

Licensing Sub Committee 3

30 November 2020 at 10.00am

Present: Councillor S Davies (Chair)
Councillors Downing, Gill and Mabena.

Apology: Councillor Moore.

13/20 **Minutes**

Resolved that the minutes of the meeting held on 24 February 2020 be agreed as a correct record.

14/20 **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 Sub Committee to consider Local Government (Miscellaneous Provisions) Act 1976 – Private Hire Driver's/Vehicles/Operators Licensing related matters

15/20 **Application for the review of a dual private hire and hackney carriage driver's licence in respect of Mr P**

Members considered an application for the review of a dual private hire and hackney carriage driver's licence in respect of Mr P.

Mr P was present at the meeting, along with his friend Mr D for moral support and interpreting and confirmed he had received a copy of the report.

The Sub Committee was advised that a complaint had been received from a passenger who had alleged that the driver had been intimidating and made racial comments during a pre-booked journey. He had also returned the



customer to her home address despite being advised by his taxi base to continue with the journey. The complainant alleged that he was going to drop her off half way through the journey at an unknown destination. The taxi base did despatch another driver, however the complainant was late for work.

Mr P explained the circumstances surrounding the allegation and claimed he made comments about passengers in general not against that particular customer. Mr P alleged that he had been waiting for the passenger for five minutes and the passenger displayed inappropriate behaviour, including unsuitable language and encouraging him to break speed limit.

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 P.

The Sub Committee had no reason to depart from the guidelines and considered that Mr P was not fit and proper to hold a licence in Sandwell. As a professional driver Mr P, having been a Sandwell driver for over 10 years, displayed discriminatory behaviour towards a passenger and his interview with a Taxi Licensing Enforcement officer corresponded with the passenger's witness statement.

Resolved that the Dual Private Hire and Hackney Driver's Licence in respect of Mr P be revoked.

In making the decision the Committee had regard to the Local Government (Miscellaneous Provisions) Act 1976, Council Policy and Guidelines, relevant case law and the Human Rights Act 1998.

Mr P 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.

16/20

Application for the review of a private hire driver's licence in respect of Mr H

Members were advised that officers had tried to contact Mr H, however he had not responded and was not present at the meeting.

Members were minded to defer the application for the review of a Private Hire Driver's Licence to a future meeting of the Licensing Sub Committee.

Resolved that the review of a private hire driver's licence in respect of Mr H be deferred to a future meeting of the Licensing Sub Committee.

Meeting ended at 1.05pm.

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