

**Minutes of the
Licensing Sub Committee 1**

**25th November 2019 at 10.00am
at Sandwell Council House, Oldbury**

Present: Councillor Allen(Chair);
Councillors Dhallu, E M Giles and O Jones.

Apology: Councillor Mabena.

65/19 **Minutes**

Resolved that the minutes of the meetings held on 8th August and 19th September 2019 be confirmed as a correct record.

66/19 **Exclusion of the Public**

Resolved that the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order, 2006, relating to any individual and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Matters Delegated to the Sub Committee to consider Local Government (Miscellaneous Provisions) Act 1976 – Private Hire Driver’s/Vehicles/Operators Licensing related matters

67/19 **Application for the Renewal of a Private Hire Driver’s Licence in respect of Mr M I**

The Sub Committee considered an application for the renewal of a Private Hire Driver’s Licence in respect of Mr M I.

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Mr M I was present and confirmed that he had received a copy of the report.

Mr M I had previously appeared before the Licensing Sub Committee on 4th December 2018 in respect of a MS90 conviction, failure to give information as to the identity of a driver. The Licence was renewed with a warning as to future conduct and the effect that any further issues may have on the licence (Minute No. 63/18 referred).

On 11th March 2019, Mr M I attended the licensing office to report that he had been sentenced for convictions from November 2017.

Mr M I failed to notify the local authority of the offences and the pending court proceedings within the time frame according to the conditions of his licence.

Mr M I had failed to declare the convictions on application forms and failed to inform the Licensing Sub Committee when he appeared before them on 4th December 2018.

Mr M I explained the circumstances surrounding the offence.

The Sub Committee took advice from its Legal Advisor before adjourning to make a decision on the application.

The Sub Committee was minded to refuse the renewal of the Private Hire Driver's Licence in respect of Mr M I.

The Sub Committee could find no reason to depart from the guidelines which specified that a driver should be free of serious violent convictions for a minimum of 10 years. They noted that Mr M I had failed to declare the convictions on a number of occasions.

Resolved that the renewal of the Private Hire Driver's Licence in respect of Mr M I be refused.

In making the decision the Committee had regard to the Local Government (Miscellaneous Provisions) Act 1976, Council Policy and Guidelines, relevant case law and the Human Rights Act 1998.

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Mr M I would be advised of his rights to appeal, and should he wish to exercise that right, must do so to the Magistrates' Court within 21 days of receiving written notification of the decision.

68/19

Application for the Review of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr S B

The Sub Committee considered an application for the renewal of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr S B.

Mr S B was present with the Driver Association representative Mr D, for moral support and confirmed that he had received a copy of the report.

The Sub Committee was advised that Mr S B had been invited to attend Committee as he had been stopped during a Multi – Agency operation and his vehicle was found to have two defective tyres. Mr S B received a fixed penalty fine and three penalty points on his licence.

Mr S B's vehicle also had another issue and an immediate prohibition was issued by the Driving Vehicle Standards Agency which meant that the vehicle could not be used on the road until it was repaired and had a fresh MOT.

Mr S B explained that he had taken his vehicle to a garage and was advised that the tyres were still legal, and he decided not to change them. He had been pre-occupied with moving to a new home and admitted that he should have checked his tyres more thoroughly. Mr S B stated that in future he would check his tyres on a weekly basis.

The Sub Committee took advice from its Legal Advisor before adjourning to make a decision on the application.

The Sub Committee was minded to suspend the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr S B for a period of 6 weeks.

Guidelines specified that a licence could be revoked for a major traffic offence, however, on this occasion the Sub Committee considered that they could depart from the guidelines as Mr S B had an otherwise good driving record and they believed that he

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would be more thorough when checking his vehicle's tyres in future.

Resolved that the Dual Hackney Carriage and Private Hire Driver's Licence in respect of Mr S B be suspended for a period of 6 weeks.

In making the decision the Committee had regard to the Local Government (Miscellaneous Provisions) Act 1976, Council Policy and Guidelines, relevant case law and the Human Rights Act 1998.

Mr S B would be advised of his rights to appeal, and should he wish to exercise that right, must do so to the Magistrates' Court within 21 days of receiving written notification of the decision.

(Meeting ended at 12.19pm)

Contact Officer: Shane Parkes Democratic Services Unit 0121 569 3190
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