

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.