

**Minutes of the
Licensing Sub Committee 2**

**19th September 2017 at 11.00 am
at The Council House, Oldbury**

Present: Councillor Dr Crumpton (Chair);
Councillors P Davies and Edis

Apology: Councillors Gavan, Goult and Millard

12/17 **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.

13/17 **Application for the Review of a Dual Hackney Carriage and Private Hire Driver's Licence in respect of Mr M T W**

Mr M T W was not present at the meeting, therefore, consideration of the review of the Dual Hackney Carriage and Private Hire Driver's Licence in respect of Mr M T W was deferred to a future meeting of the Committee.

Resolved that the application for the grant of a Dual Hackney Carriage and Private Hire Driver's Licence in respect of Mr M T W be deferred to a future meeting of the Committee.

Licensing Sub Committee 2
19th September, 2017

14/17

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

Members considered an application for the grant of a Private Hire Driver's Licence in respect of Mr N A.

Mr N A was present at the meeting along with his partner for support.

Mr N A explained that in respect of the conviction in 2010, for driving whilst using a mobile phone. Mr N A's phone had rung whilst he was stationary at traffic lights. He had instinctively answered it whilst a policeman had driven past in the opposite direction. Mr N A had since purchased a Bluetooth device.

With regard to the four convictions in May 2006, for making a false statement or representation in order to obtain benefit or payment on 20 March 2003, Mr N A had difficulty recalling as it had taken place sometime ago and offered no explanation.

In respect of the 19 convictions in January 2011, for making off without paying, Mr N A explained that he had not been working at the time, so had not got money to pay for petrol. He stated he was ashamed that he had taken petrol without paying for it on these occasions.

Mr N A stated that he had worked for DPD via an agency for the past three years and was now an honest and trustworthy person. He explained that he was embarrassed by his conduct as a young man, but at 55 he felt old and had begun to suffer from ill health; taxi driving provided him the opportunity to undertake less strenuous work. Mr N A asked that the Sub-Committee considered his record from 2011, which had remained clear.

Mr N A added that he had not declared all of the convictions on his application form as he believed they would be shown automatically on the DBS check.

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

Licensing Sub Committee 2
19th September, 2017

Having considered all the information before them the Committee were minded not to grant a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr N A.

The reason for the decision was that the Committee did not consider Mr N A to be a fit and proper person and he had exhibited inappropriate behaviour, which predominantly involved dishonesty, and not that expected of a Sandwell licence holder. The safety of the public was of paramount importance to the Committee and the number and serious nature of the offences had been considered.

Resolved that the application to grant a Private Hire and Driver's Licence in respect of Mr N A be refused.

In making the decision the Committee had regard to the Human Rights Act 1998, Council Policy and Guidelines, and the Local Government (Miscellaneous Provisions) Act 1976.

Mr N A was 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.

15/17

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

Mr A M G was not present at the meeting, therefore, consideration of the renewal of the Private Hire Driver's Licence in respect of Mr A M G was deferred to a future meeting of the Committee.

Resolved that the application for the grant of a Private Hire Driver's Licence in respect of Mr A M G be deferred to a future meeting of the Committee.

Licensing Sub Committee 2
19th September, 2017

16/17

Application for the Grant of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr J K

Members considered the application for the grant of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr J K.

Mr J K was present at the meeting and outlined why, in his view, he should be granted a Dual Private Hire and Hackney Carriage Driver's Licence notwithstanding his convictions. His wife also attended to support and translated some aspects for Mr J K.

In respect of the convictions in 2014, for possessing an offensive weapon in a public place and assault occasioning actual bodily harm, Mr J K stated that the violence had been due to a small problem with a colleague at work that had been blown out of proportion and that he regretted his actions. He confirmed that he no longer worked at the factory and had left soon after the incident. Mr J K advised that his colleague had not been seriously harmed nor faced any charges.

Mr J K explained that he would very much like a taxi job, and that he was normally a shy, quiet individual who did not like fighting. He had struggled to find work after the incident. His wife added that he had been a changed man since the incident and was more mature; he knew this behaviour would not be appropriate as a taxi driver.

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

Having considered all the information before them the Committee were minded not to grant a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr J K.

The reason for the decision was that the Committee did not consider Mr J K to be a fit and proper person and had exhibited inappropriate behaviour with that expected of a Sandwell licence holder. The safety of the public was of paramount importance to the Committee and the number and serious nature of the offences had been considered.

Licensing Sub Committee 2
19th September, 2017

Resolved that the application to grant a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr J K be refused.

In making the decision the Committee had regard to the Human Rights Act 1998, Council Policy, and the Local Government (Miscellaneous Provisions) Act 1976.

Mr J K was 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.

(proceedings ended at 12.35pm)

<p>Contact Officer: Rebecca Hill Democratic Services Unit 0121 569 3834</p>
