

**Minutes of the  
Licensing Sub Committee 3**

**19<sup>th</sup> August 2019 at 10.00am  
at Oldbury Council House**

**Present:** Councillor S Davies (Chair);  
Councillors Crumpton and Downing.

**Apologies:** Councillors G Gill and Moore.

**34/19 Minutes**

**Resolved** that the minutes of the meeting held on 8<sup>th</sup> July 2019 be confirmed as a correct record.

**35/19 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.

**Licensing Sub Committee 3**  
**19<sup>th</sup> August 2019**

**Matters Delegated to the Licensing Sub Committee to consider  
Local Government (Miscellaneous Provisions) Act 1976 – Private  
Hire Driver's/Vehicles/Operators Licensing related matters**

36/19

**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 attended the meeting and confirmed that he had received a copy of the report.

The Sub Committee was advised that in January 2019, Mr M S had been convicted for using a vehicle with a defective tyre and had received three penalty points on his licence. Mr M S failed to notify the Taxi Licensing Office within seven days of the offence, in accordance with conditions of his licence.

In July 2019, Mr M S submitted an application form for renewal of his Dual Private Hire and Hackney Carriage Driver's Licence and although he declared the offence for the defective tyre he had failed to disclose previous convictions.

Mr M S explained the circumstances surrounding the conviction and stated that he visually checked his tyres for wear on a daily basis however on this occasion he may have missed this as the weather was bad. In respect of the failure to declare convictions, Mr M S claimed that he had always declared them on previous forms and he had made a genuine mistake and had not intended to mislead.

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 renew the Dual Private Hire and Hackney Carriage Driver's Licence and suspend the licence for a period of 56 days.

**Licensing Sub Committee 3**  
**19<sup>th</sup> August 2019**

The Sub Committee considered that they could depart from the guidelines on this occasion as they accepted that the driver did not intentionally fail to disclose and that he would check his vehicles tyres on a regular basis in future.

**Resolved** that the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr M S be renewed and suspended for a period of 56 days.

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 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.

37/19

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

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

Mr L H attended the meeting with Mr D his Solicitor.

In June 2019, Mr L H had been convicted of using threatening or abusive words or behaviour likely to cause harassment, alarm or distress.

Mr L H had appeared previously before committee on 12<sup>th</sup> June 2018 in respect of allegations of a sexual assault, of which he was found not guilty in Court. His Private Hire Driver's Licence was granted with a warning as to future conduct (Minute No. 30/18 referred).

In February 2019, the Taxi Licensing Office had been informed by the Police that Mr L H had been arrested for making numerous sexual remarks to two female passengers in his private hire vehicle.

**Licensing Sub Committee 3**  
**19<sup>th</sup> August 2019**

The passengers stated that they were in Birmingham and on their way to catch a train back home to Lichfield when Mr L H called them over and offered them a fare of £35 to Lichfield. During the journey Mr L H made indecent and inappropriate comments towards the passengers and he allegedly unplugged a camera inside the vehicle. The passengers asked several times for him to stop and stated that they did nothing to encourage the behaviour. When they had exited the vehicle, they took a photograph of the Licence plate. The driver got out of the vehicle and asked them not to report him. He also knocked the door of the house where the passengers had been dropped off and begged the mother of one of the passengers not to let her daughter report him as he did not want to lose his licence.

Mr L H was subsequently suspended under delegated powers and voluntarily surrendered his Private Hire driver's badges and vehicle licence plate.

It was confirmed by the base that the journey had not been pre-booked, however this charge was not pursued further by the Police.

Mr L H disputed that he had plied for hire and stated that he had believed a marshal had booked the journey.

Mr L H accepted that he did engage in inappropriate discussions with the passengers and did apologise to the passengers and their family for his behaviour and he was remorseful.

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 to renew the Private Hire Driver's Licence in respect of Mr L H.

The Sub Committee considered that Mr L H was not fit and proper to hold a licence in Sandwell. Mr L H had exhibited inappropriate behaviour despite being previously warned about his behaviour at a previous Sub Committee.

**Resolved** that the renewal of a Private Hire Driver's Licence in respect of Mr L H be refused.

**Licensing Sub Committee 3**  
**19<sup>th</sup> August 2019**

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 L H 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.

38/19

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

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

Mr A A attended the meeting and confirmed that he had received a copy of the report.

Mr A A had been convicted in February 2019 for contravention of pedestrian crossing regulations with a moving vehicle and had received three penalty points on his licence.

Mr A A had been invited before Committee for not reporting the offence to the Taxi Licensing office within seven days, in accordance with the conditions of his licence and for non-disclosure of an historic conviction on his licence renewal application form.

Mr A A explained the circumstances surrounding the conviction for contravention of a pedestrian crossing regulation and stated that he had parked his vehicle with his back tyres on the crossing. The Police had issued a ticket at the time, however he did not receive any further notification in respect of his conviction for two months, which was why he did not notify the Taxi Licensing Office. When he filled in his application form he did not remember the date of the historic conviction. He stated that he had made a mistake and did not intentionally fail to declare.

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

**Licensing Sub Committee 3**  
**19<sup>th</sup> August 2019**

Having considered all the information before them, the Sub Committee was minded to renew the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr A A and to warn him as to his future conduct and the effect that any further issues may have on his licence.

The Sub Committee considered that they could depart from the guidelines on this occasion as they accepted that Mr A A, in respect of disclosure, had made a genuine mistake. Members stressed that Mr A A must disclose all convictions on future applications and must notify the Taxi Licensing Office in respect of any incidents within the specified timescales.

**Resolved:-**

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

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.

39/19

**Application for the Review of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr S D**

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

Mr S D attended the meeting with a friend for moral support, and confirmed that he had received a copy of the report.

The Sub Committee was informed that a Licensing Enforcement Officer had seen a licenced vehicle mount the pavement to avoid traffic waiting at temporary lights, travel along the footpath and stop outside a Public House, the driver then exited the vehicle and walked towards the Public House. The Licensing Enforcement Officer described the driver being an Asian man wearing a turban.

[ILO UNCLASSIFIED]

**Licensing Sub Committee 3**  
**19<sup>th</sup> August 2019**

Further checks on the vehicle disclosed that Mr S D was the only driver named on the vehicle insurance held by the Licensing Office. Enquiries made to the driver's base revealed that the named driver no longer worked via the base. Subsequent investigations revealed that Mr S D had been working at another base since April 2019 and confirmed that Mr S D had been allocated a pick up at the Public House at the time the incident had been witnessed.

Mr S D admitted that he had driven on the pavement and cited the customer demand for a timely attendance, business pressures and family pressures as reasons for avoiding the traffic and driving onto the pavement.

Mr S D had not notified the Taxi Licensing Office in respect to change of base, in accordance with conditions of his licence.

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 revoke the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr SD.

The Sub Committee considered that Mr S D was not fit and proper to hold a licence in Sandwell. It was unacceptable for a professional driver to mount and drive on the pavement under any circumstances. Mr S D had a number of distractions including business and family pressures and should not be persuaded by the demands of customers if it meant disregarding safety.

**Resolved** that the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr S D 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 D 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.

**Licensing Sub Committee 3**  
**19<sup>th</sup> August 2019**

40/19

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

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

Mr M I attended the meeting and confirmed that he had received a copy of the report.

The Sub Committee was advised that Mr M I had failed to disclose a caution that he had received in 2014, for ignoring lights controlling traffic at a closed train depot, on his licence renewal application form.

Mr M I explained the circumstances surrounding the failure to disclose. He stated that at the time he submitted the application form that he also surrendered his licence plates as he did not intend to work whilst a close relative was seriously ill. He continued to inform the Committee that he had recently suffered a number of family bereavements and did not intend to drive until he was fully confident and less distressed.

He apologised to the Committee and stated that it was a genuine error, he made a mistake and he had not intended to deceive.

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 renew the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr M I.

The Sub Committee considered that they could depart from the guidelines on this occasion as it was accepted that Mr M I made a genuine mistake when completing his application form. They thanked Mr M I for his honesty and believed that he would not drive until he felt that he was safe to do so.

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



**Licensing Sub Committee 3**  
**19<sup>th</sup> August 2019**

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.

(Meeting ended at 1.31pm)

Contact Officer: Shane Parkes Democratic Services Unit 0121 569 3190
--