

Licensing Sub-Committee – Meeting held on Thursday, 5th November, 2020.

Present:- Councillors S Parmar (Chair), Dhaliwal and Strutton.

Officers Present:- Mrs Kauser (Democratic Services), Mr Lucas (Legal Services) and Mrs Rumney (Licensing).

PART 1

5. Declarations of Interest

None were received.

6. Guidance on Predetermination/ Predisposition - To Note

Members confirmed that they had read and understood the guidance on predetermination and predisposition.

7. Minutes of the Last Meeting held on 28th September 2020

Resolved - That the minutes of the meeting held on 28th September 2020 be approved as a correct record.

8. Exclusion of the Press and Public

Resolved – That the press and public be excluded from the remainder of the meeting as the items to be considered contained exempt information relating to individuals as defined in Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972 (as amended)

9. Revocation/Suspension of a Personal Licence

Below is a summary of the matter considered in Part II.

The Chair welcomed all parties to the meeting and explained the procedure for the hearing. The Appellant confirmed that he had received a copy of the paperwork.

The Senior Licensing Officer introduced the report, requesting that Sub-Committee Members consider whether the Appellant should continue to hold a personal licence, following a conviction in August 2020 for being in charge of a motor vehicle above the legal alcohol limit . Details of the conviction and subsequent sentencing were detailed for the Sub-Committee.

The Appellant outlined details of the incident which had led to his conviction and explained that although he hadn't used his personal licence since 2012; he was in the process of purchasing a business for which it was required. Furthermore, there had been no issues relating to his personal licence whilst

managing a licensed premises in that he had passed all test purchases. The Licensing Officer confirmed that this was correct.

Following a short summary by the Senior Licensing Officer and Appellant, both parties were asked to leave the meeting.

Resolved - That the Personal Licence be suspended for a period of six months.

10. Private Hire Driver Conduct Hearing (Appellant Reference 04-19)

The Chair welcomed all parties to the meeting which included the Appellant and his legal representative. The Sub-Committee were asked to give consideration to adjourning the hearing to allow the Appellant's legal representative an opportunity to review the matter, who submitted that she had only been instructed to represent the Appellant earlier that morning. Furthermore the Appellant stated that he had not received a copy of the paperwork for the hearing.

The Senior Democratic Services Officer informed Members the hearing notice and associated paperwork had been sent in the post on 23rd October 2020. There had been further email correspondence with the Appellant on 2 November and 3 November and a virtual meeting test held on 4 November. No reference was made on any of these occasions that paperwork for the meeting had not been received.

The Sub-Committee decided that in order to ensure that the Appellant had the opportunity of a fair hearing with representation, the Private Hire Driver Conduct hearing would be adjourned. All parties present agreed that the matter would be re-scheduled for Wednesday 11 November at 12 noon and that a hard copy of the report would be hand delivered to both the Appellant and legal representative later that day.

Resolved – That the Private Hire Driver Conduct hearing 04-19 be adjourned until 11th November at 12 noon.

(Note: The Meeting opened at 10.30 am and closed at 12.20 pm)

Adjourned Licensing Sub-Committee – Meeting held on Wednesday, 11th November, 2020.

Present:- Councillors S Parmar (Chair), Dhaliwal and Strutton.

Officers Present:- Mrs Kauser (Democratic Services), Mr Lucas (Legal Services) and Mrs Rumney (Licensing).

PART 1

Below is a summary of the matter considered in Part II.

The Chair welcomed all parties to the hearing and it was confirmed that all had received a copy of the paperwork.

At the outset of the meeting, the Appellant requested that the hearing be adjourned as his legal representative was ill and unable to attend. The Sub-Committee retired to consider the request and having deliberated, resolved to continue with the meeting given that it had been adjourned on two previous occasions and no evidence was adduced in support of the request for an adjournment.

The Senior Licensing Officer introduced the report and reminded the Sub-Committee that they had to determine whether or not the Appellant was a fit and proper person to hold a private hire driver licence. It was noted that the hearing did not relate to the private hire vehicle licence held by the Appellant.

It was explained that as the report to the Sub-Committee was written for the hearing in March both the driver and vehicle licence had been renewed in the interim.

Details of why the matter had been referred to the Sub-Committee were outlined and related to the Appellant's submission of personal details to the licensing department. The matter was investigated by the Council's fraud investigation team, which had led to the Appellant being prosecuted for four counts of fraud against the Council; to which he had pleaded guilty.

The Appellant explained the circumstances relating to his convictions and submitted that his family relied on his income.

The Appellant and Senior Licensing Officer were given the opportunity to provide a short summary, following which they left the meeting.

Having taken into account all the written and verbal information presented, the Sub-Committee -

Resolved – That Appellant Reference 04-19's Private Hire Driver Licence be revoked.

Chair
(Note: The Meeting opened at 11.55 am and closed at 12.50 pm)