

Licensing Committee

26 April 2017

Time 10.00 am **Public Meeting?** YES **Type of meeting** Regulatory
Venue Committee Room 1 - 3rd Floor - Civic Centre

Membership

Chair Cllr Alan Bolshaw (Lab)
Vice-chair Cllr John Rowley (Lab)

Labour	Conservative	Liberal Democrat
Cllr Greg Brackenridge Cllr Ian Claymore Cllr Rita Potter Cllr Keith Inston Cllr Daniel Warren Cllr Anwen Muston Cllr Zee Russell Cllr Hazel Malcolm	Cllr Patricia Patten Cllr Arun Photay	

Quorum for this meeting is three Councillors.

Information for the Public

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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

<i>Item No.</i>	<i>Title</i>
1	Apologies for Absence
2	Declarations of Interest
3	Minutes of Previous Meeting (Pages 3 - 8)
4	Matters Arising
5	Licensing Sub-Committee - 21 February 2017 - Minutes (Pages 9 - 12)
6	Licensing Sub-Committee - 22 February 2017 - Minutes (Pages 13 - 22)
7	Licensing Sub-Committee - 3 March 2017 - Minutes (Pages 23 - 26)
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 Report of the Licensing Manager to follow.
9	Equalities Outcomes Service Plan Verbal report of the Head of Governance.

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 Arun Photay
Cllr Zee Russell

Employees

Colin Parr	Head of Governance
Sarah Hardwick	Senior Solicitor
Karen Samuels	Head of Community Safety
Joanne Till	Section Leader – Licensing
Tim Clark	Communications Manager
Mike Hooper	Democratic Services 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 **Minutes of the Previous Meeting**

Resolved: That the minutes of the meeting held on 2 November 2016 be confirmed as a true record and signed.

4 **Matters Arising**

There were no matters arising.

5 **Licensing Sub-Committee - 1 November 2016 - Exempt Minutes**

Resolved: That the minutes of the Licensing Sub-Committee meeting held on 1 November 2016 be confirmed as a true record.

6 **Licensing Sub-Committee - 23 November 2016 - Minutes**

Resolved: That the minutes of the Licensing Sub-Committee meeting held on 23 November 2016 be confirmed as a true record.

7 **Licensing Sub-Committee - 23 November 2016 - Exempt Minutes**

Resolved: That the exempt minutes of the Licensing Sub-Committee meeting held on 23 November 2016 be confirmed as a true record.

8 **Licensing Sub-Committee - 2 December 2016 - Minutes**

Resolved: That the minutes of the Licensing Sub-Committee meeting held on 2 December 2016 be confirmed as a true record.

9 **Licensing Sub-Committee - 9 December 2016 - Minutes**

Resolved: That the minutes of the Licensing Sub-Committee meeting held on 9 December 2016 be confirmed as a true record.

10 **Licensing Sub-Committee - 18 January 2017 - Minutes**

Resolved: That the minutes of the Licensing Sub-Committee meeting held on 18 January 2017 be confirmed as a true record.

11 **Public Space Protection Order (Review of Designated Public Place Order) Consultation**

The Head of Community Safety gave a presentation detailing the initial findings of the citywide consultation on a Wolverhampton Public Space Protection Order – Alcohol-Related Anti-Social Behaviour.

The Head of Community Safety invited Committee members to make comments on the initial findings, which would be fed into the consultation. The following matters were raised:

- Concern that the Order would simply lead to displacement of drinkers to areas that don't currently experience such problems;
- It was important that should the Order be imposed it be reviewed in 6-12 months, specifically with regard to the ability of the Police to enforce it given cuts to its budgets;
- Why an Order was more deemed to be a more appropriate approach than the implementation of a Cumulative Impact Zone (CIZ);
- Concern that an Order would restrict the freedoms of members of the public that may wish to drink sensibly in the areas covered, such as people meeting to eat al fresco or football supporters going to and from Molineux stadium;

- Concern regarding the impact on the homeless.

In response to comments from Members, the Head of Community Safety stated the following:

- It was important to recognise that the Order was not stand-alone and would be in addition to existing discretionary powers;
- Plans had been revised to include a three year review of the overall Order but also a 12 month review of areas covered by an outright ban which would include community consultation, as had been key throughout the process. The Order could then be varied if deemed necessary;
- She would feed back to the Police the concerns of the Committee with regard to the enforcement of the Order, should it be implemented, although it should be noted that the Police had requested its implementation;
- A CIZ was not deemed suitable as the locations were very specific. Police shift patterns and the ability to enforce measures had been key considerations. Designated Public Place Orders were encouraged for other areas;
- Concerns regarding the homeless had also been raised by Scrutiny and it was recognised that there was a concentration of people with very specific needs. It was a long term cross-cutting issue affecting non-licensing matters such as i.e. lettings policy and Houses in Multiple Occupation, that a multi-agency approach was required for.

Resolved:

1. That the comments of the Committee be fed into the consultation;
2. That the proposals detailed in the presentation be supported;
3. That the presentation be noted.

12 **Review of Fees and Charges for Hackney Carriage and Private Hire Licensing Functions for 2017-18**

The Head of Governance presented a report requesting approval of the proposed fees and charges for licences relating to hackney carriages, private hire vehicles, drivers, private hire vehicle operators and council approved VOSA testing stations for 2017/18.

Resolved:

1. That the proposed fees and charges for Hackney Carriage and Private Hire Vehicle Drivers, as set out in Appendix A of the report of the Head of Governance, be approved with effect from 1 April 2017;
2. That the proposed fees and charges for Hackney Carriage and Private Hire Vehicles, as set out in Appendix B of the report of the Head of Governance, with effect from 1 April 2017;
3. That the proposed Hackney Carriage Exceptional Condition Assessment Fee, as outlined at, 4.12 and 4.13 of the report of the Head of Governance, be approved.

13 Review of Fees and Charges for General Licensing and Miscellaneous Matters for 2017/18

The Head of Governance presented a report requesting approval of the proposed fees and charges for 2017/18 in relation to certain licences and licensed activities that are regulated by the Licensing Committee.

Resolved:

1. That the proposed fees and charges for General Licensing, as set out in Appendix A of the report of the Head of Governance, be approved with effect from 1 April 2017;
2. That the fees and charges set by the Secretary of State in relation to the Licensing Act 2003, over which the Council has no local control, be noted;
3. That the proposed fees and charges, as set out in Appendix B of the report of the Head of Governance, in relation to the Gambling Act 2005 with effect from 1 April 2017, over which the Council has fee setting powers, be approved;
4. That other fees and charges for permits set by the Secretary of State in relation to the Gambling Act 2005, over which the Council has no local control, be noted.

14 Review of Fees and Charges for Street Trading Consents for 2017/18

The Head of Governance presented a report requesting approval of the proposed street trading fees and charges to take effect from 1 April 2017 and to advise of arrangements for the control and regulation of street trading activities undertaken in the City.

Resolved:

1. That the proposed fees and charges for Annual Street Trading Consents, as set out in Appendix A of the report of the Head of Governance, be approved with effect from 1 April 2017;
2. That the proposed fees and charges for Occasional/Temporary Street Trading Consents, as set out in Appendix B of the report of the Head of Governance, be approved with effect from 1 April 2017.

15 Temporary Events Notices and the Educational Role of the Licensing Authority

Joanne Till, Section Leader (Licensing), presented a report regarding the Temporary Events Notice (TEN) process.

There was a consensus amongst the Committee that the low cost of applying for TENs (£21, set in 2005) was extremely problematic. The cost of processing an application was greater than the fee received and therefore funds were not available to enable the authority to manage or police temporary events as effectively as it could.

Resolved:

1. That, on behalf of the Licensing Committee, officers lobby the Local Government Association and local Members of Parliament regarding the inability of local authorities to alter the TEN application fee of £21.00, as set by central Government, to a fee that is deemed appropriate locally. The submission should include a technical paper detailing how the current fee incapacitates with regard to managing and policing events;
2. That the report be noted.

16 **Request to Establish a Private Hire Drivers Focus Group**

The Head of Governance presented a report regarding the establishment of a Private Hire Drivers Association Focus Group.

Members expressed concern with a number of issues in relation to the Wolverhampton Private Hire Drivers Association (WPHDA):

- Its failure to provide the Licensing Authority with a list of its members, which it is claimed totals over 600;
- Its apparent will to add bureaucracy to the private hire application process;
- Its unwillingness to attend meetings of the Private Hire Trade Working Group;
- The aggressive position it adopted with regard to negotiations with the Licensing Authority, stating 'red line' conditions in its initial communications;
- It appeared that drivers from outside of Wolverhampton had been invited to take part in the recent 'Go Slow';

The consensus of the Committee was that the current application system was fit and proper.

With regard to attendance should a Private Hire Drivers Association Focus Group be established, the consensus of the Committee was that it should be limited to drivers licensed by the City of Wolverhampton.

Resolved: That the establishment of a Private Hire Drivers Association Focus Group be approved as per Appendix A of the report of the Head of Governance, with the addition of a requirement to ensure that the only drivers permitted to attend meetings be those licenced by the City of Wolverhampton.

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Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr John Rowley

Conservative

Cllr Patricia Patten

Employees

Leonie Woodward
Chris Simmonds
Marissa Sehmar
Joanne Till
Dianne Slack
Ben Smart
Mike Hooper

Lead Lawyer
Trainee Solicitor (observing)
Work Experience (observing)
Section Leader – Licensing
District Officer – Trading Standards
Trading Standards Apprentice (observing)
Democratic Services Officer

Item No. *Title*

1 Adjournment

The Sub-Committee was due to consider an application for a review of a Premises Licence in respect of Zina's Supermarket, 130 Lime Street, Penn Fields, Wolverhampton, WV3 0EX, which had been deferred from the Sub-Committee meeting held on 18 January 2017 as the Premises Licence Holder, Mr R. Sharma, had notified Democratic Services and provided evidence to prove that he would not be able to attend as he would be out of the country. Mr Sharma had then confirmed that he was available on the rearranged date and would be in attendance. He was, however, not present.

The Chair proposed that the Hearing be adjourned to allow the Democratic Services Officer to contact Mr Sharma to determine whether or not he would be attending.

Resolved: That the Hearing be adjourned to allow the Democratic Services Officer to contact the Premises Licence Holder to determine whether or not he would be attending.

The Democratic Services Officer was unable to make contact with the Premises Licence Holder.

The meeting reopened in the absence of the Premises Licence Holder.

2 Apologies for Absence

There were no apologies for absence.

3 Declarations of Interest

There were no declarations of interest.

4 Licensing Act 2003 - Application for a Review of a Premises Licence in Respect of Zina's Supermarket, 130 Lime Street, Penn Fields, Wolverhampton, WV3 0EX

An application for a review of a Premises Licence in respect of Zina's Supermarket, 130 Lime Street, Penn Fields, Wolverhampton, WV3 0EX, had been received from the City of Wolverhampton Council's Trading Standards.

Ms J. Till, Section Leader (Licensing), provided an outline of the application. Mrs D. Slack, Trading Standards, confirmed that the summary was accurate.

Mrs Slack stated the grounds for review as per Appendix 3 of the report.

The Chair invited the Sub-Committee to question Mrs Slack on her representation. Mrs Slack stated the following in response to questions:

- The review was important as the sale of illicit tobacco was dangerous to public health due to the lack of controls over what went into it and the fact that there was no duty to detail tar levels or chemicals on the packet. Cigarettes were priced very

cheaply at £3 per packet, meaning that there was no price disincentive for customers. The price also took profits away from other traders dealing in legitimate tobacco;

- On the first visit to the premises, in February 2016, counterfeit or non duty paid tobacco products were easily found. On the second visit, in September 2016, similar products had been concealed but were discovered through the use of sniffer dogs. The period between visits was relatively lengthy due to the lack of available dogs, which were utilised nationwide. Dogs would again be required if another visit were to take place;
- Public safety, nuisance and the protection of children from harm (due to the “pocket money” prices of tobacco on sale) were key concerns;
- The possibility that illicit tobacco was being sold had been brought to the attention of Trading Standards through reports from members of the public.

The Chair invited officers to question Mrs Slack on her representation. No questions were asked.

Mrs Slack said that she had copies of a letter 27 January 2017 that was sent to Mr Sadeq, previous Premises Licence Holder and Designated Premises Supervisor, and Mr Sharma, current Premises Licence Holder and Designated Premises Supervisor, which summarised a licensing check visit to the premises that took place on 10 January 2017 and offered assistance including an explanation of Trading Standards law. She could also provide details of an interview with Mr Sadeq held under caution. Ms L. Woodward, Lead Lawyer, advised the Sub-Committee that should it wish to consider that evidence it should do so in private session.

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 item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of schedule 12A to the act relating to the business affairs of particular persons.

The Sub-Committee considered the exempt information. A copy of the letter is filed with these minutes.

Resolved: That the Sub-Committee resume in public session.

The Chair invited Mrs Slack to summarise the representation of Trading Standards. Mrs Slack said that Trading Standards had grave concerns as although the Premises Licence Holder role had recently been transferred, the individuals identified in the running of the shop in February 2016 were still heavily involved with the business.

All interested parties, with the exception of the Lead Lawyer and the Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

All interested parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee. The Lead Lawyer detailed rights of appeal.

Resolved: That the Premises Licence be revoked on the grounds that the evidence considered shows a gross mismanagement of the premises, a blatant disregard for

the Premises Licence conditions and undermines the Prevention of Crime and Disorder Objective.

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr John Rowley

Conservative

Cllr Patricia Patten

Employees

Elaine Moreton
Leonie Woodward
Marissa Sehmar
Mike Hooper

Section Leader (Licensing)
Lead Lawyer
Legal Work Experience (observing)
Democratic Services Officer

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

Councillor Rowley declared a non-pecuniary personal interest in agenda item 8, Application for a Hackney Carriage Driver's Licence, as the Ward Member for Blakenhall, where the applicant lived.

3 Exclusion of press and public

Resolved: That the Press and public be excluded.

4 Application for a Private Hire Vehicle Driver's Licence (14:00)

The Sub-Committee had received a 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 paragraphs 5.1.6(a), 5.1.13(a) and 5.1.3(a).

Prior to the meeting, the Democratic Services Officer had received a call from the wife of the applicant (AR) in which she said that her husband had been abroad when notice of the Hearing had been received and that through oversight on her part she had neglected to notify him of it. He had returned to the country that morning and was heavily jet-lagged. She intended to speak to him ahead of making a second call to the Democratic Services Officer to inform him of whether or not AR intended to attend. No second call was received and AR was not present.

Resolved: That consideration of the application be deferred to a future Sub-Committee meeting.

5 Application for a Private Hire Vehicle Driver's Licence (14:30)

The Chair invited Elaine Moreton, Section Leader (Licensing) and the Applicant (AK) into the Hearing, made introductions and outlined the procedure to be followed.

The 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 the accumulation of 9 penalty points on his driving licence.

All parties were invited to question the Section Leader (Licensing) on the report and in response to a question from the Chair she confirmed that the 6 penalty points accrued in July 2016 had been due to driving with the incorrect insurance.

AK confirmed that the information contained within the report was accurate.

The Chair invited AK to make representations.

AK stated that on the evening of the driving offence referred to he had been working in a fast food outlet and, due to staff shortages, his boss asked him to make a home delivery which he did in his own car. During the journey he was stopped by the Police and charged with driving with the incorrect insurance. He had been unaware that he was committing an offence but accepted the 6 points and a fine. He had been driving for 10 years without any other problems. Driving a taxi would afford him the flexibility to both work and take care of his unwell wife and their children.

All parties were invited to question the Applicant on his submission.

In response to questions from the Sub-Committee, AK stated the following:

- The Police had pulled him over as one of the car's back lights were not working;
- Whilst he would prefer to work in Birmingham to enable him to take and collect his children from school, he also intended to look for work in Wolverhampton;
- His boss had not checked if he had the correct insurance. Following the incident AK left his job as he felt he could not work for that person. AK paid the fine himself;
- The 3 points received for speeding was for exceeding the speed limit in an area in which the limit had been reduced from 40 mph to 30 mph;
- He had not yet approached any taxi companies for work.

The Chair invited the Section Leader (Licensing) to question AK. No questions were asked.

The Chair invited AK to make a final statement. AK said that he would appreciate a positive outcome and that it would help him and his family greatly.

AK and the Section Leader (Licensing) left the room to allow the Sub-Committee to determine the matter.

The Chair invited AK and the Section Leader (Licensing) back into the Hearing.

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 agree to grant a Private Hire Vehicle Driver's Licence for a period of 12 months. The Licence is subject to AK passing the knowledge test and a satisfactory medical, if he hasn't already done so. The Licence is also subject to review by Licensing Services in six months time.

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

The Senior Solicitor detailed the appeals process as well as the costs and potential costs to the Applicant.

AK and the Section Leader (Licensing) left the room.

6 Change to the Order of Agenda Items

The Sub-Committee had received a 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 paragraphs 5.1.4(a), 5.1.6(a), 5.1.12(a) and 5.1.3(a).

The Democratic Services Officer had received notice that MA had arrived at the wrong venue and would therefore be delayed.

Resolved: That consideration of the application be deferred to later in the day to afford MA the opportunity to attend.

7 Application for a Private Hire Vehicle Driver's Licence (15:30)

The Chair invited Elaine Moreton, Section Leader (Licensing) and the Applicant (RK), accompanied by MN, a private hire vehicle driver in Birmingham, into the Hearing, made introductions and outlined the procedure to be followed.

The 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 paragraphs 5.1.10(b), 5.1.13(b) and 5.1.6(b).

All parties were invited to question the Section Leader (Licensing) on the report. No questions were asked.

RK confirmed that the information contained within the report was accurate.

The Chair invited RK to make representations.

With the agreement of the Chair, RK circulated a character reference from his local Member of Parliament. RK stated that at the time of his drug related offences he had been having a bad time and stress with his children and had smoked cannabis whilst playing snooker with friends, who he now stayed away from, but had found that it made him paranoid. He no longer smoked it and would be willing to take a drug test to prove so. He had never drunk alcohol. He had recently undertaken work in the community and worked with his local councillors. He was a very trustworthy and honest person that needed a secure job to support a large family. He added that he had never stolen from anyone.

MN added that he trusted RZ, he was an honest person and would be a good PHVD. He needed the job to allow him to take care of his kids.

All parties were invited to question the Applicant on his submission.

In response to questions from the Sub-Committee, RK stated the following:

- Although the cannabis conviction were 2 years apart, he had only taken it occasionally during a stressful time;
- For the second drug offence the Police had found him parked up in a park smoking cannabis. He was not driving. He pleaded guilty;
- At the time of the drug offences he had not recognised the bad example that he was setting for his children but he was now disgusted with himself. He had not smoked cannabis since 2015;
- He was currently a delivery driver for a takeaway restaurant on a zero hours contract;
- He saw the key roles of a PHVD as being responsible, picking up the public, being nice, pleasant, loyal and respectful, providing customer service with a smile on his face and driving safely. He would also assist any customers in need, such as disabled people;
- He had approached a taxi company with a view to working for them;

No questions were asked by officers.

The Chair invited AK to make a final statement. MN said that he knew a lot of PHVD drivers and thought that RZ would make a good one. RZ said that his father had died when he was young and that his mother had brought her children up to show respect regardless of colour. He had got married young and had been friends with the wrong people. He believed in working hard and behaving in the right way as he did not want to bring shame on his parents. He would appreciate from the heart if a licence was granted.

RK, MN and the Section Leader (Licensing) left the room to allow the Sub-Committee to determine the matter.

The Chair invited RK, MN and the Section Leader (Licensing) back into the Hearing.

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 is not satisfied that you are a fit and proper person and therefore, in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, have decided not to grant RK a Private Hire Vehicle Driver's Licence. This decision is made in accordance with paragraphs 5.1.13(b) and 5.1.6(b) of the guidelines relating to relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 25 July 2012.

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

RK, MN and the Section Leader (Licensing) left the room.

8 **Application for a Private Hire Vehicle Driver's Licence (15:00)**

The Chair invited Elaine Moreton, Section Leader (Licensing) and the Applicant (MA), accompanied by his wife, into the Hearing, made introductions and outlined the procedure to be followed.

The 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 paragraphs 5.1.4(a), 5.1.6(a), 5.1.12(a) and 5.1.3(a).

All parties were invited to question the Section Leader (Licensing) on the report. No questions were asked.

MA confirmed that the information contained within the report was accurate.

The Chair invited MA to make representations.

MA apologised for being late and the Chair assured him that it would not affect the Sub-Committee's consideration of the matter.

MA said that he had presented to the mini-panel a reference from a Birmingham based taxi company which supported his application. He worked phenomenally hard for that company and he wanted to make a positive contribution to society. Regarding his 2012 conviction for battery, his wife had taken offence to his actions and had reported him to the Police, quite rightly. With regard to the fine and penalty points received for using a vehicle uninsured against third party risks, he had overlooked the insurance payments due to hardship.

All parties were invited to question the Applicant on his submission.

In response to questions from the Sub-Committee, MA stated the following:

- The battery convictions was deemed to be an act of domestic violence;
- He was of small physical stature and therefore if he encountered problematic customers it would be in his interest to be polite and to get them out of his vehicle in a nice manner at the end of their journey;
- Regarding the conviction for battery, his wife had got angry with him for smoking cannabis. His wife stated that she didn't like him doing it and she began breaking plates. He had then slapped her to calm her down. She now felt that she should not have reported the incident to the Police;
- He had grown 8 small cannabis plants for personal use only, not to sell. His wife had informed the Police of them;
- He felt that he should be granted a PHVD licence as he now had the burden of a family. Although the term battery sounded bad on paper the incident was a gentle slap to calm his wife down. He had since become a different person and would not have dragged his family to the meeting if he didn't believe that to be true;
- Regarding the insurance conviction, he had not renewed it due to a lack of funds. He was now an organised person;

- Driving would pay more than the clerical and customer complaints work that he currently undertook.

In response to questions from the Lead Lawyer, MA stated the following:

- He had 3 children, 2 of whom were alive when he was growing cannabis in the house;
- His children had been there when the argument leading to his battery conviction occurred. His wife added that it was the smoking of cannabis in the presence of their children that had led to her losing her temper;
- He acknowledged that one their children was particularly vulnerable as she was autistic but said that such things create difficulties.

No questions were asked by the Section Leader (Licensing).

The Chair invited MA to make a final statement. MA said that he was happy that the Sub-Committee had given him a fair opportunity and that they had afforded his wife the chance to explain the circumstances leading to the battery conviction. He thought that the Sub-Committee could see the type of person that he was.

MA, his wife and the Section Leader (Licensing) left the room to allow the Sub-Committee to determine the matter.

The Chair invited MA, his wife and the Section Leader (Licensing) back into the Hearing.

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 is not satisfied that you are a fit and proper person and therefore, in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, have decided not to grant RK a Private Hire Vehicle Driver's Licence. This decision is made in accordance with paragraphs 5.1.12(a) and 5.1.3(a) of the guidelines relating to relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 25 July 2012.

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

MA, his wife and the Section Leader (Licensing) left the room.

Having declared an interest in the following item, Councillor Rowley left the meeting.

9 **Application for a Hackney Carriage Driver's Licence (16:00)**

The Chair invited Elaine Moreton, Section Leader (Licensing) and the Applicant (BS), accompanied by his solicitor, Mahmood Hussain of MH Solicitors (MH), into the Hearing, made introductions and outlined the procedure to be followed.

The Section Leader (Licensing), outlined the report regarding an application for a Hackney Carriage Driver's 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 paragraphs 5.1.10(b), 5.1.3(b) and 5.1.9.

All parties were invited to question the Section Leader (Licensing) on the report. No questions were asked.

MH confirmed that the information contained within the report was accurate.

The Chair invited BS to make representations.

With the agreement of the Chair, MH circulated BS character references from his current employer and his place of worship, which included photographs of his community work. Documents detailing the death of his child and the medical records of his other child were also circulated.

On behalf of BS, MH stated that BS was a fit and proper person and should be granted a licence. He had driven taxis for almost 10 years prior to his 2000 conviction for indecent assault on a female 16 or over. Since then he had only had one speeding offence. The relevant conviction was the only really serious offence on his record. He understood that it involved touching, which BS continued to deny, which was not to say that it was not serious. The offence would today be categorised as the lowest of the 3 'sexual offence' categories, at the bottom end of the spectrum and BS had served 3 months imprisonment and 3 months on licence. It was a long time ago and no pattern of behaviour had occurred since then. He was not a persistent offender and the guidelines stated that an applicant could be eligible for a licence after 7 years and the Sub-Committee had discretion to grant one. For BS to face an indefinite ban would be to put the offence on a par with terrorism or murder. He had previously twice been granted fit and proper person status and the circumstances should allow a lot of mitigation.

The reason for providing written evidence relating to the applicant's existing child was to show the need for BS to have a job that enabled him to work flexible hours. He needed to be able to visit his child whenever necessary.

BS had enjoyed his previous taxi work and was very eager to drive again. He was sorry for occurrences in the past.

All parties were invited to question the Applicant on his submission.

In response to questions from the Sub-Committee, BS stated the following:

- The circumstances of the indecent assault conviction were that following a drop-off a couple at 3am, BS wound down his window to ask for the fare. The couple were drunk and laughing and had left a rear door open so he got out to shut it and again asked for the fare. The female passenger said that she worked in town and would pay later so he gave her his card. The male passenger then tried to come at him so he left. 2 weeks later the female passenger reported him and 2 days on the Police arrived at the taxi rank to take him to the station, where he was charged;

- He was later convicted despite there being no proof of the incident;
- The male passenger had come at him, touched him and the female passenger had stopped him. MH added that BS Was alleged to have hugged her;
- His current work as a delivery driver entailed deliveries to both shops and residential properties.

The Lead Lawyer corrected MH's earlier statement that the indecent assault would today be categorised as the lowest of the 3 'sexual offence' categories, saying that the lowest point would be a high end community order whereas the offence referred to was only the lowest starting point for culpability A. The guidelines followed in 2000, based on the 1956 Act, would be a lot more lenient than the 2014 guidelines followed today.

In response to questions from the Lead Lawyer, MH stated the following:

- BS had told him that the offence was a hug or a touch. BS demonstrated how he was alleged to have touched the female passenger.

In response to questions from the Sub-Committee, MH stated the following on behalf of BS:

- He recognised that if he admitted guilt with regard to the sexual assault it could help his case but he specifically instructed me that he didn't do it. In context, even if he had done it, he had done nothing since that conviction;
- The earlier demonstration by BS was of what the female passenger accused him of and what he denied doing.

In response to questions from the Section Leader (Licensing), BS again demonstrated the sexual assault that he was convicted of and stated the following:

- He had got out of the car to close the left-side rear door. The male passenger leant on the open driver's side window and BS went to move him. The female alleged that that was when he held her;
- Between 2000 and 2010 his time was taken up with part-time work, visits to his mother in India and looking after his unwell child.

The Chair invited BS to make a final statement. On BS's behalf, MH said that he understood that public safety was paramount and that he was a fit and proper person. Even for a serious assault the guidelines state that discretion can be applied after 7 years and the relevant conviction in this case was 17 years ago with no incidents since then. A licence could be granted without fear.

BS, MH and the Section Leader (Licensing) left the room to allow the Sub-Committee to determine the matter.

The Chair invited BS, MH and the Section Leader (Licensing) back into the Hearing.

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 is not satisfied that you are a fit and proper person and therefore, in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, have decided not to grant RK a Private Hire Vehicle Driver's Licence. This decision is made in accordance with paragraph 5.1.9 of the guidelines relating to relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 25 July 2012.

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

BS, MH and the Section Leader (Licensing) left the room and the Chair closed the meeting

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Rita Potter
Cllr Daniel Warren

Conservative

Employees

Sarah Hardwick
Helen Tambini
Anita Chonk

Solicitor
Democratic Services Officer
Licensing Officer

Item No. *Title*

1 Adjournment

Following representations received from the Police, the Sub-Committee had been convened to consider an application for the transfer of a Premises Licence in respect of Bond Street Tavern, 14 Bond Street, Wolverhampton, WV2 4AS, to Mr D. Minott in the name of Lorraine and Derrick Ltd.

The basis of the objection raised by the Police was that Ms L. Heath, who had recently applied to be the Premises Licence Holder for the Bond Street Tavern, an application which was refused by the Licensing Sub-Committee, continued to form part of the company and continued to play an active role at the venue. Upon the meeting opening, Mr Thomas, Solicitor for the applicant, representing Mr Minott, stated that Ms Heath was no longer a director of Lorraine and Derrick Ltd and had no involvement with the premises.

In light of the statement of Mr Thomas, the Chair proposed that the meeting be adjourned for 10 minutes to allow the applicant and his representative, Sergeant Lee Davies and Mrs S. Hardwick, Senior Solicitor, City of Wolverhampton Council, to establish the current position with regard to the status of the representation of the Police.

Resolved: That the meeting be adjourned for 10 minutes.

The meeting reconvened at 10:10 am.

2 Apologies for Absence

There were no apologies for absence.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Transfer of a Premises Licence in respect of Bond Street Tavern, 14 Bond Street, Wolverhampton, WV2 4AS

An application for the transfer of a Premises Licence in respect of Bond Street Tavern, 14 Bond Street, Wolverhampton, WV2 4AS had been received from Mr D. Minott of Lorraine and Derrick Ltd.

The Chair detailed the procedure to be followed. All parties confirmed that they understood the procedure.

Mrs A. Chonk, Licensing Officer, provided an outline of the application. Mr Thomas confirmed that the summary was accurate.

The Chair invited the applicant to present the application.

Mr Thomas said that prior to consideration of the matter, he had raised concerns that the objection raised by the Police, that Ms L. Heath, who had recently applied to be the Premises Licence Holder for the Bond Street Tavern but had been refused by the Licensing Sub-Committee, continued to form part of the company and continued to play an active role at the venue was invalid as Ms Heath was no longer a director of Lorraine and Derrick Ltd and had no involvement with the premises. Mr Minott confirmed that to be correct.

The Chair asked Sergeant L. Davies, West Midlands Police, if he agreed with the view expressed by Mr Thomas. Sergeant Davies asked Mr Thomas to confirm that Ms Heath no longer had any association with Lorraine and Derrick Ltd or the Bond Street Tavern. Mr Thomas confirmed that to be correct. Based upon Mr Thomas's statement, Sergeant Davies withdrew the objections raised by West Midlands Police.

Mrs S. Hardwick, Senior Solicitor, stated that following the withdrawal of the objections raised by the Police, it was no longer within the remit of the Licensing Sub-Committee to consider the application. The Chair therefore closed the meeting

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