

**Minutes of the  
Licensing Sub Committee 3**

**9<sup>th</sup> October 2018 at 10am  
at Sandwell Council House, Oldbury**

**Present:** Councillor White (Chair);  
Councillors S Crumpton, Millard and Tranter.

**Apology:** Councillor K Davies.

**33/18 Minutes**

**Resolved** that minutes of the meeting held on 21<sup>st</sup> August 2018 be approved as a correct record.

**34/18 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 Licensing Sub Committee to consider Local Government (Miscellaneous Provisions) Act 1976 – Private Hire Driver’s/Vehicles/Operators Licensing related matters**

**35/18 Application for the Renewal of Private Hire Driver’s Licence in respect of Mr H**

Members considered an application for the Renewal of Private Hire Driver’s Licence in respect of Mr H.

**Licensing Sub Committee 3**  
**9<sup>th</sup> October 2018**

Mr H was present at the meeting along with his wife and the vice-chair of Sandwell Private Hire Association for support and confirmed that he had received a copy of the report.

Mr H had previously appeared before the Licensing Sub Committee on 27<sup>th</sup> June 2017 (Minute No. 7/17 referred) and the Private Hire Driver's Licence in respect of Me H had been granted with a warning as to his conduct and the effect any further issues may have on his licence.

Mr H provided a written explanation of the circumstances surrounding his convictions, to the Committee.

In February 2011, Mr H had been convicted of making false representation to make gain for self or another or cause loss to other/expose other to risk at Birmingham Crown Court and had received a four month suspended custodial sentence and 100 hours unpaid, supervised work.

Mr H explained the circumstances surrounding his conviction. He stated that this had happened early in his career and explained his friend had committed the fraud using his details and Mr H had improved his life since.

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 Private Hire Driver Licence in respect of Mr H. The reason that they departed from their guidelines was the period of time which had elapsed since the conviction and Mr H had no other issues since.

**Resolved:-**

- (1) that the application for a Private Hire Driver's Licence in respect of Mr H be renewed;
- (2) that Mr H 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.

**Licensing Sub Committee 3**  
**9<sup>th</sup> October 2018**

36/18      **Application for the Renewal of Private Hire Driver's Licence in respect of Mr R**

Members considered an application for the Renewal of Private Hire Driver's Licence in respect of Mr R.

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

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 defer the application until more information had been received from a neighbouring authority in respect of Mr R's licence history.

**Resolved** that application for the renewal of a Private Hire Driver's Licence in respect of Mr R be deferred to a future meeting.

37/18      **Application for the review of Private Hire Driver's Licence in respect of Mr H(2)**

Members considered an application for the Private Hire Driver's Licence in respect of Mr H(2).

Mr H(2) was present at the meeting along with a family member for support and confirmed that he had received a copy of the report. Councillor Tranter indicated that he knew the family member but did not feel an interest needed to be declared.

Mr H(2) had previously appeared before the Licensing Sub Committee on 2<sup>nd</sup> February 2016 (Minute No. 15/16 referred) and his Private Hire Driver's Licence had been granted with a warning in respect of his conduct and the effect any further issues may have on his licence.

On 21<sup>st</sup> February 2018 Mr H(2) was convicted of a MS90 offence, a failure to give information as to the identity of a driver and had received six penalty points on his licence.

**Licensing Sub Committee 3**  
**9<sup>th</sup> October 2018**

Mr H(2) explained the circumstances surrounding his conviction. Mr H(2) stated that on the day of his conviction, his vehicle had been recovered by a car breakdown company for repairs. He alleged that the company had test driven the car and were responsible for the speeding offence, however they would not supply the name of the driver which resulted in Mr H(2) failing to provide information of the offence to the police.

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 H(2). The reason for the decision was that for major traffic offences, a period of three years free from this type of conviction should have elapsed before an application was considered.

**Resolved** that the Private Hire Driver's Licence in respect of Mr H(2) 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 H(2) 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.

38/18

**Application for the Renewal of Private Hire Driver's Licence in respect of Mr S**

Members were advised that Mr S 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 later date 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 S be deferred to a future meeting.

**Licensing Sub Committee 3**  
**9<sup>th</sup> October 2018**

39/18

**Application for the Renewal of Private Hire Driver's Licence in respect of Mr S(2)**

Members considered an application for the Renewal of Private Hire Driver's Licence in respect of Mr S(2).

Mr S(2) was present at the meeting and confirmed that he had received a copy of the report.

Mr S(2) had previously appeared before the Licensing Sub Committee on 13<sup>th</sup> June 2017 (Minute No. 10/17 referred) and his Private Hire Driver's Licence had been granted.

On 22<sup>nd</sup> June 2014, Mr S(2) had been convicted of speeding and driving with no insurance and had received three penalty points on his licence a £220 fine and a three-month ban.

The Committee asked Mr S(2) to explain the circumstances around his numerous convictions. Mr S(2) explained that in an emergency situation, he had driven his sister to the hospital in her car.

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 Private Hire Driver's Licence in respect of Mr S(2) and warn him as to his future conduct and the effect that further issues may have on his licence.

Members decided to depart from guidelines, as they considered Mr S(2) had not had any further convictions and accepted that he had matured and realised that he had made mistakes.

**Resolved**

- (1) that the application for a Private Hire Driver's Licence in respect of Mr S(2) be renewed;
- (2) that Mr S(2) be warned as to his future conduct and the effect that any further problems may have on his licence.

**Licensing Sub Committee 3**  
**9<sup>th</sup> October 2018**

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.

(Meeting ended at 12.40pm)

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