

Minutes of Licensing Sub Committee 1

8 February 2021 at 10.00am

Virtual Online Meeting

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

Officers:
Usha Devi (Senior Licensing Officer)
David Elliot (Solicitor)
Shane Parkes (Democratic Services Officer)
Connor Robinson (Democratic Services Officer)

1/21 **Declaration of Interest:**

Cllr Jones declared that driver number 2 was a resident within the ward she represented, the driver was not known to her. Cllr Jones was advised that this did not constitute an interest, however she retained the option of excusing herself from the meeting.

2/21 **Minutes**

Resolved that the minutes of the meetings held on 2 and 23 November 2020 were confirmed as a correct record.



3/21

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

4/21

Application for the review of a Dual Private Hire and Hackney Carriage Driver’s Licence in respect of Mr A.

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

The Senior Licensing Officer advised that Mr A had been invited to the Committee as he had received three penalty points on his licence and a fine of £100 for using a mobile device whilst driving. The incident had occurred on 20 July 2020 and Mr A informed the taxi licensing office that he had received notification for a CU80 offence on 31 July 2020. Mr A had previously attended Committee on two occasions in February 2012 and November 2014.

Mr A explained the circumstances surrounding the incident. He stated that his mobile phone had fallen onto the floor of the car and he had picked up the phone to prevent it from going under the foot pedals as he felt it could have been a hazard if it got wedged under the pedals. Police had noticed this incident and Mr A had explained to the Police that he had not been using the phone at the time.



Mr A shared a phone log with members, which showed that no phone call had been made at the time of the incident stated on the fixed penalty notice.

It was noted that the police had issued three points and £100 fine rather than the more serious six points and £200 fine.

Members asked Mr A why he had not challenged the decision in court as the matter could result in his Dual Private Hire and Hackney Carriage Driver's Licence being revoked. Mr A believed that taking the points and the fine would be the quicker option and regretted his decision.

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 felt they were able to depart from the policy on this occasion as they recognised the unusual aspect of the case and accepted Mr A's explanation.

Resolved that Mr 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.

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.

5/21

Application for the review of a Private Hire Driver's Licence in respect of Mr S.

Members considered an application for the review of a Private Hire Driver's Licence in respect of Mr S who was in attendance.

The Senior Licensing Officer advised that Mr S had been invited to Committee as he had accrued nine points on his license and had failed to declare the offences within seven days as in accordance with the condition of his Private Hire Driver's Licence. He had received three SP30 speeding convictions within an 11-month period.



The two SP30 speeding offences in 2019 had not been discovered until March 2020 when Mr S attended the taxi licensing office to renew his Private Hire Driver's Licence. He was made aware of the conditions of licence in respect to the notification within seven days.

The last offence had occurred in August 2020 and not disclosed to the Licensing Office until September when officers contacted him to provide a DVLA code so that a check on his licence status could be undertaken. Mr S finally supplied a DVLA code to enable officers to check his licence status in November 2020.

Mr S apologised to the Committee and stated that he would be more careful in future and had installed a speed indicator in his vehicle to ensure he was aware of his speed. He would also take more notice of speed limit signage.

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 suspend the Private Hire Driver's Licence in respect of Mr S for a period of 28 days and warn him as to his future conduct and the effect that any further issues may have on his Private Hire Driver's Licence.

The Committee was concerned by the persistent speeding offences, however they noted that Mr S had taken steps to monitor his speed in future. Mr S had assured the Committee that no passengers had been in the vehicle at the time of the incidents.

The Committee advised that any convictions, endorsements, fixed penalty notices, cautions and reprimands must be notified to the taxi licensing office with 7 days as in accordance with conditions of his Private Hire Driver's Licence.



Resolved that: -

- (1) the Private Hire Driver's Licence in respect of Mr S be suspended for a period of 28 days.
- (2) that Mr S be warned as to his future conduct and the effect that any further issues may have on his Private Hire 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.

Mr S would be advised of his right to appeal to the Magistrates Court within 21 days of receiving the decision letter.

Meeting ended at 12.05pm

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