

Licensing Sub Committee 1

15 June 2020 at 10.00am
Online Virtual Meeting

Present: Councillor Allen (Chair)
Councillors S Davies, Dhallu, O Jones and Mabena.

Apology: Councillor E M Giles.

14/20 Minutes

The minutes of the meeting held on 3 February 2020 were agreed as a correct record.

15/20 Exclusion of Public and Press

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 or 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

16/20 Application for the review of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr S A

The Licensing Sub Committee considered the review of a Dual Private Hire Driver's Licence in respect of Mr S A.

Mr S A was present at the meeting and confirmed that he had received a copy of the report. Mr S A had not previously appeared before the Licensing Sub Committee.



The Sub Committee was advised that Mr S A had failed to report a conviction for no insurance within seven days to the taxi licensing office in accordance with the conditions of his licence. He had visited the Licensing Office on 8 August 2019 to renew his Dual Private Hire and Hackney Carriage Driver's Licence but had not informed officers of the pending prosecution.

Mr S A explained that he had been driving a vehicle that he had sold to a motor trader, the vehicle was uninsured, however, Mr S A believed that he was insured, third party, through the comprehensive insurance policy he held for another vehicle and the motor trader had supplied correspondence to confirm that he was insured on their insurance. Mr S A had not been driving his Private Hire vehicle at the time of the incident.

The Sub Committee took advice from its legal advisor before adjourning to make a decision.

The Sub Committee considered that they did not have enough information to make a decision and deferred the matter to a future meeting of the Licensing Sub Committee.

Members asked that Mr S A provide a copy of his vehicle insurance and a copy of the correspondence that he had received from the motor trader concerned.

An enhanced copy of the Police incident summary was also requested from the Licensing Department as the copy provided was illegible.

Resolved that the review of a Dual Private Hire and Hackney Carriage in respect of Mr S A be deferred to a future meeting of the Licensing Sub Committee.

17/20

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

The Licensing Sub-Committee considered the renewal of a Private Hire Driver's Licence in respect of Mr J C.

Mr J C had failed to engage with local authority in respect of information requested. He had indicated to Licensing Officers that he did not wish to renew his Private Hire Driver's Licence and he did not wish to attend the Sub Committee meeting. Members were content to continue in absence.

Mr J C had previously appeared before the Licensing Sub Committee on 30 April 2013 for failing to notify a caution and driving convictions and had received to the taxi licensing office a 28-day suspension of his licence (Minute No. 104/13 referred).

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Mr J C had been invited to attend the Sub Committee meeting as he had received a conviction for an MS90 offence, failure to give information as to the identity of a driver and had received six penalty points on his licence. He had failed to notify the licensing office within seven days of the conviction as in accordance with the conditions of his licence.

Mr J C had appealed his conviction to Magistrates Court, however the conviction had been upheld, he advised that he was appealing the matter to the Crown Court.

Council policy identified an MS90 offence was a Major Road Traffic Offence and that a licence would not be renewed or granted unless a minimum of 3 years had elapse since the conviction.

Mr J C had also failed to attend the Child Sexual Exploitation safeguarding course on more than five occasions. Council policy stated that failure to attend this training may result in a licence being suspended.

The Sub Committee took advice from its legal advisor before adjourning to make a decision

Having considered all the information before them, the Sub Committee was minded to refuse to renew the Private Hire Driver's Licence in respect of Mr J C. Members considered that he was not a fit and proper person to hold a licence in Sandwell. He had received a conviction for a Major Road Traffic offence, had failed to notify the taxi licensing office in respect of convictions on numerous occasions and had not attended the safeguarding course in accordance with the conditions of his licence.

Resolved that the Renewal of a Private Hire Driver's Licence in respect of Mr J C 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 J C 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 12.10pm