

Minutes of Licensing Sub Committee 3

**Monday, 16 August 2021 at 10.00 am
at Council Chamber - Sandwell Council House, Oldbury**

Present: Councillor Rouf (Chair)
Councillors Allen, Chidley, Fenton and Hadley

Officers: Andy Poulton (Senior Licensing Officer)
David Elliott (Solicitor)
Trisha Newton (Senior Democratic Services Officer)
Gabrielle Evans (Democratic Services Officer)

6/21 Apologies for Absence

Apologies were received from Councillors G Gill and R Jones.

7/21 Declarations of Interest

There were no declarations of interest made.

8/21 Minutes

Resolved that the minutes of the meeting held on 8 March 2021 be received.



9/21

Exclusion of the 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

10/21 Application for the renewal of a Private Hire Driver’s Licence in respect of Mr M U

Members considered an application for the renewal of a Private Hire Driver’s Licence in respect of Mr M U.

Mr M U was in attendance and confirmed that he had received a copy of the report.

The Sub Committee was advised that Mr M U had not previously appeared before the committee and had contacted the Licensing Office to advise of his conviction in May 2021 of using a vehicle uninsured against third party risk. The Sub Committee noted Mr M U’s previous convictions, which included a speeding offence in 2018 and a number of driving related offences in 2001.

On his most recent offence, Mr M U explained that he had assumed he was covered to drive his brother’s car under his own fully comprehensive insurance policy.

Mr M U explained that he was aware of the conditions of his license to report the offence within the timescales. Whilst waiting for a confirmation letter regarding the points issued to his licence he contacted the Licensing Officer after being advised to do so by a colleague.

The Sub Committee noted with concern the speeding conviction in 2018, however, were of the opinion that the most recent offence appeared to be a genuine mistake.

The Committee took advice from its Legal Advisor before adjourning to make a decision.

Having considered all the information before them, Members were minded to depart from the policy on this occasion and suspend Mr M U's Private Hire Driver's Licence for 56 days and also issue Mr M U with a warning to read important documentation carefully, including the conditions of his licence.

Resolved:-

- (1) that the Private Hire Driver's Licence in respect of Mr M U be suspended for 56 days;
- (2) that Mr M U be issued with a warning with regard to being aware of, and adhering to, the conditions of his licence.

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 M U would be advised of his right to appeal to the Magistrates Court within 21 days of receiving the decision letter.

Meeting ended at 11:31am

Contact: democratic_services@sandwell.gov.uk