

**Minutes of the
Licensing Sub Committee 3**

11th July 2017 at 10.00 am
at Sandwell Council House, Oldbury

Present: Councillor Piper (Chair);
Councillors Downing; Eaves and Tranter.

Apology: Councillor K Davies.

1/17

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.

2/17

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

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

Mr M S K attended the meeting along with his friend, Mr B S and his legal representative, Mr R M.

Mr R M pointed out that the report should read that Mr M S K had actually pleaded not guilty in court, the report stated that he had pleaded guilty.

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Mr R M explained the circumstances surrounding Mr M S K's conviction for touting for hire. Mr M S K had pulled over to take a call on his mobile. The call was from a previous customer who wanted to be picked up. Mr M S K asked if the customer wanted to book a taxi and if he did he needed to call the base. This was overheard by two enforcement officers opposite Mr M S K's vehicle, the officers approached the vehicle as they presumed that the question had been directed at them. They proceeded to ask Mr M S K if he had a booking to which he replied that he was not booked and drove off. The enforcement officers followed Mr M S K's vehicle and took a photograph of the taxi licence plates. Subsequently he was contacted by Birmingham Licensing office to attend an interview to provide an explanation.

On 10th January 2017, Mr M S K attended the Taxi Licensing Office to inform officers that he had been convicted of Touting on 9th January 2017 at Birmingham and Solihull Magistrates Court.

Mr R M stated that Mr M S K had a good driving record and clean licence, he also presented the Committee with a reference from Mr M S K's base stating that he had great integrity, manners and was a good timekeeper.

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 Committee were minded to suspend the Private Hire Driver's Licence in respect of Mr M S K for a period of one month.

The reason for the decision was that the Committee considered that Mr M S K had exhibited inappropriate behaviour to that expected of a Sandwell licence holder.

Resolved that the Private Hire Driver's Licence in respect of Mr M S K be suspended for a period of one month.

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

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cases of McCool v Rushcliffe Borough Council 1998 and Leeds City Council vs Hussain 2002.

Mr M S K was 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.

3/17

Application for the Renewal of a Hackney Carriage Driver's Licence in respect of Mr A H

Members considered an application for the renewal of a Hackney Carriage Driver's Licence in respect of Mr A H.

Mr A H attended the meeting with his legal advisor, Mr R M.

Mr R M explained the circumstances surrounding the conviction in 2007 for a drink drive offence and the allegation of sexual assault and also the allegations of sexual offences in 2013 which were investigated, however, Mr A H was not prosecuted and the case was closed.

Mr A H had driven his friend and a young female to a friend's house where he was residing. Mr A H had presumed the female was his friend's girlfriend. Mr A H stated that he knew nothing about the sexual activity that was taking place at the property as he was in another room.

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 Committee were minded to refuse to renew the Hackney Carriage Drivers Licence in respect of Mr A H.

The reason for the decision was that members considered that Mr A H was not a fit and proper person to hold a Sandwell licence. Mr A H had exhibited inappropriate behaviour to that expected of a Sandwell licence holder and the safety of the public was of paramount importance to the Committee.

Resolved that the application to renew the Hackney Carriage Driver's Licence in respect of Mr A H be refused.

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In making the decision the Committee had regard to the Human Rights Act 1998, Council Policy and Guidelines, the Local Government (Miscellaneous Provisions) Act 1976 and the case of McCool v Rushcliffe Borough Council 1998.

Mr A H was 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 Eaves left the Meeting at 12.45pm

4/17

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

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

Mr M M attended the meeting and explained why, in his view, no action should be taken in respect of his Private Hire Driver's Licence.

Mr M M had been cautioned by police, for failing to wear his Private Hire Driver's Identification Badge. Mr M M reported this to the Taxi Licensing Office on 11th May 2017. Mr M M stated that on the day he had returned home for lunch and left his badge on his jacket.

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 Committee were minded to take no action in respect of Mr M M's Private Hire Driver's Licence.

The reason for the decision was that the Committee had accepted Mr M M's explanation.

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

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In making the decision the Committee had regard to the Human Rights Act 1998, Council Policy and Guidelines, the Local Government (Miscellaneous Provisions) Act 1976 and the case of McCool v Rushcliffe Borough Council 1998.

5/17

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

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

Mr V D did not attend the meeting, however, he had submitted a letter asking for the matter to be heard in his absence.

The Committee was informed that, on 15th May 2017, Mr V D had informed the Taxi Licensing Office that he had received a caution from Birmingham City Council for failing to wear his Private Hire Driver's Identification Badge.

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

In the absence of a reason or explanation the Committee were minded to warn Mr V D as to his future conduct and the effect any further issues may have on his licence.

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

In making the decision the Committee had regard to the Human Rights Act 1998, Council Policy, the Local Government (Miscellaneous Provisions) Act 1976 and the case of McCool v Rushcliffe Borough Council 1998.

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6/17

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

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

Mr B A K M attended the meeting with his son, Mr A M, for support.

The Licensing Manager advised the Committee that Mr B A K M had previously appeared before the Committee on 7th June 2016 and a Dual Private Hire and Hackney Carriage Driver's Licence had been renewed with a warning.

Mr B A K M completed an application form for the statutory three yearly DBS check, however Mr B A K M failed to produce his DBS check to the Licensing Office when requested on two separate occasions.

On 18th May 2015 Mr B A K M had submitted an application for the renewal of his licence and declared that he had received no convictions, cautions or reprimands. Mr B A K M had also failed to report the conviction in 2013, for no insurance, to the licensing office.

Mr B A K M explained that he was stopped by police during a routine taxi inspection and he was driving a vehicle which displayed Birmingham City licensing plates.

Mr B A K M was unaware that he should not have been driving a Birmingham registered taxi.

Mr B A K M apologised for not disclosing the offences and stated that he had not deliberately given false information he had been confused.

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 the Committee were minded to renew the Dual Private and Hackney Carriage Driver's Licence in respect of Mr B A K M.

The reason for the decision was that the Committee considered Mr B A K M to be a fit and proper person to hold a Sandwell licence. The Committee had accepted Mr B A K M's explanation surrounding his failure to disclose his convictions.

Resolved that the Dual Private and Hackney Carriage Driver's Licence in respect of Mr B A K M be renewed.

In making the decision the Committee had regard to the Human Rights Act 1998, Council Policy, the Local Government (Miscellaneous Provisions) Act 1976 and the case of McCool v Rushcliffe Borough Council 1998.

(proceedings ended at 2.10pm)

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