

**Minutes of the
Licensing Sub Committee 2**

**Tuesday 5th February 2019 at 10.00am
at Sandwell Council House, Oldbury**

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

Apologies: Councillors Millard and White.

1/19 **Minutes**

Resolved that the minutes from the meeting on 6th November 2018 be confirmed as a correct record.

2/19 **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

3/19 **Application for the Review of a Private Hire Driver’s Licence in respect of Mr M**

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

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Mr M was present at the meeting, along with an interpreter and his legal advisor. He confirmed he had received a copy of the report.

A complaint had been received, by the Licensing Office, that Mr M had been driving his private hire vehicle dangerously and the incident had been captured on a dashcam. Mr M was subsequently interviewed by an Enforcement Officer and he confirmed that the incident had occurred.

Mr M explained the circumstances surrounding the incident. He stated the passenger on board had instructed him to make the dangerous manoeuvre. Mr M felt intimidated and compelled to follow the passenger's instructions. Mr M explained that no one had been hurt and took full responsibility for his behaviour, as he knew his actions were inappropriate and would not happen 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, the Sub Committee was minded to suspend the Private Hire Driver's Licence in respect of Mr M for a period of eight weeks. Members felt that they could depart from the Council's guidelines on this occasion as they considered Mr M had a clean driving record and regretted the incident.

Resolved that the Private Hire Driver's Licence in respect of Mr M be suspended for a period of eight weeks.

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 M 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.

4/19

Application for the Grant of a Private Hire Driver's Licence in respect of Mr A(1)

Members considered an application for the Grant of a Private Hire Driver's Licence in respect of Mr A(1).

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Mr A was present at the meeting and confirmed he had received a copy of the report.

Between November 2000 and 2011, Mr A had been convicted of a number of offences for robbery, to destroy or damage property and dangerous driving.

Mr A(2) explained the circumstances surrounding the offences, as they occurred when he was young and he was now more mature and married with a family.

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 Sub Committee was minded to refuse the Grant of a Private Hire Driver's Licence in respect of Mr A(1).

Member's considered that there was no reason to depart from the Guidelines on this occasion.

Resolved that the Grant of a Private Hire Driver's Licence in respect of Mr A(1) 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 A(1) 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.

5/19

Application for the Review of a Private Hire Driver's Licence in respect of Mr A(2)

The Sub Committee was advised that Mr A(2) had failed to attend the meeting. The Sub Committee was minded to defer the matter to a future meeting of the Committee.

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Resolved that the application for the review of a Private Hire Driver's Licence in respect of Mr A(2) be deferred until after 14 March 2019.

6/19

Application for the Review of a Private Hire Driver's Licence in respect of Mr C

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

Mr C was present at the meeting and confirmed he had received a copy of the report.

In December 2018, Mr C received a fixed penalty for a CU30 offence for using a vehicle with a defective tyre. Mr C explained the circumstances surrounding the offence and stated that he now regularly checked his vehicle and had learnt his lesson.

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 Sub Committee was minded to warn Mr C in respect of his future conduct and the effect that any further issues may have on his Private Hire Driver's Licence. Members departed from Council guidelines on this occasion as they took into consideration Mr C's clean driving record and that he regretted his negligent behaviour and stated that this would not happen again.

Resolved that Mr C be warned as to his future conduct and the effect that any further issues may have on his Private Hire Driver's Licence.

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.

7/19

Application for the Renewal of a Dual Private Hire and Hackney Carriage Licence in respect of Mr A(3)

Mr A(3) had notified the Licensing Office that he was unable to attend the meeting until after 14th March 2019. The Sub

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Committee was minded to defer the matter to a future meeting of the Sub Committee.

Resolved that the application for the review of a Private Hire Driver's Licence in respect of Mr A(3) be deferred until after 14 March 2019.

08/19

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

The Sub Committee was advised that Mr N had failed to attend the meeting. The Sub Committee was minded to defer the matter to a future meeting of the Committee.

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

(Meeting ended at 12.20 pm)

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