

**Minutes of the
Licensing Sub Committee 3**

**11th November 2019 at 10.00am
at Sandwell Council House, Oldbury**

Present: Councillor S Davies (Chair);
Councillors Crumpton, G Gill and Moore.

Apology: Councillor Downing.

51/19 **Minutes**

Resolved that the minutes of the meeting held on 27th August 2019 and 30th September 2019 be confirmed as a correct record.

52/19 **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/Operator Licensing related matters.

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53/19

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

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

In October 2019 Mr K M was convicted of driving with no insurance and received six penalty points on his licence and a fixed fine.

Mr K M explained the circumstances surrounding his conviction and stated that whilst carrying passengers he had been stopped by police for having no insurance. Mr K M explained that he had made an administrative error and did not realise his insurance had expired.

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 K M.

The Sub Committee had no reason to depart from guidelines and considered that Mr K M was not fit and proper to hold a Sandwell licence. The Committee considered Mr K M was an experienced professional driver and should have ensured that his vehicle was insured.

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

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54/19

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

Mr M Q was present with his legal representative Mr M and confirmed he had received a copy of the report.

Mr M Q previously appeared before the Licensing Miscellaneous Committee in 2016 (Minute no. 162/16 referred) and the Committee had refused to grant the Private Hire Driver's Licence.

Mr M Q failed to declare offences on his application for a Private Hire Driver's Licence and had convictions within the last ten years for a serious road traffic offence.

Mr M Q explained the circumstances surrounding the conviction and added that he did not complete the form himself and had not intentionally failed to disclose on his application, he was unsure about his convictions.

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 M Q and to warn as to his future conduct and the effect that any further issues may have on his licence.

The Sub Committee accepted that Mr M Q had not intentionally failed to disclose his convictions and took into account the length of time since his last conviction.

Resolved:-

- (1) that the Dual Private Hire Driver's Licence in respect of Mr M Q be granted.
- (2) that Mr M Q 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, relevant case law, Council Policy and Guidelines and the Human Rights Act 1998.

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55/19 **Application for the review of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr A A(1)**

Mr A A(1) was present at the meeting.

Mr A A(1) had previously appeared before the Licensing Miscellaneous Committee in 2016 (Minute no. 142/16 referred) and the Private Hire and Hackney Carriage Driver's Licence in respect of Mr M A A(1) had been granted.

Mr A A(1) had been invited to attend Committee due to a change in policy guidelines.

Mr A A(1) explained to the Committee he had been a Sandwell licenced driver for three years without any issues since his licence was granted in 2016.

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 take no action against the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr A A(1).

On this occasion, the Sub Committee decided to depart from the guidelines as no issues had occurred during his licenced period.

Resolved that no action be taken to the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr A A(1).

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.

56/19 **Application for the review of a Private Hire Driver's Licence in respect of Mr A A(2)**

Mr A A(2) attended the meeting.

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The Sub Committee was notified Mr A A(2) was awaiting an appeal date from the Court.

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 defer the review of a Private Hire Driver's Licence in respect of Mr A A(2).

Resolved that the Private Hire Driver's Licence in respect of Mr A A(2) be deferred to a future meeting.

57/19 **Application for the review of a Private Hire Driver's Licence in respect of Mr S L**

The Sub Committee considered a review of a Private Hire Driver's Licence in respect of Mr S L.

Mr S L was not present at the meeting and had also failed to attend a previous Committee on 14th October 2019.

The Sub Committee was informed that Mr S L had been invited to attend Committee as he had been convicted of an offence under the Environmental Protection Act and had failed to report the conviction to the licensing office. Mr S L's DBS certificate had also expired.

The Taxi Licensing Office had made numerous attempts to contact Mr S L, however he had failed to respond.

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 Private Hire Driver's Licence in respect of Mr S L.

The Sub Committee had no reason to depart from guidelines and considered that Mr S L was not fit and proper to hold a Sandwell licence.

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Resolved that the Private Hire Driver's Licence in respect of Mr S L 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 L 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 1.01 pm)

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