

**Minutes of the
Licensing Sub Committee 3**

**8th July 2019 at 10.00 am
at Sandwell Council House, Oldbury**

Present: Councillor S Davies (Chair);
Councillors Downing and G Gill;

Apologies: Councillors Crumpton and Moore.

27/19 **Minutes**

Resolved that the minutes of the meeting held on 20th March, 8th and 9th April 2019 be confirmed as a correct record.

28/19 **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

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29/19

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

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

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

Mr S B had appeared before the Licensing Sub Committee on 23rd April 2019 (Minute No. 21/19 referred) as he had been convicted for being drunk in charge of his licensed vehicle and his Dual Private Hire and Hackney Carriage Driver's Licence was suspended for a period of four weeks.

On 29th April 2019, the Licensing Office received information that Mr S B had been arrested again by the Police for a non-motoring related matter. It was alleged that Mr B had been intoxicated on arrest and had disclosed that he had a problem with drink.

On 10th June 2019, Mr S B attended the Licensing Office, having served his four-week suspension.

Mr S B was interviewed about the second arrest and accepted that he was in breach of his Dual Hackney Carriage and Private Hire Driver's Licence conditions as he had not reported the second arrest.

Mr S B explained the circumstances surrounding the incident and stated that he had taken medical advice from his own Doctor which had resulted in a referral to an organisation that worked with individuals with a drink or drugs issue. Mr S B stated that he had not had an alcoholic drink in seven weeks.

Mr S B stated that he had not reported the arrest as he had not been charged with any offence.

The Sub 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 Sub Committee was minded to revoke the licence as Mr S B had been drinking to excess and was not fit and proper to hold a Sandwell Licence. Mr S B had been a taxi driver for 20 years and should have been aware that any incidents must be reported to the Licensing Office within seven days.

Mr S B had been involved in two alcohol related incidents within a short period of time and it was considered that there was a risk to public safety.

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

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

Mr S B 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.

30/19

Application for the grant of a Private Hire Driver's Licence in respect of Mr R T

Members considered an application for the grant of a Private Hire Driver's Licence in respect of Mr R T.

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

Mr R T had failed to disclose on his application form a juvenile conviction from 2004, had received convictions in 2006 for driving offences and had been disqualified from driving for a period of six months.

Mr R T explained the circumstances surrounding the convictions and stated that he had failed to disclose the juvenile conviction as he had originally obtained a standard CRB check and the offence had not appeared. The offences had happened a long time ago and he had not intended to deceive in anyway.

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

Having considered all the information before them, the Sub Committee was minded to grant the Private Hire Driver's Licence in respect of Mr R T.

The Sub Committee considered that a significant period of time had elapsed since the convictions and accepted that Mr R T did not intentionally fail to declare the conviction on his application form.

Resolved that a Private Hire Driver's Licence in respect of Mr R T be granted.

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

Mr R T 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.

31/19

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

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

Mr R M was present at the meeting with his cousin, Mr M, for moral support.

Mr R M had failed to disclose a speeding offence from March 2018 on his application form.

Mr R M explained that he had submitted his application on line and had experienced problems with the system, however, he had uploaded his DVLA summary which showed the offence and the three penalty points received and he had not intentionally failed to disclose.

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

Having considered all the information before them, the Sub Committee was minded to grant the Private Hire Driver's Licence in respect of Mr R M.

The Sub Committee accepted that Mr R M had not intentionally made a false declaration and he had experienced problems when completing the form online.

Resolved that a Private Hire Driver's Licence in respect of Mr R M be granted.

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

Mr R 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.

32/19

Application for the grant of a Private Hire Driver's Licence in respect of Mr Q K

The Sub Committee was advised that Mr Q K had informed the Taxi Licensing Manager that his legal advisor was unable to attend due to illness and asked that the matter be deferred.

The Sub Committee was minded to defer the matter to a future meeting of the Licensing Sub Committee.

Resolved that the application for the grant of a Private Hire Driver's Licence in respect of Mr Q K be deferred to a future meeting.

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

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

Mr M Y was present at the meeting with Mr K, a friend, who would act as an interpreter if needed.

The Sub Committee was advised that Mr M Y had an endorsement for leaving a vehicle in a dangerous position for which he had received a fine and three penalty points on his Licence. Mr M Y had not informed the Licensing Office and had not disclosed the endorsement on his application, however, this was rectified when Mr M Y attended the Licensing Office and was informed that the endorsement was on his DVLA record.

In June, Mr M Y's medical expired, despite a reminder being sent to him at the beginning of April. Mr M Y's Licence was suspended and would remain suspended pending receipt of a new medical certificate being provided.

Mr M Y explained the circumstances surrounding the endorsement and stated that he had parked near to a road junction and the yellow lines had faded on the road, he did not consider that he was parked dangerously. He had forgotten about his medical and did not report the parking incident as he was preoccupied with ongoing health issues of family members.

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

Having considered all the information before them, the Sub Committee was minded to refuse the renewal of the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr M Y.

The Sub Committee considered that Mr M Y had been distracted by family circumstances and that he was not fit and proper to hold a Sandwell licence. Public safety was of paramount importance to the Sub Committee.

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

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

Mr M Y 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 1.22pm)

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