

**Minutes of the  
Licensing Sub Committee 2**

**20<sup>th</sup> March 2018 at 10am  
at Sandwell Council House, Oldbury**

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

**Apologies:** Councillor Edis and Gavan.

9/18 **Minutes**

**Resolved** that the minutes of the meeting held on 6<sup>th</sup> February 2018 be confirmed as a correct record.

10/18 **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.

**Matters Delegated to the Sub Committee to consider Local Government (Miscellaneous Provisions) Act 1976 – Private Hire Driver’s/Vehicles/Operators Licensing related matters**

11/18 **Application for the Renewal of a Private Hire Driver’s Licence in respect of Mr R W A**

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

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Mr R W A was present at the meeting with his cousin Mr Z A 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 R W 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.

On 29<sup>th</sup> May 2009 Mr R W A had been convicted at Birmingham Magistrates Court for a no insurance offence and received a £100 fine and six penalty point on his licence.

On 9<sup>th</sup> September 2010 Mr R W A received three penalty points and a £100 fine for using a mobile phone whilst driving a motor vehicle.

On 27<sup>th</sup> October 2010 Mr R W A received a caution from West Midlands Police for assault occasioning actual bodily harm, which he had failed to disclose on his application form dated 1<sup>st</sup> July 2013.

Mr R W A appeared before the Committee on 28<sup>th</sup> October 2015 and his application to renew his Private Hire Driver's Licence had been refused (Minute No. 122/15).

Mr R W A appealed the decision at Magistrates Court where his appeal was upheld. Mr R W A's Licence was granted for an initial period of six months on 22<sup>nd</sup> February 2016 and for a further period of six months on 19<sup>th</sup> August 2016.

Mr R W A explained the circumstances surrounding the caution for assault occasioning actual bodily harm and his failure to disclose the offence on his application form. He had an altercation with his wife and the police had been involved. He had not realised that the Police had issued a caution at that time. Mr R W A advised the Committee that he was still with his wife and they now had a family and he had regretted his previous behaviour.

Mr R W A explained that the offence for no insurance happened when he was driving a company car and assumed that he had been insured.

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Mr R W A stated that he had a Wolverhampton Private Hire Driver's Licence and was not presently working in Sandwell as his vehicle did not meet the standards expected for a Sandwell licenced vehicle, however he was hoping to purchase a new vehicle soon to enable him to work through an operating base in Sandwell.

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 R W A.

The reason for the decision was that the Committee accepted his explanation of the domestic incident and considered that the mitigating circumstances allowed them to deviate from the guidelines on this occasion. However, Mr R W A was advised that the Committee took these offences very seriously and the safety of the public was of paramount importance to them.

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

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

12/18

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

Mr Q A had previously appeared before the Committee on 6<sup>th</sup> February 2018 and the matter had been deferred to a future meeting to give the complainant an opportunity to attend and the Committee had recommended that Mr Q A considered obtaining legal advice (Minute No 4/18).

Mr Q A was present at the meeting and requested that the Committee defer the matter as his legal advisor could not attend the meeting.

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The Licensing Office had been made aware of this and advised the complainant not to attend this meeting.

Members were minded to defer the matter until the meeting on 25<sup>th</sup> April 2018 however the committee would not defer this matter any further.

**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 until the meeting on 25<sup>th</sup> April 2018.

13/18

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

Members considered an 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 with his cousin Mr I K.

The Licensing Manager advised the Committee that the application for the grant of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr J K had been brought to Committee under Section 6.1 of the Private Hire and Hackney Carriage Licensing Policy dated 1<sup>st</sup> October 2017.

On 24<sup>th</sup> November 2014 Mr J K had been convicted of two offences for assault occasioning actual bodily harm and possessing an offensive weapon in a public place. Mr J K had received concurrent prison sentences suspended for twelve months, a victim surcharge, compensation and 150 hours unpaid supervised work.

On 19<sup>th</sup> November 2014 Mr J K received three penalty points and a £300 fine for using a mobile phone whilst driving a motor vehicle.

On 8<sup>th</sup> May 2016 Mr J K had received a caution from West Midlands Police for a shoplifting offence.

Mr J K had previously appeared before the Committee on 4<sup>th</sup> October 2016 and the application for the grant of a Dual Private

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Hire and Hackney Carriage Driving Licence in respect of Mr J K had been refused (Minute No.130/16).

Mr J K explained the circumstances surrounding the convictions for assault occasioning actual bodily harm and possession of a weapon. He stated that his brother was being attacked outside their place of work. Mr J K was trying to protect his brother and picked up a piece of wood and used that against the attacker. Mr J K did not know if anyone else involved in the incident had been convicted.

In respect to the shoplifting offence Mr J K had been with a group of friends in a supermarket and when they were stopped whilst leaving the store it was discovered that some of the group were in possession of goods that had not been paid for.

The conviction for using a mobile phone whilst driving was due to Mr J K answering his phone whilst driving as he was expecting news of a relative in Pakistan who was seriously ill.

Mr J K had failed to disclose his caution for shoplifting as he had not realised that the Police had given a caution.

Mr J K said that he regretted his actions and wanted an opportunity to improve his life.

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 a grant of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr J K.

The reason for the decision was that Members were minded the guidelines stated that in respect of violence and dishonesty offences a period of at least 10 years from completion of sentence should have elapsed before the grant of a licence be considered. Mr J K had numerous serious offences and had failed to declare the caution for shoplifting on his recent application form. The Committee could find no reason to deviate from the guidelines and considered that Mr J K was not a fit and proper person to hold a licence in Sandwell.

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**Resolved** that the application for a grant of 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 Local Government (Miscellaneous Provisions) Act 1976, relevant case law, Council Policy and Guidelines and the Human Rights Act 1998.

Mr J 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.

14/18

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

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

Mr M H was present at the meeting with his legal representative Mr M.

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 H 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.

On 15<sup>th</sup> January 2016, Mr M H had been convicted at Birmingham Magistrates Court for a no insurance offence and received six penalty points and a fine of £615.

Mr M H appeared before the Committee on 1<sup>st</sup> November 2016 for a review of his Dual Private Hire and Hackney Carriage Driver's Licence and the Committee decided to suspend the licence for a period of 56 days (Minute No. 144/16).

Mr M H explained to the Committee the circumstances surrounding his conviction and that he was working for a fast food company and his manager asked him to make a delivery. His vehicle had been stopped by Police and although his vehicle was insured it was not insured for business purposes. Mr M H did not

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realise that he was not insured to deliver the order and would not have undertaken this action had he known at the time. At that time Mr M H had his vehicle seized and had to pay a large amount to recover the vehicle. Mr M H told his employer about what had happened and he did nothing to support Mr M H in Court.

Mr M H stated that he enjoyed being a taxi driver and had not committed any other offences and had not had any complaints made against him whilst he had been a driver. Mr M H circulated character references from his employers and apologised for his mistake.

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 Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr M H.

Members deviated from the guidelines due to the mitigating circumstances and that Mr M H had no further misdemeanours and had already received a period of 56 days suspension from the previous Committee.

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

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

15/18

**Application for the Review of a Private Hire Driver's Licence in respect of Mr L S**

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

Mr L S was present at the meeting with his friend Mr T B S for support.

The Licensing Manager advised the Committee that the application for the review of a Private Hire Driver's Licence in

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respect of Mr L 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 5<sup>th</sup> July 2000, Mr L S had been convicted of driving or attempting to drive with alcohol level above the legal limit at West Bromwich Magistrates Court. He had received a 12 months disqualification from driving and a £100 fine.

Mr L S had previously appeared before the Committee on 31<sup>st</sup> January 2003 in respect of an application to grant a Private Hire Driver's Licence. The Committee approve the grant of a Private Hire Driver's Licence in respect of Mr L S (Minute No. 12/03).

On 22<sup>nd</sup> July 2017, Mr L S had been stopped in a random multi-agency vehicle inspection operation and had been convicted at Birmingham Magistrates Court of a CU30 offence of driving a motor vehicle with a defective tyre. Mr L S had received three penalty points on his licence and a £293 fine and costs.

On 11<sup>th</sup> January 2018, Mr L S applied to renew his licence and had failed to disclose the CU30 offence on the application form and he had not reported this offence, within the policy timescale, to the Licensing Office. The Licensing Office renewed the licence in error without the matter being referred to Committee.

Mr L S explained the circumstances surrounding the conviction for driving a vehicle with a defective tyre and stated that he did not think he had been convicted of the offence as he had replaced the tyre and took it back to be checked and he had not received the letter from the Court until four months after the event. He assumed that as a multi-agency team had stopped him to inspect his vehicle that the Licensing Office would have been informed that he had been stopped and found to have had a defective tyre.

Mr L S stated that he checked his tyres every three or four weeks, however the Licensing Manager advised that the new policy stipulates that frequent checks should be undertaken on a weekly basis and a record be kept. He also stated that for a driver to be prosecuted in Court the defective tyre would have had to be seriously below the legal limit.

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



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Having considered all the information before them, Members were minded to revoke the Private Hire Driver's Licence in respect of Mr L S.

The reason for the decision was that the guidelines stated that a driver should be clear of a major traffic offence for at least three years and there was no mitigating circumstance for the Committee to allow them to deviate from the guidelines. Mr L S had been a professional driver for sixteen years and should know that he must check his vehicle for defects on a regular basis and that any offences should be reported to the Licensing Office within the specified time. Mr L S had also failed to disclose the conviction on his recent application form.

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

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

Mr L 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.

16/18      **Application for the Review of a Private Hire Driver's Licence in respect of Mr B S**

Mr B S failed to attend the meeting therefore Members were minded to defer the matter to a future meeting of the Committee.

**Resolved** that the review of a Private Hire Driver's Licence in respect of Mr B S be deferred to a future meeting.

17/18      **Application for the review of a Private Hire Driver's Licence in respect of Mr I M S**

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

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Mr I M S was present at the meeting with his daughter Ms A S for support.

The Licensing Manager advised the Committee that the application for the review of a Private Hire Driver's Licence in respect of Mr I 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.

On the 18<sup>th</sup> January 2018, the Licensing Office had been informed that Mr I M S had been photographed urinating by a grassed area in Friar Park Road, Wednesbury.

Mr I M S had been interviewed by a Licensing Enforcement Officer on 7<sup>th</sup> February 2018 and after initially denying the matter later in the interview he admitted to the act and stated that he could not wait to find a toilet. Mr I M S had been described as not being apologetic and seemed more concerned about the sanction that would be imposed by the Committee.

Mr I M S explained the circumstances surrounding the incident and claimed that he had initially denied the matter as he was ashamed of what had occurred. He thought that he had hidden in the trees and had not realised that he was being photographed.

Mr I M S stated that he had no prior knowledge of the area being used by other taxi drivers and it was the only time he has ever used the area as a toilet and would not do that again.

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 Private Hire Driver's Licence in respect of Mr I M S for a period of 84 days.

The reason for the decision was that Members felt that Mr I M S must have passed many supermarkets, restaurants and public houses, where he could have used a toilet along the route he had taken.

The Committee felt that this was a serious matter and was inappropriate behaviour for that of a Sandwell licence holder.

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**Resolved** that the Private Hire Driver's Licence in respect of Mr I M S be suspended for a period of 84 days.

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

Mr I 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.

18/18

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

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

Mr N M was present at the meeting.

The Licensing Manager advised the Committee that the application for the renewal of a Private Hire Driver's Licence in respect of Mr N 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.

On 14<sup>th</sup> February 2002 Mr N M had been convicted by Warley Juvenile Court for assault occasioning actual bodily harm and he had received a conditional discharge for 12 months and ordered to pay £70 costs.

On 28<sup>th</sup> February 2008 Mr N M had been convicted by Warley Magistrates Court for unlawful possession of a class A controlled drug and received a conditional discharge for 2 years and a fine of £43 plus costs.

On 20<sup>th</sup> January 2009 Mr N M had been convicted at Wolverhampton Crown Court of Robbery and received seven years imprisonment minus 36 days on remand.

Mr N M applied for a licence on 18<sup>th</sup> November 2015, the DBS returned on 2<sup>nd</sup> December 2015 with convictions which under the old policy would not be spent until 20<sup>th</sup> January 2019, however the

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Private Hire Driver's Licence in respect of Mr N M was issued in error without referral to the Licensing Sub Committee.

On 29<sup>th</sup> January 2018 Mr N M applied for the renewal of his Private Hire Driver's Licence, his convictions had been declared on the application form and Mr N M was referred to Committee in accordance with the new policy.

Mr N M explained the circumstances surrounding the three convictions.

The conviction for assault had been committed when he was a minor. He had been at a snooker hall and he and friends had been racially abused. Mr N M had been hit by an individual and hit him back. The individual had hit his head and received a cut, however Mr N M had been accused of using a weapon, which he denied.

Mr N M stated that his father had died in 2005 and shortly after he started to use drugs. Whilst he was in prison Mr N M stopped using drugs and has not used drugs since late 2009.

The conviction for robbery had been driven by his drug addiction and Mr N M had been desperate for money. Along with associates he stole cigarettes and petty cash from a petrol station.

On release from prison he worked as a delivery driver, however he wanted to get a better job. His Probation Officer explored the possibility of a taxi driving job for him.

Mr N M stated that he served three years of the seven-year sentence and that he was a more mature person, more settled and financially stable. He regretted his past behaviour.

The Licensing manager read out an extract of conversations that Mr N M had recently had with staff in the Licensing Office which showed that Mr N M had been compliant and polite with staff.

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 N M.

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Guidelines state that Mr N M should be clear of convictions for at least ten years, however members felt that the mitigating circumstances surrounding Mr N M's convictions allowed them to deviate from the guidelines. The Committee considered that Mr N M was a fit and proper person to hold a Sandwell licence.

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

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

19/18      **Application for the Review of a Private Hire Driver's Licence in respect of Mr I A**

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

The Licensing Manager advised the Committee that the application for the review of a Private Hire Driver's Licence in respect of Mr I 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.

On 19<sup>th</sup> November 2016 Mr I A had been convicted of a no insurance offence at Birmingham Magistrates Court and received six penalty points, a £75 fine and £30 victim surcharge.

On 15<sup>th</sup> June 2014 Mr I A had a fixed penalty for exceeding the speed limit on a motorway and had received three penalty points.

Mr I A had previously appeared before the Licensing Sub Committee on 14<sup>th</sup> August 2017 and the Committee had suspended the Private Hire Driver's Licence in respect of Mr I A for a period of 56 days (Minute No. 12/17).

Mr I A explained the circumstance surrounding the convictions for exceeding the speed limit on the motorway and for no insurance. He stated that the speeding conviction was due to speeding in a

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temporary speed limit zone where roadworks was being undertaken and he had not noticed the speed limit sign.

In respect to the conviction for no insurance, Mr I A stated that he had a road traffic accident and when he called his insurance company to report the incident they had no knowledge of his second job and as he had not declared a second job when he applied for the insurance his insurance would be cancelled. Mr I A stated that he had a second part time job and he only worked a few days each week when required. He had not intended to deceive the insurance company.

Mr I A stated that he had made a mistake and apologised to the Committee.

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 take no action against the Private Hire Driver's Licence in respect of Mr I A.

The reason for the decision was that Mr I A had previously been to Committee and his licence had been suspended. Mr I A had held a Private Hire Driver's Licence for six years and there had been no other issues and he had reported incidents to the Licensing Office in a timely manner and disclosed convictions on application forms.

**Resolved** that no action be taken in regard to the Private Hire Driver's Licence in respect of Mr I A.

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

(Meeting ended at 5.25pm)

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