

**Minutes of the Licensing Sub-Committee
21 February 2020**

Present:

Councillor R.W. Sider BEM (Chairman)

Councillor S.M. Doran and A.J. Mitchell

36/20 Disclosures of Interest

There were none.

37/20 Exclusion of Press and Public

Resolved that under Section 100a(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in the paragraph of part 1 of schedule 12a of the Act indicated below.

Paragraph 1 - Information relating to any individual and on the basis that publication would not be in the public interest because information and documentation is personal and subject to an obligation of confidentiality.

38/20 Exempt report to determine whether Mr M.J. Ashraf is a fit and proper person to hold a Private Hire Driver Licence

The Chairman introduced the councillors and officers present and welcomed Mr Muhammad Jamshad Ashraf to the meeting and asked if he would be represented and/or calling any witnesses. Mr Ashraf confirmed he would be represented by Mr Aamer Rana.

The Principal Licensing officer presented the report of the Deputy Chief Executive in summary and outlined the matter before the Sub-Committee. The purpose of the hearing was to consider and determine whether Mr Muhammad Jamshad Ashraf was a fit and proper person to hold a Private Hire driver licence.

The meeting proceeded in accordance with the procedure which accompanied the Agenda for the meeting.

During evidence, Mr Rana argued that the Sub-Committee meeting was an abuse of process as Mr Ashraf had been deemed a fit and proper person by the Magistrates at his appeal hearing on 15 January 2020. Mr Rana consequently advised Mr Ashraf not to answer any further questions.

The Sub-Committee resolved to adjourn the meeting to take advice from the Council's Solicitor.

Upon reconvening, the Solicitor advised all parties of the advice that she had given the Sub-Committee with regards to the claim of abuse of process.

The Chairman read the following statement:

"The Sub-Committee has considered the submission that this hearing is an abuse of process and are ruling that this is not an abuse of process and therefore the hearing should continue. The reasons we have come to this decision are straightforward. This matter does not concern an existing licence but is an application for a new licence albeit at renewal. On such an application the Council through its Licensing Sub-Committee is entitled to consider all facts relevant to the new application including a determination as to whether the applicant is a fit and proper person. This hearing will therefore continue."

The meeting proceeded once more in accordance with the procedure which accompanied the Agenda for the meeting.

The Sub-Committee then resolved to adjourn to consider its decision.

Upon reconvening the Chairman gave the decision of the Sub-Committee. He advised that the full decision with reasons would be notified to Mr Muhammad Jamshad Ashraf in writing within fourteen days and that he had a right of appeal to the Magistrates Court.

Resolved to grant Mr Muhammad Jamshad Ashraf's renewal application for a Private Hire driver licence for the reasons set out in the full decision notice to be provided within fourteen days of this Sub-Committee hearing.