

Agenda

Licensing Sub Committee 1

Monday 17 April 2023 at 10.00 am
At 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.

- | | | |
|----------|--|----------------|
| 1 | Apologies for Absence | 7 - 8 |
| | To receive any apologies for absence. | |
| 2 | Declarations of Interest | 9 - 10 |
| | Members to declare any interests in matters to be discussed at the meeting. | |
| 3 | Minutes | 11 - 30 |
| | To confirm the minutes of the meeting held on 21 November and 12 December 2022 and 20 February 2023 as a correct record. | |



4 Exclusion of the Public and Press

“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

31 - 206

Shokat Lal
Chief Executive
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

21 November 2022 at 10.07am
In Committee Room 1, Sandwell Council House, Oldbury

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

52/22 Apologies for Absence

There were no apologies for absence.

53/22 Declarations of Interest

There were no declarations of interest.

54/22 Application for the grant of a new Premises License at West Smethwick Park and Pavilion, West Smethwick Road, Smethwick

In attendance:

Makhan Singh Gosal (Licensing Officer);
David Elliott (Legal Advisor);
Kiran Dhesi (Licensing Officer)
Corinne Caddy (Events Co-ordinator);
Laura Wesson (Lightwoods House Co-ordinator);
Trisha Newton (Deputy Democratic Services Manager);
John Swann (Democratic Services Officer).



The Sub Committee considered an application for the grant of a premises licence in respect of West Smethwick Park and Pavilion, West Smethwick Road, Smethwick.

A representation had been made by a local resident, objecting to the grant of a licence with concerns that the Crime and Disorder and Public Nuisance licensing objective would be undermined.

The applicant addressed the Sub Committee and outlined that the venue would be primarily use for private hire and community events. In addition, extensive safeguarding measures were proposed including onsite security daily between 4-8pm and partnership working with environmental health and the Police.

The Sub Committee was advised that the application had been amended, with all licensable activities, including the supply of alcohol, ending at 11.15pm.

The Sub Committee noted that no responsible authority had made representations and that the applicant held an existing premises licence with the authority.

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 and was minded to grant the licence as amended. The concerns raised were valid, however, as this was a new application there was no evidence. Should any issues arise the licence could be reviewed.

Resolved that the Premises Licence for West Smethwick Park and Pavilion, West Smethwick Road, Smethwick, be approved, as amended with licensing activities ending at 11.15pm.



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.

Parties would be advised of their right of appeal to the Magistrates Court within 21 days of receipt of the decision letter.

55/22

Application for the grant of a new Premises License at Dartmouth Park, Access off Lloyd Street, West Bromwich

In attendance:

Makhan Singh Gosal (Licensing Officer);
David Elliott (Legal Advisor);
Corinne Caddy (Events Co-ordinator);
Laura Wesson (Lightwoods House Co-ordinator);
Trisha Newton (Deputy Democratic Services Manager);
John Swann (Democratic Services Officer).

The Sub Committee considered an application for the grant of a new premises licence in respect of Dartmouth Park, Access off Lloyd Street, West Bromwich.

A representation had been made by a local resident, objecting to the grant of a licence with concerns that the Crime and Disorder and Public Nuisance licensing objective would be undermined.

The applicant addressed the Sub Committee and outlined that the licence would be utilised for specific seasonal events only.



Members heard that the following would be implemented when the license would be utilised:-

- access points would be manned by SIA accredited security staff and stewards;
- traffic management plans would be enforced;
- all events would be risk assessed with staff being fully briefed;
- all events would be reviewed by an Advisory Group;
- Dartmouth Park would remain under a Public Space Protection Order.

The Sub Committee was advised that the application had been amended, with all licensable activities, including the supply of alcohol, ending at 11.15pm.

(Meeting adjourned between 12.52 to 1.08pm)

The Legal Advisor provided clarification in relation to the Public Spaces Protection Order.

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 and was minded to grant the licence as amended. The concerns raised were valid, however, as this was a new application there was no evidence. Should any issues arise the licence could be reviewed.

Resolved that the Premises Licence for Dartmouth Park (access off Lloyd Street, West Bromwich) be approved, as amended with licensable activities ending at 11.15pm.

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.



All parties would be advised of their right of appeal to the Magistrates Court within 21 days of receipt of the decision letter.

(Councillor Fenton left the meeting)

(Meeting adjourned 1.45 to 2.05pm)

56/22 Objection to Temporary Event Notices for MJ's Bar and Venue, 38 Bridge Street, Wednesbury

Present: Councillor Allen (Chair);
 Councillors Dunn and Singh.

In attendance:

Makhan Singh Gosal (Licensing Officer);
David Elliott (Legal Advisor);
Geeta Bangerh (Licensing);
Tyler Jones (Reload Under 16s);
Sharon Jeffries (Reload Under 16s);
Nicola Stansbie (West Midlands Police);
Trisha Newton (Deputy Democratic Services Manager);
John Swann (Democratic Services Officer).

The Sub Committee considered an application for a Temporary Event Notice in respect of MJs Bar and Venue, 38 Bridge Street, Wednesbury.

An objection had been received from West Midlands Police on the grounds of the Prevention of Crime and Disorder Licensing Objective.

The West Midlands Police representative advised that:-

- the previous under 16's seasonal event organised by Reload Under 16s had resulted in 6 police logs to the location and surrounding area and reports of violence had been reported by members of the public;



- the applicant had also contacted the Police at a previous event due to inadequate security provision;
- under 16s events required additional safeguarding measures;
- the applicant's ability to oversee dispersal at a previous event was a significant concern;
- the proposed event fell within the peak Christmas trading period.

In response the applicant advised:-

- he had run previous events which had not resulted in police logs being generated;
- he was willing to reduce the number of tickets sold and amend the time of the proposed event.

The Sub Committee expressed concern that no powers were available to place conditions upon the Temporary Event Notice if the applicant was granted.

Concern was also expressed about the applicant's ability to safeguard hundreds of unaccompanied children aged between 11-16.

The Sub Committee further stated that they did not have confidence that suitable event management techniques could be implemented.

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

The Sub Committee took into consideration representations made by all parties and was minded to refuse the application as members were concerned with the issues encountered at previous events, difficulty in conditioning a temporary event notice to tackle issues and the involvement of children. The Sub Committee considered



Resolved that the application for a Temporary Event Notice for MJ's Bar and Venue, 38 Bridge Street, Wednesbury be refused.

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.

All parties would be advised of their right of appeal to the Magistrates Court within 21 days of receipt of the decision letter.

Meeting ended at 3.35pm
(with adjournments between 11.13am – 12.30pm,
12.52 to 1.08pm and 1.45pm – 2.05pm)

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Minutes of Licensing Sub Committee 1

**Monday 12 December 2022 at 1pm
At Sandwell Council House, Oldbury**

Present: Councillor Fenton (Chair);
Councillors J Giles, W Gill and Singh.

In attendance: Usha Devi (Senior Licensing Officer);
David Elliott (Legal Advisor);
Trisha Newton (Deputy Democratic Services Manager);
John Swann (Democratic Services Officer).

57/22 **Apologies for Absence**

Apologies for absence were received from Councillors Allen, M Gill and Wilkes.

58/22 **Declarations of Interest**

No interests were declared at the meeting.

59/22 **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 any individual.



60/22 **Application for the grant of a Private Hire Driver’s Licence in respect of Mr M H**

The Sub Committee was advised that Mr M H was not in attendance as his legal representative was not available.

The Sub Committee was minded to defer consideration of the application for the grant of a Private Hire Driver’s License in respect of Mr M H, in order to allow Mr M H an opportunity to attend.

Resolved that consideration of the application of for the grant of a Private Hire Driver’s License in respect of Mr M H be deferred to a future meeting.

61/22 **Application for the renewal of a Private Hire Driver’s Licence in respect of Mr M H (1)**

The Sub Committee was advised that Mr M H (1) was not in attendance and family members had confirmed he was not available.

The Sub Committee was minded to defer consideration of the application for the renewal of a Private Hire Driver’s License in respect of Mr M H (1), in order to allow Mr M H an opportunity to attend.

Resolved that consideration of the application of for the renewal of a Private Hire Driver’s License in respect of Mr M H (1) be deferred to a future meeting.

62/22 **Application for the review of a Dual Private Hire and Hackney Carriage Driver’s Licence in respect of Mr M U**

The Sub Committee was advised that Mr M U was not in attendance as his legal representative was not available.



The Sub Committee was minded to defer consideration of the application for the review of a Dual Private Hire and Hackney Carriage Driver's License in respect of Mr M U, in order to allow Mr M U an opportunity to attend.

Resolved that consideration of the application of for the review of a Dual Private Hire and Hackney Carriage Driver's License in respect of Mr M U be deferred to a future meeting.

63/22

Application for the grant of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr S K

Members considered the application for the grant of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr S K.

Mr S K was in attendance and had not previously appeared before the Licensing Sub Committee.

Mr S K had previously held a licence with the Council, however it was revoked by officers under delegated powers following a complaint which alleged Mr S K had committed an offence.

Mr S K had provided a copy of his passport in advance of the meeting and the Senior Licensing Officer confirmed that he had the right to work in the UK. Mr S K had no convictions identified on his DBS.

The Sub Committee heard that Mr S K held a licence with Wolverhampton City Council.

Additional information was circulated at the meeting.

(Meeting adjourned between 1.47pm to 2.14pm)

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.



The Sub Committee was minded to grant the Dual Private Hire and Hackney Carriage Driver's License in respect of Mr S K. Members took into account his DBS information and documentation and determined that he was a fit and proper person to hold a licence.

Resolved that the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr S K be granted.

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.

(Meeting ended at 2.17pm)

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Minutes of Licensing Sub Committee 1

**Monday 20 February 2023 at 10.00am
in Committee Room 2, Sandwell Council House, Oldbury**

Present: Councillor Allen (Chair)
Councillor Dunn, J Giles, Z Hussain and N Singh

Officers: Usha Devi (Senior Licensing Officer)
Christian Attard (Licensing Officer)
Stuart Adams (Licensing Officer)
David Elliot (Legal Advisor)
Connor Robinson (Democratic Services Officer)

1/23 **Apologies for Absence**

Apologies for absence were received from Councillor M Gill and Wilkes.

2/23 **Declarations of Interest**

There were no declarations of interest

3/23 **Minutes**

Resolved that the minutes of the meetings held on 17 and 24 October, 21 November and 12 December 2022 be approved as a correct record.



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 any individual.

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

Review of a Private Hire Drivers Licence in respect of Mr S K

Further to Minute No. 12/22 (5 September 2022), members considered a review of the Private Hire Drivers Licence in respect of Mr S K.

The Sub Committee heard that following Mr S K’s suspension at Committee on 5 September 2022, he had notified Licensing on 30 September that he had been arrested, a subsequent notification had stated that the arrest had been due to a breach of his non-molestation order, appearing before a magistrate’s court he had pleaded and was found guilty. Mr S K had been sentenced to an electronically monitored curfew for 18 weeks.

The Sub Committee was also informed of a separate incident relating to use of a mobile phone which was currently ongoing.

The Sub Committee was advised by its legal advisor that the decision made on 5 September 2022 following Mr S K’s conviction, had taken into account his previous long record of good conduct and the peculiarities of the incident in question that was related to an ongoing family dispute.

With regard to the most recent charge, Mr S K stated that the use of his mobile phone was solely on his property and he was recording for his own safety.



With regard to the breach of the order, Mr S K stated that he had poured some water onto the ground outside of the house of the person he was involved with in the ongoing family dispute.

Mr S K was advised by the Sub Committee that his actions were detrimental, noting the Sub Committee had previously suspended him and warned him not to make contact with those involved in the ongoing dispute. Mr S K was reminded by the Sub Committee that they were primarily concerned with the safety of the public, that drivers upheld the law and were fit and proper to undertake their role.

The Sub Committee was mindful that while Mr S K had been convicted of breaching his non-molestation order following his last appearance at Committee, he had only been charged following the most recent incident and was not convicted.

It was noted that the ongoing issues were related to an ongoing family dispute and there had been no involvement or incident with the public or his vehicle.

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

Having considered all the information before it, the Sub Committee was minded to revoke Mr S K's licence. The Sub Committee had previously suspended Mr S K's licence however the repeated offences and alleged offences meant the Sub Committee had concerns about Mr S K's suitability as a fit and proper person to hold a licence.

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



Renewal of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr A H

Members considered a renewal of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr A H.

Mr A H was in attendance and had appeared before the Committee previously.

The Sub Committee was advised that Mr A H had failed to declare within 7 days his minor traffic offences and 9 points on his driving licence.

The Sub Committee was advised that Mr A H had originally not completed his renewal application correctly, had failed to declare previous driving convictions along with stating that his licence had been suspended by Birmingham City Council rather than revoked. It was also noted that Mr A H had previously received a warning for not reporting his driving offences and, despite this, had failed again to report the most recent offences.

Mr A H advised that he had been in dispute with the Police and his possible attendance at a speed awareness course. He stated that once he had been convicted he had reported his conviction to Licensing.

Mr A H stated that he had mistakenly driven a little over the speed limit and had not meant to do so.

Mr A H explained that he had made a mistake when completing the application form and he had had the support of a family member when completing it.

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

Having considered all the information before it, the Sub Committee was minded to renew the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr A H, however, the licence would be suspended for 28 days and Mr A H was issued with a warning as to his future conduct. The Sub Committee in making its decision recognised that the convicted offences were minor traffic offences.



Resolved that:-

- (1) the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr A H be renewed and suspended for a period of 28 days;
- (2) Mr A H be issued with a warning as to his future conduct.

(Councillor Z Hussain left the meeting)

7/23 **Renewal of a Private Hire Driver's Licence in respect of Mr M H**

The Sub Committee was advised that Mr M H was unable to attend the Sub Committee and the matter would be considered at a future meeting.

Resolved that the renewal of the Private Hire Driver's Licence in respect of Mr M H be deferred to a future meeting.

8/23 **Grant of a new Private Hire Driver's Licence in respect of Mr A S**

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

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

The Sub Committee was advised that Mr A S had been unable to obtain a Certificate of Good Conduct from his country of origin, along with failing to declare driving conviction. However, Mr A S had provided a statutory declaration.



Mr A S stated that he had tried to get onto a driving course and this had led to him not declaring the offence on his application.

Mr A S stated that he had been stuck in traffic which had resulted in him being positioned in the middle of the highway once the lights had changed, and his action had not been intentional. He stated that this was his first offence in the 20 years he had been driving in England.

Mr A S stated that the political situation in Afghanistan made it difficult to obtain the Certificate of Good Conduct.

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

Having considered all the information before it, the Sub Committee was minded to grant the Private Hire Driver's Licence in respect of Mr A S. The Sub Committee considered that he was a fit and proper person, however they warned and advised him of his responsibilities as a Private Hire licence holder and the need to understand his responsibilities.

Resolved that the Private Hire Driver's Licence in respect of Mr A S be granted with a warning to his future conduct.

9/23

Grant of a new Private Hire Driver's Licence in respect of Mr J M

Members considered the application for the grant of a Private Hire Driver's Licence in respect of Mr J M.

Mr J M was in attendance and had not previously appeared before the Sub Committee.

The Sub Committee was advised that Mr J M had been unable to obtain Certificate of Good Conduct from his country of origin, along with a dishonesty conviction.



The Sub Committee was advised that Mr J M had declared his conviction for dishonesty in his application. The conviction was six years old and was therefore not spent under the Council's Licensing Policy.

Mr J M was unable to provide a Certificate of Good Conduct from his country of origin due to the political make-up of the Iranian government. Mr J M had instead provided a number of character references.

Mr J M informed the Sub Committee of his circumstances which led to the dishonesty conviction, however, he had not appealed the matter.

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

Having considered all the information before it, the Sub Committee was minded to refuse the application for a new Private Hire Driver's Licence in respect of Mr J M. The Sub Committee had not grounds to depart from the Councils Licensing Policy which states that a licence would not be granted if a person had a dishonesty conviction within the last of 10 years.

Resolved that application for a Private Hire Driver's Licence in respect of Mr J M be refused.

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

Meeting ended at 4.24pm
(meeting adjourned between 11.06am -11.07am and 1.35pm – 2.30pm)

Contact: democratic_services@sandwell.gov.uk



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Report to Licensing Sub Committee 1

Monday 17 April 2023

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.

Subject:	Private Hire/Vehicles/Operators Licence related matters
Director:	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

- Local Government (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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