

Licensing Sub-Committee

Minutes - 9 December 2016

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Greg Brackenridge

Conservative

Cllr Patricia Patten

Employees

Jacky Bramley
Elaine Moreton
Mike Hooper

Legal Executive/Assistant
Section Leader – Licensing
Democratic Services Officer

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

No declarations of interest were made.

3 Exclusion of press and public

Resolved:

That the Press and public be excluded.

4 Application for a Private Hire Vehicle Driver's Licence (10.00)

The Chair invited Elaine Moreton, Section Leader (Licensing) and the Applicant (AH) 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 5.1.12(b), 5.1.13(b), 5.1.3(b) and 5.1.4(b).

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

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

AH circulated personal references to the Sub-Committee.

AH said that following the death of his father he gained responsibilities and started to take his life seriously. He had stopped drinking and was a reformed character that did not want to be unemployed. He wanted to give back to the community and had taken part in local projects such as the clearing of allotments. He was not a threat to the public and he was ashamed of his mistakes.

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

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

- He had approached Uber and Royal Cars with a view to finding work should he be granted a Licence;

- He had been a loose cannon before his dad died. His employer had been a bad influence as had his friends. He had since changed his set of friends completely;
- With regard to two offences that had taken place after the death of his father, the 'Resist or Obstruct a Constable' conviction had been a result of a constable overtaking and turning his lights off. The conviction for 'Failure to give information as to the identity of a driver' occurred after his car had unknowingly scraped another on a narrow graveyard pathway;
- His father had passed away in August 2011 so only one conviction had occurred after his death;

AH made a closing statement. From the bottom of his heart, the key element of his work would be the safety of the public. He had tried for work everywhere else and no one would give him a chance. The opportunity to turn his life around would be the best Christmas present that he had ever received. He now had children and grandchildren to care for, he had good references and he wanted to give back to the community. Even a temporary Licence to allow him time to prove himself would be greatly appreciated.

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

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

The Chair detailed the decision of the Sub-Committee, which was read out in full by J. Bramley, Senior Solicitor.

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.

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.

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

5 **Application for a Private Hire Vehicle Driver's Licence (10:30)**

The Chair invited Elaine Moreton, Section Leader (Licensing), the Applicant (AR) and his legal representative (Mr Currie) 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 paragraph 5.1.3(a).

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

Mr Currie confirmed that the information contained within the report was accurate.

Mr Currie detailed the events leading to his client receiving six penalty points. Following a family event, his cousin had offered to drive AR's car to enable him to sit in the back with elderly relatives. The cousin had told AR that she had fully comprehensive insurance but, when an accident had occurred, it turned out that she only had third party insurance and was therefore not covered. If AR had known this he would have driven the car himself. It was a conviction by omission and AR pleaded not guilty. He was then contacted by the Police who explained the offence and how he was culpable. Because he hadn't seen his cousin's insurance policy, he had simply taken her at her word, responsibility lay with him. AR then pleaded guilty and received the minimal number of points.

AR had been driving for four years and there had been no other issues. He did part-time work for a takeaway and handled cash.

Mr Currie continued, the conviction had been by omission, it had not been wilful. He wanted to be able to finance his family (he had children aged 4 and 2 years old) but he had not been able to work in his previous trade, construction, due to injuries incurred during the accident. As it was not a wilful offence, the Sub-Committee could deviate from the guidelines due to the exceptional circumstances.

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

In response to questions from the Sub-Committee, Mr Currie, on behalf of AR, stated the following:

- AR had approached Uber with a view to finding work should he be granted a Licence;
- AR's cousin had received six penalty points and a fine for driving without insurance. In Court she had admitted misleading him;
- The level of fine set by the Court was means tested (income based) rather than an indication of the seriousness of the offence;
- AR had held a driving licence since March 2013 and drive a Vauxhall Vectra;
- AR's cousin had been 19 at the time of the incident.

Mr Currie, on behalf of AR, made a closing statement. He asked that the Sub-Committee take into consideration the points raised and the heavy bearing that the high cost of insurance will have on him in terms of ensuring that he is a good driver and that he complies with the regulations. In addition, the accident had not been a standard driving without insurance case, the offence had been by omission and it would be unusual for him to have not taken a family member at their word.

AR, Mr Currie and the Section Leader (Licensing) left the room to allow the Sub-Committee to determine the matter.

The Chair invited AR, Mr Currie and the Section Leader (Licensing) back into the Hearing.

The Chair detailed the decision of the Sub-Committee, which was read out in full by J. Bramley, Senior Solicitor.

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.

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.

AR, Mr Currie and the Section Leader (Licensing) left the room.

6 **Application for a Private Hire Vehicle Driver's Licence (11:00)**

The Chair invited Elaine Moreton, Section Leader (Licensing) and the Applicant (AH) 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 paragraph 5.1.10(b).

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

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

AH said that the relevant conviction related to him working whilst receiving benefits. He had been on a zero hours contract so he sometimes worked and sometimes didn't. He had sought advice regarding benefits from his employer and he had been contacted by the Job Centre and sent them his payslips. He then got a knock on the door which resulted in him appearing in Court and pleading guilty to benefit fraud. He had misunderstood the offences and had thought that he was pleading guilty to one charge rather than two. However, he accepted that the convictions were his own fault. He had been working his first job since leaving college and he had failed to research his entitlements properly.

AH's personal circumstances had changed considerably since the convictions. He was now a father to a child with Down Syndrome and a hole in the heart. Driving a taxi would be the ideal work to allow him to visit the hospital.

AH circulated references to the Sub-Committee and stated that he was a reformed character.

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

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

- He had been signing on for Job Seekers Allowance (JSA) on a fortnightly basis and had tried to seek advice in relation to what he was entitled to and how to notify them about the varied hours he was working on a zero hours contract but the staff member that he was allocated to was never there to help him;
- He was interviewed under caution for a total benefits overpayment of between £1000 and £2000. That included both JSA and Housing Benefit;
- He had not received a letter notifying him of his Court date, leading to him failing to attend and receiving a warrant

In response to a question from the Section Leader (Licensing), AH stated that he had lived at his current address since 2011 and had not received any paperwork to inform him of his Court date.

AH made a closing statement. He apologised for his errors and, although miscommunication played a part, he accepted that the convictions were his own fault. A PHVD would allow him to work around the needs of his daughter.

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

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

The Chair detailed the decision of the Sub-Committee, which was read out in full by J. Bramley, Senior Solicitor.

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 AH 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.

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

7 **Application for a Private Hire Vehicle Driver's Licence (11:30)**

The Chair invited Elaine Moreton, Section Leader (Licensing) and the Applicant (AH) 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 paragraph 5.1.10(b).

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

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

AH said that the relevant conviction related to him working whilst receiving benefits. He had been on a zero hours contract so he sometimes worked and sometimes didn't. He had sought advice regarding benefits from his employer and he had been contacted by the Job Centre and sent them his payslips. He then got a knock on the door which resulted in him appearing in Court and pleading guilty to benefit fraud. He had misunderstood the offences and had thought that he was pleading guilty to one charge rather than two. However, he accepted that the convictions were his own fault. He had been working his first job since leaving college and he had failed to research his entitlements properly.

AH's personal circumstances had changed considerably since the convictions. He was now a father to a child with Down Syndrome and a hole in the heart. Driving a taxi would be the ideal work to allow him to visit the hospital.

AH circulated references to the Sub-Committee and stated that he was a reformed character.

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

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

- He had been signing on for Job Seekers Allowance (JSA) on a fortnightly basis and had tried to seek advice in relation to what he was entitled to and how to notify them about the varied hours he was working on a zero hours contract but the staff member that he was allocated to was never there to help him;
- He was interviewed under caution for a total benefits overpayment of between £1000 and £2000. That included both JSA and Housing Benefit;
- He had not received a letter notifying him of his Court date, leading to him failing to attend and receiving a warrant

In response to a question from the Section Leader (Licensing), AH stated that he had lived at his current address since 2011 and had not received any paperwork to inform him of his Court date.

AH made a closing statement. He apologised for his errors and, although miscommunication played a part, he accepted that the convictions were his own fault. A PHVD would allow him to work around the needs of his daughter.

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

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

The Chair detailed the decision of the Sub-Committee, which was read out in full by J. Bramley, Senior Solicitor.

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 AH 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.

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

8 **Application for a Private Hire Vehicle Driver's Licence (13:00)**

The Chair invited Elaine Moreton, Section Leader (Licensing), the Applicant (NA) and his legal representative (Amber Morrell, Waldrons Solicitors) 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 paragraph 5.1.9.

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

Miss Morrell confirmed that the information contained within the report was accurate.

Miss Morrell said that NA's conviction for persistently soliciting a woman for prostitution from a motor vehicle or causing annoyance/nuisance to others was a one-off, isolated incident. Although he was in his taxi, he was off-duty. The prostitute was in his vehicle for less than thirty seconds and no sexual act had taken place before the Police approached the vehicle, who must have been watching in an unmarked car. NA accepted all guilt and paid the fine without the need for final demands. He immediately told Dudley Council of the offence without them having to chase him but they revoked his Licence.

NA still undertook airport runs and was the sole provider for his three children. The conviction in question was his only one.

References from his wife and his employer were circulated to the Sub-Committee.

Miss Morrell asked NA to explain the incident. He said that he had finished his shift, he saw the lady, made a mistake and got arrested. He then informed the local authority and was found guilty of the offence. He had learned a very hard lesson and had not picked up a prostitute since.

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

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

- NA had held both a PHVD Licence and a Hackney Carriage Licence. The incident took place in a private hire vehicle following the end of his shift;
- NA was not plying for trade when he stopped to pick up the female. He was trying to take a shortcut on his way from Dudley or Stourbridge to collect friends from Wolverhampton Train Station but he must have taken a wrong turn. He was not aware of why the female was there or that she was a prostitute. He did not know the area or that it was a red light district as he worked in Dudley and was just passing through. He had never been there before nor after. Following prompting from his solicitor, NA stated that he knew that the lady was a prostitute and that he stopped the car to solicit her services;
- He pleaded guilty as the Police informed him that he had picked up a prostitute, therefore he had done wrong. He could understand the Sub-Committee's concern about being charged with persistently soliciting but it would never happen again. A very hard lesson had been learned and he felt shame;
- NA still lived in Dudley but it was very small so he had applied to Wolverhampton to enhance his work opportunities. He had not applied to any other local authorities;
- Since his conviction NA had held a Public Service Vehicle Licence. He owned his own vehicle and a number of companies would give him jobs that they couldn't cover themselves, mainly airport runs. He had also had work as a delivery driver;
- NA could not attend an interview with Licensing Services on 2 November 2016 regarding his PHVD application as he was visiting his unwell father in Pakistan. He contacted officers when he picked up the invite on his return;
- The 2012 conviction for failure to comply with a traffic sign followed his failure to see a sign for roadworks whilst on a run to Heathrow Airport

In response to questions from Jacky Bramley, Senior Solicitor, NA and Miss Morrell stated the following:

- The incident for which NA was convicted was a one-off;
- NA reported the incident to Dudley Council following his conviction;
- Dudley Council revoked both of his badges and NA appealed the decisions.

In response to questions from the Section Leader (Licensing), NA stated the following:

- Stopping for a prostitute had not been good conduct. He had never do so before or since and was now struggling in life, which was why he applied for a PHVD Licence;

- PSV driving was his main source of income but expenses were high. It cost more than PHVD work and the jobs were fewer;
- He had been married since 1997.

Miss Morrell, on behalf of NA, made a closing statement. AN's conviction for soliciting was over ten years ago, was now spent and he had been working under a PSV Licence with no further convictions. The offence was low level but was the concern was understood due to the nature of the job and the varying nature of clientele. The Sub-Committee would have to consider his character and I would suggest that he comes across as quite genuine, conceding that he did know what he was doing and pleading guilty to the offence. Please bear in mind that he has been driving since his conviction, picking up less cost-effective PSV work. It was unfortunate that he missed the 2 November 2016 meeting. Obviously the starting point for the Sub-Committee should be that anyone guilty of a sexual offence should not be granted a Licence but I hope that you can balance the lack of further offences and the time since the offence against the risks.

NA, Miss Morrell and the Section Leader (Licensing) left the room to allow the Sub-Committee to determine the matter.

The Chair invited AR, Mr Currie and the Section Leader (Licensing) back into the Hearing.

The Chair detailed the decision of the Sub-Committee, which was read out in full by J. Bramley, Senior Solicitor.

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.

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.

AR, Mr Currie and the Section Leader (Licensing) left the room.

9 **Application for a Private Hire Vehicle Driver's Licence (13:30)**

The Chair invited Elaine Moreton, Section Leader (Licensing) and the Applicant (RM) 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 paragraph 5.1.13(b).

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

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

RM said that his convictions for GBH and ABH had both occurred when he was under the age of 16. Following those convictions he had worked out what he wanted to do with his life and had now been a waiter for the past 18 years without incident. Similarly to driving a taxi, it was a customer facing service, just in a different setting.

The first offence occurred 20 years ago and the second offence 17 years ago and he deeply regretted his actions. He was now married with five children and, whilst he enjoys working with the public and always wanted to work in restaurants he wanted more time to spend with his kids. He had missed his son's birthday through work and it had made him realise that he needed a change of profession to enable him to become a better father.

RM felt that his past misdemeanours did not reflect the person that he was today.

RM circulated references from customers to the Sub-Committee and stated that he was a reformed character.

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

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

- He had been a bad decision maker when he was young. The first offence came about through a fight at school when he was in Year 9. The victim had started the trouble but RM had got the better of him. At the time of the second offence he was hanging around with the wrong people and had over-reacted to a situation by slapping someone. He hadn't intended to hurt him but that was what happened. The victim's face had swollen up which resulted in the ABH charge;
- He had been married for 10 years and had calmed down a lot since his youth. He had worked with the public for 18 years, 10 years with his current employer, and considered himself to be a people person
- When dealing with rowdy customers he would remind himself that they were just enjoying themselves. If a taxi customer refused to pay he would just let it go, only ringing base as a last resort.

In response to a question from the Section Leader (Licensing), RM said that he would like to "test the water" with regard to the work that would be available to him if he was granted a Licence.

RM made a closing statement. His convictions were a very long time ago and he deeply regretted them. He wanted to serve the public and had done so for 18 years with no incidents as he had learned to keep his head down. Driving a taxi would enable him to spend more time with his kids. The past did not reflect the person that he was today.

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

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

The Chair detailed the decision of the Sub-Committee, which was read out in full by J. Bramley, Senior Solicitor.

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 RM passing the knowledge test and a satisfactory medical, if he hasn't already done so.

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.

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

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

The Chair invited Elaine Moreton, Section Leader (Licensing) and the Applicant (AH) 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 paragraph 5.1.10(b).

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

SR confirmed that the information contained within the report was accurate but pointed out that the two convictions from 2009 related to the same incident.

SR said that the incident that led to his convictions for the possession of an offensive weapon and the use of disorderly behaviour or words had been the result of him intervening in an argument between his brother and another man. He was only in possession of a crooklock as he had taken it off his brother.

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

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

- The 2002 conviction for destroying property was for accidentally breaking a window whilst playing football;
- He no longer held a PHVD Licence with Dudley MBC as he had not renewed it;

- He had chosen to apply to Wolverhampton as there were too many taxi bases in Stourbridge, where he lived. He also hoped to work for 24/7 Cars, who had a base in Wolverhampton;
- He had been working as Security at New Cross Hospital for the past year and was SIA registered;
- The incident for which he was convicted in 2009 had taught him not to get involved in other peoples' problems. Should an incident occur if he was granted a Licence he would attempt to calm the situation by speaking to the perpetrators before calling the Police if necessary. Working at New Cross he had experience of dealing with aggressive situations.

In response to a question from the Section Leader (Licensing),

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

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

The Chair detailed the decision of the Sub-Committee, which was read out in full by J. Bramley, Senior Solicitor.

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 SR 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.

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

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

The Chair invited Elaine Moreton, Section Leader (Licensing) and the Applicant (SA), who was accompanied by a friend (Mr Khan), 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 5.1.3(b) and 5.1.13(a).

All parties were invited to question the Section Leader (Licensing) on the report. Following a question from the Chair, clarity was provided with regard to which offences committed by SA were clear.

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

SA said that his conviction for battery came about when he was working in a shop and got into a heated argument with a colleague before moving outside of the shop where they started to push each other. The Police were there and SA got arrested and cautioned, to his mind because he was the larger of the two, whilst his colleague was not arrested. SA said that at the time he had been young and stupid but he had kept out of trouble and kept straight ever since. He was now a family guy, had children and just wanted a bit of money to look after his family. He had made mistakes but wanted to better himself.

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

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

- At the age of 28 he had not been grown up. The 2010 argument had been petty, about working hours and his colleague being regularly late;
- He did not have a short fuse. Due to him being a belt lifter, people often judged him by his appearance;
- The phrase 'protection of the public' meant everything, to watch out for everyone around you;
- If he had awkward, drunk customers or if they ran off without paying he would just let it go. His choice would be to not waste Police time;
- He was already a father at the time of the 2010 offence;
- He had originally pleaded not guilty to the 2010 offence. His accuser did not turn up to Court and SA's solicitor advised that he should take the deal and plead guilty. He trusted his solicitor as he did not understand the law;
- He had not offended since 2010 and he no longer drank alcohol as he put his sport first. Alcohol always got him in trouble but now that he didn't drink he was able to laugh off bother from customers in the off-licence in which he worked;
- He was not the Premises Licence holder for the off-licence but he had worked there for so long that he knew most of the customers by name;

In response to questions from the Senior Solicitor, SA stated the following:

- He had been married for 12 years and had children aged 16, 12, 9 and 7;
- He had been physically scarred and bones broken when he had been the victim of an unprovoked attack as a young man. That had led to him turning to drink and the break-up of his marriage. He had also had a tough upbringing. However, he now put all of his energy into powerlifting.

SA made a closing statement. He worked part time in a shop and was finding it difficult to bring up four kids on a small income. He wanted to be able to work more hours to provide for them and to continue with his sport, which was very expensive. Should the Sub-Committee grant him a Licence he would not let them down.

SA, Mr Khan and the Section Leader (Licensing) left the room to allow the Sub-Committee to determine the matter.

The Chair invited AH, Mr Khan and the Section Leader (Licensing) back into the Hearing.

The Chair detailed the decision of the Sub-Committee, which was read out in full by J. Bramley, Senior Solicitor.

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.

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.

SA, Mr Khan and the Section Leader (Licensing) left the room.