

CITY OF
WOLVERHAMPTON
COUNCIL

Non-Statutory Licensing Sub-Committee

Minutes - 22 July 2020

Attendance

Members of the Non-Statutory Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)
Cllr Jonathan Crofts
Cllr Keith Inston

Employees

Donna Cope	Democratic Services Officer
Sarah Hardwick	Senior Solicitor
Elaine Moreton	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 Application for a Private Hire Vehicle Driver's Licence - MM

The Chair invited Elaine Moreton, Section Leader Licensing, and the Applicant (MM) into the Hearing. MM was accompanied by his Solicitor, Mr Ali. The Chair led 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 MM was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report.

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

The Chair invited MM to make his submission.

Mr Ali made representations on behalf of his client. He stated that since MM had his Private Hire Vehicle Driver's Licence revoked, he had endeavoured to improve his English language and was currently studying for a foundation degree at university. He stated that the reasons for the revocation had not been upheld and despite his client's request, the circumstances had never been investigated. He stated that MM was not a risk to the public and had all the attributes to be an amazing driver.

All parties were invited to question MM and Mr Ali on the submission.

In response to questions asked, MM summarised the incident that led to the revocation of his licence and stated that he had taken dogs in his vehicle many times before. Following further questions, Mr Ali stated that his client had a phobia of dogs

but assured Members that he had taken dogs many times and would continue to do so.

The Chair invited Mr Ali and MM to make a final statement and Mr Ali did so. He stated that his client was a fit and proper person and the revocation of his licence had been due to a misunderstanding. He stated that his client could communicate to a satisfactory level in English and had never had issues with communication before.

MM, Mr Ali and the Section Leader left the meeting to allow the Sub-Committee to determine the matter.

All parties were invited back to the meeting.

The Chair advised them of the decision of the Sub-Committee, which was explained in full by the Senior Solicitor.

Resolved:

That having considered all the evidence both written and oral, provided at the hearing, the Sub-Committee was not satisfied that MM 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 5.1.28(a) and 4.8 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.

5 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 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.

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

The Chair invited MK to make his submission.

MK stated that his offences happened a long time ago when he was young and naive. He stated he had since grown up and was now a trustworthy family man.

All parties were invited to question MK on his submission.

In response to questions asked, MK discussed his current employment and stated that he had not been in trouble with the law for a very long time.

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

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

All parties were invited back to the meeting.

The Chair advised them of the decision of the Sub-Committee, which was explained in full by the Senior Solicitor.

Resolved:

That having considered all the evidence both written and oral, provided at the hearing, the Sub-Committee decided to grant MK a Private Hire Vehicle Driver's Licence subject to him undertaking, and there being satisfactory results of, a drugs test with the Council's approved practitioner at his own expense. The Sub-Committee also required MK to undertake a further drugs test in 6 months with the Council's approved practitioner at his own expense, on a date to be arranged.

6 Application for a Private Hire Vehicle Driver's Licence - LW

The Chair invited Elaine Moreton, Section Leader Licensing, and the Applicant (LW) into the Hearing. LW was accompanied by his Representative, Mr Fairclough. The Chair led 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 LW was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report.

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

The Chair invited LW to make his submission.

Mr Fairclough made representations on behalf of his client. He discussed the circumstances that led to his client's convictions. He stated LW was now a changed man and urged the Sub-Committee to give him a chance.

All parties were invited to question LW and Mr Fairclough on the submission.

In response to questions asked, LW and Mr Fairclough elaborated further on the situations that lead to LW's convictions and discussed the reasons for his application.

The Chair invited LW and Mr Fairclough to make a final statement. Mr Fairclough did so. He stated that his client had made efforts to turn his life around and had not been in trouble since 2012.

LW, Mr Fairclough and the Section Leader left the meeting to allow the Sub-Committee to determine the matter.

All parties were invited back to the meeting.

The Chair advised them of the decision of the Sub-Committee, which was explained in full by the Senior Solicitor.

Resolved:

That having considered all the evidence both written and oral, provided at the hearing, the Sub-Committee was not satisfied that LW 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 5.1.12(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.

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