

**Minutes of the  
Licensing Sub Committee 1**

**9 March 2020 at 10.00am  
at Sandwell Council House, Oldbury**

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

8/20 **Minutes**

**Resolved** that the minutes of the meeting held on 27<sup>th</sup> January 2020 be confirmed as a correct record.

9/20 **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**

10/20 **Application for the Grant of a Private Hire Driver’s Licence in respect of Mr Q K**

The Sub Committee considered an application for the grant of a Private Hire Driver’s Licence in respect of Mr Q K.

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Mr Q K was present at the meeting with his legal advisor Mr S.

The Sub Committee was informed that Mr Q K had appeared before the Sub Committee on 22<sup>nd</sup> July 2019 and it was determined that the grant of a Private Hire Driver's Licence in respect of Mr Q K be refused (minute no. 42/19 referred).

Mr Q K had failed to notify the Licensing office, on the original application, that he had held a licence with Dudley Council and that licence had been revoked due to inappropriate behaviour. The appeal was subsequently heard at the Magistrates Court and the decision had been upheld.

The Sub Committee was advised that a complaint had been made to Dudley Council about the inappropriate behaviour towards a passenger whilst they were taking a journey in Mr Q K's taxi. The passenger considered that Mr Q K had been hostile towards them and had narrowly avoided a collision whilst he had been talking to them.

Mr Q K explained the circumstances surrounding the incident and denied having the conversation the complainant described. He stated that he had help when filling in the original form and had not deliberately failed to disclose.

The Sub Committee received two-character references in respect of Mr Q K from members of the community.

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 to grant a Private Hire Driver's Licence to Mr Q K as he had exhibited inappropriate behaviour and in their opinion was not fit and proper to hold a Sandwell Licence.

There had been a serious allegation made about inappropriate behaviour which had led to Dudley Council to revoke the licence and the matter had also been carefully considered at the Magistrates Court. The policy stated that a licence would not be granted where a licence had been refused in the last 12 months and members had no reason to depart from the policy.

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**Resolved** that the application for a Private Hire Driver's Licence in respect of Mr Q K 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 Q K 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.

(Councillor E M Giles and Mabena left the meeting)

11/20      **Application for the review of a Private Hire Driver's Licence in respect of Mr P B**

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

Mr P B was present at the meeting, with his legal advisor Mr S.

Two of the complainants were also present at the meeting and presented their witness statements.

The Sub Committee was advised that complaints had been made in respect to the driver's conduct after Mr P B ceased working for one taxi firm and commenced working for another. It was alleged that he had made inappropriate comments on social media. It was also alleged that he had failed to pass on information about future return journeys from the airport that he undertaken before he left the taxi firm.

A former regular passenger had received a message from Mr P B which they felt was inappropriate.

A photograph of Mr P B's vehicle improperly parked by a school entrance was also shown to the Sub Committee.

Mr P B explained the circumstances surrounding his behaviour and apologised for any offence caused to the former passenger stating that he knew them socially and had sent the message as a joke and genuinely did not intend to cause them any distress.

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He considered that he had used social media in a naïve manner and did not consider that a large audience were able to see his comments. He was now using social media in a more measured way.

He considered that he had worked hard for his former employer and had taken on the role of night manager to organise the night shifts, however his request to return to day shifts had not been accommodated and so he decided to move to another taxi firm. Mr P B disputed that he had failed to pass on information to the taxi base in respect of outstanding return journeys from the airport and had returned any funding he had received for this service.

Mr P B admitted that he was the driver of the vehicle parked in the photograph and accepted that he should not have been parked in that manner and apologised for his mistake.

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 warn Mr P B as to his future conduct and the effect that any further issues may have on his licence.

The Sub Committee was satisfied that Mr P B had learned his lesson in respect of comments made on social media and considered that he was sorry for any distress caused.

**Resolved** that Mr P B be warned as to his future conduct and the effect that any further issues may have on his licence.

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.

12/20

**Application for the review of a Private Hire Driver's Licence in respect of Mr M A**

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

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Mr M A was present at the meeting, with his wife for moral support.

The Sub Committee was advised that Mr M A had previously appeared before the Committee on 5<sup>th</sup> March 2019 as he had received six penalty points for a speeding offence and failed to notify the Licensing Office of the conviction until after he had renewed his vehicle licence. The Sub Committee warned Mr M A as to his future conduct and the effect that any further issues may have on his licence (minute no. 15/19 referred).

In May 2018, Mr M A was arrested for importing goods on which a prohibition or restriction was in force with intent to evade duty and was convicted of the offence in Court in August 2019 and had received a custodial sentence that had been suspended for 2 years.

Mr M A failed to notify the Licensing office at the time of the offence and did not mention that he had been arrested for an offence to members at his previous appearance before the Sub Committee.

Mr M A's wife explained that they did not know whether to report the offence to the Licensing Office as it was not connected with driving a taxi.

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 revoked the Private Hire Driver's Licence in respect of Mr M A.

Mr M A had been convicted of a serious offence for dishonesty and guidelines stated that a licence should be revoked with an expectation that a further application for a licence would not be made within 10 years of expiry of sentence and the Sub Committee could see no reason to depart from the policy.

Furthermore, Mr M A had repeatedly failed to notify the Licensing Office of any offence within seven days as in accordance with the terms of the licence.

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**Resolved** that the Private Hire Driver's Licence in respect of Mr M 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 M 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.

13/20

**Application for a review of a Private Hire Driver's Licence in respect of Mr M K**

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

Mr M K was present with his wife for moral support.

The Sub Committee was informed that Mr M K had been invited to attend Committee on a number of occasions, between 2017 and May 2019, due to his vehicle being found to be defective.

In January 2020 Mr M K's vehicle was stopped during an enforcement exercise in Dudley. It was noted that the front offside tyre was defective and an immediate prohibition notice was issued.

Mr M K attended the Licensing Office when requested and complied with the immediate prohibition notice which was subsequently lifted. Mr M K stated that this was the fault of his mechanic as he should have repaired the suspension bush which was causing the tyre damage.

Mr M K admitted that it was his fault and he should ensure that his vehicle was correctly maintained and that in future he would make sure that the vehicle was checked on a regular basis.

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

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Having considered all the information before them, the Sub Committee was minded to suspend the Private Hire Driver's Licence in respect of Mr M K for a period of 56 days.

The Sub Committee considered that this was a serious safety matter and there was a history of maintenance issues, however the Committee had taken into account the driver's good record and the fact that there had been no prosecution.

**Resolved** that the Private Hire Driver's Licence in respect of Mr M K be suspended for a period of 56 days.

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 M K 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 3.56pm)

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