

**Minutes of the
Licensing Sub Committee 1**

**27th January 2020 at 10.00am
at Sandwell Council House, Oldbury**

Present: Councillor Allen (Chair);
Councillors Dhallu, Giles and Mabena.

Apology: Councillor O Jones.

1/20 **Minutes**

Resolved that the minutes of the meeting held on 16th December 2019 be confirmed as a correct record.

2/20 **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

3/20 **Application for the Grant of a Dual Private Hire and Hackney Carriage Driver’s Licence in respect of Mr S M**

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

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Mr S M had previously been invited to attend a Licensing Sub Committee on 13 January 2020 (Minute No. 7/20 referred) the matter was deferred as Mr S M failed to attend due to illness.

Mr S M failed to attend this Committee and the Sub Committee was minded to proceed in absence, as they were satisfied that Mr S M had been notified of this Committee.

Mr S M was referred to Committee as he had two convictions for no insurance and had failed to declare all driving convictions on his application form.

Mr S M had also failed to supply an original copy of his certificate of good conduct, as requested and had not updated his DBS.

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

Having considered all the information before them the Sub Committee was minded to refuse the grant of the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr S M.

The Sub Committee could find no reason to depart from the guidelines which specified that a licence would not be granted if an applicant had more than one conviction for an insurance related offence in the last 10 years.

Resolved that the grant of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr S M 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.

Mr S M would be advised of his right 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.

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4/20

Application for the Renewal of a Private Hire Driver's Licence in respect of Mr J S

The Sub Committee considered an application for the renewal of a Private Hire Driver's Licence in respect of Mr J S.

Mr J S was present at the meeting, along with his legal representative, Mr P and a Driver's Association representative Mr D, for support. He confirmed he had received a copy of the report.

Mr J S's Private Hire Driver's Licence had been suspended under delegated powers in September 2019 following allegation from a family member. In January 2020, the Magistrates Court found Mr J S not guilty of the alleged offence.

Mr J S explained the circumstances surrounding the offence and circulated a statement outlining the incident.

Mr J S had reported the incident to Taxi Licensing in accordance with the conditions of his licence.

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

Having considered all the information before them the Sub Committee was minded to lift the suspension and renew the Private Hire Driver's Licence in respect of Mr J S.

The Sub Committee decided to depart from the guidelines on this occasion as Members considered Mr J S had been acquitted of the offence and accepted the explanation given. He had reported the incident in accordance with the conditions of his licence and he had a long, unblemished driving record.

Resolved that the suspension to the licence be lifted and the Private Hire Driver's Licence in respect of Mr J S be renewed.

5/20

Application for the Review of a Private Hire Driver's Licence in respect of Mr P B

Mr P B had informed the Licensing Office that he had a family bereavement and was also unable to arrange for his legal

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representative to attend the meeting and requested that the matter be deferred.

Members were minded to defer the application for the review of a Private Hire Driver's Licence to a future meeting of the Licensing Sub Committee.

Resolved that the application for the review of a Private Hire Driver's Licence in respect of Mr P B be deferred to a future meeting of the Licensing Sub Committee.

6/20

Application for the Review of a Private Hire Driver's Licence in respect of Mr A A

The Sub Committee considered an application for the review of a Private Hire Driver's Licence in respect of Mr A A.

Mr A A was present at the meeting, along with his friend for moral support, and confirmed he had received a copy of the report.

Mr A A had previously attended a Licensing Sub Committee on 20th February 2018 (Minute No. 14/18 referred) in which Mr A A's Private Hire Driver's Licence was suspended for a period of 24 weeks.

The Sub Committee was advised that Mr A A had been invited to attend Committee following his arrest for allegedly assaulting two fare paying passengers and failure to register for the DBS online update service, as in accordance with the conditions of his licence.

Mr A A explained the circumstances surrounding the allegation. The two passengers were intoxicated and became violent when demanding their change back from the fare. Mr A A removed his taxi licence plate, which had magnets attached, from the rear of his vehicle and used it to defend himself, however the passengers alleged that they had been hit with the plate.

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

Having considered all the information before them the Sub Committee was minded to revoke the Private Hire Driver's Licence in respect of Mr A A.

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The Sub Committee could find no reason to depart from the guidelines as Mr A A had exhibited behaviour which was inappropriate for a Sandwell Licenced Taxi Driver and the safety of the public was of paramount importance to the Sub Committee.

Resolved that the Private Hire Driver's Licence in respect of Mr A A be revoked.

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 A A would be advised of his right 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 2.15 pm)

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