

**Minutes of the  
Licensing Sub Committee 2**

**6<sup>th</sup> February at 10.00am  
at Oldbury Council House**

**Present:** Councillor Dr T Crumpton (Chair);  
Councillors Edis, Goult and Millard.

**Apology:** Councillor Gavan.

1/18 **Minutes**

**Resolved** that the minutes of the meeting on 19<sup>th</sup> September 2017 be confirmed as a correct record.

2/18 **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.

3/18 **Application for the Review of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr M S**

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

Mr M S was present at the meeting with his friend Mr K for support.

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The Licensing Manager advised the Committee that the application for the review of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr M S had been brought to Committee under Section 7.1 of the Private Hire and Hackney Carriage Licensing Policy dated 1<sup>st</sup> October 2017.

Mr M S had appeared before Committee on 23<sup>rd</sup> January 2018 and requested that the matter be deferred in order that he could obtain legal advice.

On 29<sup>th</sup> June 2016, a complaint had been received from a customer, who was a wheel chair user, explaining that she had been charged £6.50 by Mr M S for a regular journey where she had previously been charged £5.00. On querying the charge, she asked if it was because the ramps had been used to enable her to enter the Hackney Carriage in her wheelchair as she usually transferred onto the seats of the taxi and the wheelchair was stowed in the boot. The complainant alleged that the driver did say it was because he had used the ramp. The complainant had stated that she would not wish to be responsible for the driver losing his means of income.

Mr M S explained that he had charged the customer £6.00 not £6.50 as this had been the charge levied by the operator at the time of booking. He denied that the extra charge was for use of the ramp and stated that the charge was due to the fact that the vehicle was larger and that was the standard charge.

On 17<sup>th</sup> October 2017, a further complaint in respect of Mr M S's behaviour had been received. Mr M S had been seen urinating on a grassland area in Friar Park Road. Photographic evidence had been submitted by a resident.

West Midlands Police had sent a stage one ASBO letter to Mr M S.

Mr M S apologised for his mistake and stated that he had not frequently used the area as a toilet. He stated that he had deliberately walked some distance from the roadway so he would not be seen. He confirmed that he had no medical condition at the time and had plenty of opportunities to visit toilet facilities.

The Committee was advised that the grassland area in Friar Park Road had regularly been used by taxi drivers as a toilet and a

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local resident had taken photographs of offenders and monitored the situation as they were concerned about this recurring issue.

Mr M S confirmed that he did not know about other taxi driver's using this area as a toilet and he had only used it on that occasion.

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

Having considered all the information before them, members were minded to suspend the Dual Private Hire and Hackney Carriage Driver's licence for a period of 56 days and to warn Mr M S to his future conduct and the effect it may have on his licence.

The reason for the decision was that the Committee felt that Mr M S had exhibited inappropriate behaviour for that of a Sandwell licence holder. The Committee considered that urinating in a public place was a serious offence.

The Committee accepted that the wheelchair incident could have been a misunderstanding.

**Resolved** that the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr M S be suspended for a period of 56 days and that Mr M S be given a warning with regard to his future conduct and the effect this 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 and the Human Rights Act 1998.

Mr M S 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.

4/18

**Application for the Renewal of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr Q A**

Mr Q A was present at the meeting.

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Having considered the information before them, members were minded to defer the matter to a future meeting so that the complainant had an opportunity to attend the. The Committee also recommended that Mr Q A considered obtaining legal advice prior to the next meeting.

**Resolved** that the application for the renewal of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr Q A be deferred to a future meeting.

5/18

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

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

Mr M M was present at the meeting.

Mr M M had applied for a Dual Private Hire and Hackney Carriage Driver's Licence on 10<sup>th</sup> March 2015, disclosing a CU80 fixed penalty notice for using a mobile phone whilst driving a motor vehicle and this application had been referred to Committee.

Mr M M appeared before Committee on 27<sup>th</sup> October 2015 where the Dual Private Hire and Hackney Carriage Driver's Licence had been granted with a warning as to future conduct (Minute No 127/15).

Mr M M's Licence had been due for renewal on 10<sup>th</sup> January 2018 and the Licensing Manager advised the Committee that the application for the renewal of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr M M had been brought to Committee under Section 7.3 of the Private Hire and Hackney Carriage Licensing Policy dated 1<sup>st</sup> October 2017.

Mr M M explained to the Committee the circumstances around the offence of using a mobile phone whilst driving. He said that his mother had been ill and he had a number of missed calls on his mobile phone from his brother, later the Police had stopped him for using his mobile phone.

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Mr M M apologised and stated that he had regretted his action and he had held a clear licence since the offence had occurred.

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

Having considered all the information before them, members were minded to grant the renewal of the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr M M.

The reason for the decision was that, whilst using a mobile phone whilst driving was a serious offence, the Committee considered that almost five years had elapsed since the offence and there had been no repetition. The Committee had also considered a good character reference from Mr M M's operator.

**Resolved** that the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr M M be renewed.

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

6/18

**Application for the Renewal of a Private Hire Driver's Licence in respect of Mr F R S**

Members considered an application for the renewal of a Private Hire Driver's Licence in respect of Mr F R S.

Mr F R S attended the meeting with his friend Mr S for support.

The Licensing Manager advised the Committee that the application for the renewal of a Private Hire Driver's Licence in respect of Mr F R S had been brought to Committee under Section 7.1 of the Private Hire and Hackney Carriage Licensing Policy dated 1<sup>st</sup> October 2017.

On 7<sup>th</sup> September 2017 Mr F R S attended the licensing office to report that he had been convicted for using a mobile phone device whilst driving a licenced vehicle on 23<sup>rd</sup> April 2017.

Mr F R S explained that he had been stopped by Police whilst driving on the motorway between Birmingham and Wednesbury

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for touching the screen on his PDA. Mr F R S disputed that he had used a mobile phone as he was not aware that it was an offence to touch the screen on his PDA whilst driving.

A solicitor later advised Mr F R S to accept the guilty charge rather than challenge in court.

Mr F R S stated that he did not have a customer in the vehicle at the time the offence occurred and he had touched the PDA to clear the screen not to accept the next booking.

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

Having considered all the information before them members were minded to refuse to renew the Private Hire Driver's Licence in respect of Mr F R S.

The reason for the decision was that the offence of using a mobile phone or device was of a serious nature and the safety of the public was of paramount importance to the Committee and guidelines stated that the driver should be clear of this type of offence for at least five years.

**Resolved** that the application to renew a Private Hire Driver's Licence in respect of Mr F R S be refused.

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

Mr F R S 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.

7/18

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

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

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

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The Licensing Manager advised the Committee that the application for the renewal of a Private Hire Driver's Licence in respect of Mr A A had been brought to Committee under Section 7.3 of the Private Hire and Hackney Carriage Licensing Policy dated 1<sup>st</sup> October 2017.

Mr A A had appeared before Committee on 23<sup>rd</sup> August 2016 in respect of a conviction for plying for hire and no insurance on 6<sup>th</sup> June 2016.

On 3<sup>rd</sup> June 2016 Mr A A had been reported for a no seat belt offence and Mr A A had failed to disclose this to the licensing office.

Mr A A stated that he had phoned the licensing office to inform them regarding the no seat belt offence.

Mr A A explained the circumstance surrounding the conviction for plying for hire and that he had made a mistake and was sorry for what he had done. He felt that he had already been punished at the previous Committee and circulated a character reference from his operator.

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

Having considered all the information before them members were minded to grant the renewal of the Private Hire Driver's Licence in respect of Mr A A.

The reason for the decision was that the Committee accepted that Mr A A had been dealt with at the previous Committee where he had received a suspension of the Licence for a period of two months and warned as to future conduct.

**Resolved** that the Private Hire Driver's Licence in respect of Mr A A be renewed.

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

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(Councillor Edis left the meeting)

8/18

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

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

Mr H A A was present at the meeting with his brother for support.

The Licensing Manager advised the Committee that the application for the renewal of a Private Hire Driver's Licence in respect of Mr H A A had been brought to Committee under Section 7.1 of the Private Hire and Hackney Carriage Licensing Policy dated 1<sup>st</sup> October 2017.

On 22<sup>nd</sup> November 2017, Mr H A A received a fixed penalty notice for driving a motor vehicle with no insurance and received six penalty points and a £300 fine.

Mr H A A had informed the Licensing Office by e mail on 15<sup>th</sup> December 2017, that he had received a fixed penalty for a no insurance offence. He had not been driving a licensed vehicle at the time.

Mr H A A explained that he had hired his friend's car and thought that he was covered by third party insurance. He said that he regretted his actions and enjoyed driving a taxi.

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

Having considered all the information before them members were minded to refuse to renew the Private Hire Driver's Licence in respect of Mr H A A.

The reason for the decision was that the Committee considered that Mr H A A was not a fit and proper person to hold a licence in Sandwell.

The Committee felt that as a professional driver Mr H A A should have ensured that he had insurance when he hired his friend's



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car. Members were concerned why he had chosen to hire a friend's car rather than to approach a hire company.

**Resolved** that the application for the Renewal of a Private Hire Driver's Licence in respect of Mr H A A be refused.

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

Mr H A 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.

(Meeting ended at 13.45pm)

<p>Contact Officer: Shane Parkes Democratic Services Unit 0121 569 3190</p>
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