

## Agenda

### Licensing Sub Committee 2

**Monday, 19 July 2021 at 10.00 am**  
**in the Council Chamber – Sandwell Council House, Oldbury**

**This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.**

**1 Apologies for Absence** 5 - 6

**2 Declarations of Interest** 7 - 8

Members to declare any interests in matters to be discussed at the meeting.

**3 Minutes** 9 - 12

To confirm the minutes of the meeting held on 12 April 2021.

**4 Exclusion of the Public and Press** 13 - 20

That the public and press be excluded from the rest of the meeting. This is 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 the



financial and business affairs of any person,  
including the authority holding that information.

**Matters Delegated to the Sub Committee to consider  
Local Government (Miscellaneous Provisions) Act 1976  
– Private Hire Driver's/Vehicles/Operator's Licensing  
related matters**

5. **Private Hire Vehicles Operators Licence related matters** 21 - 56  
1, 7  
**To consider Local Government (Miscellaneous  
Provisions) Act 1976 – Private Hire and Hackney  
Carriage Drivers/Vehicles/Operators Licence related  
matters.**

**D Stevens**  
**Chief Executive**  
Sandwell Council House  
Freeth Street  
Oldbury  
West Midlands

**Distribution**  
Councillor Piper (Chair)  
Councillors Chidley, S Gill, S Singh and J Webb

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)

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## Licensing Sub Committee 2

### Apologies for Absence

The Committee will receive any apologies for absence from the members of the Committee.



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## Licensing Sub Committee 2

### Declarations of Interests

Members to declare any interests in matters to be discussed at the meeting.



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## Minutes of Licensing Sub Committee 2

**Monday 12 April 2021 at 10.00am  
Online Virtual Meeting**

**Present:** Councillor Rouf (Chair)  
Councillor Dhallu, Eaves and I Jones.

**Officers:** Andy Poulton (Senior Licensing Officer), Geeta Bangerh (Licensing Officer), David Elliott (Solicitor), Trisha Newton (Senior Democratic Services Officer) and Connor Robinson (Democratic Services Officer)

### 4/21 **Apologies for Absence**

Apologies for absence were received from Councillor Preece.

### 5/21 **Declarations of Interest**

An interest was declared by Councillor Dhallu in relation to minute no. 7/21, Renewal of Sexual Entertainment Venue Licence for Angels Gentlemen's Club, as he knew the applicant personally.

An interest was declared by Councillor Rouf in relation to minute no. 9/21, application for the renewal of a private hire driver's licence, as he knew the applicant personally.

### 6/21 **Minutes**

**Resolved** that the minutes of the meeting held on 11<sup>th</sup> January 2021 were confirmed as a correct record.



7/21      **Renewal of Sexual Entertainment Venue Licence for Angels Gentlemen's Club**

The applicant was present, however, as Councillor Dhallu had declared an interest, the meeting was inquorate. The matter was therefore deferred for consideration at a future meeting of the Sub Committee.

8/21      **Exclusion of Public and Press**

**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**

(Councillor Rouf left the meeting, Councillor I Jones joined the meeting and Councillor Dhallu took the Chair)

9/21      **Application for the renewal of a Private Hire Drivers Licence in respect of Mr J S**

As Councillor Rouf had declared an interest and left the meeting, Councillor Dhallu was elected as Chair for the remainder of the meeting.

Members considered an application for the renewal of a Private Hire Driver's Licence in respect of Mr J S. Mr J S was in attendance at the meeting, accompanied by his legal representative.



The Committee was advised that Mr J S had been invited to attend Committee following his application to renew his licence and lift the suspension imposed in March 2020. Mr J S had had his licence suspended with immediate effect in late March 2020 following his discussions with the Licensing Office after an alleged breach of a court order.

Mr J S had applied to renew his licence in early January 2021 and had subsequently been convicted of the breach of the court order and had reported this to the Licensing Office. Mr J S explained that the order related to a breakdown in family relationships.

Mr J S's representative presented the case and related to Mr J S communicating with members of his family, in violation of the court order. The breach of the order did not involve any threats or acts of violence. Mr J S had been a driver in Sandwell for over 20 years and had in the past been praised for his good conduct and often requested for his service.

The Sub Committee took advice from its Legal Advisor before adjourning to make a decision on the application.

The Sub Committee was of the view that, taking into consideration all of the evidence, the breach of the order was an offence of unauthorised communication and misunderstanding rather than harassment or violence. It was understood that Mr J S had moved on and members were also mindful of the previous good record and long service.

Having considered all the information before them the Committee was minded to lift the suspension and renew the Private Hire Driver's Licence in respect of Mr J S. However, the Sub Committee reminded Mr J S that should he appear before the Sub Committee in similar circumstances the outcome may not be the same.

**Resolved** that the suspension in relation to the licence of Mr J S be lifted and the Private Hire Driver's Licence in respect of Mr J S be renewed.

Meeting ended at 12.15pm

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)





## Report to Licensing Sub Committee 2

**19 July 2021**

### Not for Publication

Exempt information 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.

The information contained in this report is strictly confidential and in accordance with the appropriate Codes of Conduct, must not be disclosed to unauthorised persons.

<b>Subject:</b>	Private Hire/Vehicles/Operators Licence related matters
<b>Director:</b>	Chief Executive – David Stevens Director Prevention and Protection – Neil Cox
<b>Contact Officer:</b>	Fiona Gee – Licensing Manager <a href="mailto:Fiona_gee@sandwell.gov.uk">Fiona_gee@sandwell.gov.uk</a> David Elliott – Solicitor <a href="mailto:David_Elliott@sandwell.gov.uk">David_Elliott@sandwell.gov.uk</a>

### 1 Recommendations

That the Committee take appropriate action in respect of individual licence applications and current licences in view of the information presented.

### 2 Reasons for Recommendations

To allow the Licensing sub-committee to make an informed decision in



respect of individual licence applications and current licences in view of the information presented to them.

### 3 How does this deliver objectives of the Corporate Plan?

	Best start in life for children and young people: Our workforce and young people are skilled and talented geared up to respond to changing business needs to win rewarding jobs in a growing economy locally.
	Strong resilient communities: Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local neighbourhoods.

## 4 Context and Key Issues

4.1 Section 51 of the Act provides that a district council shall on receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a licence:

- a) unless they are satisfied that the applicant is not a fit and proper person for the grant to that person of a licence to drive private hire vehicles, grant to that person a licence;
- b) to any person who has not for at least twelve months been, and is not at the date of application for a driver's licence, the holder of a licence granted under part III of the Act of 1972, 1988 (not being a provisional licence) authorising him to drive a motor car.

4.2 Section 61 (1) of the Act states that a district council may suspend, revoke or refuse to renew a private hire/hackney carriage driver's licence on any of the following grounds:

- a) the holder has, since the grant of the licence;
  - i) been convicted of an offence involving dishonesty, indecency or violence, or
  - ii) been convicted of an offence or failed to comply with the provisions of this part of the Act, or



iii) any other reasonable cause.

(2A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the at the end of the period of 21 days beginning with the day on which notice is given to the driver under subsection (2)(a) of this section.

(2B) if it appears that the interest of public safety requires the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

4.3 Section 48 of the Act states that a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied:-

(a) that the vehicle is:-

- (i) suitable in type, size and design for use as a private hire vehicle;
- (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- (iii) in a suitable mechanical condition;
- (iv) safe; and
- (v) comfortable;

(b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of part VI of the Act of 1972.

Section 55 of the Act states:-





(1) Subject to the provisions of this Part of this Act, a district council shall, on receipt of an application from any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence:

Provided that a district council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence.

(2) Every licence granted under this section shall remain in force for such period, not being longer than five years, as a district council may specify in the licence.

(3) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.

(4) Any applicant aggrieved by the refusal of a district council to grant an operator's licence under this section, or by any conditions attached to the grant of such a licence, may appeal to a magistrates' court.

#### 4.4 Section 56 of the Act states:-

(1) For the purposes of this Part of this Act every contract for the hire of a private hire vehicle licensed under this Part of this Act shall be deemed to be made with the operator who accepted the booking for that vehicle whether or not he himself provided the vehicle.

(2) Every person to whom a licence in force under section 55 of this Act has been granted by a district council shall keep a record in such form as the council may, by condition attached to the grant of the licence, prescribe and shall enter therein, before the commencement of each journey, such particulars of every booking of a private hire vehicle invited or accepted by him, whether by accepting the same from the hirer or by undertaking it at the request of another operator, as the district council may by condition prescribe and shall produce such record on request to any authorised officer of the council or to any constable for inspection.

(3) Every person to whom a licence in force under section 55 of this Act





has been granted by a district council shall keep such records as the council may, by conditions attached to the grant of the licence, prescribe of the particulars of any private hire vehicle operated by him and shall produce the same on request to any authorised officer of the council or to any constable for inspection.

(4) A person to whom a licence in force under section 55 of this Act has been granted by a district council shall produce the licence on request to any authorised officer of the council or any constable for inspection.

(5) If any person without reasonable excuse contravenes the provisions of this section, he shall be guilty of an offence.

4.5 Section 62(1) of the Act states a district council may suspend or revoke, or (on application therefore under section 55 of this Act) refuse to renew an operator's licence on any of the following grounds:-

- (a) any offence under, or non-compliance with, the provisions of this Part of this Act;
- (b) any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence;
- (c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
- (d) any other reasonable cause.

4.6 Section 60 of the Act states that a district council may suspend or revoke or refuse to renew a vehicle licence on any of the following grounds:-

- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
- (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this part of this Act by the operator or driver; or
- (c) any other reasonable cause.

4.7 Individual case details are appended which refer to unspent convictions.



Unspent convictions are those not covered by the Rehabilitation of Offenders Act 1974.

- 4.8 If an application is refused, suspended or revoked the applicant has the right of appeal to the Magistrates Court.

## 5 Alternative Options

There are no alternative options.

## 6 Implications

<b>Resources:</b>	There are no resource implications in this report
<b>Legal and Governance:</b>	<p>Article 6 of the Human Rights Act 1998 state that in determination of a person's civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.</p> <p>Article 8 states that everyone has the right to respect for his private and family life, his home and his correspondence.</p> <p>Part II, Article 1 of the Act states that every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles on international law.</p>
<b>Risk:</b>	The Licensing sub-committees help to deter and prevent disorder by exercising its quasi-judicial powers.
<b>Equality:</b>	It was not necessary to undertake an Equality Impact Assessment.
<b>Health and Wellbeing:</b>	There are no direct health and wellbeing implications from this report.
<b>Social Value</b>	Implications for social value and how the proposals are meeting this (for e.g. employment of local traders, young people)



## 7. Appendices

Cases for consideration attached.

## 8. Background Papers

- Licensing (Miscellaneous Provisions) Act 1976
- Council Policy and Guidelines
- Human Rights Act 1998



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By virtue of paragraph(s) 1, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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