

Attendance

Members of the Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)
Cllr Rita Potter
Cllr Jane Stevenson

Employees

Elaine Moreton	Section Leader, Licensing
Sarah Hardwick	Senior Solicitor
Donna Cope	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 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 (AS)

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (AS) into the Hearing. AS was accompanied by his wife and Solicitor, Mohammed Ikram. 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 AS was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report. AS confirmed that the information contained within the report was accurate.

All parties were invited to question the Section Leader, Licensing, on the report and the Section Leader answered accordingly.

The Chair invited AS to make representations.

Mr Mohammed Ikram made representations on behalf of his client and confirmed that AS previously held a Private Hire Vehicle Driver's licence with Walsall Council for 20 years, receiving no complaints. He detailed the circumstances that led to the allegations against his client and emphasised that no formal charges were imposed as the allegations were dropped. He discussed his client's current personal circumstances and stated AS was a hardworking family man with no convictions.

All parties were invited to question AS and Mr Ikram on the submission.

In response to questions asked, AS, his wife and Mr Ikram gave further details surrounding the allegations made and explained that all issues within the family had been resolved.

The Chair invited AS to make a final statement and Mr Akrim did so on behalf of his client. He stated that AS was a mild-mannered gentleman of good character with no convictions. He confirmed that all allegations against his client had been dropped and emphasised his client's unblemished history as a taxi driver.

AS, his wife, Mr Akrim (applicant's solicitor) 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 presented at the Hearing, both written and oral, the Sub-Committee resolved to depart from the Council Guidelines relating to Relevance of Convictions and Breaches of Licence Conditions and grant AS a Private Hire Vehicle Driver's Licence for a period of 12 months, subject to AS passing the knowledge test, a satisfactory medical, and producing documentation of his immigration status/ right to work in the UK.

5 Review of a Private Hire Vehicle Driver's Licence (VA)

The Chair invited Chris Howell, Licensing Manager, Elaine Moreton, Section Leader, Licensing, and the Applicant (VA) 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 by an authorised employee of the council for further consideration to be given as to whether VA was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report. VA confirmed that the information contained within the report was accurate.

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

The Chair invited Chris Howell, Licensing Manager, to make representations.

The Licensing Manager did so. He outlined the incident of 5 July 2018 in which he witnessed VA working whilst not wearing his Private Hire Vehicle Driver's badge. He stated that VA claimed to have finished shopping, left his badge at home and would retrieve it before starting work. The Licensing Manager referred to the GPRS tracking evidence within the report which indicated VA did not return home to collect his badge.

All parties were invited to question the Licensing Manager on his submission.

In response to questions from the Sub-Committee, Senior Solicitor and VA, the Licensing Manager explained the importance of drivers wearing their badges and disputed claims made by VA regarding the incident.

Sarah Hardwick, Senior Solicitor, requested clarification on the contents of Page 5 of the Supplementary Information pack.

Elaine Moreton, Section Leader Licensing, explained that the evidence in question, confirmed that VA had been working the minute before being approach by the Licensing Manager.

The Chair invited VA to make representations.

VA explained the incident of 5 July 2018. He stated he had just finished a job and had taken his badge off, placing it on the passenger seat, before going to use the toilet. He claimed that the Licensing Manager did not verbally introduce himself, leading VA to believe he was plying for hire.

All parties were invited to question VA on his submission.

In response to questions from the Sub-Committee, Senior Solicitor and the Section Leader, VA confirmed that when approached by the Licensing Manager, his badge was on the passenger seat as he was taking a break. He explained that he hadn't logged off the 'platform' as he didn't want to lose potential fares and denied having any conversation with the Licensing Manager during the incident. VA was unable to provide a clear answer when asked if he was suggesting the Licensing Manager had lied but confirmed he had not met the Licensing Manager before the 5 July 2018 and therefore could not provide an explanation as to why the Licensing Manager would fabricate evidence.

He confirmed that following his interaction with the Licensing Manager, he drove to a shop in Chapel Ash to use the toilet facilities.

Following this submission, the Sub-Committee consulted the GPRS tracking evidence within the report and noted that VA's version of events did not correspond.

The Chair invited VA to make a final statement.

VA claimed that because the Licensing Manager hadn't verbally introduced himself there had been a misunderstanding and stated it wasn't practical to log off the 'platform' during every break.

VA, the Licensing Manager 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 presented at the Hearing, both written and oral, the Sub-Committee resolved that VA was not a fit and proper person and therefore they determined to suspend the Private Hire Vehicle Driver's Licence for a period of 6 weeks in accordance with section 61 of the Local Government

(Miscellaneous Provisions) Act 1976 and paragraph 5.1.19 (a) of the Guidelines relating to Relevance of Convictions and Breaches of Licence Conditions.

The applicant's right of appeal was detailed by the Senior Solicitor.

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

QZ was unable to attend. Hearing adjourned to a future date.

7 Application for a Personal Licence in respect of Mr Horace Gilmore Mccalla.

West Midlands Police were unable to attend due to mis-communication.

Hearing adjourned to a specified date, that being 16 October 2018, in accordance with paragraph 11 of the Licensing Act 2003 (Hearing) Regulations 2005.