

**Minutes of the
Licensing Sub Committee 3**

**20th November 2018 at 10.00am
At Sandwell Council House Oldbury**

Present: Councillor Dr T Crumpton (Chair);
Councillors S Crumpton, Eaves and Lewis;

Apologies: Councillors Tranter and White.

40/18 **Minutes**

Resolved that the minutes of the meeting held on 9th October 2018 be approved as a correct record.

41/18 **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

42/18 **Application for the Grant of a Private Hire Driver’s Licence in respect of Mr M A**

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

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

Mr M A had previously held a licence between 25th July 2014 and 24th July 2017 which had lapsed.

In May 2016 Mr M A had been convicted of a CD10 offence of driving without due care and attention and had received a fine and eight penalty points on his licence.

Mr M A had previously appeared before the Licensing Committee on 28th June 2016 and his Private Hire Driver's Licence had been suspended for a period of 28 days (Minute No. 75/16 referred).

Mr M A explained the circumstances surrounding the conviction. He stated that his passenger was pressurising him to go faster, Mr M A had overtaken a vehicle, and police had felt that the manoeuvre was dangerous.

Mr M A was genuinely remorseful and would not allow anyone to put him under pressure to drive faster.

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 grant the Private Hire Driver's Licence in respect of Mr M A and to warn him as to his future conduct and the effect that any further issues may have on his licence.

The Committee felt that they could depart from their guidelines on this occasion, as almost two and a half years had elapsed since the conviction. Guidelines stated that a driver should be clear of Major Traffic offences for a period of three years.

Resolved:-

- (1) that a Private Hire Driver's Licence in respect of Mr M A be granted;
- (2) that Mr M A be warned as to future conduct and the effect that any further issues may have on his licence.

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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.

43/18

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

In June 2016 Mr M M had been convicted of driving a vehicle with a defective tyre and had been issued with a fixed penalty notice.

Mr M M had previously appeared before the Licensing Sub Committee on 24th January 2017 and had received a period of two months suspension on his Private Hire Driver's Licence (Minute No. 4/17referred).

A full Private Hire Driver's Licence in respect of Mr M M had been issued in error on 14th June 2018.

Mr M M explained the circumstances surrounding his conviction and assured the Committee that he checked his tyres regularly and had learnt from his mistake.

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 take no action in respect of the Private Hire Driver's Licence in respect of Mr M M.

The Committee felt that they could depart from their guidelines on this occasion, as almost two and a half years had elapsed since the conviction. Guidelines stated that a driver should be clear of Major Traffic offences for a period of three years.

Resolved that no action be taken in respect of 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 Local Government (Miscellaneous Provisions) Act 1976, Council Policy and Guidelines and the Human Rights Act 1998.

44/18

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

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

Mr I A was present at the Meeting with his legal advisor Mr I and confirmed he had received a copy of the report.

In November 2000, Mr I A was convicted at Birmingham Magistrates Court for failing to provide a specimen for analysis and he was disqualified from driving for a period of 12 months.

In September 2001, Mr I A was convicted at Birmingham Magistrates for driving whilst disqualified and resist or obstruct a constable and had received a further disqualification from driving and a two month custodial sentence.

In October 2007, Mr I A was convicted at Aldridge and Brownhills Magistrates for making off without paying and had received a fine.

In February 2012, Mr I A was convicted at Warley Magistrates Court for driving a motor vehicle with excess alcohol and had received a disqualification from driving.

Mr I A had previously appeared before the Licensing Committee on the following occasions.

On 7th October 2008 and the Committee had decided to refuse to grant a Private Hire Driver's Licence (Minute No. 196/08 referred).

On 19th October 2010 and the Committee had decided to grant a Private Hire Driver's Licence in respect of Mr I A (Minute No. 165/10 referred).

On 21st July 2017 and the Committee had decided to refuse to grant a Private Hire Driver's Licence (Minute No. 15/17 referred).

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Mr I A explained the circumstances surrounding the conviction in 2012 for driving with excess alcohol, he had been at a family party and two sisters had argued, one of them had stormed out and he was concerned for her safety as it was dark, he got in his vehicle and drove off to fetch her back.

Mr I A stated that he had changed and was more responsible since he got married and started a family. He had committed no further offences since receiving his licence back.

Mr I A informed the Committee that he no longer drank alcohol.

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 grant a Private Hire Driver's Licence in respect of Mr I A and to warn him as to his future conduct and the effect that any further issues may have on the Licence.

The Committee considered that they could depart from their guidelines on this occasion due to the length of time that had elapsed since the last conviction. They accepted his explanations and that he no longer drank alcohol and was more mature and responsible.

Resolved:-

- (1) that a Private Hire Driver's Licence in respect of Mr I A be granted;
- (2) that Mr I A be warned as to future conduct and the effect that any further issues 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.

45/18

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.

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Mr M S was present at the meeting with his wife for moral support and his legal advisor Mr M and confirmed that he had received a copy of the report.

In October 2010, Mr M S had been convicted of fraud at West Bromwich Magistrates Court and had received an eight-week imprisonment suspended for twelve months and 50 hours unpaid work requirement.

In September 2017, Mr M S had received three penalty points on his licence for a minor traffic offence of failing to comply with traffic light signals.

Mr M explained the circumstances surrounding the conviction on behalf of Mr M S. Mr M S's father in law had bought a property which he registered in Mr M S's name. Subsequently a relative had rented the property and claimed housing benefit to pay the rent. Mr M S stated that he knew nothing of this arrangement and had not received any money, however since he was registered owner of the property could not claim that he had no involvement in the matter. Mr M S immediately paid back the benefit claim in full and undertook his unpaid work.

In respect of the offence for failing to comply with traffic light signals, Mr M S maintained that he crossed the traffic lights on amber, however the police stated that he crossed on the red light.

Mr M S had previously appeared before committee on 1st December 2010 and had received a period of 28 days suspension on his licence Minute No. 186/10 referred).

Mr M S provided a number of character references from customers and his employer to the Committee.

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 S.

The Committee considered that it could depart from their guidelines on this occasion due to the length of time which had

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elapsed since the conviction for fraud and the minor traffic offence was the only other conviction that Mr M S had received since.

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

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.

46/18

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 and confirmed he had received a copy of the report.

In March 2017, Mr S S had been convicted at Birmingham Magistrates Court for failing to stop and failing to report an accident.

In December 2009, Mr S S had received 3 penalty points on his licence for driving a vehicle with no insurance offence and had been cautioned by West Midlands Police for Battery.

Mr S S had previously appeared before the Licensing Miscellaneous Committee on 13th October 2015 and the Committee granted a Hackney Carriage Driver's Licence for an initial six-month period.

The Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr S S had been renewed by the Taxi Licensing Office on 11th September 2018 in error prior to referring to Committee.

Mr S S advised the Committee that he had appeared before Committee on 27th June 2017 and the Committee had suspended his Private Hire Driver's Licence and Hackney Carriage Driver's Licence for a period of 2 months (Minute No. 8/17 referred).

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On 8th May 2017, Mr S S attended the Taxi Licensing Office to report that he had received convictions for failing to report an accident and failing to stop at the scene.

Mr S S explained the circumstances surrounding the accident. He stated that he didn't realise that he had been involved in an accident but accepted that he could have hit the vehicle with his Hackney Carriage and not realised. If he had realised that he had been involved in an accident he would have reported it and stopped. There was only the word of the driver involved, however Mr S S had pleaded guilty to the offence as he was unsure if he had hit the car. Mr S S also explained that the conviction in 2009 in respect of no insurance was due to the fact that he only had a provisional licence, therefore, not covered by the insurance held. In respect to the caution for Battery Mr S S stated that someone had attacked him and he had called the police who subsequently gave him a caution.

Mr S S did regret the offences and apologised for his behaviour.

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 take no action against the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr S S.

The reason for the decision was that the matter had previously been to Committee and the Committee accepted the driver's explanation that he had not realised that he had been involved in an accident.

Resolved that no action be taken in regard 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 and the Human Rights Act 1998.

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47/18

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

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

Members were advised that Mr H M had lived outside of this country whilst over the age of 18 and was unable to produce a certificate of good conduct from the country they had lived in.

Members were minded to defer the matter to allow Mr H M to obtain information that would satisfy the Committee as to his fitness and propriety.

Resolved that the application for the Grant of a Private Hire Driver's Licence in respect of Mr H M be deferred to a future meeting of the Committee.

(Meeting ended at 2.23pm)

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

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