

**Minutes of the
Licensing Sub Committee 2**

**12th June 2018 at 10am
at Sandwell Council House, Oldbury**

Present: Councillor Dr T Crumpton (Chair);
Councillors Eaves, Lewis and Millard.

Observer: Councillor Padda.

27/18 **Minutes**

Resolved that the minutes of the meetings on 25th April and 11th May 2018 be confirmed as a correct record.

28/18 **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

29/18 **Application for the Review of a Dual Private Hire and Hackney Carriage Driver’s Licence in respect of Mr S S H.**

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

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Mr S S H was present at the meeting.

The Director - Protection and Prevention advised the Committee that the application for the review of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr S S H had been brought to Committee under Section 7.1 of the Private Hire and Hackney Carriage Licensing Policy dated 1st October 2017.

Mr S S H had previously appeared before the Committee on 17th April 2018 (Minute No. 20/18). The Committee had deferred the matter to allow Mr S S H to obtain an interpreter, to give the complainant an opportunity to attend the meeting and to enable officers to provide further information.

Mr S S H explained that he was unable to obtain an interpreter and after further discussion Members felt that Mr S S H did not understand the procedure and decided to defer the matter to a future meeting, however if Mr S S H failed to bring an interpreter to the next Committee the matter would be heard as Mr S S H had received adequate notice.

Resolved that the review of a Dual Private Hire Licence in respect of Mr S S H be deferred to a future meeting of the Licensing Sub Committee.

30/18

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

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

Mr L H attended the meeting with Mr H his legal representative.

The Director – Protection and Prevention advised the Committee that the application for the renewal of a Private Hire Driver's Licence in respect of Mr L H had been brought to Committee under Section 7.1 of the Private Hire and Hackney Carriage Licensing Policy dated 1st October 2017.

On 16th January 2018, Mr L H contacted the Taxi Licensing Office to advise that he had been arrested in February 2017 for sexually assaulting a passenger in his vehicle and had appeared before Magistrates in October 2017 where he pleaded not guilty and the

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case was transferred to the Crown Court. He was subsequently summoned to attend Wolverhampton Crown Court in March 2018.

The Taxi Licensing Office contacted West Midlands Police to inform them they had not been notified of the offence and a letter sent out at the time of the offence to Solihull licensing authority was forwarded to the Taxi Licensing Office on 18th January 2018.

The Police stated in the letter that Mr L H had refused to give information in respect of the licensing authority that he held a licence with.

On 18th January 2018, Mr L H's Private Hire Driver's Licence was immediately suspended and Mr L H returned his badges and plates.

On 10th April 2018, it was confirmed by West Midlands Police that Mr L H had been found Not Guilty at Wolverhampton Crown Court on 27th March 2018 following a two-day trial.

Mr L H explained the circumstances surrounding the alleged offence. He stated that he may have touched the passenger by accident as he had to help her to fasten her seat belt, however he denied the allegation. He had assumed that the passenger had made the allegation as he had been asked to take the passengers to a different location to that which had been quoted for and asked for extra fare.

The Committee was concerned that Mr L H had not notified the Taxi Licensing Office in respect of the incident within the 7-day period as stipulated in the conditions of the licence. Mr L H stated that he was not aware that he had to notify the Taxi Licensing Office until a colleague reminded him of this.

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 L H subject to a compliant DBS certificate and warned Mr L H to his future conduct and the effect that any further problems may have on his licence.

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The decision had been taken to warn Mr L H as he had failed to disclose the incident to the Taxi Licensing Office within the seven-day period in accordance with the Licence conditions.

Resolved

- (1) that the Private Hire Driver's Licence in respect of Mr L H be renewed;
- (2) that Mr L H be warned as to his future conduct and the effect that any further problems 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.

31/18 **Application for the Review of a Private Hire Driver's Licence in respect of Mr M G K**

Mr M G K was present at the meeting with his wife and daughter for support.

The Committee was advised that on 7th June 2018 Mr M G K had returned his badges and plates to the Taxi Licensing Office and stated that he no longer wanted to be a licence holder.

The Committee received a letter from Mr M G K's General Practitioner in respect of a medical condition.

Members were minded to take no action in respect of the Private Hire Driver's Licence in respect of Mr M G K as he no longer wished to continue to hold the licence.

Mr M G K was advised that if he made an application for a licence in the future the information within the report would be referred to.

Resolved that no action be taken in respect of the Private Hire Driver's Licence in respect of Mr M G K.

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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32/18

Application for the Review of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr A H

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

Mr A H was present at the meeting.

The Director – Protection and Prevention advised the Committee that the application for the review of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr A H had been brought to Committee under Section 5 – Determination of Matters, subsection 11 - Dishonesty of the Private Hire and Hackney Carriage Licensing Policy dated 1st October 2017.

The Committee considered that more information in respect to the conviction on 22nd March 2007 at Birmingham Crown Court be obtained prior to making a decision therefore the matter would be deferred to a future Committee.

Resolved that the review of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr A H be deferred.

33/18

Application for the review of a Private Hire Driver's Licence in respect of Mr D M

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

Mr D M was present at the meeting.

The Director – Protection and Prevention advised the Committee that the application for the review of a Private Hire Driver's Licence in respect of Mr D M had been brought to Committee under Section 5 – Determination of Matters, subsection 12 - Drugs of the Private Hire and Hackney Carriage Licensing Policy dated 1st October 2017.

Mr D M was present at the meeting.

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On 8th February 2014, Mr D M had been given a caution from West Midlands Police for possession of a controlled drug, Class B cannabis/cannabis resin.

Mr D M had appeared before Committee on 4th November 2016 (Minute No. 150/16) and the Private Hire Driver's Licence in respect of Mr D M had been granted subject to passing a drugs test.

On 30th November 2016, Mr D M passed a drugs test and was subsequently issued with a Private Hire Driver's Licence.

The Licence was renewed in error on 29th November 2017 without referral to Committee. The changes to the policy on 1st October meant that the matter should have been brought before Committee for consideration.

The new guidelines specified that before a licence was granted the applicant should be free from all convictions and cautions for possession of drugs, for a minimum period of five years.

Mr D M explained the circumstances surrounding the caution for possession of drugs. He stated that his father had died and he was associating with undesirable acquaintances. He stated that he regretted taking drugs.

Mr D M advised that he had recently been studying at Wolverhampton University and he now had a family and no longer had undesirable acquaintances.

He confirmed to the Committee that he would be happy to undertake a drugs test if necessary.

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 in respect to the Private Hire Driver's Licence in respect of Mr D M.

The reason for the decision was that the Committee felt that they could depart from the guidelines on this occasion as Mr D M had previously appeared before the Committee in relation to the caution and had been asked to undertake a drugs test.

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Since passing the drugs test on 30th November 2016 there had been no further issues and on that basis the Committee considered that Mr D M was a fit and proper person to hold a licence.

Resolved that no action be taken to the Private Hire Driver's Licence in respect of Mr D M.

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.

34/18

Application for the review of a Private Hire Driver's Licence in respect of Mr M H

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

The Director – Protection and Prevention advised the Committee that the application for the review of a Private Hire Driver's Licence in respect of Mr M H had been brought to Committee under Section 3.2 of the Private Hire and Hackney Carriage Licensing Policy dated 1st October 2017.

Mr M H had lived in Iran before moving to the United Kingdom and was unable to produce a criminal record check from Iran.

On 21st December 2017, Mr M H had applied for a Private Hire Driver's Licence. Mr M H was a refugee from Iran and was granted indefinite leave to remain on 23rd March 2001.

On 29th March 2018, Mr M H had produced a satisfactory DBS check for the period of time he had been in the UK and a Private Hire Driver's Licence was issued in error without referral to Committee for consideration, however badges had been retained on file as Mr M H was not working at that time.

Mr M H had previously appeared before the Committee on 17th April 2018 (Minute No. 25/18) and the Committee decided to suspend the Private Hire Driver's Licence in respect of Mr M H for a period of 56 days to enable further enquires to be made in respect to obtaining a criminal record check from Iran.

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Mr M H explained the circumstances surrounding his reasons for leaving Iran. Mr M H felt that a job as a Taxi driver would give him income and flexibility to be enable him to work on design projects that he was currently undertaking.

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 H.

The reason for the decision was that Mr M H had been unable to obtain any information regarding a criminal record check from Iran, however the Committee appreciated that this was difficult under the circumstances.

Mr M H had been to University in the UK and carried out some work, however no references had been provided to the Committee.

In order to issue a licence, the Committee must be satisfied that the applicant was a fit and proper person as safety of the public was of paramount importance to the Committee.

Resolved that the Private Hire Driver's Licence in respect of Mr M H 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 H 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 3.10 pm)

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