all ages, including young children;
- The time requested is excessive;
- Previous events at this venue have caused significant nuisance to residents nearby.

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# Licensing Committee

2 November 2016

<b>Report title</b>	<b>Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions relating to Hackney Carriage and Private Hire Vehicle Proprietors and Drivers and Private Hire Vehicle Operators</b>	
<b>Wards affected</b>	All	
<b>Accountable director</b>	Kevin O'Keefe, Governance	
<b>Originating service</b>	Licensing Services	
<b>Accountable employee(s)</b>	Rob Edge	Section Leader Licensing Services
	Tel	01902 550106
	Email	<a href="mailto:rob.edge@wolverhampton.gov.uk">rob.edge@wolverhampton.gov.uk</a>
<b>Report to be/has been considered by</b>	Internal consultation with all Responsible Authorities - September 2016	

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## Recommendation(s) for action or decision:

Councillors are recommended to:

- I. Agree the proposed amendments to the Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions relating to Hackney Carriage and Private Hire Vehicle Proprietors and Drivers and Private Hire Vehicle operators should be the subject of a consultation exercise.
- II. Request that employees undertake a consultation exercise.
- III. Receive a further report following completion of the consultation exercise.

## Recommendations for

Councillors are asked to note:

- I. That the proposed amendments have been subject to an internal consultation with employees.

## **1.0 Purpose**

1.1 This report is intended to:

- a) Request Councillors to approve the draft proposals to amend the guidelines relating to the Relevance of Convictions and Breaches of Licence Conditions relating to Hackney Carriage and Private Hire Vehicle Proprietors and Drivers and Private Hire Vehicle Operators.
- b) Advise Councillors of the need to consult on draft proposals to amend the Guidelines Relating to the Relevance of Convictions and Breaches of Licence Conditions relating to Hackney Carriage and Private Hire Vehicle Proprietors and Drivers and Private Hire Vehicle Operators.
- c) Request that a further report be presented to Councillors following a consultation to approve the amendments.

## **2.0 Background**

2.1 The council has a duty to protect the general public from harm when using hackney carriage or private hire vehicles. In order to do this the Council must satisfy itself that all drivers and operators are 'fit and proper' persons.

2.2 Guidelines for Hackney Carriage and Private Hire Vehicle proprietors, Drivers and Private Hire Vehicle operators (the guidelines) are used to provide the Council with a written framework which allows employees and Councillors to make fair and consistent decisions when assessing the suitability of applicants for hackney carriage or private hire licences. The Guidelines also cover existing drivers, proprietors and operators when they breach conditions, are convicted/cautioned for relevant offences or behave in a manner that is inconsistent with that expected from a licence holder.

2.3 The Guidelines are reviewed on a periodic basis to ensure that they take into account revised and current legislation along with local and national licensing proprieties and technological advancements. The last review of these guidelines was undertaken in 2012 and revisions were agreed by Licensing Committee on 25 July 2012.

## **3.0 Consultation**

3.1 It is proposed to consult as widely as possible and publish the consultation document on the Council's website.

3.2 A consultation draft of the proposed amended guidelines relating to Relevance of Convictions and Breaches of Licence Conditions relating to Hackney Carriage and Private Hire Vehicle Proprietors and Drivers and Private Hire Vehicle Operators has been produced and is attached at Appendix 1 (to follow). The original guidelines date from July 2012 and were approved by the Licensing Committee, licensing services are now looking to review and revise some elements of the document [see tracked changes].

#### 4.0 **Financial implications**

4.1 There are no direct financial implications arising from this report [TT/02112016/H]

#### 5.0 **Legal implications**

5.1 There is a legal requirement to ensure that all drivers are given a fair hearing and entitled to make representations before a determination is made on an application or when a licence is reviewed.

5.2 Although there are no legal requirements to review the guidelines relating to the relevance of convictions and breaches of licence conditions relating to Hackney Carriage and Private Hire Vehicle proprietors and Drivers and Private Hire Vehicle operators it is good practice to do so particularly when there have been changes in legislation.

5.3 The following legislation governs the licensing of hackney carriage and private hire vehicle proprietors, driver and private hire operators:

Section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council shall on receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence.

"Provided that a district council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence"

Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 states that a council, before granting a hackney carriage driver's licence must be satisfied that an applicant is a fit and proper person to hold such a licence and that the applicant has for at least 12 months prior to the date of the application, been authorised to drive a motor car.

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states a district council may suspend or revoke or on application, refuse to renew a licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:-

- That since the grant of the licence he/she has been convicted of an offence involving dishonesty, indecency or violence; or
- That since the grant of the licence he/she has been convicted of an offence under, or has failed to comply with the provisions of the Town, Police Clauses Act 1847 or this part of the Act; or
- Any other reasonable cause

Section 55(1) of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council shall, on receipt of an application from any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence:

Provided that a district council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence.

Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council may suspend or revoke or refuse to renew a vehicle if:-

- The hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle
- An offence has been committed under the Town, Police Clauses Act 1847 of the Local Government (Miscellaneous Provisions) Act 1976
- Any other reasonable cause [JB/25102016/Z]

## **6.0 Equalities implications**

6.1 There are no equalities implications to this function

## **7.0 Environmental implications**

7.1 There are no environmental implications to this function.

## **8.0 Human resources implications**

8.1 There are no Human Resource implications to this function.

## **9.0 Corporate landlord implications**

9.1 There are no landlord implications to this function.

## **10.0 Schedule of background papers**

10.1 Not applicable

# Licensing Committee

## 2 November 2016

<b>Report title</b>	Responsible Authorities Forum Terms of Reference	
<b>Wards affected</b>	All	
<b>Accountable director</b>	Kevin O'Keefe, Governance	
<b>Originating service</b>	Licensing Services	
<b>Accountable employee(s)</b>	Colin Parr	Head of governance - Governance
	Tel	01902 550105
	Email	<a href="mailto:colin.parr@wolverhampton.gov.uk">colin.parr@wolverhampton.gov.uk</a>
<b>Report to be/has been considered by</b>	Responsible Authorities Forum	7 September 2016
	Responsible Authorities Forum	6 October 2016

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### Recommendation(s) for action or decision:

The Committee is recommended to:

1. Agree the Terms of Reference for the Responsible Authorities Forum

### Recommendations:

The Committee is asked to note:

1. That these have been subjected to a full consultation by all members of the Responsible Authorities Forum.

## 1.0 Purpose

1.1 The responsible authorities group has been established to provide a forum to

- Ensure all responsible authorities are aware of all applications received
- Discuss new and pending applications
- Exchange information, ideas and guidance
- Discuss specific operational issues
- Coordinate multi Agency compliance activity
- Work collaboratively to reduce alcohol related harm and promote the health and wellbeing of residents
- Promote partnership working and improve communication between services
- Provide updates on changes to legislation or policy
- Raise standards in order to encourage best practice

## 2.0 Background

2.1 Responsible Authorities Forum and its membership was initiated by the enactment of the Police Reform and Social Responsibility Act, following the introduction of the Act the Forum was established.

2.2 The membership of the group is as follows:

### Membership

The core membership is restricted to the responsible authorities named below. However, other parties may be invited to attend specific meetings where additional information or specific technical information is required by the group:

- Licensing Services
- West Midlands Police
- Environmental Health
- West Midlands Fire Service
- Trading Standards
- Planning
- Safeguarding {Children's LADO}
- Public Health
- Anti-Social Behaviour Team

## 3.0 Remit of the group

The purpose of the group is to:

- Ensure that each core member has received and is aware of applications received
- Update members on outcome of hearings and appeals

- Discuss new and pending applications
- Exchange information, guidance and good practice
- Discuss specific operational issues
- Promote partnership working and improve communication between regulatory services
- Contribute to the development of initiatives for example licensed premises accreditation scheme
- Coordinate joint site visits/enforcement [Multi Agency Visits – MAVs]
- Provide updates on changes to legislation or policy
- Provide advice on proposed changes to Licensing Policy for example amendments to Cumulative Impact Policy.

#### **4.0 Financial implications**

- 4.1 The Licensing Committee agreed fees and charges for all functions on 20 January 2016. Fees are based on a cost recovery basis. There is no fee for the applicable to this function, and there are no financial implications arising from this report.  
[TT/25102016/L]

#### **5.0 Legal implications**

- 5.1 There is a legal requirement to convene a forum for this role and the membership is given within the Licensing Act 2003.  
[RP/26102016/C]

#### **6.0 Equalities implications**

- 6.1 There are no equalities implications to this function

#### **7.0 Environmental implications**

- 7.1 There are no environmental implications to this function.

#### **8.0 Human resources implications**

- 8.1 There are no Human resources implications to this function.

#### **9.0 Corporate landlord implications**

- 9.1 There are no landlord implications to this function.

#### **10.0 Schedule of background papers**

- 10.1 Not applicable

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CITY OF  
WOLVERHAMPTON  
C O U N C I L

**City of Wolverhampton Council  
Responsible Authorities Forum  
Terms of Reference**

**Purpose**

The responsible authorities group has been established to provide a forum to:

- Ensure all responsible authorities are aware of all applications received
- Discuss new and pending applications
- Exchange information, ideas and guidance
- Discuss specific operational issues
- Coordinate multi Agency compliance activity
- Work collaboratively to reduce alcohol related harm and promote the health and well-being of residents
- Promote partnership working and improve communication between services
- Provide updates on changes to legislation or policy
- Raise standards in order to encourage best practice

**Membership**

The core membership is restricted to the responsible authorities named below. However, other parties may be invited to attend specific meetings where additional information or specific technical information is required by the group:

- Licensing Services
- Police
- Environmental Health
- Fire Service
- Trading Standards
- Planning
- Safeguarding {Children's LADO}
- Public Health
- ASB

Each service shall be represented by one or more persons of appropriate experience and competence to give advice and to make commitments on behalf of their service area.

### **Frequency of meetings**

Meetings shall take place on a monthly basis unless it is agreed by core members that a meeting is not required. Additional meetings may be convened to discuss particular issues or specific applications that may arise.

### **Remit of the group**

The purpose of the group is to:

- Ensure that each core member has received and is aware of applications received
- Update members on outcome of hearings and appeals
- Discuss new and pending applications
- Exchange information, guidance and good practice
- Discuss specific operational issues
- Promote partnership working and improve communication between regulatory services
- Contribute to the development of initiatives for example licensed premises accreditation scheme
- Coordinate joint site visits/enforcement [Multi Agency Visits- MAVs]
- Provide updates on changes to legislation or policy
- Provide advice on proposed changes to Licensing Policy for example amendments to Cumulative Impact Policy.

### **Agenda and minutes**

Each meeting shall be prearranged and the agenda will be circulated in advance. Full minutes will not routinely be taken nevertheless notes will be taken of any action points or recommendations made during the course of the meeting, and distributed to all members. Licensing Services will manage the administration of the group.

### **Role of the core members**

All core members will be expected to:

- Provide technical advice, guidance and updates on their respective areas of expertise
- Undertake action points allocated to them within timeframes agreed by the group and report back on outcome
- Promote partnership working and improve communication
- Provide sufficient resources to enable the group to deliver its agreed actions.