

Minutes of Licensing Sub Committee 1

**Monday, 20 September 2021 at 10.00 am
at Council Chamber - Sandwell Council House, Oldbury**

Present: Councillor Allen (Chair)
Councillors Piper and Rouf

Also present: Balbir Dhugga (Licensing Officer); Usha Devi (Senior Licensing Officer); David Elliott (Legal Adviser); Trisha Newton (Senior Democratic Services Officer)

41/21 Apologies for Absence

No apologies for absence were received.

42/21 Declarations of Interest

There were no declarations of interest made.

Matters delegated to the Sub Committee to consider the licensing of sex establishments in accordance with (Schedule 3) of the Local Government Act 1982

43/21 Renewal of Sex Shop Licence for Private Shop, 19 Bull Street, West Bromwich B70 6EU

The Sub Committee considered an application made by Darker Enterprises Limited/Private Shops UK Limited for the renewal of the sex shop licence in respect of Private Shop, 19 Bull Street, West Bromwich.



The premises had traded as a licensed sex shop at these premises since 2003 and the licence had been renewed each year.

The licence would run for a period of 12 months commencing 1st August 2021 and expire on 31st July 2022.

No objections had been received.

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

Having considered all of the information before them, members were minded to renew the sex shop licence in respect of Private Shop, 19 Bull Street, West Bromwich.

The Sub Committee was satisfied that the application had been advertised in accordance with statutory required in respect of the application process and no objections to the application had been received.

Resolved that the sex shop licence in respect of Private Shop, 19 Bull Street, West Bromwich be renewed for a period of 12 months with effect from 1 August 2021.

44/21 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

45/21 To consider Local Government (Miscellaneous Provisions) Act 1976 – Private Hire and Hackney Carriage Drivers/ Vehicles/Operator's Licence related matters.

Further to Minute No. 29/21, the Sub Committee considered an application for the renewal of a Private Hire Driver's Licence in respect of Mr M R which had been deferred at its meeting on 28 June 2021.

Mr M R was in attendance, supported by his friend who was also a taxi driver.

The Sub Committee had previously deferred consideration of the matter in order that Mr M R could provide more evidence regarding the incident and also have legal representation.

The Sub Committee was advised that Mr M R had reported an incident to the Licensing Office but not the detail that had later transpired. There had also been a delay in notifying the Licensing Office of the conviction.

The Chair expressed concern that the incident had been reported, however, it had been a lot more serious than that reported and included injuries to a teenager.

The Sub Committee was advised that the Licensing Office had only found out the detail of the incident when the DBS had been inspected.

The Chair requested the further evidence that Mr M R had alluded to at the previous meeting. It was thought at the time that there was a video of the incident, however, Mr M R had a recording of a customer calling into the base advising them of the incident – that person had not actually seen the incident and had no details.

Mr M R advised the Sub Committee that he had notified the Licensing Office of the original incident and had attempted to advise them of the 6 points he had received, however, he had difficulties in contacting the office.

The Sub Committee took advice from its Legal Advisor before adjourning to make a decision on the application. The Sub Committee was minded to refuse to renew the application for a private hire driver's licence (revoke). The policy guidelines had a starting point of revocation and the Sub Committee saw no reason to depart from policy. Members had heard the telephone evidence, however, the caller was not a direct witness. The Court had seen evidence of the incident and had seen fit to impose 6 points rather than the normal 3 points. Mr M R indicated that he had attempted to call the office unsuccessfully, however, he could have emailed as the guidelines specify matters should be reported in writing. This was a major road traffic offence and the office had not found out about the conviction until 12 months later. Mr M R had 9 live points on his licence and the Sub Committee was obliged to review his record as a whole, which included plying for hire and speeding. Members considered that the record indicated a general cause for concern and a general disregard of the conditions of the licence with regard to reporting convictions.

Resolved that the application for renewal of the Private Hire Driver's Licence in respect of Mr M R be refused.

46/21 Thanks

As this was his last meeting as a Licensing Committee member/Vice Chair, the Chair wished to place on record his thanks to Councillor Piper for his service and wished him all the best in his new role.

Meeting ended at 12:28pm

Contact: democratic_services@sandwell.gov.uk