

**MINUTES OF THE GENERAL PURPOSES
LICENSING CASEWORK SUB-COMMITTEE**

Monday 25 June 2018



COUNCILLORS PRESENT: Councillors Cook (Chair) and Landell Mills.

OFFICERS PRESENT: Daniel Smith (Lawyer) and Emma Thompson (Licensing Compliance Officer)

15. APPLICATION TO DRIVE PRIVATE HIRE VEHICLES

The Chair introduced members of the Sub-Committee and confirmed that Mr Alasadi understood the procedure which would be followed in the meeting and that he was willing to proceed with only two members of the Sub-Committee in attendance.

The Licencing Officer introduced the report which sought to inform the decision about whether or not Mr Alasadi remains a fit and proper person to hold a Private Hire Driving Licence.

Mr Alasadi had held a Private Hire Driver Licence with the Authority since 23 May 2006. His licence expired on 14 February 2018. On 13 February 2018 Mr Alasadi submitted an application to renew his Private Hire Driver licence.

On 18 January 2018 Mr Alasadi had contacted the Licensing team to inform them of a conviction for Battery which he had received in November 2017 and a related restraining order (which was subsequently withdrawn). Mr Alasadi offered no apology or explanation for the events which resulted in his conviction other than to say that it was a private family matter.

Mr Alasadi stated that he had other employment and consequently had not driven under his Private Hire Vehicle licence for the last three years but that he wished to renew it as the cost was less than submitting a full application.

Mr Alasadi and the Licencing Officer left the room while the Sub-Committee considered the case and reached a decision.

The Sub-Committee determined to refuse the application on the basis that Mr Alasadi's failure to notify the Council of his very recent conviction for violence meant that he did not meet the criteria of a "fit and proper person" and he had presented no evidence to persuade them to deviate from the Council's policy.

Mr Alasadi and the Licencing Officer returned to the room to hear the Sub-Committee's decision.

The Sub-Committee resolved to:

Refuse Mr Alasadi's Private Hire Driving Licence.

Mr Alasadi was told that he would receive a letter confirming this decision and of his right to appeal within 21 days.

16. APPLICATION TO DRIVE PRIVATE HIRE VEHICLES

The Chair introduced members of the Sub-Committee and confirmed that Mr Thomas understood the procedure which would be followed in the meeting and that he was willing to proceed with only two members of the Sub-Committee in attendance.

Mr Thomas was accompanied by his colleague Mr Warman.

The Licencing Officer introduced the report which sought to inform the decision about whether or not Mr Thomas remains a fit and proper person to hold a Private Hire Driving Licence.

Mr Thomas had held a Private Hire Driver Licence with the Authority since 5 May 2009. His licence expired on 12 May 2018.

On 19 April 2018 Mr Thomas submitted an application to renew his Private Hire Driver licence which stated that he had not received an endorsement on his license in the last three years. As part of the application process a DVLA disclosure was requested. The disclosure revealed that Mr Thomas had been endorsed on 26 April 2017 for a TT99 offence (disqualification under "totting up" procedure).

The disqualification was suspended pending an appeal on 26 April 2017 and was re-imposed on 2 June 2017. The disqualification was for 6 months to 2 December 2017. At the time of the conviction on the 26 April 2017 Mr Thomas failed to inform the Licensing Authority as required by the conditions attached to his Private Hire Drivers licence. Mr Thomas also failed to notify the Licensing Authority following the appeal on 2 June 2017.

Mr Thomas explained the circumstances of the three offences which had resulted in his conviction and said that these had occurred at a time when he was under significant financial pressure to keep his business going. He told the Sub-Committee that he had a loyal client base who had continued to support him

during the disqualification period and he had been able to recruit Mr Warman and other drivers to cover the bookings.

Mr Thomas informed the Sub-Committee that he had contacted the Council's licensing team by phone at the time of his endorsement and he had spoken to a gentleman who said that a note had been put on the file. The Licensing Officer said that although there was no record of such a phone call a new member of staff had joined the team at that time and it was possible that Mr Thomas had been mis-informed.

In conclusion Mr Thomas said that it had been a very tough time and his focus had been on keeping the business going but he now realised he should have done things differently, especially in terms of communicating his situation to the Licensing officers.

Mr Thomas, Mr Warman and the Licencing Officer left the room while the Sub-Committee considered the case and reached a decision.

The Sub-Committee noted that Mr Thomas had served his driving ban but were disappointed that he had not completed the application form correctly irrespective of the alleged advice provided by the Licensing officer. On balance the Sub-Committee were persuaded that Mr Thomas met the criteria of a "fit and proper person".

Mr Thomas, Mr Warman and the Licencing Officer returned to the room to hear the Sub-Committee's decision.

The Chair informed Mr Thomas that the decision to approve the licence application had been very finely balanced as the Council expected the very highest standards of professionalism.

The Sub-Committee resolved to:

Approve Mr Thomas's Private Hire Driving Licence. If, however, there were any further speeding offences then Licensing Officers were delegated to suspend his licence immediately and refer the matter to the Sub-Committee.

Mr Thomas was told that he would receive a letter confirming this decision and of his right to appeal within 21 days.

The meeting started at 5.40 pm and ended at 6.45 pm

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