

**Minutes of the
Licensing Sub Committee 2**

**24 June 2019 at 10.00 am
at Sandwell Council House, Oldbury**

Present: Councillor Allen (Chair);
Councillors Eaves and I Jones;

Apologies: Councillors L Giles and Preece;

Observer: Councillor Rouf.

17/19 **Minutes**

Resolved that the minutes of the meeting held on 14th May 2019 be received.

18/19 **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

19/19 **Application for the Grant of a Private Hire Driver’s Licence in respect of Mr P B**

Members considered an application for the grant of a Private Hire Driver’s Licence in respect of Mr P B.

Mr P B was present at the meeting with his solicitor Mr S.

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The Sub Committee was advised that Mr P B had failed to declare convictions dating back to 1985 on his application form.

Mr P B's legal adviser advised the Sub Committee that Mr P B had been a driver for the Ministry of Defence for the last 10 years and the convictions from 1985 had not appeared before on any DBS check and Mr P B considered that as the conviction was historic he did not need to disclose.

Mr P B explained the circumstances surrounding the conviction, he was only 19 years old at the time and claimed that two men had tried to rob him, he had pushed them away and driven off in his vehicle. On returning home he informed his parents of the incident and they gave him an alcoholic drink to calm his nerves.

The Police investigated the incident and charged him with assault and drink driving which resulted in a twelve-month disqualification from driving.

Mr P B stated that the offences happened over 35 years ago, and he had not had any further issues. He had not intended to deceive and apologised for his mistake.

The Sub 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 grant the Private Hire Driver's Licence in respect of Mr P B.

The Sub Committee considered that they could depart from the guidelines on this occasion as it was accepted that he had no intention to mislead and that a long period of time had elapsed since the convictions. Mr P B had a good driving record and had held a high-level security role with the Ministry of Defence.

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

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

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

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

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

Mr Z A had been brought before the Licensing Sub Committee due to a change in policy.

Mr Z A had previously appeared before the Licensing Sub Committee on 4th August 2017 and 19th September 2016 for a number of driving convictions including totting up, obstructing a constable and failing to declare a plying for hire conviction and the Private Hire Driver's Licence in respect of Mr Z A had been suspended for a period of 56 days.

Mr Z A explained the circumstances surrounding the incident of plying for hire and the appeal which had been upheld in the Magistrates' Court and the retrial in Crown Court which overturned the decision of the Magistrates' Court and restored the conviction.

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

The Sub Committee was satisfied that Mr Z A had a good driving record over the 22 years that he had held a Licence and he had received a period of suspension from a previous Committee.

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

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21/19

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

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

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

Mr J A had received seven points on his licence for two SP30 speeding offences and had also failed to declare these points within 7 days to the Taxi Licensing Office as set out in the conditions of the licence.

Mr J A explained the circumstances surrounding the two speeding offences and stated that he was unaware that he was required to report the offences to the Taxi Licensing Office within 7 days.

The Sub 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 renew the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr J A and warn him as to his future conduct and the effect that this may have on his licence.

The Sub Committee accepted that Mr J A was not aware that he should report the speeding offences and was satisfied that he would report any further incidents in future within the timescale. Apart from the two speeding offences, Mr J A had a good driving record.

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Resolved:-

- (1) that the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr J A be renewed;
- (2) that Mr J A be warned as to his future conduct and the effect that any further issues 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, relevant case law and the Human Rights Act 1998.

22/19

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

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

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

Mr N J had failed to disclose juvenile convictions from January 1983 on his application form and explained that he was unsure whether juvenile convictions had to be declared on the form, however as he had submitted the DBS disclosure at the same time as the application form he thought that this would be acceptable.

Mr N J explained the circumstances surrounding the offence and stated that he had not intentionally failed to disclose and apologised for any misunderstanding.

The Sub 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 grant the Private Hire Driver's Licence in respect of Mr N J.

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The Sub Committee accepted that Mr N J had not deliberately set out to mislead.

Resolved that a Private Hire Driver's Licence in respect of Mr N J be granted.

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

23/19

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

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

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

Mr S A had previously appeared before the Licensing Sub Committee on 9th July 2013 for non-disclosure of historic driving convictions and on 26th November 2013 for a no insurance conviction.

Mr S A had previously declared that he had a Private Hire Driver's Licence revoked by Birmingham City Council for plying for hire.

In January 2019 Mr S A reported that he had received a conviction for no insurance offence and had received 6 points on his licence.

On production of his DBS disclosure in February 2019 no convictions were revealed.

The Taxi Licensing Office contacted Mr S A on 1st May 2019 as no paperwork had been received in respect of the alleged convictions. Mr S A stated that he had been stopped during a plying for hire operation by Birmingham City Council but had not been convicted for any offence.

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Subsequently Birmingham City Council confirmed that Mr S A had been convicted in January 2019 for a plying for hire and no insurance offence.

Mr S A explained the circumstances surrounding the conviction and stated that it was a genuine mistake. He stated that he had not been working that evening and had gone into Birmingham to pick up a friend.

The Sub 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 revoke the Private Hire Driver's Licence in respect of Mr S A.

The Sub Committee considered that Mr S A was not fit and proper to hold a Sandwell Licence and had no reason to depart from the guidelines. Mr S A had admitted the offence of plying for hire and had been convicted of this offence previously.

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

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

Mr S 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 13.29)

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