

Non-Statutory Licensing Sub-Committee

Minutes - 20 September 2019

Attendance

Members of the Non-Statutory Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)

Cllr Keith Inston

Cllr Jane Stevenson

Employees

Donna Cope

Sarah Hardwick

Elaine Moreton

Amitabh Singh

Democratic Services Officer

Senior Solicitor

Section Leader, Licensing

Section Leader, Licensing

Part 1 – items open to the press and public

Item No. *Title*

1 **Apologies for Absence**

There were no apologies for absence.

2 **Declarations of interest**

There were no declarations of interest.

3 **Exclusion of press and public**

Resolved:

That, in accordance with section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information falling within paragraph 1 of Schedule 12A to the Act relating to any individual.

4 **Review of a Private Hire Vehicle Driver's Licence (AA)**

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Private Hire Vehicle Driver (AA) into the Hearing. The Chair led round-table introductions and outlined the procedure to be followed.

The Section Leader, Licensing, outlined the report regarding a review of a Private Hire Vehicle Driver's Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee for consideration to be given as to whether AA was a fit and proper person to hold a Private Hire Vehicle Driver's Licence.

The Section Leader advised that AA had previously submitted a written statement and wished for it to be considered by the Sub-Committee. The Sub-Committee agreed to the request (copies filed with these minutes).

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

All parties were invited to question the Section Leader on the report. Elaine Moreton provided responses to questions asked.

The Chair invited AA to make his submission.

AA discussed the circumstances that had led to the review of his Private Hire Driver's Licence and stated that although a disagreement had taken place between him and a member of staff, he had not been rude or aggressive. He stated that he was being treated unfairly and that no complaints had ever been made about him before.

All parties were invited to question AA on his submission. AA responded to questions asked.

The Chair invited AA to make a final statement.

AA apologised for any offence he had caused and assured Members that he was a fit and proper person to hold a Private Hire Vehicle Driver's Licence.

AA and the Section Leader left the room to allow the Sub-Committee to determine the matter.

The Chair invited all parties to return.

The Chair detailed the decision of the Sub-Committee.

Resolved:

The Sub-Committee considered all the evidence presented at the Hearing, both written and oral and were satisfied that AA was a fit and proper person to hold a Private Hire Vehicle Driver's Licence and that no further action was required.

- 5 **Application for a Private Hire Vehicle Driver's Licence (GA)**
The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (GA) into the Hearing. GA was accompanied by his friend and representative, Mr Hussain. The Chair led round-table introductions and outlined the procedure to be followed.

The Section Leader, Licensing, outlined the report regarding an application for a Private Hire Vehicle Driver's Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee by an authorised employee of the council for further consideration to be given as to whether GA was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report.

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

All parties were invited to question the Section Leader on the report. Elaine Moreton provided responses to questions asked.

The Chair invited GA to make representations.

Mr Hussain made representations on behalf of GA. He acknowledged the extensive list of convictions held by GA but stated they had happened a long time ago and GA had not committed any offences since. He explained that GA had been young and fallen into the wrong crowd but was now a changed person and family man.

All parties were invited to question Mr Hussain and GA on the submission.

In response to questions asked, Mr Hussain and GA stated that he had learnt from his mistakes and elaborated further on how he had changed.

Mr Hussain requested that the Sub-Committee received character references for GA. The Sub-Committee agreed to the request (copies filed with these minutes).

The Chair invited Mr Hussain and GA to make a final statement.

Mr Hussain stated that GA was a changed person and wanted to move forward with the life and support his family.

GA, Mr Hussain and the Section Leader left the room to allow the Sub-Committee to determine the matter.

The Chair invited all parties to return.

The Chair detailed the decision of the Sub-Committee.

Resolved:

That having considered all the evidence both written and oral, provided at the hearing, the Sub-Committee was not satisfied that GA was a fit and proper person and therefore, in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, a Private Hire Vehicle Driver's Licence was not granted. This decision was made in accordance with paragraphs 5.1.3(b) and 5.1.13(b) of the guidelines relating to the relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 20 March 2019.

The Solicitor detailed the applicant's right of appeal to the Magistrates' Court against the decision of the Sub-Committee, within 21 days of receipt of the decision, and the potential costs of doing so.

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

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

The Section Leader, Licensing, outlined the report regarding an application for a Private Hire Vehicle Driver's Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee by an authorised employee of the council for further consideration to be given as to whether MK was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report.

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

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

The Chair invited MK to make representations.

MK discussed the incident that led to his conviction. He stated that it happened a long time ago and he had never been in trouble with the police before.

All parties were invited to question MK on his submission.

In response to questions asked MK elaborated further on the incident and stated that no other complaints had ever been made about him.

The Chair invited MK to make a final statement.

MK apologised for the incident and regretted his behaviour. He stated it happened a long time ago and had no other complaints had ever been made against him.

MK and the Section Leader left the room to allow the Sub-Committee to determine the matter.

The Chair invited all parties to return.

The Chair detailed the decision of the Sub-Committee.

Resolved:

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

The Solicitor detailed the applicant's right of appeal to the Magistrates' Court against the decision of the Sub-Committee, within 21 days of receipt of the decision, and the potential costs of doing so.

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