

Record of a Hearing of the Bradford District Licensing Panel held on Tuesday, 21 September 2021 in Ernest Saville Room - City Hall, Bradford

Procedural Items

DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents

Hearings

RECORD OF A HEARING FOR THE REVIEW OF A PERSONAL LICENCE HOLDER

Commenced: 1330
Adjourned: 1405
Reconvened: 1420
Concluded: 1425

Members of the Panel

Bradford District Licensing Panel:

Councillors Slater (Chair), Davies and M Nazam

Parties to the Hearing:

The Personal Licence Holder:

Mr Hemen Ahmed Hussain

REVIEW OF A PERSONAL LICENCE HOLDER

The Interim Assistant Director Waste, Fleet and Transport Services presented a report (**Document “J”**) which outlined an application for the review of a Personal Licence following a conviction of a relevant offence by the holder of that licence.

Members were advised that the Bradford Magistrates convicted Mr Hussein of the offence of “failing to provide a specimen for analysis (driving or attempting to drive)” to the police on 24 June 2020. Mr Hussein pleaded guilty to the offence on 15 December 2020. On 15 April 2021, the court ordered a fine of £120.00, costs of £85.00 and a victim’s surcharge of £34.00. The court also disqualified Mr Hussein from driving for six months (on the basis of totting up of penalty points on Mr Hussein’s drivers licence). A copy of the notice served on Mr Hussein was attached at Appendix 4 to Document “J”. Following receipt of the notice Mr Hussein emailed his representation to the Licensing Authority. A copy of the representation was attached at Appendix 5 to Document “J”.

The Personal Licence Holder Mr Hemen Ahmed Hussain explained to the Panel that he was mistaken in court and did not plead guilty, he stated that if he had he would be in prison now. His car was completely smashed and he was not in the car. A friend rang him to say he had crashed the car and he had not seen him since then. The reason why the court banned him was because the car was registered at his address. It was nothing to do with him. He was surprised that the court said he had pleaded guilty. The car was registered at his address and that was why he was banned for 6 months.

In response to a member question Mr Hussain answered that, when he was granted a licence on 6 March 2014, it was not indicated to him that if he were charged with a relevant

offence (listed on page 9 of Document “J”) he had to disclose to the court that you held a personal licence.

Mr Hussain confirmed that he had a solicitor when he was in court on 15 December 2020. When asked how his solicitor advised him to plead guilty, he contended that he did not advise him to plead guilty. He was asked whether or not he pleaded guilty to which he responded that he didn't say anything, he was not in the car so I could not plead guilty. When Mr Hussain was advised that the court record showed that he pleaded guilty, he maintained that he did not plead guilty and could not remember what the solicitor said to him. He added that he was sent home from the court and was told that the CCTV would be checked, so there would be no reason to get him back to court if I had pleaded guilty.

Mr Hussain agreed that on the basis of his pleading guilty in December 2020 and his case being heard on 15 April 2021 he was fined, had to pay costs and was disqualified from driving but he did not understand the plea of guilty.

When, asked Mr Hussain confirmed that he was in court and that he had a solicitor representing him but that he did not know why the solicitor pleaded guilty. He confirmed that his licence was suspended for 6 months, and he paid £250 to the court. He advised the panel that he operated a total of 3 off licenses at addresses on Manningham Lane, Bolton Road and Great Horton and held premises licenses for all 3.

In response to questions from the Council's Legal Officer Mr Hussain confirmed that he had been in court in Braford on 15 December 2020 and 15 April 2021 and that his solicitor on both occasions had been Ash Kullah of Lumb and McGill Solicitors. The Council's Legal Officer noted that the court record stated that Mr Hussain had pleaded guilty and asked whether he was advised by his solicitor to plead guilty. In response Mr Hussain stated that his solicitor said he had to plead guilty because the car was registered at his address not because he was drinking and driving. The Council's Legal Officer asked whether on 24 June 2020 Mr Hussain was asked for a specimen of breath at the junction of Beckside Road and Clayton Road by the police. He responded that the police officer came inside the house and he gave a specimen.

The Council's Legal Officer noted that the police officer said that Mr Hussain failed to give a specimen of breath and asked him again if he gave a specimen in June 2020 to which he responded that he had. When the Council's Legal Officer again stated that Mr Hussain was asked to give a specimen and refused he said he couldn't remember exactly. He stated that he had been drinking and could not remember if he gave it. He accepted that the court record was on page 13 of Document “J”. When asked if he was at a party when the police visited in June 2020 he replied that he was inside the house at a birthday party drinking alcohol for a couple of hours.

In closing the Personal Licence Holder stated that he was not driving the car and it was nothing to do with him. Another man was driving and had registered the car at his address.

Resolved –

That having considered the evidence contained in the report of the Interim Assistant Director, Waste, Fleet and Transport Services (Document 'J'), the published statement of licensing policy and relevant guidance, evidence from Mr Hussein personally and to support Part 4 of the licensing policy objectives (prevention of crime and disorder), the panel revoke the personal licence held by Mr Hussein.

ACTION: Assistant Director, Waste, Fleet and Transport Services

Chair

Note: This record is subject to approval as a correct record at the next meeting of the Licensing Committee.

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER

