

Minutes of the Licensing Sub Committee 3

**30th September 2019 at 10.00am
at Sandwell Council House, Oldbury**

Present: Councillor Allen (Chair);
Councillors Crumpton, Downing and G Gill.

Apology: Councillor S Davies.

44/19 Minutes

Resolved that the minutes of the meeting held on 19th August 2019 be confirmed as a correct record.

45/19 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.

Licensing Sub Committee 3
30 September 2019

46/19

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

Mr A H was present at the meeting with Mr H, his brother, for moral support, Ms J, an interpreter, and Mr Q, Secretary of the Private Hire Association.

Mr A H confirmed that he had not instructed a solicitor to act on his behalf and was content to continue with the meeting.

The Sub Committee was advised that Mr A H's licence had been suspended with immediate effect under delegated powers on 10th December 2018 when Mr A H had informed the taxi licensing office that he had been arrested in December 2018 for an alleged serious offence against a passenger.

The matter was not pursued by the police as the complainant had declined to engage further with the police. However, the Sub-Committee were required to consider the circumstances of the allegation in the context of public safety in its role to protect the safety of the public.

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 A H.

The Sub Committee had no reason to depart from the guidelines and considered that Mr A H was not fit and proper to hold a Sandwell licence following the serious complaint made against him by a passenger.

Resolved that the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr A H 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.

Licensing Sub Committee 3
30 September 2019

Mr A 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.

47/19

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

Mr B Z was present at the meeting with Mr M his Legal Advisor.

Mr B Z had appeared before Committee previously on four occasions between October 2014 and November 2015 for plying for hire offences.

In May 2019 Mr B Z had been convicted for using a mobile phone whilst driving his motor vehicle and received six penalty points on his licence.

Mr B Z explained the circumstances surrounding the conviction. He explained that he usually used a Bluetooth system, however it was not charged on this occasion. Mr B Z apologised for his mistake.

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 suspend the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr B Z for a period of 28 days.

The Sub Committee felt that they could depart from the guidelines on this occasion as they accepted Mr B Z's explanation and he had not had any further issues since he last appeared before Committee, however using a mobile phone was a serious offence which could undermine public safety.

Resolved that the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr B Z be suspended for a period of 28 days.

Licensing Sub Committee 3
30 September 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 B Z 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.

48/19

Application for the review of a Private Hire Driver's Licence in respect of Mr A T

Mr A T was present at the meeting with his wife for moral support.

Mr A T had not previously appeared before the Licensing Sub Committee.

Mr A T had been invited to attend Committee as he had accrued nine penalty points on his licence for exceeding the statutory speed limit between May 2017 and July 2019.

Mr A T explained the circumstances surrounding the speeding convictions and stated that he had held a driving licence for eight years and had no other convictions. He would be more careful in future as the consequences of another speeding offence could result in disqualification from driving.

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 warn Mr A T as to his future behaviour and the effect that any further issues may have on his licence.

The Sub Committee felt that they could depart from the guidelines on this occasion as Mr A T had an otherwise good driving record and he acknowledged that he would be more careful in future as he may lose his licence if he receives further penalty points on his licence.

Licensing Sub Committee 3
30 September 2019

Resolved that Mr A T be warned as to his 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, relevant case law, Council Policy and Guidelines and the Human Rights Act 1998.

49/19

Application for the review of a Private Hire Driver's Licence in respect of Mr K A

Mr K A was present at the meeting.

The Sub Committee was advised that in June 2019 a member of the public observed a licensed private hire vehicle parked with the door open and the driver leaning into the vehicle. It was thought that the driver was urinating in the gutter. A stream of liquid was noted and a damp area in the gutter after the event. There were women and children in close proximity and a member of the public had shouted out to the driver.

Members were shown photographs of the incident and it was noted that there were retail outlets and toilet facilities nearby which could have been utilised.

Mr K A explained the circumstances surrounding the incident and strongly disputed that he had been urinating in the gutter.

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 warn Mr K A as to his future conduct and the effect that any further issues may have on his licence.

The Sub Committee accepted Mr K A's explanation, however they felt that he had put himself in a position open to misinterpretation. Mr K A had been a taxi driver for seven years and had a good driving record.

Licensing Sub Committee 3
30 September 2019

Resolved that Mr K A be warned as to his 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, relevant case law, Council Policy and Guidelines and the Human Rights Act 1998.

50/19

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

The Sub Committee was advised that Mr I J had contacted the Licensing Officer to inform them he was unable to attend the meeting.

The Sub Committee was minded to defer the application for the review of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr I J to a future meeting.

Resolved that the application for the review of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr I J be deferred to a future meeting of the Licensing Sub Committee.

(Meeting ended at 3.34pm)

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