

**Minutes of the
Licensing Sub Committee 2**

**12th December 2017 at 10.00am
At Sandwell Council House, Oldbury**

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

Apology: Councillor Edis.

17/17 **Minutes**

Resolved that the minutes of the meeting held on 19th September 2017 be confirmed as a correct record.

18/17 **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.

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19/17

Application for the Review of a Private Hire Driver's Licence in respect of Mr P K D

Members considered an application for the review of a Private Hire Driver's Licence in respect of Mr P K D.

The Licensing Manager advised the Committee that the review of the Private Hire Driver's Licence in respect of Mr P K D had been brought to Committee under section 7.2 of the Private Hire and Hackney Carriage Licensing Policy dated 1st October 2017.

Mr P K D had convictions on 13th November 1991 for minor road traffic offences and obstructing police, on 2nd September 1997 for driving whilst disqualified with no insurance, on 12th October 1999 for driving a motor vehicle with excess alcohol and on 3rd September 1999 for indecent assault.

Mr P K D had appeared before committee on a number of occasions. A licence had been granted with a warning on 1st March 1994 and revoked on 3rd September 1996. Mr P K D was refused a licence on 8th September 1997. The Private Hire Driver's Licence had been granted by Committee on 25th April 2008.

On his recent application Mr P K D had failed to disclose all of his convictions.

Mr P K D claimed that licensing officers had advised him that he did not need to declare all his convictions on the application form and he could submit them on a separate sheet of paper.

Mr P K D explained the circumstances surrounding his conviction for indecent assault and claimed that it was one of his employees that had committed the offence, however as he owned the business he had been convicted.

Mr P K D admitted that he had made mistakes in the past but he had moved on since then.

The Licensing Manager advised the Committee that at the meeting in 2008 Mr P K D had informed the Committee that he had aided and abetted the indecent assault.

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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 revoke the Private Hire Driver's Licence in respect of Mr P K D.

The reason for the decision was that members felt that Mr P K D was not a fit and proper person to hold a Sandwell licence. Mr P K D had a number of traffic offences and failure to declare was a serious offence. Mr P K D had no explanation as to why he had committed the offences and showed a failure to take responsibility.

Resolved that the Private Hire Driver's Licence in respect of Mr P K D be revoked.

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 P K D 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.

20/17

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

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

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

The Licensing Manager advised the Committee that the renewal of the Private Hire Driver's Licence in respect of Mr A R had been brought to Committee under section 7.1 of the Private Hire and Hackney Carriage Licensing Policy dated 1st October 2017.

Mr A R had convictions on 29th March 1984 for wounding with intent Section 18 and Section 20 offences and on 5th February 2007 for plying for hire.

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On 13th July 2017, the Taxi Licensing Office had received information from West Midlands Police stating that Mr A R was under investigation for an offence of sexual assault by touching. The Private Hire Driver's Licence in respect of Mr A R was suspended under delegated authority. On 13th November 2017, the Taxi Licensing Office had been informed by West Midlands Police that there was to be no further action taken against Mr A R as there was insufficient evidence.

Mr A R explained the circumstances surrounding the convictions for wounding with intent and claimed that he had been acting in self-defence. Mr A R stated that he did not assault a passenger and the allegation made was false.

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 renew the Private Hire Driver's Licence in respect of Mr A R.

The reason for the decision was that the Committee noted that a lengthy period of time had elapsed since the conviction for wounding with intent and the police had taken no further action in respect of the allegation for sexual assault due to insufficient evidence.

Resolved that the Private Hire Driver's Licence in respect of Mr A R 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.

21/17

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

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

Mr B S B attended the meeting with his legal advisor Ms K B.

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The Licensing Manager advised the Committee that the review of the Private Hire Driver's Licence in respect of Mr B S B had been brought to Committee under section 7.2 of the Private Hire and Hackney Carriage Licensing Policy dated 1st October 2017.

Mr B S B had a number of convictions including on 28th September 1970 for indecent assault on a female, on 14th November 1970 for assault occasioning actual bodily harm, on 3rd June 1976 for using threatening abusive, insulting words or behaviour, on 17th April 2000 for obtaining services by deception, on 21st October 2013 and 11th July 2014 a number of convictions for contravening the requirements of an environmental permit which carried a custodial sentence which was suspended for 24 months.

Mr B S B had not declared all his convictions on a recent application form, he claimed that this had been an oversight on his part.

Mr B S B explained the circumstances surrounding the conviction for indecent assault and claimed that he had only touched the girls foot.

Mr B S B stated that his son had been responsible for the environmental problems that were caused by his skip hire company. His son had been imprisoned for the crime.

The Committee was advised that due to the actions of Mr B S B and his son it had been estimated that it would cost approximately a million pounds to remove all the waste.

Ms K B stated that Mr B S B had appeared before Committee previously and had received punishment for the convictions.

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 revoke the Private Hire Driver's Licence in respect of Mr B S B.

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The reason for the decision was that the Committee did not consider that Mr B S B was a fit and proper person to hold a Sandwell licence. He had not disclosed offences on a recent application form which was taken seriously by Committee. Mr B S B had failed to take responsibility for his actions and used others as an excuse in respect of the environmental issues with the skip hire business.

Resolved that the Private Hire Driver's Licence in respect of Mr B S B be revoked.

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 B S B 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.

22/17

Application for the renewal of a Private Hire Driver's Licence in respect of Mr N K

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

Mr N K attended the meeting.

The Licensing Manager advised the Committee that the renewal of the Private Hire Driver's Licence in respect of Mr N K had been brought to Committee under section 7.1 of the Private Hire and Hackney Carriage Licensing Policy dated 1st October 2017.

Mr N K had convictions for a number of motoring offences in 2001 for using a vehicle with defective tyres, speeding and plying for hire and no insurance. On 27th October 2007, Mr N K received a fixed penalty for using a mobile phone whilst driving a vehicle and on 24th July 2014, received a fixed penalty for a speeding offence.

On 17th February 2009, Mr N K appeared before Committee where Mr N K was granted a Private Hire Driver's Licence and issued with a warning as to future conduct and the effect that any further issues may have on his Licence.

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A complaint was received on 3rd August 2017, from a member of the public stating that Mr N K had been seen smoking and using a mobile phone whilst driving his Private Hire Vehicle, they had also taken photographic evidence.

On 29th November 2017, Mr N K submitted an application for the renewal of his Private Hire Driver's Licence.

Mr N K admitted that he had been smoking and using his mobile phone whilst driving his Private Hire Vehicle. Mr N K stated that he realised he should not have been undertaking these activities and apologised for his actions.

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 the application for the renewal of the Private Hire Driver's Licence in respect of Mr N K.

The Committee felt that although he had not received a formal conviction for his recent actions the evidence and admission of using a mobile phone undermined public safety and members considered that Mr N K was not a fit and proper person to hold a Sandwell Licence.

Mr N K had been warned to his future conduct and the effect further issues could have on his licence at a previous Committee.

Resolved that the application for the renewal of a Private Hire Driver's Licence in respect of Mr N K 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 N K 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

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23/17

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

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

Mr M Z A had been invited to attend the Committee on 20th November 2017, however he had advised the Taxi Licensing Office that he was unable to attend as he would be abroad. The matter had been deferred to the next available Committee, Mr M Z A had been notified of the date of this Committee and informed that it would be dealt with in the event of non - attendance.

The Committee decided to determine the matter in the absence of Mr M Z A as they felt that there was inconsistency in his account of why he could not attend.

The Licensing Manager advised the Committee that the review of the Private Hire Driver's Licence in respect of Mr M Z A had been brought to Committee under section 7.2 of the Private Hire and Hackney Carriage Licensing Policy dated 1st October 2017.

Mr M Z A had convictions for possessing a controlled drug with intent to supply on 10th December 1992 and a number of convictions on 18th March 1998 for possessing Class A heroin and conspiring to supply. These convictions had carried a custodial sentence.

Mr M Z A had two convictions on 24th July 2016 and 22nd May 2017 for exceeding the statutory speed limit.

Mr M Z A had appeared before Committee on 19th October 2007 when the licence had been refused and an appeal had been dismissed by West Bromwich Magistrates Court on 29th January 2008.

On 27th October 2017, Mr M Z A had been seen smoking in his Private Hire Vehicle whilst parked at the Taxi Licensing Office by two members of staff. Mr M Z A had been challenged by the members of staff and had apologised for the offence.

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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 revoke the Private Hire Driver's Licence in respect of Mr M Z A.

The reason for the decision was that members considered that Mr M Z A was not a fit and proper person to hold a licence in Sandwell. He had numerous drug related convictions of a serious nature and had received lengthy prison sentences for the supply of heroin and had recently received convictions for motoring offences and he had been seen smoking in his vehicle by Taxi Licensing Officers.

Resolved that the Private Hire Driver's Licence in respect of Mr M Z A be revoked.

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 Z 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 3.30pm)

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