

Agenda

Licensing Sub Committee 1

Monday 11 July 2022 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

To receive apologies for absence.

2 Declarations of Interest 7 - 8

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

3 Minutes 9 - 26

To confirm the minutes of the meeting held on 20 December 2021, 4 April and 29 April 2022 as a correct record.



“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 an individual and or 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/Operator’s Licensing related matters – Members considering the application: Councillors Allen, M Gill, Mayo, N Singh and Wilkes.

5. **To consider Local Government (Miscellaneous Provisions) Act 1976 - Private Hire and Hackney Carriage Drivers/Vehicles/Operator's Licence related matters** 37 -
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Kim Bromley-Derry CBE DL
Managing Director Commissioner
Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution

Councillor Allen (Chair)
Councillors M Gill, Mayo, N Singh and Wilkes

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Licensing Sub Committee 1

Apologies for Absence

To receive any apologies for absence from the members of the Committee.



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Licensing Sub Committee 1

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 1

Monday 20 December 2021 at 10.00am
in the Council Chamber at Sandwell Council House, Oldbury

Present: Councillor Allen (Chair)
Councillors Z Hussain and R Jones

Officers: Usha Devi (Licensing Enforcement Officer);
David Elliott (Solicitor);
Trisha Newton (Senior Democratic Services Officer);
Amundeeep Johal (Democratic Services Officer);
Gabrielle Evans (Democratic Services Officer).

59/21 **Apologies for Absence**

There were no apologies for absence.

60/21 **Declarations of Interest**

No interests were declared at the meeting.

61/21 **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.

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

62/21 **Review of a Private Hire Driver’s Licence in respect of Mr
T H**

Further to Minute No. 58/21 (13 December 2021), the Sub Committee considered an application for the review of a Private Hire Driver’s Licence in respect of Mr T H.

Mr T H was in attendance and was supported by his friend. Members were informed that Mr T H had not previously appeared before the Licensing Sub Committee.

The Committee was advised that Mr T H had failed to declare the fact that he had been arrested and interviewed by the West Midlands Police due to a serious offence involving violence, within 3 days as per policy guidelines. Mr T H had also failed to provide any information whilst being further investigated and had not informed the Taxi Licensing Department about his bail order, within 3 days as per policy guidelines.

Furthermore, Mr T H had failed to declare details of the offence and the date of being convicted by the Magistrates Court within 7 days.

Mr T H submitted his Private Hire Drivers renewal application form on the 17 June 2021, where he had incorrectly provided officers with his previous address and failed to declare any cautions or convictions. On 9th July 2021, upon being served with an immediate suspension due to his DBS having expired, Mr T H attended the taxi licensing office and mentioned to the licensing officer he had received a caution for assault by beating.

Upon competition of the conviction notification form and the Court paperwork provided by Mr T H, it was identified that the address provided was different to Licensing Office records. Mr T H informed the Licensing Officer that he had been given a restraining order and had confirmed he had been arrested. Mr T H was advised of the conditions of his licence with regard to notifying the Council of an arrest or conviction which he had failed to comply with.

On 18th November 2021, Mr T H was informed that the immediate suspension issued would not be lifted due to the nature of the offences leading to his conviction, therefore Mr T H remained suspended in the interest of public safety and information received by West Midlands Police.

Mr T H advised that he had been licensed by Sandwell Council since 2015 and had a clean record. Evidence in support of Mr T H's character was supplied to the Taxi Licensing Team.

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

The Sub Committee had taken into consideration representations made by all parties. Having considered all the information before them, members were minded to revoke the licence due to the conviction of two counts of assault. The Sub Committee noted the serious nature of the offences and failure to notify the Taxi Licensing Team of the initial arrest and conviction and also the change in address. The Sub Committee noted with concern that the lack of knowledge of the conditions of licence presented a threat to potential passengers. The Sub Committee saw no reason to depart from guidance on this occasion.

Resolved that the Private Hire Driver's Licence in respect of Mr T H 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 T H would be advised of his right to appeal to the Magistrates Court within 21 days of receiving the decision letter.

Meeting ended at 12:21pm

Contact: democratic_services@sandwell.gov.uk

Minutes of Licensing Sub Committee 1

**Monday 4 April 2022 at 10.15am
in the Council Chamber, Sandwell Council House, Oldbury**

Present: Councillor Allen (Chair);
Councillors R Jones and Webb.

Officers: Usha Devi (Senior Licensing Officer);
David Elliott (Solicitor);
Trisha Newton (Senior Democratic Services Officer);
Connor Robinson (Democratic Services Officer).

1/22 **Apologies for Absence**

Apologies for absence were received from Councillors Chidley and Z Hussain.

2/22 **Declarations of Interest**

No interests were declared at the meeting.

3/22 **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.



New application for a Private Hire Driver's Licence in respect of Mr Q K

Members considered the application for a Private Hire Driver's Licence in respect of Mr Q K.

Mr Q K was in attendance, supported by a taxi operator, and had previously appeared before the Licensing Sub Committee on three occasions. On 22 July 2019 (minute no. 42/19) Mr Q Z's application was refused, on 13 January 2020 (minute no. 4/20) consideration of the matter was adjourned, and on 9 March 2020 (minute no. 10/20) where the application was refused.

The Sub Committee was advised that Mr Q K had been referred due to Mr Q K having had his licence revoked by Dudley MBC due to inappropriate behaviour, and being refused on two occasions by the Sub Committee for failing to declare his revocation from Dudley MBC, and applying with 12 months of his application being refused.

Mr Q K had declared on his new application that he had had a licence revoked by Dudley MBC and a licence refused by Sandwell MBC on two occasions. Mr Q K had subsequently passed all suitability tests and all relevant courses which were required in order to obtain a private hire driver's licence. Mr Q K had no criminal convictions.

Mr Q K informed the Sub Committee that since he had been working for local food delivery companies which involved engagement with the public and had not had any issues.

Mr Q K presented to the Sub Committee a number of character references from elected members and taxi operators to demonstrate his good character.

Mr Q K recognised he had made a mistake in his prior behaviour and emphasised his commitment and respect to the community.

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



The Sub Committee was minded to grant the Private Hire Driver's Licence. The incident had occurred three years ago and since that time there had been no recorded issue. Mr Q K had obtained a number of character references from elected members and operators demonstrating his good character and behaviour. Mr Q K had attended all the necessary training courses and had expressed to the Sub Committee that he had learned from his mistake.

Resolved that the Private Hire Driver's Licence in respect of Mr Q K be approved.

5/22

Application for a Review Private Hire Driver's Licence in respect of S K

Members considered an application for the review of a Private Hire Driver's Licence in respect of Mr S K.

Mr S K was in attendance, accompanied by his son, and had not previously appeared before the Licensing Sub Committee.

The Sub Committee was advised that Mr S K had been referred due to a failure to report an arrest which involved another licensed driver.

The Sub Committee took advice from its Legal Advisor as the matter had not yet been to court.

It was determined that the Sub Committee would defer the case until the allegation had fully gone through the court process.

Resolved that consideration of the application for the review of a Private Hire Driver's Licence in respect of Mr S K be deferred until the allegation had been determined by the courts.



Application for a Renewal of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of R M

Members considered an application for the renewal of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr R M.

It became apparent to the Sub Committee that Mr R M was struggling to communicate and was not able to fully explain the situation.

The Sub Committee took advice from its Legal Advisor and it was agreed that consideration of the matter be deferred until Mr R M could arrange for an interpreter or someone to support him.

Resolved that consideration of the renewal of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr R M be deferred to a future meeting.

Meeting ended at 1.38pm

Contact: democratic_services@sandwell.gov.uk



Minutes of Licensing Sub Committee 1

Friday 29 April 2022 at 9.45am
in Committee Room 2, Sandwell Council House, Oldbury

Present: Councillor Allen (Chair);
Councillors Fenton and Webb.

Apologies: Councillor Hadley

11/22 **Apologies for Absence**

Apologies were received from Councillor Hadley.

12/22 **Declarations of Interest**

There were no declarations of interest.

13/22 **Minutes**

Resolved that the minutes of the meeting held on the 13, 17 and 20 December 2021. be confirmed as a correct record.

Present: Shane Middleton (Senior Citizen & Consumer Protection Officer);
Geeta Bangerh (Licensing Officer);
Balbir Dhugga (Licensing Officer);
David Elliott (Legal Advisor);
Trisha Newton (Senior Democratic Services Officer);
Connor Robinson (Democratic Services Officer).



Application for Renewal of Sexual Entertainment Venue Licence – Angels Gentlemen’s Club, High Street, West Bromwich

The Sub Committee considered an application for renewal of the Sexual Entertainment Venue Licence in respect of the Angels Gentlemen’s Club, 303 High Street, West Bromwich.

The Licensing Officer advised that the premises had traded as a licenced sex establishment since April 2012. The current applicant had been transferred to the premises in 2017.

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

Having considered all the information before them, members were minded to renew the sexual entertainment venue licence in respect of Angels Gentlemen’s Club, 303 High Street, West Bromwich for a period of 12 months, with effect from 1 April 2022.

Resolved that the sexual entertainment venue licence in respect of Angels Gentlemen’s Club, 303 High Street, West Bromwich be renewed for a period of 12 months with effect from 1 April 2022.



Present: Shane Middleton (Senior Citizen & Consumer Protection Officer);
Geeta Bangerh (Licensing Officer);
Kiranjit Devi Jalaf (Licensing Officer);
Balbir Dhugga (Licensing Officer);
Mr Rathore (applicant's representative);
David Elliott (Legal Advisor);
Trisha Newton (Senior Democratic Services Officer);
Connor Robinson (Democratic Services Officer).

15/22

Application for the grant of a New Premises Licence at Papa John's, 3B Church Street, Oldbury B69 3AD.

The Sub Committee considered an application for the grant of a new premises licence in respect of Papa John's, 3B Church Street, Oldbury B69 3AD, following a representation received from Environmental Health, who objected to the grant of the application due to the prevention of public nuisance issues.

The application stated that the premises main business would be a fast food store with delivery service. The proposed Licensable activity applied for was Late Night Refreshments (On and Off the premises). The proposed hours were every day 11pm to 5am and the proposed opening hours were every day 11.59pm to 12am.

Environmental Health, objected to the granting of a late night refreshment licence, as it would undermine the prevention of public nuisance objective and would cause noise disturbance to residents living above or nearby at an unacceptable time as well as a prolonged cooking odour to nearby residents.

The Senior Citizen & Consumer Protection Officer stated that their objection related to the four residential flats above Papa Johns and other residential properties in Wesley Street nearby. The residents living above the premises, it was stated, would be likely to be affected by noise from Papa John's activities preparing food below and from customers



and cars parking outside. There was no parking on the street at the front of the premises due to a zebra crossing nearby and double yellow lines. Therefore, cars would only park legally in the rear car park and would need to walk around to the front of Papa John's. The car park at the rear is enclosed by buildings resulting in any noise disturbance from customers or delivery drivers being exacerbated.

Noise complaints had been received from residents in the residential flats above Papa John's in relation to temporary noise disturbance from another premise. Noise complaints had also been received from complainants in Wesley Street again in relation to another premise in the area.

The representative of the applicant clarified the position of in relation to air-ducting and the potential for an increase in noise and odour disturbance.

The Sub Committee heard that the owner was experienced in managing stores, knew the industry, operated multiple sites and had a proven track record. The Sub Committee also heard that the establishment would also support the local economy and provide local jobs.

Deliveries from Papa John's would be undertaken from the rear of the property. No objections to the proposed licenced hours had been received from the residents of the flats and they had instead written to state no objection to the proposals.

The applicant indicated that there was space for negotiation on operating hours and it was suggested that the business would accept a permission that allowed the provision of Late Night Refreshment from 11pm to 1am with home deliveries being permitted to 3am.

It was confirmed that the Planning and Licensing functions within the Council operated independently and, notwithstanding any decision of the Licensing Sub-Committee, further approval to operate would be required from Planning.



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, members were minded to grant the application with conditions. The Sub Committee decided to allow the premises to open for 24 hours 7 days a week and for the premises to provide Late Night Refreshment from 11pm to 1am from on or from the Premises 7 days a week and further permitted home deliveries from 11pm to 2am in the morning 7 days a week. The Sub Committee recognised the change in circumstances and considered the compromise in hours, however, Planning Committee operated independently and further approval would be required.

It was also proposed that the details in the Operating Schedule, as far as consistent with the above, be incorporated as conditions attached to the Premises Licence.

Resolved that the Premises Licence in respect of Papa John's, 3B Church Street, Oldbury B69 3AD, be approved with the following condition:-

- that the premises provide Late Night Refreshment from 11pm to 1am from on or from the Premises 7 days a week (with home deliveries permitted from 11pm to 2am in the morning 7 days a week).

In making its decision the Sub Committee took into account the Licensing Act itself, the Section 182 Guidance and noted that it must carry out all its functions under the Act with a view to promoting the licensing objectives. It also took into account the Human Rights Act 1998.

The Premises Licence Holder would be advised of his right of appeal under section 53c of the Licensing Act 2003 to the Magistrates Court within 21 days of receipt of the decision letter.



Present: Geeta Bangerh (Licensing Officer);
Balbir Dhugga (Licensing Officer);
Daryl Magher (Objector);
Miss Thompson (Applicant);
Mr Burke (Applicant's representative);
David Elliott (Legal Advisor);
Trisha Newton (Senior Democratic Services Officer).

16/22

Application for the grant of a New Premises Licence at Jay's Juicez, 34 Redwood Road, Walsall, WS5 4LB

The Sub Committee considered an application for the grant of a new premises licence under section 17 of the Licensing Act 2003 in respect of Jay's Juicez. 34 Redwood Road, Walsall, WS5 4LB.

An objection had been received from a community representative to the licence and the following issues were raised:-

- opening hours at other premises in the area had been reduced due to anti-social behaviour;
- there were other premises, such as a fish and chip shop and takeaway and a precedent could be set for them to also seek a licence and this could result in a row of five shops holding licences;
- it was not clear whether this was a takeaway or delivery;
- if the licence was to be granted what range was being sold;
- concerns regarding crime and disorder, anti social behaviour and public safety and nuisance and protection of children from harm;
- the area was a known hotspot;
- there was a lot of walking traffic to and from school with potential of congregation which could cause harm to children.



No objections or representations had been received from any other residents or any of the statutory authorities.

The applicant's representative advised the Sub Committee:-

- the number of premises in the area was not relevant to the application;
- this was a unique business – there was nothing like this anywhere else and it was not clear what the volume of customers would be like;
- the hours were considered to be reasonable;
- the objectors comments were speculative and no objections have been received from other responsible authorities;
- alcohol would only be sold as a mix in a cocktail – there would be no selling of cans, etc. or any drinks on display – only sold as part of a mixed drink;
- the cocktails would be sold in a sealed cup;
- training would be provided to staff;
- initially considering operating from the shop and building up to delivery service;
- CCTV would be cover inside and outside the premises and recordings would be kept for 28 days;
- conditions regarding future delivery option would be welcomed.

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

Having considered all of the information provided, the Sub Committee granted the licence as sought, subject to the operating schedule being included in the licence. Alcohol would only be sold as part of a mixed drink mixed on the premises. Any deliveries would only be made by a direct employee of the premises (no use of online delivery companies) with deliveries paid by credit/debit card verified at delivery. Drivers would have a refusal book, bodycam (available for 28 days) and customer refusals would be refunded to the card. This was a new application with



objections from one person. There was no community impact zone to consider and the number of premises in the vicinity could therefore not be taken into consideration. Concerns regarding asb had been noted.

Resolved that the application for the grant of a New Premises Licence at Jay's Juicez. 34 Redwood Road, Walsall, WS5 4LB be granted with the following conditions:

1. The Operating Schedule as proposed to be incorporated into the Premises Licence as conditions attached to the licence;
2. The premises would sell/supply alcohol "off the premises" (ie as an off licence) only;
3. Alcohol was to be sold only as part of mixed drink, mixed on the premises;
4. Opening hours and hours of the licensable activity are to be Sunday-Thursday 12.00 noon to 10.00pm and 12 noon to 11.00pm Friday and Saturday;
5. All delivery of alcohol would only be made via a direct employee of the premises (ie not by companies such as Uber Eats or Just Eat);
6. Alcohol sales for delivery would only be paid by debit or credit card and the card user will be verified at the delivery;
7. Each driver would have a refusal book;
8. Each alcohol delivery driver would wear a body camera to verify ID and a delivery recording will be kept for 28 days;
9. Customers refused delivery of alcohol would be refunded to the card used;
10. The usual mandatory conditions imposed by the Licensing Act 2003 will apply.

In making its decision the Sub Committee took into account the Licensing Act itself, the Section 182 Guidance and noted that it must carry out all its functions under the Act



with a view to promoting the licensing objectives. It also took into account the Human Rights Act 1998.

The Premises Licence Holder would be advised of his right of appeal under section 53c of the Licensing Act 2003 to the Magistrates Court within 21 days of receipt of the decision letter.

Meeting ended at 2.30pm

Contact: democratic_services@sandwell.gov.uk



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Report to Licensing Sub Committee 1

Monday 11 July 2022

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.

Subject:	Private Hire/Vehicles/Operators Licence related matters
Director:	Kim Bromley-Derry CBE DL - Managing Director Commissioner Director of Borough Economy - Alice Davey
Contact Officer:	Fiona Gee – Licensing Manager Fiona_gee@sandwell.gov.uk David Elliott – Solicitor David_Elliott@sandwell.gov.uk

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

Resources:	There are no resource implications in this report
Legal and Governance:	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. Article 8 states that everyone has the right to respect for his private and family life, his home and his correspondence. 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.
Risk:	The Licensing sub-committees help to deter and prevent disorder by exercising its quasi-judicial powers.
Equality:	It was not necessary to undertake an Equality Impact Assessment.
Health and Wellbeing:	There are no direct health and wellbeing implications from this report.
Social Value	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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Licensing Committee

Consideration with regard to granting licences for private hire vehicle and hackney carriage drivers and operators falls within the remit of the Licensing Committee and is delegated to the Sub Committee.

This requires the Sub Committee to receive personal information about the licence applicants that cannot be made publicly available under Access to Information and Data Protection legislation. Consequently the information cannot be released.

The Council would like to apologise to you for any inconvenience that the unavailability of this information may cause you.

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By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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