

**Minutes of the
Licensing Sub Committee 3**

**13th January 2020 at 10.00 am
at Sandwell Council House, Oldbury**

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

Apologies: Councillors Crumpton and Moore.

3/20 **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**

4/20 **Application for the Grant of a Private Hire Driver’s Licence in
respect of Mr Q K.**

The Sub Committee was advised by Mr Q K’s legal advisor that Mr Q K was unable to attend the meeting due to illness.

The Sub Committee was minded to defer the matter to a future meeting of the 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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5/20

**Application for the Review of a Private Hire Driver's Licence
in respect of Mr A M**

Mr A M was present at the meeting with Mr S, his legal advisor, and confirmed that he had received a copy of the report.

The Sub Committee was advised that Mr A M had held his Licence since 2007 and had not previously appeared before Committee.

Mr A M had been invited to attend Committee as he had received a conviction in May 2019 for using a mobile phone whilst being in control of a vehicle.

Mr A M explained that he was driving the family car when the incident occurred, and it would not have happened if he had been driving his licenced vehicle as he had a hands-free kit and did not take calls whilst he was working. His son was ill at the time and his wife had repeatedly called him, so he thought he should answer the call.

Mr A M presented the police charge notice showing that the vehicle was not moving at the time, he had parked at the side of the road before answering the phone, however he had failed to switch off the engine.

Mr A M's legal advisor stated that if Mr A M had not accepted the fixed penalty and elected to take the matter to Court the penalty may have been avoided.

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 M as to his future conduct and the effect that any further issues may have on his licence. Members had been lenient on this occasion and taken into consideration that Mr A M had a long, good driving record and had presented proof that the vehicle was not moving and that he had thought the call was potentially urgent due to his son's illness. Mr A M was not in his licenced vehicle and had no passengers at

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the time of the incident and stated that when he was working he did not take phone calls.

Resolved that Mr A M 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.

6/20

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

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

The Sub Committee was advised that between 2010 and 2016 Mr V M had two convictions for serious violence offences and a conviction for supply of class A drugs.

Mr V M explained the circumstances surrounding the convictions and stated that he was a reformed character, more mature and was responsible for supporting his family. Mr V M had chosen to apply for a Private Hire Driver's Licence as he had several acquaintances in the taxi business who would help him secure a base to work from.

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 grant a Private Hire Driver's Licence to Mr V M as they considered he was not a fit and proper person to hold a Sandwell licence. The safety of the public was of paramount importance to the Sub Committee and guidelines state that a driver must be free of such convictions for at least 10 years, from expiry of sentence, and had no reason to depart from the guidelines.

Resolved that a Grant of a Private Hire Driver's Licence in respect of Mr V M be refused.

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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 V 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.

7/20

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

The Sub Committee was advised that Mr S M had contacted the Licensing Office as he would not be able to attend the Sub Committee due to illness.

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

Resolved that the application for the Grant of a Dual Hackney Carriage and Private Hire Driver's Licence in respect of Mr S M be deferred to the next meeting of the Sub Committee.

(Meeting ended at 12.49 pm)

Contact Officer: Shane Parkes Democratic Services Unit 0121 569 3190
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