

**Committee and Date**Licensing and Safety  
Sub Committee9<sup>th</sup> January 2013**Item****2**

Public

**MINUTES OF THE LICENSING AND SAFETY SUB COMMITTEE MEETING HELD ON WEDNESDAY, 5<sup>TH</sup> DECEMBER 2012**

10.00 a.m. – 10.55 a.m.

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**Present**Councillors: P. Adams (Chairman)  
B. Baker, T. Barker, J. Barrow, V. Bushell and A. Davies.**30. APOLOGIES FOR ABSENCE**

None received.

**31. MINUTES****RESOLVED:**That the Minutes of the meetings of the Licensing and Safety Sub-Committee held on 11<sup>th</sup> September 2012 be approved as a correct record and signed by the Chairman.**32. PUBLIC QUESTION TIME**

There were no public questions, statements or petitions received.

**33. DISCLOSABLE PECUNIARY INTERESTS**

None received.

**34. EXCLUSION OF PUBLIC AND PRESS****RESOLVED:**

That in accordance with the provisions of Schedule 12A, Local Government Act 1972 and paragraph 10.4(1) of the Council's Access to Information Procedure Rules, the public and press be excluded during consideration of the following agenda item.

**35. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS' LICENCE**

Consideration was given to an exempt report of the Licensing Officer in respect of an application for a renewal of a Hackney Carriage/Private Hire Driver's Licence.

The Licensing Officer presented the report, in respect of Case 1, to the Sub Committee providing information on the offences disclosed by the Criminal Records Bureau (CRB). The Licensing Officer presented the report to the Sub-Committee, advising Members that the applicant had not notified the Council in relation to his offences and had not disclosed the offences on his application form.

In response to questions raised by the Solicitor, Applicant and Members of the Sub-Committee, the Licensing Officer confirmed that:

- The Council had not been informed by the Police about the allegation;
- The allegation had been received via an anonymous telephone call;
- Officers had spoken to the applicant in person about the allegation and the allegation was denied by the applicant;
- The applicant did not respond to a letter from officers in relation to the allegation;
- The applicant had not made the Council aware of his traffic offences;
- No response had been received to date from the Driver and Vehicle Licensing Agency (DVLA); and
- The first time the Council were aware of the offence was on receipt of the CRB check following the renewal application.

The applicant was in attendance and confirmed that he did not require a legal representative to be present during consideration of his case, and was agreeable to Members and Officers knowing his name. He presented his case to the Sub Committee, providing background information, and the circumstances surrounding the offence as detailed in the Officer's report.

In response to questions raised by the Solicitor, Licensing Officer and Members of the Sub-Committee, the applicant confirmed that:

- He did not inform the Council about the offence as he believed the Council had been informed by the Police;
- He had received the letter as appended at Appendix C of the report but had not replied as he thought Officers already knew about the offence;

- He had ticked 'no' to the question on the application form in relation to convictions as, he believed, the Council already knew about his conviction;
- He stopped working as a driver for 18 months following his conviction;
- He had pleaded not guilty to the offence and been found guilty by the Court; and
- He had not renewed his Wolverhampton Licence following the conviction.

The Licensing Officer summed up the application and the Chairman invited the applicant to make any final comments prior to the Sub-Committee making its decision.

Members of the Sub-Committee retired to consider the matter, in private, at 10.37 a.m. and reconvened at 10.54 a.m. to announce their decision.

**RESOLVED:**

That the application for a renewal of a Hackney Carriage/Private Hire Driver's Licence be refused.

Reasons: In making their decision, members of the Sub Committee took into account the Council's guidelines relating to the relevance of convictions, the offences detailed in the Licensing Officer's report and the submissions made by the applicant. They could no longer be satisfied that the applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence. The applicant had been found guilty in Court of an offence involving dishonesty and had failed to inform the Council of the conviction despite being asked directly for relevant information; in this regard the applicant had been deceitful towards the authority. Further, this last mentioned matter was a breach of his licence conditions.

Chairman:.....

Date:.....