

**Minutes of the
Licensing Sub Committee 3**

**21st August at 10am
at Sandwell Council House, Oldbury**

Present: Councillor White (Chair);
Councillors S Crumpton, K Davies and S Davies.

Apology: Councillor Tranter.

26/18 **Minutes**

Resolved that the minutes of the meetings held on 5th April 2018 and 10th July 2018 be confirmed as a correct record.

27/18 **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.

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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28/18

Application for a Grant of a Private Hire and Hackney Carriage Driver's Licence in respect of Mr G

Members considered an application for a new Private Hire and Hackney Carriage Driver's Licence in respect of Mr G.

Mr G was present at the Meeting and confirmed that he had received a copy of the report.

On 9th August 2017 Mr G had applied for a Private Hire Driver's Licence and on his application form had not declared any convictions, however his DBS certificate dated 21st June 2018 revealed convictions from 2010.

On 25th August 2010 Mr G had been convicted at Birmingham Magistrates Court for driving otherwise than in accordance with a licence, resisting/obstructing a constable and a no insurance offence and had received 8 penalty points and fines totalling £230.

On 31st October 2010 Mr G had received a caution for assault occasioning actual bodily harm.

Mr G explained the circumstances surrounding the convictions. In respect to the driving conviction, he stated that he had been driving his friend's vehicle and had assumed that the vehicle was insured for him to drive. In respect to the caution, he remarked that it had been a domestic incident and his wife had called the police. He was still married and living with his wife.

The Licensing manager shared the original application form with Committee, the Solicitor and the applicant. No convictions had been disclosed on the form, he indicated that he had completed the form himself and confirmed that it was his signature on the form

Mr G explained that he had failed to disclose the convictions as they were over 5 years old.

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, members were minded to refuse to grant a Private Hire Driver's Licence in respect of Mr G.

The Council Guideline stated that a new applicant should be free of convictions for violent offences for a minimum period of ten years. The application form clearly stated that all offences be declared and the Committee was not completely satisfied with Mr G's explanation for non-disclosure.

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

29/18 **Application for the Renewal of a Private Hire Driver's Licence in respect of Mr H**

Members were advised that Mr H 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 the 18th September to enable the driver to obtain legal representation.

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

30/18 **Application for the Renewal of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr M**

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

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

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Mr M had previously appeared before the Licensing Sub Committee on 6th September 2016 (Minute No 114/16) and his Dual Private Hire and Hackney Carriage Driver's Licence had been suspended for a period of 56 days and he had been warned in respect of his conduct and the effect any further problems may have on his licence.

On 4th August 2016 Mr M was convicted of plying for hire and no insurance offence at Birmingham Magistrates Court and received a fine and 6 penalty points.

Mr M explained that he had been caught plying for hire on 4th December 2015 in Birmingham. It had happened early on in his career as a Taxi Driver and he admitted that he had made a mistake and would not ply for hire 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, members were minded to renew the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr M. The Committee felt that they could depart from their guidelines, on this occasion.

The guidelines stated that a driver should be free of a no insurance conviction for a period of three years, however the offence had been committed over two years ago and there had been no repetition. Mr M was not an experienced driver at the time of the offence and he had been suspended at a previous Committee for this conviction.

Resolved

- (1) that the Dual Private Hire and Hackney Carriage Driver's Licence in respect Mr M be renewed;
- (2) that Mr M be warned as to his future conduct and the effect that any further problems 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 and the Human Rights Act 1998.

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

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

Mr K was present at the meeting along with a friend for support and confirmed that he had received a copy of the report.

Mr K had previously appeared before Committee on 21st July 2017 (Minute No 14/17) and his Dual Private Hire and Hackney Carriage Driver's Licence had been renewed and suspended for two months.

On 25th May 2017 Mr K had been convicted at Birmingham Magistrates Court of Plying for Hire and no insurance offence and received a fine and six penalty points.

Mr K explained the circumstances surrounding his conviction. He stated that this had happened early in his career and he recognised he had made a mistake and it would not happen again. He had changed his base and moved away from working in Birmingham.

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 warn Mr K as to his future conduct and the effect that may have on his Dual Private Hire and Hackney Carriage Driver's Licence.

The guidelines stated that a driver should be free of a no insurance conviction for a period of three years, however the offence had been committed over two years and there had been no repetition. The Committee decided that they could depart from their guidelines on this occasion and Mr K had altered his working practice and changed base. The conviction had been dealt with at the previous Committee.

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Resolved

- (1) that the Dual Private Hire and Hackney Carriage Driver's Licence in respect Mr K be renewed;
- (2) that Mr K be warned as to his future conduct and the effect that any further problems 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 and the Human Rights Act 1998.

32/18

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

Members were advised that Mr Y had notified the Taxi Licensing Office stating 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 the 18th September to enable the driver to obtain legal representation.

Resolved that the application for the renewal of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr Y be deferred.

(Meeting ended at 12.20pm)

<p>Contact Officer: Shane Parkes Democratic Services Unit 0121 569 3190</p>
