

Minutes of the Licensing Committee

17th December, 2004 at 10.00 a.m.
at the Sandwell Council House, Oldbury

Present: Councillor Rowley (Chair);
Councillors Burkitt, Horton, Tagger and Turton.

Observer: Councillor Ward.

133/04 **Minutes**

Resolved that the minutes of the meeting held on 26th November, 2004 be confirmed as a correct record.

134/04 **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

135/04 **Application to Suspend or Revoke Private Hire Drivers Licence – Mr I.S.**

Further to Minute No. 128/04 the Committee was informed that Mr I.S. was the holder of a Private Hire Drivers Licence expiring on 21st March, 2005 and a Private Hire Vehicle Licence expiring on 26th 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. The Enforcement Officer was also in attendance.

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Mr I.S. disputed the events contained within the written statement. The Enforcement Officer defended his version of events as outlined in his statement.

The Committee acknowledged that there was a break down in communication between Mr I.S. and the Enforcement Officer. Notwithstanding the break down in communication, the Committee was of the view that it was the responsibility of all Private Hire Drivers to fully acquaint themselves with the rules, regulations and conditions governing their trade and livelihood in order not to breach them.

Resolved that the Private Hire Drivers Licence in respect of Mr I.S. be suspended for a period of 14 days under Section 61 (1) a of the Local Government (Miscellaneous Provisions) Act 1976.

136/04 Application for the Grant of a Private Hire Drivers Licence – Mr Z.U.

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

The Committee was informed of cautions recorded against Mr Z.U.

Mr Z. U. and his prospective employer Mr J. were in attendance and addressed the meeting.

Resolved that the application for a Private Hire Drivers Licence in respect of Mr Z.U. be refused, on the grounds of his cautions.

137/04 Application for the Renewal of a Private Hire Drivers Licence – Mr F.F.

The Committee was informed that Mr F.F. was the holder of a Private Hire Drivers Licence issued by the Authority, that had expired on 5th December, 2004.

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

Mr F. was present and addressed the meeting.

Resolved that Mr F.F. be issued with a warning in regards to his future conduct and that any further offence would be

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treated very seriously.

138/04 **Application for the Grant of a Private Hire Drivers Licence – Mr I.H.**

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

The Committee was informed of convictions recorded against Mr I.H.

Mr I.H. and his legal representative Mr S. were present and addressed the Committee. Mr S. informed the Committee that an application with the Criminal Cases Review Commission in relation to the convictions had been lodged.

The Committee were of the view that it would not be prudent to grant a Private Hire Drivers Licence before knowing the outcome of the appeal before the Criminal Cases Review Commission; as at the time of his appearance before the Committee Mr I.H. stood convicted of serious crimes of violence. The Committee is not satisfied that Mr I.H. is a fit and proper person to hold such a licence.

Resolved that the application for a Private Hire Drivers Licence in respect of Mr I.H. be refused.

139/04 **Application for the Grant of a Private Hire Drivers Licence – Mr T.H.**

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

The Committee was informed of convictions recorded against Mr I.H. .

Mr T.H. was present and addressed the meeting. Mr H. is also the holder of a current Private Hire Drivers Licence in Dudley Metropolitan Borough Council.

Resolved that the application for the grant of a Private Hire Drivers Licence in respect of Mr T.H. be differed until a future meeting, for enquiries to be made with Dudley Metropolitan Borough Council regarding Mr T.H.'s position as a Private Hire Driver within that Borough.

140/04 **Application for the Grant of a Private Hire Drivers Licence – Mr J.A.**

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

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The Committee was informed of a caution recorded against Mr J.A.

Mr J.A. was present and addressed the Committee.

Resolved:-

- (1) that the application for a Private Hire Drivers Licence in respect of Mr J.A. be granted;
- (2) that Mr J.A. be warned in with regards to his future conduct and that any further offence would be treated very seriously by the Committee.

141/04 Application to Suspend or Revoke Private Hire Drivers Licence – Mr W.P.

The Committee was informed that Mr W.P. was the holder of a Private Hire Drivers Licence issued by the Authority expiring on 30th January, 2005.

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

Mr W.P. was present and addressed the meeting. Mr P. stated that the conviction recorded in the details was unknown to him and that it was another matter for which he received the conviction.

The Committee felt it would not be prudent to continue considering the matter until clarification of the conviction could be sought.

Resolved that consideration of the matter be deferred until clarification of the convictions could be sought from the Magistrates Court.

142/04 Application for the Grant of a Private Hire Drivers Licence – Mr S.B.

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

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

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Mr S.B. was present and addressed the Committee.

Mr S.B. was asked if he had any objections to Mr D.C. the Council's legal representative being present at the meeting, as it was Mr D.C. who had acted as the Council's legal representative in court. Mr S. B. indicated that he was happy to proceed.

Resolved:-

- (1) that the application for a Private Hire Drivers Licence in respect of Mr S.B. be granted;
- (2) that Mr S.B. be warned in with regards to his future conduct and that any further offence would be treated very seriously by the Committee.

143/04 Application for the Grant of a Private Hire Drivers Licence – Mr M.N.

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

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

Mr N. was present and addressed the meeting.

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

(The meeting adjourned at 13.35 p.m. and reconvened at 13.40 p.m.)

Present Councillor Rowley (Chair);
Councillors Burkitt, Horton and Tagger.

144/04 Application for the Grant of a Private Hire Drivers Licence – M.A.

The Committee considered an application from Mr M.A. for the grant of a Private Hire Drivers Licence. Mr M.A. was previously the holder of a Private Hire Drivers Licence that had been revoked on 30th August, 2002.

The Committee was informed of an alleged offence of sexual assault committed by Mr M.A. The Committee was also in receipt of two letters

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from West Midlands Police objecting to Mr M. A's application. Mr M.A. and his legal representative Mr S. were present and addressed the meeting.

Mr S. outlined the circumstances of the allegation and stated that the alleged incident occurred in 1999 and that Mr M.A. was never cautioned or convicted.

After full and frank discussion and careful consideration the Committee formed the view that due to the seriousness of the allegation, Mr M.A.'s own admission of plying for hire whilst previously licensed, not enough care and consideration shown for a passenger and property of said passenger not passed on within the specified time required, that he exhibited a less than frank and honest nature and he was not a fit and proper person to hold a Private Hire Drivers Licence.

Resolved that the application for a Private Hire Drivers Licence in respect of Mr M.A. be refused.

The meeting adjourned between 13.20 p.m. – 13.25 p.m.,
13.25 p.m. – 13.30 p.m. and 13.35 – 13.40 p.m.

(The meeting ended at 14.50 p.m.)

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