

**Minutes of the
Licensing Sub Committee 3**

**9th January 2018 at 10am
at the Sandwell Council House, Oldbury**

Present: Councillor Tranter (Chair);
Councillors K Davies, Downing and White

1/18 **Minutes**

Resolved that the minutes of the meeting held on 14th November 2017 be approved as a correct record.

2/18 **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.

3/18 **Application for the Review of a Private Hire Driver's Licence in respect of Mr A M**

Members considered an application for the review of a Private Hire Drivers Licence in respect of Mr A M.

Mr A M had advised the licensing office to advise that he was unable to attend the meeting due to a custodial sentence he was serving.

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The Licensing Manager advised the Committee that Mr A M had previously appeared before Committee on 3rd March 2015 as he had submitted an application for a Private Hire Driver's Licence on 24th June 2014 and a DVLA search had disclosed convictions on 5th September 2012 for no insurance and driving otherwise than in accordance with a licence. The Private Hire Driver's Licence had been granted for a shorter period of six months and the licence to be renewed for the remaining period should no problems arise. Mr A M was also issued with a warning as to future conduct.

On 20th April 2017, the licensing office had been informed by West Midlands Police that Mr A M had been charged with sexual assault by touching. Mr A M's licence was immediately suspended and plates and badges had been returned to the licensing office on 2nd May 2017.

Mr A M was convicted on 25th October 2017, for sexual assault and received a ten months custodial sentence, a victim surcharge and placed on the sex offenders register for ten years.

The Committee was advised that the victim had been a passenger in Mr A M's taxi and had been left suffering with nightmares as a result of the incident and no longer felt safe going out at night.

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 A M with immediate effect.

The reason for the decision was that the Committee considered that Mr A M was not a fit and proper person to hold a licence in Sandwell. The safety of the public was of paramount importance to the Committee. Members were concerned about the long-term effects that the assault had on the victim.

Resolved that the Private Hire Driver's Licence in respect of Mr A M be revoked with immediate effect.

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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Mr A 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.

4/18

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

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

Mr M S did not attend Committee, however the Licensing Manager confirmed that Mr M S had been invited to attend the Committee meeting, therefore the Committee decided to hear the matter in absence.

The Licensing Manager advised the Committee that Mr M S had held a Dual Private Hire and Hackney Carriage Driver's Licence since 21st July 2014. On 26th September 2016, Mr M S had been charged with conspiring to supply a Class A drugs (heroin and cocaine).

Mr M S's licence had been suspended immediately and badges and plates had been returned to the licensing office.

On 17th October 2017, at Gloucester Crown Court, Mr M S pleaded guilty to two counts of concerned in the supply of class A drugs (heroin and cocaine) and received a suspended prison sentence and 150 hours of unpaid community service.

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 refuse the renewal of the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr M S.

The reason for the decision was the Committee considered that Mr M S was not a fit and proper person to hold a Sandwell licence.

Resolved that the Renewal of the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr M S be refused.

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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 S 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.

5/18

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

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

Mrs A K attended the meeting with Ms K B, her legal advisor and Mr I K, the driver representative. A representative from West Midlands Police was also in attendance.

The Licensing Manager addressed the Committee to advise that the application for the review of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mrs A K had been brought to Committee under Section 7.2 of the Private Hire and Hackney Carriage Licensing Policy dated 1st October 2017.

The Committee was advised that Mrs A K had previously appeared before the Licensing Committee on 9th August 2018 due to the conviction on 1st June 2016 from Wolverhampton Crown Court for perverting the course of justice. She received a sentence of 6 months imprisonment, suspended for 12 months and 150 hours of unpaid community service and costs.

On 25th May 2015 West Midlands Police had informed the licensing office that Mrs A K was being investigated for making a false nomination on a Notice of Intended Prosecution in respect of an Enforcement Camera activation. Mrs A K had denied receiving the notification and entering a fictitious driver name on the notice. During the investigation finger prints belonging to Mrs A K had been found on the notice proving that Mrs A K had seen the notice.

Ms K B explained the circumstances surrounding the offence. Mrs A K had opened the Notice of Intended Prosecution however

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she was travelling to India and had set it aside. She had agreed that a friend would fill in the form for her. She regretted her decision and confessed that she should have admitted to the offence.

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 Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mrs A K.

The reason for the decision was that they considered that Mrs A K was not a fit and proper person to hold a Sandwell licence. The Committee felt that the conviction was for a serious offence and was very recent.

Resolved that the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mrs A K 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.

Mrs A K would be advised of her right to appeal, and should she wish to exercise that right, must do so to the Magistrates' Court within 21 days of receiving written notification of the decision.

6/18

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

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

Mr S A attended the meeting with his legal advisor Ms K B.

The Licensing Manager addressed the Committee to advise that the application for the renewal of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mrs A K had been brought to Committee under Section 7.1 of the Private Hire and Hackney Carriage Licensing Policy dated 1st October 2017.

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Mr S A explained the circumstances surrounding the offences for the speeding convictions and the totting up ban on 24th August 2017 which carried a six-month disqualification from driving.

Mr S A stated that he had been caught by the average speed cameras that had been installed in Birmingham and he had not been aware of these. He felt that he had been following the flow of traffic and did not realise what speed he was travelling.

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 refuse to renew the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr S A.

The safety of the public was of paramount importance to the Committee and members had expressed concern that a professional driver had accumulated so many speeding points over a short period of time. The guidelines stated that a driver should be free of this type of conviction for at least twelve months before applying for a licence.

Resolved that the application for the renewal of the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr S A be refused.

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 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.

7/18

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

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

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Mr M M A A did not attend Committee, however the Licensing Manager confirmed that Mr M M A A had been invited to attend and therefore the Committee decided to hear the matter in absence.

On 24th May 2016 the Taxi Licensing Office discovered that Mr M M A A had a conviction dated 31st March 2016 and had received six penalty points for exceeding the statutory speed limit. Mr M M A A had not reported this to the Licensing Office.

On 1st August 2017 Mr M M A A attended the Taxi Licensing Office to advise that on 27th July 2017 he had been convicted for failing to give information as to the identity of the driver and received a six month disqualification from driving and a fine.

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 M A A.

The reason for the decision was that failure to provide information as to the identity of a driver was a major traffic offence and considered that Mr M M A A was not a fit and proper person to hold a Sandwell licence.

Resolved that the Private Hire Driver's Licence in respect of Mr M M A A 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 M A 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 1.40pm)

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