

# Agenda

## Licensing Sub Committee 1

**Monday 17 October 2022 at 10.00 am**  
**in Committee Room 2 - 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.**

- |          |   |                |
|----------|---|----------------|
| <b>1</b> | <b>Apologies for Absence</b>  | <b>7 - 8</b>   |
|          | Members to declare any interests in matters to be discussed at the meeting.   |                |
| <b>2</b> | <b>Declarations of Interest</b>   | <b>9 - 10</b>  |
|          | Members to declare any interests in matters to be discussed at the meeting.   |                |
| <b>3</b> | <b>Minutes</b>  | <b>11 - 56</b> |
|          | To confirm the minutes of the meeting held on 8 April, 19 May, 16 and 24 June and 4, 11 and 22 July 2022 as a correct record. |                |



4      **Exclusion of the Public and Press**      57 - 66

“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 any individual”.

5      **To consider Local Government (Miscellaneous Provisions) Act 1976 - Private Hire and Hackney Carriage Drivers/Vehicles/Operator's Licence related matters**      67 - 204

**Kim Bromley-Derry CBE DL**  
**Managing Director Commissioner**  
Sandwell Council House  
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**Distribution**

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

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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

**Friday 8 April 2022 at 10:00am**  
**in Council Chamber, Sandwell Council House, Oldbury**

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

**Present:** Tracey Hubball (Licensing Manager);  
Geeta Bangerh (Licensing Officer);  
David Elliott (Legal Advisor);  
Karen Walden (Legal officer);  
Rob Edge (representing the applicant);  
Owner of the business;  
Three local residents;  
Trisha Newton (Senior Democratic Services Officer);  
Amundeeep Johal (Democratic Services Officer).

### 7/22 **Apologies for Absence**

No apologies for absence were received.

### 8/22 **Declarations of Interest**

No declarations of interest were made at the meeting.



## Application for the grant of a New Premises Licence at 2A Barnsley Road, Birmingham B17 8ED

The Sub Committee gave consideration to an application for a new premises licence in respect of De La Vies, 2A Barnsley Road, Birmingham, following representations received from local residents and a local councillor, objecting to the application due to public safety and the prevention of crime and disorder issues.

The proposed licensable activities were live music, recorded music, performances of dance and anything of a similar description falling in these categories and late night refreshment. The proposed hours were Sunday to Wednesday 23:00 to 00:00 (Midnight) and Thursday to Saturday 23:00 to 02:00.

The Sub Committee were advised that additional conditions had been agreed with the Police Licensing Officer on 8 March 2022:-

- premises to be clear of customers no later than 30 minutes after the termination time for the sale alcohol;
- the lower ground floor to trade as a restaurant only and any alcohol sale to be ancillary to the purchase of a meal;
- there will be no DJs allowed to perform throughout the premises;
- recorded music will be played at a back ground level where customers can hold a conversation in a normal speaking tone;
- the management team will ensure that someone controls the entry of customers to the upstairs lounge, by way of a member of staff being present in the foyer;
- the management team will operate a 'dispersal plan' to ensure customers do not cause unnecessary nuisance to neighbouring residents.

The Sub Committee noted the following issues were raised by local residents:-

- there were concerns of noise nuisance and lack of privacy;



- children's bedrooms were adjacent to the premises, therefore there were concerns of disruption;
- the restaurant was out of character for the area as it was predominately residential;
- light from the floodlights would shine into neighbouring properties during the night;
- the size of the car park was not suitable;
- the use of the car park, balcony and the proposed opening hours going into the early hours of the morning would result in noise and light pollution in the area;
- the extractor fan on the premises was noisy and disruptive;
- the restaurant was situated on a dangerous junction which would exacerbate existing parking and traffic issues;
- no assurances had been received from the owner of the premises that the concerns would be considered or addressed.

The objection received from the local ward councillor had been withdrawn upon assurances that the appropriate measures would be implemented to uphold the licensing objectives. No representations had been received from any of the statutory authorities.

The applicant's representative advised the Sub Committee:-

- the premises had sufficient parking for 25 cars at the side and rear of the premises, therefore there would be no need for customers to park on the road adjacent to the restaurant;
- it was intended there would be a row of trees between the rear of the car park and the residential properties to provide a natural visual and noise barrier, however, planning permission on the derelict land prevented this;
- the floodlight's voltage would be reduced to ensure the light pollution was minimal;



- Environmental Health had conducted a visit and checked the extractor fan and were satisfied that the decibel level met the requirements, however if this issue persisted the owner would look to see if anything further could be done to mitigate the noise pollution;
- the owner was happy to work alongside local residents to address any issues.

In response to the Committee's questions of the objectors, applicant and his representative and officers present, the following points were noted:-

- licensable activity was excluded from the balcony area and to prevent any additional public nuisance by noise occurring, the balcony was not be used after midnight;
- consumption of food on the balcony was not a licensable activity;
- the planning application for the premises contained conditions including:
  - Conditions 4: The external area hereby approved shall be open to patrons between the hours of noon and 11pm daily;
  - Conditions 5: There shall be no amplification of music to the external areas of the building;
- the management team would operate a dispersal plan to ensure customers did not cause unnecessary nuisance to neighbouring residents;
- there would be a dedicated nominated taxi service for restaurant staff that would use a specific bay adjacent to the premises. This would prevent any taxis waiting outside the premises or parking on double yellow lines;
- with regard to the derelict land, the owner of the site would maintain oversight to decide what, if any, action to take;
- all doors and windows would be kept closed when music is playing, other than for access and egress;



- the restaurant had operated under a temporary events notice to measure the ability to achieve the licensing objectives and management believed that this had proved to be successful;
- trained and experienced staff had been employed to ensure the professional running of the business;
- the type of clientele that the restaurant intended to attract would not be disruptive;
- the noise management plan would be implemented, and noise levels would continually be monitored.

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, along with additional conditions to address the concerns of the residents. The decision was based on members' local knowledge, concerns raised by local residents in relation to potential public nuisance issues and the conditions agreed by the Police.

**Resolved** that the Premises Licence in respect of De La Vies, 2A Barnsley Road, Birmingham, be granted with the following conditions:-

1. The supply of alcohol both on and off the premises from Sunday -Thursday 11am to midnight and Friday and Saturday 11.00am-2.00am.
2. The playing of live and recorded music, the performance of dance and anything of a similar description and the provision of late night refreshment from 11pm - midnight Sunday -Thursday and Friday and Saturday 11pm -2am.
3. The permitted opening hours are to be Sunday-Thursday 9am -12.30am and Friday and Saturday 9.00am -2.30am



4. The premises are to be cleared of customers no later than 30 minutes after the termination time for the sale of alcohol.
5. The lower ground floor is to trade as a restaurant only and any alcohol sale in to be ancillary to the purchase of a meal.
6. There will be no DJs allowed to perform throughout the premises
7. Recorded music will be played at a background level where customers can hold a conversation in a normal speaking tone
8. The management team will ensure that someone controls the entry of customers to the upstairs lounge by way of a member of staff being present in the foyer.
9. The management team will operate a dispersal plan to ensure customers do not cause unnecessary nuisance to neighbouring residents
10. The premises licence plan shall be amended so as to remove the balcony from the area of licensable activities
11. The “external area” (balcony) shall be open to customers from 12 noon to 11pm.
12. There shall be no amplification of music to the external areas of the building





13. The operating schedule in so far as it remains consistent with the above shall be incorporated as conditions into the premises licence.

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 1.13pm

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# Minutes of Licensing Sub Committee 1

**Thursday 19 May 2022 at 10:15am  
in Council Chamber, Sandwell Council House, Oldbury**

**Present:** Councillor Allen (Chair);  
Councillors Fenton and Z Hussain.

16/22                   **Apologies for Absence**

No apologies were received.

17/22                   **Declarations of Interest**

There were no declarations of interest.

18/22                   **Expedited Hearing – Seven Bar**

The Chair advised that a request for an expedited hearing had been received and, as the interim steps needed to be considered within 48 hours, the matter would be heard as an urgent item on today's agenda following the planned business on the agenda (see Minute No. 20/22 below).

**In attendance:** Makhan Singh Gosal (Senior Licensing Officer);  
Geeta Bangerh (Licensing Officer);  
David Elliott (Legal Advisor);  
Mr Mizinski (owner);  
Nicola Stansbie (West Midlands Police);  
Trisha Newton (Senior Democratic Services Officer);  
Amundeeep Johal (Democratic Services Officer).

19/22

**Review of Premises Licence at Dylans Drink Shop,  
627 Bearwood Road, Smethwick**

The Licensing Sub Committee considered a review of a premises license in respect of Dylan's Drink Shop following a review application received from West Midlands Police stating that they considered the operation of the premises undermined three of the licensing objectives: the prevention of crime and disorder, public safety and the protection of children from harm.

West Midlands Police had submitted representations on two previous occasions, relating to temporary event notices submitted by the Premises in December 2021 and a representation in relation to the granting of the Premises Licence in January 2022.

The Police Licensing Officer explained that a warrant had been executed at the premises on 9 January 2022 on the basis that they had obtained intelligence that the premises was involved in drug dealing. Upon entering the premises, a backpack in the storeroom was found containing cannabis, weighing scales and dealer bags. A search of the premises was conducted, and more dealer bags were found behind the counter along with a knife, baseball bat and cricket bat which posed a risk to the public and staff. There were also nitroxide cannisters, cannabis lollipops and cannabis grinders for sale, although it was highlighted that this was legal.

The premises' legal representative had stated that these issues would be addressed. However, following a further visit, whilst there was a vast improvement around the shop, intelligence was still being received regarding the potential activity of drug dealing on the premises. An employee stated he was using the cannabis for personal use. It was uncertain whether the owner of the shop knew this or whether the shop was involved in the potential drug dealing.

There appeared to be a degree of lack of control and oversight within the shop, particularly regarding the display of alcohol.

There were no criminal charges due to the lack of direct evidence.

The owner advised the Sub Committee:-

- he had been advised by his legal representative that they were able to continue trading and the licence for sale of alcohol still applied despite changing address;
- the applicant had been compliant with Licensing and the Police to bring the shop to an acceptable standard;
- after being found to be unlicensed, the applicant applied for a temporary event notice which was refused. Consequently, the applicant reapplied for a new licence for the sale of alcohol;
- these issues had impacted the applicant's livelihood and the reputation of the shop;
- the applicant had now dismissed the employee involved in the drug activity and had employed family to work in the shop;
- the applicant's sister would be made the Designated Premises Supervisor (DPS) to ensure that someone was at the premises at all times to maintain oversight of the shop, therefore measures had been taken to ensure that no issues occurred in future.

In response to the Committee's questions of the objectors, applicant and his representative and officers present, the following points were noted:-

- the applicant had held a personal licence since 2016;
- whilst an individual needed to be over 18 to purchase the cannabis lollipops, the applicant understood the issue of displaying the cannabis sweets next to other sweets which were easily accessible to children;
- staff had undertaken training courses on sale of alcohol and training would take place every 3 months for staff;
- the applicant was happy to enrol staff onto further training as required;
- it was suggested that appropriate vetting processes needed to be implemented in future when employing more staff to protect the business and customers.

With regard to the management of premises, the DPS was responsible for the premises at all times and would usually be present on a regular basis, approximately in excess of 50% over a 7-day week, which was not currently being fulfilled.

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 was minded not to revoke the licence, however, additional conditions would be added to the licence to address the concerns of the Police. In addition, the applicant was warned to tighten management procedures, as a future visit could result in more serious consequences. The Sub Committee also suggested that that the applicant stood down as DPS and substitute a family member but this was not a condition.

**Resolved** that in respect of the Premises Licence at Dylans Drink Shop, 627 Bearwood Road, Smethwick:-

- (1) the individual involved in the alleged drug activity has no further involvement in Dylan's Drinks Shop in any capacity;
- (2) a personal licence holder be on the premises whenever it is open.

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.

[The Sub Committee adjourned at 12:55pm and reconvened at 1:37pm]

20/22

**Expedited hearing for an interim summary review  
of a Premises Licence in respect of Seven Bar, 25  
Lower High Street, Wednesbury**

**In attendance:** Makhan Singh Gosal (Senior Licensing Officer);  
Geeta Bangerh (Licensing Officer);  
David Elliott (Legal Advisor);  
Nicola Stansbie (West Midlands Police);  
Sgt Deakin (West Midlands Police);  
Trisha Newton (Senior Democratic Services Officer);  
Amundeeep Johal (Democratic Services Officer).

The Sub Committee considered an application made by a senior police officer from West Midlands Police for an interim review stating that in his opinion the premises was associated with serious crime and disorder.

The Premises Licence Holder had been invited to the meeting.

The licence was granted on 22 August 2005 to the Premises Licence holder. Another individual had been specified as the Designated Premises Supervisor.

A serious incident had occurred and it was considered that there had been serious failing of the premises management.

Concerns were expressed that the premises had not dealt with the incident appropriately and the correct procedures were not in place and this posed an unnecessary risk to the customers and staff of the premises.

West Midlands Police requested that this matter be heard in private session as they did not wish to jeopardise their investigations and any subsequent court proceedings.



Members received legal advice from the Legal Advisor and considered that maintaining the exemption outweighed the public interest in disclosure and agreed to exclude the public.

**Resolved** that the public and press be excluded from the rest of the meeting 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 action taken or to be taken in connection with the prevention, investigation or prosecution of crime and Regulation 4 of the Licensing Act (Hearing) Regulations 2005.

West Midlands Police presented their evidence and answered questions from the Sub Committee.

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

Having considered the Licensing Officer's report, representations made by West Midlands Police, and legal advice, the Sub Committee was minded to suspend the Premises Licence in respect of Seven – Lower High Street, Wednesbury, pending a full review of the Premises Licence on 16th June 2022.

The reason for the decision was as follows:-

- the Sub Committee was satisfied that a serious crime had been committed in the vicinity of the premises;
- there had been a serious failing of premises management in dealing with the incident;
- the Police had concerns over previous incidents linked to the premises;

- the Sub Committee concluded that the crime and disorder licensing objective was seriously undermined and the immediate suspension of the Premises Licence was justified as an interim step.

**Resolved:-**

- (1) that the Premises Licence in respect of the Seven Bar, Lower High Street, Wednesbury be suspended with immediate effect as an interim step;
- (2) that a full review of the premises licence be held on 16th June 2022.

The Premises Licence Holder had the right to make representations in connection with the decision and if made the Sub Committee were required to consider a review of its decision within 48 hours of the representation being made.

The suspension was an interim step pending a full review within 28 days.

Meeting ended at 2.56pm

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# Minutes of Licensing Sub Committee 1

**Thursday 16 June 2022 at 2.00pm  
at Sandwell Council House, Oldbury**

**Present:** Councillor Allen (Chair);  
Councillors Fenton and Z Hussain.

**In attendance:** Geeta Bangerh (Licensing Officer);  
David Elliott (Legal Advisor SMBC);  
Mr Bagri (Premises Licence Holder);  
Mr Singh (in support of Licence Holder);  
Duncan Craig (representing the Licence Holder);  
PC Homes (West Midlands Police);  
Nicola Stansbie (West Midlands Police);  
Sgt Andrew Evans (West Midlands Police);  
Andrew Clarke (SMBC ASB Team Manager);  
Connor Robinson (Democratic Services Officer);  
Mateusz Sliwinski (Democratic Services Officer);  
Trisha Newton (Senior Democratic Services Officer).

21/22 **Apologies**

No apologies were received.

22/22 **Declarations of Interest**

There were no declarations of interest



**Matters Delegated to the Sub Committee to exercise  
Those functions of the Licensing Committee under the  
Licensing Act 2003 and any regulations made under that Act,  
together with any related functions**

23/22

**Application made under Section 53A of the Licensing  
Act 2003 for Review of Premises Licence at Seven Bar,  
25 Lower High Street, Wednesbury**

Further to Minute No. 20/22 (19 May 2022, the Sub Committee considered the review of the Premises Licence following the application submitted by West Midlands Police under Section 53A of the Licensing Act 2003 in respect of premises known as Seven Bar, 25 Lower High Street, Wednesbury.

The application for a summary expedited review was made by a senior police officer of West Midlands Police, due to the premises being associated with serious crime and serious disorder following a stabbing which occurred at the premises on 13 May 2022.

The Police addressed the Sub Committee and set out their reasons for the expedited review of the premises licence:

- the Premises were associated with serious crime and disorder and therefore undermined the following objectives contained within the Licensing Act 2003:
  - o the prevention of crime of crime and disorder
  - o public safety
  - o prevention of public nuisance;
- the premises had been a continued source of concern for the Police due to the frequency of violence emanating from the venue;
- a substantial list of serious crime and disorders presented a very worrying picture for the Police;



- the stabbing on 13 May 2022 had been very serious both in relation to the individual concerned and the immediate response:
  - o the activity of the bar did not cease when the extent of the incident was known to staff;
  - o the CCTV was not proficient throughout the premises nor was it available where the incident took place;
  - o there was a complete lack of door management and customers continued to enter and exit the venue at will;
  - o a self-imposed dress code was not adhered to;
  
- the behaviour and disorder had become commonplace and accepted which was leading to serious injuries and a negative impact on the local community.

The Police requested that they be permitted to present CCTV footage to the Sub Committee showing the serious incident in question and similar disturbances on previous dates. The footage would be part of an ongoing investigation and the Police requested, therefore, that the footage only be viewed by the Sub Committee and relevant parties, not to the public or press.

**Resolved** that the public and press be excluded from this part 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 action taken or to be taken in connection with the prevention, investigation or prosecution of crime and Regulation 4 of the Licensing Act (Hearing) Regulations 2005.

The public and press were excluded from the meeting whilst CCTV footage was shown to the Sub Committee.

(The public and press were invited back into the meeting)



The Sub Committee had also received written representations from local councillors and residents regarding the premises and its impact locally as a focal point for ongoing disturbances and criminal activity.

The Police stated that ongoing discussions had taken place with the Designated Premises Supervisor and although they listened and indicated they would make the necessary changes, these would never materialise.

In response to the representations made, the applicant's legal representative addressed the Sub Committee:

- the owner of the premises was not the operator of the venue and this was the responsibility of the Designated Premises Supervisor;
- it was argued that case law demonstrated that just because an individual was a licence holder that they were responsible for the activities within that property;
- the business model operated at Seven Bar saw day to day activity run by the Designated Premises Supervisor;
- the CCTV was fit for purpose and those cameras that had been identified as deficient were in the process of being replaced;
- it was agreed that the Designated Premises Supervisor had acted inappropriately to the situation;
- the actions of the bar staff in response to the stabbing in initiating first aid went some way to saving the individual's life;
- the notion that the business of the bar continued as normal while events were taking place was rejected and was not supported by evidence submitted;
- the Designated Premises Supervisor was being replaced and a new tenant was being sought;
- the Premises License Holder had held that licence for a period of 13 years and hoped that would have some bearing on the determination of the Sub-Committee;
- the Police had not had any direct contact with the Premises Licence Holder.



The applicant's legal representative introduced some measures for the Sub Committees consideration:

- to add to the condition of the licence the requirement for an incident log and door register;
- the removal of the current Designated Premises Supervisor;
- a suspension of the licence for an agreed period to initiate necessary changes;
- bring in a new Designated Premises Supervisor and reflect on issues that had led to the hearing.

The Sub Committee noted that the Premises Licence Holder ran a number of similar pubs across the West Midlands.

The Sub Committee noted that the supervisor had been appointed in 2019 and following the events had been subsequently removed. It was stated that the relationship was one of arm's length, which as not an unusual relationship in the business. It was stated that the supervisor was known personally to the licence holder.

The Police questioned the agreed management structure of Seven Bar and stated that on a number of visits it had been unclear who was in charge of the venue with the Premise Licence Holder's son indicating he had some management involvement at the venue.

The Premises Licence Holder indicated that despite repeated visits to the venue there had been no communication directly with him from the Police about the incidents reported at Seven Bar and whether the Premises Licence Holder had received any letter from them was disputed.

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





The Sub Committee had taken into consideration representations made by all parties and was minded to revoke the licence on the basis that:-

- this was a small venue with a Designated Premises Supervisor and Premises Licence Holder which, for the purposes of the Licensing Act ran fairly effectively as a management team;
- all reasonable steps should have been taken to protect the licence and the catalogue of incidents at the premises were deeply concerning;
- the CCTV footage had demonstrated the inadequacies of door management at the venue as well as the shortcomings of the CCTV coverage itself and areas covered;
- the processes in place for the protection of the public and bar staff was inadequate;
- the self-imposed dress code for the venue had not been enforced;
- the Designated Premises Supervisor overseen by the Premises Licence Holder should have produced management systems to prevent the scenes that occurred in May 2022 and previous incidents catalogued;
- the upholding of the licensing objectives were paramount and in this instance the view of the Licensing Sub Committee was that this could only be served by revoking the premises licence and not by replacing the Designated Premises Supervisor and adding conditions to the licence.

**Resolved** that the Premises Licence in relation to Seven Bar, 25 Lower High Street, Wednesbury, WS10 7AQ be revoked.

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 was 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.

The Interim Steps would be maintained until the appeal period had come to an end and the appeal disposed of.

Meeting ended at 6.10pm

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# Minutes of Licensing Sub-Committee 1

**24 June 2022 at 10.12am  
at Council Chamber, Sandwell Council House**

**Present:** Councillor Allen (Chair);  
Councillors Fenton and Z Hussain.

**Observing:** Councillor N Singh.

**In attendance:** Geeta Bangerh (Licensing Officer);  
Balbir Dhugga (Licensing Officer);  
Makhan Singh Gosal (Licensing Officer);  
Nicola Plant (Service Manager)  
Shane Middleton (Senior Citizen & Consumer Protection Officer);  
Sharan Dadwal (Citizen and Consumer Protection Officer);  
Alexander Barnfield (Counsel for Environmental Health);  
Nicola Stansbie (West Midlands Police);  
David Elliott (Legal Advisor SMBC);  
Miss Dhillon (Counsel for the Applicant, The Regis)  
Mr Gareth Collins (Premises Licence Holder),  
Mr David Mundon (Designated Premises Supervisor);  
Ms Claire Shayle (former Manager of The Regis);  
Ms Julie Adams (Bar Manager)  
Local Residents;  
Trisha Newton (Senior Democratic Services Officer);  
Mateusz Sliwinski (Democratic Services Officer);  
John Swann (Democratic Services Officer).



24/22 **Apologies for Absence**

There were no apologies for absence.

25/22 **Declarations of Interest**

There were no declarations of interest.

26/22 **Application to Review a Premises Licence, The Regis, 152 Reddal Hill Road, Cradley Heath**

The Sub Committee considered an application submitted by Environmental Health in respect of a review of the premises known as The Regis, 152 Reddal Hill Road, Cradley Heath on the grounds of prevention of public nuisance, following complaints of excessive noise.

The legal representative for Environmental Health addressed the Sub Committee and set out the reasons for review of the premises licence:

- the noise levels from the premises had increased substantially since The Regis had been taken over by the new Premises Licence Holder on 19 January 2022;
- a petition with 62 resident signatures had been submitted to the Council complaining about noise levels, anti-social behaviour and parking emanating from the premises;
- the premises had been served a Noise Abatement Notice under Section 80 of the Environmental Protection Act 1990 on 20 April 2022;
- there had been no noticeable decrease in the noise levels on Friday and Saturday evenings since abatement notice had been served;



- the premises had long been aware of public nuisance issues as environmental health officers had first contacted the Premises Licence Holder on 4 February 2022, advising that the premises was causing public nuisance in the following respects:
  - noise levels complaints from residents regarding weekend and evening events;
  - anti-social behaviour and parking problems associated with patrons of the premises;
- during an initial meeting on 4 February 2022, and in subsequent conversations, the Premises Licence Holder promised to take measures to reduce noise levels, anti-social behaviour and parking problems by installing acoustic curtains, relocating and/or reducing the number of speakers and introducing appropriate systems for dispersing patrons;
- there was no evidence of any improvement work undertaken subsequently, and no contact from the premises, despite officers declaring willingness to provide support and advice;
- noise monitoring equipment placed in a resident's house located in the street close to the premises recorded decibel (dB) levels of 60 and 68 on the evenings/nights of 5 February and 19 February 2022 respectively, compared with ambient background noise in the area normally being 30-35 dB;
- residents had kept a diary of when they experienced noise nuisance and they reported being consistently affected every Friday and Saturday;
- the Premises Licence Holder and the Designated Premises Supervisor (DPS) had been contacted on numerous occasions by Enforcement Officers from Sandwell Council, both informally and through formal channels, with no result in terms of addressing the issues;
- Environmental Health and Enforcement Officers had spoken in person to the Premises Licence Holder, the manager of the premises and the Designated Premises Supervisor a number of times since the initial meeting on 4 February 2022;



- the noise abatement notice was handed to the Premises Licence Holder (PLH) in person and the repercussions of not adhering to the notice were explained to him. Twelve days before the abatement notice was served, a warning notice was given. Residents had also approached the PLH directly;
- it was noted that the building was not suitable for hosting nightclub type events as it was an old building, with single-glazed windows and no acoustic protection;
- it was clarified that whilst no statutory measurable noise level limit existed the test was one of nuisance. The premises was located in a residential area so there was a lower threshold of noise that would be considered acceptable.

Representations were received from West Midlands Police residents concerned about the impact of the premises' activities on the wellbeing of residents living in the vicinity due to ongoing noise disturbance and parking issues and anti-social behaviour by patrons attending this venue.

In response to the representations made, the applicant's legal representative advised:

- the Premises Licence Holder stated that in the last six weeks the sound system had been reduced in capacity by 66% and only 2 speakers were left in operation;
- the Premises Licence Holder stated the venue was a social asset where residents spent time in a culturally diverse and welcoming setting. The venue held a lot of family-oriented events;
- the applicant indicated willingness to abide by conditions imposed as saw fit by the sub-committee in order to retain the premises licence;
- the applicant stated that issues with security were being addressed and there was a new manager in place to oversee both the Caribbean Kitchen and the Regis to bring more organisation to the venue;



- the applicant was willing to install a sound proofing system and expressed desire to do anything possible to keep the licence;
- the applicant undertook to redress the events offer of the establishment so to reduce the number of nightclub type events on weekend evenings/nights and more daytime community and family-oriented events;
- the applicant expressed willingness to reduce operating hours so that evening/night events did not continue into the early hours;
- it was noted that the applicant had not shared these proposals with the police or environmental health team previously.

The applicant's legal representative proposed measures for the Sub Committee's consideration:

- the applicant was prepared to adhere to the imposition of conditions including the reduction of operating hours for the venue, preparation of soundproofing plan, review of the nature of events held at the venue, the sending of social media posts before events directing patrons with regards to suitable car parking options and proposals on taking action to address security issues and anti-social behaviour by patrons of the venue;
- in addition, the applicant indicated he was prepared to accept the addition of the conditions to his licence in relation to keeping an incident log and door register;
- the applicant was prepared to the condition being imposed that if the remedial steps outlined above were not taken in the interim period the committee would be justified in revoking the licence.





The Sub Committee noted that:-

- the applicant confirmed he had been aware of residents' complaints since 21 January and apologised to residents on 22 January when he stated that there would be no repeat of this situation. Subsequently an event was held on the night of 22 January where noise was deemed excessive by residents;
- the Premises Licence Holder admitted he did not have full control over what DJs did during events held at his premises;
- the applicant admitted that he continued to hold further 'drum and base' events despite these events causing the most noise disturbance;
- even though the number of speakers had been reduced from 18 to 6, the decibel levels remained in contravention of the noise abatement notice served on 26 April 2022. The noise levels recorded on 10 June were similar to those recorded in February;
- the applicant accepted that the premises needed sound proofing work in order to be able to host drum and base events.

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

The Sub Committee had taken into consideration representations made by all parties and was minded to revoke the licence for the following reasons:-

- evidence had been heard from Environmental Health and interested parties and residents and the Sub Committee was satisfied that there had been public nuisance since January 2022;
- a Noise Abatement Notice had been issued, which had been breached – a criminal offence in itself;
- the complaints received were consistent and regular and breaches continued in the Summer of 2022;





- the Premises Licence Holder had continued to hold events offering no steps to mitigate the issues;
- from the evidence of environmental health officers, it was noted that a noise limiter would not be sufficient to deal with the noise problems but that the building would need significant structural adaptations to withstand noise break-out;
- the Sub Committee had heard evidence that the nuisance caused to neighbours had not been taken seriously, as indicated by some social media communications;
- the applicant did not present a cohesive and credible plan of how concerns would be addressed and how licensing objectives would be complied with going forward;
- from the evidence presented at the meeting, supervising the enforcement of any condition imposed on the venue would continue to make significant demands on the resources of both the environmental health team and the police;
- revocation was perceived as the only appropriate and proportionate action.

**Resolved** that the Premises Licence for The Regis, 152 Reddal Hill Road, Cradley Heath, be revoked.

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 was advised of his right of appeal under section 51/52 of the Licensing Act 2003 to the Magistrates Court within 21 days of receipt of the decision letter.

Meeting ended at 3.58pm.

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# Minutes of Licensing Sub Committee 1

**Monday 4 July 2022 at 10.00am**  
**in the Council Chamber, Sandwell Council House, Oldbury**

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

**Observing:** Councillor Wilkes

**In attendance:** Balbir Dhugga (Licensing Officer);  
Geeta Bangerh (Licensing Officer);  
Makhan Singh Gosal (Senior Licensing Officer);  
Jaswinder Matoo (Trading Standards Officer);  
Anthony Sloniowski (Trading Standards Officer);  
Paul Fisher (Deputy Director of Public Health);  
Mrs Azar Ebrahimi (Premises Licence Holder);  
Ms Nastaran Khanoie (Designated Premises Supervisor);  
David Elliott (Legal Advisor);  
Stephnie Hancock (Senior Democratic Services Officer);  
Connor Robinson (Democratic Services Officer);  
Mateusz Sliwinski (Democratic Services Officer);  
John Swann (Democratic Services Officer).

## 27/22 **Apologies for Absence**

No apologies for absence were received.

## 28/22 **Declarations of Interest**

There were no declarations of interest.



29/22

## **Application to review a premises licence in relation to Top Tak, 74 - 76 Cape Hill, Smethwick**

The Sub Committee considered an application by Trading Standards, under Section 51 of the Licensing Act 2003, to review the premises licence in respect of Top Tak, 74- 76 Cape Hill, Smethwick on the grounds of the prevention of crime and disorder licensing objective.

The premise operated as a convenience store with an off licence.

The Trading Standards representative set out the reasons for their representation:-

- as part of an ongoing investigation, a number premises were being visited by Trading Standards to identify counterfeit wine, of which a number of bottles were found and seized;
- in the course of their investigation a large quantity of duty evaded and counterfeit cigarettes were also found and seized. The products were not compliant with the Tobacco and Related Products Regulations 2016 as they failed to carry the appropriate health warnings on their packaging;
- the sale of illicit and counterfeit goods had a serious impact upon the economy and adversely impacted upon legitimate traders;
- it was an offence under Section 144 of the Licensing Act 2003 to keep any goods on a licensed premises that had been imported without payment of duty.

The Sub Committee also considered representations from Public Health:-

- illicit tobacco:-
  - o was harmful to health and tobacco use was the leading cause of ill health and death in the United Kingdom;
  - o undermined measures to reduce smoking in the United Kingdom;
  - o undermined the effectiveness of tobacco control strategies such as high taxation;



- often contained poor quality, and dangerous ingredients that were not found in genuine tobacco products – containing higher levels of tar, nicotine and carbon monoxide than cigarettes that were legally sold in the UK.

In response to the representations made, the Premises Licence Holder advised:-

- she was unaware that the wine was counterfeit. It had been part of the existing stock when they took over the premises;
- it was an employee that had accepted the counterfeit cigarettes. This person was still an employee;
- in future either the Designated Premises Supervisor or the Premises Licence holder would be present at all times to ensure good practice;
- losing the licence to sell alcohol would have a detrimental impact upon the business;
- training for staff would be improved in relation to compliance with the licensing objectives.

Members noted that the majority of the receipts presented were for purchases made after the date of the inspection by Trading Standards.

The Sub Committee sought to establish the businesses compliance with the conditions of the licence, including Challenge 25 signage, CCTV usage and maintaining a register of customers who had been refused licenced products. Members were informed that there was no refusal register in operation at the time of the visit from Trading Standards and that CCTV footage was only retained for two weeks. It was noted that the conditions of licence stated that that footage must be retained for 31 days.

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

Having taken into consideration representations made by all parties, the Sub Committee was minded to revoke the licence on the grounds that:-



- guidance stated that revocation of the licence, even in the first instance must be seriously considered;
- members recognised that practices were not in accordance with Council policy;
- industry standard practices were not being adhered to and the actions of the business were contrary to Council policy;
- on the basis of the evidence put forward, the Sub Committee was not satisfied that this was a genuine mistake;
- extra conditions being imposed upon the licence would do little to remedy the current situation;
- consideration had been given to both the representations from Trading Standards and Public Health in relation to the prevention of crime and disorder licensing objective.

**Resolved** that the Premise Licence in relation to Top Tak, situated at 74- 76 Cape Hill, Smethwick, be revoked.

In making its decision the Sub Committee took into account the Licensing Act 2003, 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 her 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 4.04pm

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# Minutes of Licensing Sub Committee 1

**Monday 11 July 2022 at 10.00am**  
**in the Council Chamber, Sandwell Council House, Oldbury**

**Present:** Councillor Allen (Chair);  
Councillor Dunn (pm), J Giles and Wilkes (am).

**In attendance:** Usha Devi (Senior Licensing Officer);  
Steve Beresford (Licensing Enforcement Officer);  
Christian Attard (Licensing Enforcement Officer);  
David Elliott (Legal Advisor);  
Trisha Newton (Senior Democratic Services Officer);  
Connor Robinson (Democratic Services Officer);  
Mateusz Sliwinski (Democratic Services Officer);  
John Swann (Democratic Services Officer).

## 30/22 **Apologies for Absence**

Apologies for absence were received from Councillors M Gill and N Singh.

## 31/22 **Declarations of Interest**

No interests were declared at the meeting.

## 32/22 **Minutes**

**Resolved** that the minutes of the meeting held on 20 December 2021, 4 April and 29 April 2022 be confirmed as a correct record.





33/22 **Exclusion of the Public and Press**

**Resolved** 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.

34/22 **Application for the Review of a Private Hire Driver's Licence in respect of Mr R A**

Members considered the review of a Private Hire Driver's Licence in respect of Mr R A.

Mr R A was in attendance and had not previously appeared before the Licensing Sub Committee.

The Sub Committee was advised that Mr R A had been interviewed by a Licensing Officer following advice from his insurance company that the insurance against his vehicle had been cancelled.

The Licensing Office had been contacted by Mr R A's insurers in late August 2021 notifying them of the cancellation of Mr R A's vehicle insurance. No notification had been received from Mr R A and a number of attempts were made to contact Mr R A but no response had been forthcoming.

The home address of Mr R A was visited by Licensing Enforcement Officers where it was noted the Private Hire Vehicle was not parked outside of the home but in an off-road parking area that formed part of the highway.





At the address officers spoke with Mr R A's wife who informed them that Mr R A had gone abroad due to a family emergency and that was the reason he had cancelled his insurance. Mr R A was contacted via telephone by his wife and officers were able to speak with him. Mr R A's wife confirmed that the uninsured parked vehicle would be moved to a private driveway. A subsequent visit by officers to the site of the parked car in late September indicated that the parked vehicle had not been moved.

In mid March 2022 Mr R A attended the Licensing Office voluntarily where he accepted that he had not informed Licencing about cancelling his insurance and had not handed in his plates and licence after doing so. Mr R A apologised for his conduct and was asking for his licence to be reinstated.

Mr R A explained he had cancelled his insurance as he had expected to be abroad for 6 months due to the family emergency. Mr R A stated that he thought the parking area was a private car park not part of the public highway.

Officers confirmed that a private hire vehicle required to be insured at all times, whether or not it was parked on private or public area.

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

The Sub Committee was minded to issue Mr R A with a severe warning. Members took into account the nature of the case and circumstances surrounding it, along with the fact that there was no charge or criminal conviction and the vehicle was not being driven. The matter was considered to be serious and Mr R A was reminded of his duty to read and understand the handbook and to speak to the licensing team if there were queries in future.

**Resolved** that Mr R A be issued with severe warning concerning his future conduct.



35/22

## **Application for the Review of a Private Hire Driver's Licence in respect of Mr M Y**

Members considered the review of a Private Hire Driver's Licence in respect of Mr M Y.

Mr M Y was in attendance and had not previously appeared before the Licensing Sub Committee. Mr M Y was supported by his daughter.

The Sub Committee was advised that Mr M Y had been referred following a reported incident where Mr M Y had used his mobile phone whilst driving a licenced vehicle with passengers on board. Mr M Y had also failed to notify the Licensing Team of an SP30 motoring conviction (exceeding the statutory speed limit on a public road), as per his conditions of licence, for which he received 3 penalty points.

In late May 2022 the Licensing Office received a call from a passenger who informed the team that whilst she had been travelling in Mr M Y's vehicle and he had picked up and answered his mobile phone whilst driving and despite being told to stop he had continued driving, did not end the call or pull over.

The passenger had provided a written statement which indicated that she had felt unsafe and her children were distressed by the situation. It was also noted that Mr M Y had failed to support the passenger on entering and exiting the vehicle with loading and unloading the passengers child's wheelchair, unlike previous occasions.

The Sub Committee viewed video footage of the incident which had been filmed by the passenger.

Mr M Y stated that he had been waiting for an important call from the hospital and had therefore taken the call on his mobile.

In addition to the above incident, there was also concern around two accidents which had not been reported to the licensing office within the stipulated timescales.



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

The Sub Committee was minded to revoke the Private Hire Driver's Licence in respect of Mr M Y. Mr M Y had used a handheld device whilst driving with a passenger and this was confirmed by video footage. Members were also concerned that Mr M Y had previously failed to report a speeding offence and had also been involved in two accidents which he had also failed to report in the appropriate manner. It was considered by the Sub Committee, however, that the mobile phone incident in itself left members of the opinion that Mr M Y was not a fit and proper person to hold a licence.

**Resolved** that the Private Hire Driver's Licence in respect of Mr M Y 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 M Y would be advised of his right to appeal to the Magistrates Court within 21 days of receiving the decision letter.

(Councillor Wilkes left the meeting)

(Meeting adjourned 2pm - 2.30pm)

(Councillor Dunn joined the meeting)

### 36/22 **Application for the Review of a Private Hire Driver's Licence in respect of Mr M A**

Members considered a review of the Private Hire Driver's Licence in respect of Mr M A.

Mr M A was in attendance, supported by a friend, and had not previously appeared before the Licensing Sub Committee.



The Sub Committee was advised that Mr M A had been referred in relation to smoking in his licenced vehicle.

In early March 2022 the Licensing Office received two photographs of Mr M A sitting in his licenced vehicle smoking a cigarette. Smoking within a licenced vehicle was contrary to the Health Act 2006, Sandwell Taxi Licensing Policy and the driver conditions of licence.

In late April Mr M A attended the Licensing Office for a vehicle inspection and discussion. Licensing Enforcement Officers noted that Mr M A's vehicle had a smell of stale smoke and there were ash deposits in the footwell/sill of the driver door. Mr M A had stated that he did smoke outside of the vehicle. When shown the images of him smoking in the vehicle Mr M A apologised and stated that it would not happen again.

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

The Sub Committee was minded issue Mr M A with a severe warning. Members took into consideration Mr M A's previous good record, however, should the issue reoccur the matter would be taken very seriously by the Sub Committee.

**Resolved** that Mr M A be issued with severe warning around future conduct.

37/22

### **Application for the grant of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of T H**

Members considered an application for the grant of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr T H.

Mr T H was in attendance and had appeared before the Licensing Sub Committee on a number of occasions previously.



The Sub Committee was advised that Mr T H had failed to declare his previous driving convictions on his application form.

Mr T H stated that he had not declared the convictions as he thought that the Council already had that information.

The Sub Committee asked why Mr T H had applied for a licence as there was a requirement to be conviction free for 10 years where there had been a previous conviction in relation to the Fraud Act. Mr T H stated that he was a changed man, that he had no new points or convictions, and apologised for his previous conduct. Mr T H provided character references to the Sub Committee.

Mr T H advised that he had been working for Sandwell, transporting and supporting Special Educational Needs children going to school, and that he held a Travel Assistance Service badge to work with vulnerable children and young people. However, no evidence had been provided in advance and none was available at the meeting to evidence the current work undertaken.

Mr T H did not have the Travel Assistance Service badge with him but said he could bring it in if required.

In view of the new information and the need to confirm the status, the Sub Committee was minded to adjourn the meeting in order to gain additional information from the operator and the transport unit.

**Resolved** that consideration of the new application for a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr T H be adjourned to 22 July 2022, in order for further information to be gathered.

Meeting adjourned at 4.36pm



**Friday 22 July 2022 at 10.00am  
in the Council Chamber, Sandwell Council House, Oldbury**

**Present:** Councillor Allen (Chair);  
Councillor Dunn and J Giles

**In attendance:** Usha Devi (Senior Licensing Officer);  
David Elliott (Legal Advisor);  
Trisha Newton (Senior Democratic Services Officer);  
Connor Robinson (Democratic Services Officer).

38/22 **Application for the grant of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of T H**

Further to Minute No. 37/22 above, the Sub Committee reconvened to consider the application for the grant of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr T H.

The Sub Committee was informed that the Licensing Officer had been in contact with the Travel Assistance Service who issued the Travel Assistance Service (TAS) badge. They had confirmed that Mr T H had a TAS badge which was valid until January 2023, however, the TAS team were not clear on any official work that Mr T H had been registered to undertake. The person who had mainly dealt with Mr T H was unavailable, therefore, there was currently limited information available to present to the Sub Committee.

Mr T H was again unable to present the badge at the meeting for members to see and said he would need to reapply for a replacement badge.

Mr T H presented the Sub Committee with a character reference from the operator he worked for. It transpired that the operator was run by Mr H T's family and the character reference was made by his brother.





Mr T H informed the Sub Committee that since his licence had been revoked in 2016, he had worked for the taxi operator run by members of his family and had undertaken work transporting SEND children. It was however difficult for the Sub Committee to understand what work was undertaken and to what extent.

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

The Sub Committee was minded to defer consideration of the matter to a future meeting. The Sub Committee was not satisfied that Mr T H had demonstrated what work he had undertaken since 2016. It was stressed that the responsibility lay with Mr T H and he needed to provide references (other than from family), a copy of his PSV licence, his TAS badge and more information from the Passenger Transport Unit would be helpful.

**Resolved** that the application for the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr T H be deferred to a future meeting in order that further information can be obtained by both the driver and the Licensing Officer.

(Meeting ended at 11.24am)

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



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## Report to Licensing Sub Committee 1

**Monday 17 October 2022**

### Not for Publication

Exempt information: relating to any individual

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>	Director of Borough Economy - Alice Davey
<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>	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.
<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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## **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 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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