

# Minutes of the Licensing Committee

**26<sup>th</sup> November, 2004 at 10.00 a.m.**  
**at the Sandwell Council House, Oldbury**

**Present:** Councillor Rowley (Chair);  
Councillors Burkitt, Mrs Edis and Turton.

**Apologies:** Councillors Horton and Tagger.

## 121/04 **Exclusion of the Public and Press**

**Resolved** that the public and press be excluded from the meeting. This is to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act 1972 relating to an applicant for a Council service and to action taken in connection with the prevention, investigation and prosecution of crime.

## **Local Government (Miscellaneous Provisions) Act 1976 – Private Hire Drivers/Vehicles/Operators Licence related matters**

### 122/04 **Application for the Grant of a Private Hire Drivers Licence – Mr M.A.**

The Committee was informed that Mr M.A. had request a deferral, as his legal representative would be unable to attend the meeting.

#### **Resolved:-**

- (1) that consideration of the matter be deferred until the next meeting;
- (2) the Mr M.A. be informed that if he fails to appear before the next Committee, the matter might be dealt with in his absence.

### 123/04 **Application for the Grant of a Private Hire Drivers Licence – Mr A.R.**

The Committee considered an application from Mr A.R. for the grant of a Private Hire Drivers Licence.

The Committee was informed of a conviction recorded against Mr A.R.

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Mr R. was in attendance and addressed the meeting.

**Resolved** that Mr A.R. be granted a Private Hire Drivers Licence for a period of six months, and if there are no problems within this period, the licence be automatically extended for a further six months.

### 124/04 Application to Suspend or Revoke Private Hire Drivers Licence – Mr J.T.

The Committee was informed that Mr J.T. was the holder of a Private Hire Drivers Licence issued by the Authority expiring on 27<sup>th</sup> November, 2004.

The Committee was informed of a conviction recorded against Mr J.T. Mr T. had not informed the Licensing Office of the conviction within 7 days as required by Condition 8 of the Private Hire Drivers Licence.

Mr T. and his employer Mr S. were present and addressed the meeting.

**Resolved** that Mr J.T. be issued with a final warning in regards to his future conduct and that any further offence would be treated very seriously.

(The meeting adjourned at 10.55 a.m. and reconvened at 11.15 a.m.)

**Present** Councillor Rowley (Chair);  
Councillors Burkitt and Edis.

### 125/04 Application to Suspend or Revoke Private Hire Drivers Licence – Mr I.S.

The Committee was informed that Mr I.S. was the holder of a Private Hire Drivers Licence issued by the Authority expiring on 8<sup>th</sup> August, 2005.

Mr I.S. informed the Licensing Office that he had been convicted of driving offences, as required by Condition 8 of the Private Hire Drivers Licence.

Mr I.S. was present and addressed the meeting.

**Resolved** that the Private Hire Drivers Licence in respect of Mr I.S. be suspended for a period of 28 days under Section 61a of the

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Local Government (Miscellaneous Provisions) Act 1976 because of your conviction.

### 126/04 Application to Suspend or Revoke Private Hire Drivers Licence – Mrs S.G.

The Committee was informed that Mrs S.G. was the holder of a Private Hire Drivers Licence issued by the Authority expiring on 19<sup>th</sup> May, 2004.

The Committee was informed of a conviction recorded against Mrs S.G. Mrs G. had not informed the Licensing Office of the conviction within 7 days as required by Condition 8 of the Private Hire Drivers Licence.

Mrs G. was present and addressed the meeting.

**Resolved** that Mrs S.G. be issued with a warning in regards to her future conduct and that any further offence would be treated very seriously.

### 127/04 Application for the Grant of a Private Hire Drivers Licence – Mr I.H.

The Committee was informed that Mr I.H.'s legal representative had request a deferral, as he was unable to attend the meeting.

**Resolved** that consideration of the matter be deferred until the next meeting.

### 128/04 Application to Suspend or Revoke Private Hire Drivers Licence – Mr I.S.

The Committee was informed that Mr I.S. was the holder of a Private Hire Drivers Licence issued by the Authority expiring on 26<sup>th</sup> April, 2005.

The Committee was informed that Mr I.S. had not informed the Licensing Office of an accident within 72 hours as required by Condition 6 of the Private Hire Vehicle Licence. The Enforcement Officer dealing with this case submitted a written statement.

Mr I.S. was present and addressed the meeting.

Mr I.S. disputed the events contained within the written statement. The Committee felt it would not be prudent to continue considering the matter without the Enforcement Officer in attendance.

**Resolved** that consideration of the matter be deferred until the

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next meeting and that the Enforcement Officer dealing with this case be present.

### 129/04 Application for the Renewal of Private Hire Drivers Licence – Mr R.J.

The Committee was informed that Mr R.J. was the holder of a Private Hire Drivers Licence issued by the Authority that had expired on 30<sup>th</sup> October, 2004.

The Committee was informed that as part of the renewal process Mr R.J. was subjected to a Criminal History Check, which revealed convictions he had not previously disclosed to the Licensing Office. Mr R.J. had failed to inform the Licensing Office of convictions, as required by Condition 8 of the Private Hire Drivers Licence.

Mr R.J. and his legal representative were present and addressed the meeting.

The Committee formed the view that due to the convictions for violent behaviour and the less than frank and honest nature exhibited by Mr R.J., he was not a fit and proper person to hold a Private Hire Drivers Licence.

**Resolved** that the application for the renewal of a Private Hire Drivers Licence in respect of Mr R.J. be refused under Section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds of his convictions, and that he was not considered a fit and proper person to have a Private Hire Drivers Licence due to his violent nature and lack of frankness and honesty.

### 130/04 Application for the Grant of a Private Hire Drivers Licence – Mr M.S.

The Committee considered an application from Mr M.S. for the grant of a Private Hire Drivers Licence.

The Committee was informed of a conviction recorded against Mr M.S.

Mr S. was present and addressed the meeting.

**Resolved** the application for a Private Hire Drivers Licence in respect of Mr M.S., be granted.

### 131/04 Application to Suspend or Revoke Private Hire Drivers Licence –

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### Mr N.K.

The Committee was informed that Mr N.K. was the holder of a Private Hire Drivers Licence issued by the Authority expiring on 6<sup>th</sup> October, 2005.

The Committee was informed of convictions recorded against Mr N.K.

Mr N.K. had not disclosed two of the three convictions recorded against him to the Licensing Office, when he first applied for a Private Hire Drivers Licence.

Mr N.K. was present and addressed the meeting. Mr K. stated that at the time of applying for his Licence he informed a Licensing Officer of the two convictions, who informed him that he did not have to disclose them.

The Committee were of the view that a member of the Licensing staff would not inform Mr K. not to disclose any convictions, or the fact that another Licensing Authority namely, Dudley M.B.C. had suspended him for these offences. The Committee were of the view that Mr N.K. had deliberately misled the Licensing Office.

**Resolved** that the Private Hire Drivers Licence in respect of Mr N.K. be suspended for a period of six weeks under Section 61(1)(a)(2) of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds of your convictions and your attempt to mislead the Licensing Authority.

The meeting adjourned between 10.55am - 11.15am,  
12.05pm - 12.15pm and 1.10pm - 1.15pm.

(The meeting ended at 1.40 p.m.)

<p><i>Contact Officer: Lorna Campbell Democratic Services Unit 0121-569 3261</i></p>
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