

Minutes of Licensing Sub Committee 2

**Monday, 15 May 2023 at 10.00 am
at Committee Room 2 - Sandwell Council House, Oldbury**

Present: Councillor Fenton (Chair)
Councillors J Giles and N Singh

Officers: Usha Devi (Senior Licensing Officer);
Imran Patel (Licensing Officer)
David Elliott (Legal Advisor);
Connor Robinson (Democratic Services Officer).

37/23 Apologies for Absence

Apologies for absence were received from Councillor A Hussain.

38/23 Declarations of Interest

There were no declarations of interest

39/23 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.

40/23 Review of a Private Hire Operator Licence in respect of Mr S S

Members considered the review of the Private Hire Operator Licence in respect of Mr S S.



Mr S S was not in attendance, however, was represented by his legal representative.

The Sub Committee was advised that Mr S S had failed to inform the Council of an arrest contrary to the conditions of his Private Hire Operator Licence.

The Sub Committee heard that Mr S S was unable to attend due to a Police request that he attend the Police Station in relation to the above incident.

With the knowledge that the Police had not concluded their investigation, Mr S S's representative requested that the matter be deferred to allow the Sub Committee to be presented with all necessary information.

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 defer any decision until such time that all relevant information was available.

Resolved that the review of the Private Hire Operator Licence in respect of Mr S S be deferred.

41/23 Application of a New Private Hire Driver's Licence in respect of Mr A H

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

Mr A H was in attendance, represented by his legal representative.

The Sub Committee was advised that Mr A H had allegedly been involved in a serious incident and accident which he had failed to report and Mr A H had also failed to declare a driving offence on his application form.

The Sub Committee heard that the revocation of Mr A H's Wolverhampton City Council Licence had occurred in November 2020 following a serious incident and vehicle accident which had occurred in August 2020. Mr A H had also been found to have

been working for multiple operators which was against Wolverhampton City Council's Licensing Policy.

The Sub Committee was informed that Mr A H was the victim of the incident and not the perpetrator. An email had been forwarded by Mr A H from the Police confirming that he was not the person responsible for the incident.

In March 2023 it was discovered that Mr A H had not reported on his application form that he had an SP20 conviction for exceeding the speed limit in May 2021 and a MS90 conviction for failure to give information as to identity of the driver in May 2022.

Mr A H accepted that he should have declared the SP20 conviction for exceeding the speed limit and explained that this had only occurred as he was driving on unfamiliar roads.

Mr A H advised that he had not detailed the MS90 conviction for failure to give information as to identity of the driver driving as despite been named, he denied being the driver of the vehicle at the time of the incident.

Mr A H claimed that at the point of submitting the application he was still disputing his involvement in the offence, hence why it was not included in the application.

The Sub Committee heard that Mr A H had learned his lesson to not to be so trusting when it came to his vehicle and that it was very important to keep Licensing informed of any incidents and outside of the incidents he was hard working and wanted to succeed and support his young and growing family.

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 Private Hire Driver's Licence in respect of Mr A H. The MS90 conviction was classified as a major Road Traffic Offence under the Council's policy guideline and carried a sanction of revocation for an existing driver and refusal for a new application. The Sub Committee in addition noted the continued lack of communication with the Licensing Office and therefore did not consider Mr A H to be a fit and proper person.

Resolved that the application for a Private Hire Driver's Licence in respect of Mr A H 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 A H would be advised of his right to appeal to the Magistrates Court within 21 days of receiving the decision letter.

42/23 Review of a Private Hire Driver Licence in respect of Mr M Z B

The Sub Committee was advised that Mr M Z B was unable to appear before the Sub Committee as he was unwell. The application would be deferred to a future Sub Committee Meeting.

Mr M Z B had originally been scheduled to appear before the Sub Committee on 24 April 2023 but the matter had been deferred to allow Mr A H to secure legal representation (Minute No 25/23 – Licensing Sub Committee 1 – 24 April 2023).

The Sub Committee was minded to inform Mr M Z B that failure to attend any subsequent hearing may result in the case being heard in his absence.

43/23 Application for a New Private Hire Driver Licence in respect of Mr I A A

Members considered the application for a Private Hire Driver Licence in respect of Mr I A A.

Mr I A A was in attendance and had not previously appeared before the Sub Committee and had no previous convictions. Mr I A A was supported by his legal representative.

The Sub Committee was advised that Mr I A A's licence had been revoked by Wolverhampton City Council due to breach of licensing conditions and failure to declare revocation on application to Sandwell Council and failure to declare other licences held with other authorities in the last 12 months.

The Sub Committee heard that in mid-January 2023 Mr I A A had submitted his application to Sandwell, at the point of submission Mr I A A did not declare that he was licensed with another authority. It subsequently became apparent that Mr I A A was licensed and under investigation by Wolverhampton and it had been revoked just four days after his submission of his Sandwell application.

Wolverhampton had revoked the licence following a breach of licensing conditions, namely, failure to declare working for three operators. The Sub Committee noted that under Wolverhampton licensing policy drivers may only work for one operator.

Mr I A A argued that he did not understand what he was doing was wrong and that the reason he worked for so many operators was because he was wanting to find work.

Mr I A A had not contested the revocation and stated that he had asked for a new date but instead the case was heard in his absence.

Mr I A A had supplied a Certificate of Good Conduct and had no convictions.

It was noted that Mr I A A wished to return to taxi driving for his own fulfilment and to support his family.

Mr I A A stated that he had not meant to deceive the Licensing Office and that he had made a mistake.

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 the Private Hire Driver Licence in respect of Mr I A A with a warning as to future conduct and responsibility to read and understand the Sandwell Licensing Policy. The Sub Committee found Mr I A A honest and truthful and therefore fit and proper to hold a licence. They also advised that he seek support in his understanding of English in order to fully understand his role and responsibilities.

Resolved that the Private Hire Driver Licence in respect of Mr I A A be granted with a warning as to future conduct.

Meeting ended at 4.43pm
(Meeting adjourned between 10.42am to 11.00am, 12.18pm to 12.38pm,
1.34pm to 3.04pm and 3.11pm to 3.14pm)

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