

**Minutes of the
Licensing Sub Committee 2**

**28th October 2019 at 10.00am
at Sandwell Council House, Oldbury**

Present: Councillor Rouf (Chair);
Councillors Downing, Eaves and I Jones.

33/19 Declaration of Interests

Councillor Rouf declared a personal interest in the application for a Private Hire Driver's Licence in respect of Mr A A in that he knew the applicant (Minute No. 39/19 referred).

34/19 Minutes

Resolved that minutes of the meeting held on 5th August 2019 be confirmed as a correct record.

35/19 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

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36/19 **Application for the grant of a Private Hire Driver's Licence in respect of Mr Q K**

Members were advised that Mr Q K had notified the Taxi Licensing Office that he had been unable to obtain legal representation for the meeting and had asked for the matter to be deferred.

The Committee agreed that the matter be deferred to a future Sub Committee to enable the driver to obtain legal representation.

Resolved that the application for the grant of a Private Hire Driver's Licence in respect of Mr Q K be deferred to a future meeting.

37/19 **Application for the review of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr M K**

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

Mr M K was present at the meeting, along with a family member for support, and confirmed he had received a copy of the report.

The Sub Committee was advised that Mr M K's licence had been suspended following his failure to notify the Council of an arrest for allegations of serious offences in September 2019.

Mr M K explained the circumstances surrounding his allegations and the reason why he had been unable to notify the licensing office within the timescales specified. The allegations had been dropped by the police following withdrawal of the accusations. The Sub Committee also noted that Mr M K had changed operators and had not notified the licensing office.

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 warn Mr M K as to his future conduct and the effect that any further issues may have on his licence. Members supported the actions taken under delegated powers to suspend the licence due to the nature of the allegations. The Sub Committee

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reserved the right for the review to be revisited, should any additional information be provided, by the police, following the meeting.

Resolved:-

- (1) that Mr M K be warned as to his future conduct and the effect that any further issues may have on his licence.
- (2) that a further report be submitted in the event that any additional information was provided by the Police which required the review to be revisited.

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.

(Councillor Downing joined the meeting)

38/19

Application for the review of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr S S

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

Mr S S was present at the meeting along with a representative from the driver's association for support and confirmed he had received a copy of the report.

The Taxi Licensing Office had received a complaint that Mr S S had refused to transport a customer's electric wheelchair.

Mr S S explained the circumstances surrounding the complaint, he described the wheelchair as heavy and more like a scooter. Mr S S believed he was unable to lift the scooter and called into the base to ask for another driver to assist and meet the customer's needs.

The Sub 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, the Sub Committee was minded to take no action in respect of Mr S S's Dual Private Hire and Hackney Carriage Driver's Licence.

The Sub Committee considered the period of time Mr S S had been a professional driver and deemed Mr S S to be a fit and proper person. The Sub Committee suggested that it would be helpful to clarify with the base if Mr S S had concerns regarding lifting.

Resolved that no action be taken in relation to the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr S S.

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.

(Councillor Rouf left the meeting and Councillor I Jones took the chair)

39/19

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

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

Mr A A was present, along with his solicitor Mr I, and confirmed he had received a copy of the report.

The Sub Committee was advised that Mr A A had three convictions for No Insurance in the past 10 years and policy outlined that a licence would not be granted if an applicant had more than one conviction in the last 10 years.

Mr A A explained the circumstances surrounding his convictions and the last conviction being in 2014. Mr A A had been unemployed for 12 months and was keen to return to taxi driving.

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 refuse the application of a Private Hire

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Driver's Licence in respect of Mr A A. Members had considered all options however, the convictions still fell within the guidelines and members had no reason to depart from the guidelines on this occasion.

Resolved that the application for a Private Hire Driver's Licence in respect of Mr A A be refused.

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 AA 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.

(Councillor Rouf returned to the meeting and took the Chair).
(Councillor Downing left the meeting).

40/19

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

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

Mr I J was present at the meeting, with his legal representative Mr U, and confirmed he had received a copy of the report.

Mr I J explained the circumstances surrounding his convictions. The Committee was advised that Mr I J had been suspended due to notification that he had been charged with a serious offence.

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

The Sub Committee was minded to defer the review of a Dual Private Hire and Hackney Carriage in respect of Mr I J in order that officers could obtain further details. The licence would remain suspended pending the outcome of the investigation.

Resolved that the review of a Dual Private Hire and Hackney Carriage be deferred to a future meeting of the Licensing Sub

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Committee in respect of Mr I J and that the licence in respect of Mr I J remains suspended.

(Meeting ended at 3.56pm)

Contact Officer: Trisha Newton Democratic Services Unit 0121 569 3193
