

**Minutes of the
Licensing Sub Committee 3**

**24th February 2020 at 10.00 am
at Sandwell Council House**

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

Apologies: Councillors Crumpton, G Gill and Moore.

8/20 **Minutes**

Resolved that the minutes of the meetings held on 9th and 13th January 2020 be confirmed as a correct record.

9/20 **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**

10/20 **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 requested a deferment to enable his solicitor to attend.

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The Sub Committee was minded to defer the review of a dual private hire and hackney carriage driver's licence.

Resolved that the review of a Dual Private Hire and Hackney Carriage Driver's Licence be deferred to a future meeting of the Sub Committee.

11/20

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

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

The Sub Committee was advised that Mr M M had been convicted for plying for hire and no insurance and had failed to notify the Licensing office, as in accordance with the conditions of his licence. Mr M M had also failed to register for the DBS online service and had changed operator without informing the Licensing office.

The Sub Committee had received an account of the court hearing, stating that Mr M M did not attend for the beginning of his trial and the application was proceeding in absence. Mr M M attended later, and the court permitted him to give his evidence.

Mr M M explained the circumstances surrounding the conviction but gave no justification for his late appearance at his trial.

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 M M. Members could see no reason to depart from the guidelines and considered that Mr M M was not fit and proper overall to be a licenced drive.

Resolved that the renewal of a Private Hire Driver's Licence in respect of Mr M 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 M 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.

12/20

Application for the Review of a Private Hire Driver's Licence in respect of Mr S R

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

The Sub Committee was advised that Mr S R had been convicted of a plying for hire offence in Birmingham. CCTV footage disclosed that Mr S R's vehicle had been parked in a hackney carriage rank when he picked up a passenger.

Mr S R explained the circumstances surrounding the conviction and claimed that he had not been plying for hire but had been requested, by a friend, to pick up their partner. He had parked in the hackney carriage rank as he was unable to park elsewhere due to parking restrictions.

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 Mr S R's Private Hire Driver's Licence for a period of three years. The Sub Committee saw no reason to depart from the guidelines and Mr S R should have been aware that it was unlawful to park in a hackney carriage rank.

Resolved that the Private Hire Driver's Licence in respect of Mr S R be suspended for a period of three years.

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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 S R 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 12.59 pm)

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