

Licensing Sub Committee 1

27 July 2020 at 10.00 am
On-line meeting

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

21/20 **Minutes**

To confirm that the minutes of the meeting held on 9 March 2020 be agreed as a correct record.

22/20 **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

23/20 **Application for the review of a Dual Private Hire and Hackney Carriage Driver’s Licence in respect of Mr S A**

Members considered an application for the review of a Dual Private Hire and Hackney Carriage Driver’s Licence in respect of Mr S A.

Mr S A was present at the meeting.

Further to the meeting held on 15 June 2020 (Minute No.16/20 referred), the matter had been deferred in order for officers to obtain further information.



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The Sub Committee was advised that Mr S A had failed to report a conviction for no insurance to the taxi licensing office within seven days, 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 and provided the Traffic Offence Report notice, advising of an intended prosecution for No Insurance.

Mr S A attended the Taxi Licensing Office to submit an application for a Hackney Carriage Licence with a DVLA code which confirmed that he had received a conviction for a no insurance offence and the notice of fine and collection was provided by e mail on 27 February 2020.

Mr S A explained that he had sold the vehicle and was delivering it to the 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. The motor trader had supplied correspondence to confirm that the vehicle was on their stock insurance policy at the time. Mr S A had not been driving his private hire vehicle at the time of the incident.

Mr S A provided an e-mail from his insurance company which confirmed that he did hold an insurance policy from 20 February 2019 to 20 February 2020, however, as he had listed his occupation as a Taxi Driver the policy excluded him from driving any other vehicle on a third-party basis. An e-mail from the trader was provided which confirmed that the vehicle Mr S A was selling had been included on their stock insurance schedule from 21 June 2019.

Mr S A apologised for the misunderstanding and stated that he genuinely thought that he had insurance cover when he was taking the car to the motor trader.

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 S A as to his future conduct and the effect that any further issues may have on his licence. In future Mr S A must ensure that he notified the Taxi Licensing Office of any convictions, offences or other incidents, in accordance with the conditions of the licence. Members considered that they could depart from the guidelines on this occasion as they accepted that this was an oversight and that Mr S A had not deliberately attempted to conceal the conviction.

Resolved that Mr S A be warned as to his future conduct and the effect that any further issues may have on his Dual Private Hire and Hackney Carriage Driver's Licence.

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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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Application for the review of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr M R

Members considered an application for the review of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr M R.

Mr M R was present at the meeting.

The Sub Committee was advised that Mr M R had been invited to attend committee as the Taxi Licensing Office had been advised that police were investigating allegations made against him. Mr M R's Dual Private Hire and Hackney Carriage Driver's Licence had been immediately suspended using delegated powers.

Mr M R failed to notify the Taxi Licensing Office within three days of the incident as in accordance with the conditions of his Licence.

Confirmation had now been received that the police investigation was completed, and no further action would be taken unless any additional evidence should come to light and the case be re-opened. A copy of the letter from West Midlands Police had been circulated to Members.

Mr M R explained the circumstances surrounding the incident and stated that he had forgotten to notify the Taxi Licensing Office as he was shocked and upset by the allegations.

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 M R as to his future conduct and the effect that any further issues may have on his licence. Mr M R was reminded to notify the Taxi Licensing Office of any incidents in accordance with the conditions of his licence.

Resolved that Mr M R be warned as to future conduct and the effect that any further issues may have on his Dual Private Hire and Hackney Carriage Driver's 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.

Meeting ended at 12.25

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