

Minutes of Licensing Sub Committee 2

**Monday, 17 July 2023 at 10.00 am
at Committee Room 1 - Sandwell Council House, Oldbury**

Present: Councillor Fenton (Chair)
Councillors A Hussain and Lewis

Also present: Councillor Weston (Observer)
Usha Devi (Senior Licensing Officer);
Fiona Gee (Licensing Supervisor)
Nicola Plant (Assistant Director Public Protection and
Community Safety);
David Elliott (Legal Adviser);
Toby Howes (Interim Democratic Services Officer).

47/23 Apologies for Absence

Apologies for absence were received from Councillors Davies and J Singh.

48/23 Declarations of Interest

There were no declarations of interest.

49/23 Minutes

Resolved that the minutes of the meetings held on 27 March 2023 and 15 May 2023 be approved as a correct record.



50/23 Exclusion of the Press and Public

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.

51/23 Review of Private Hire Operator's Licence in respect of Mr S Q S

Members considered the application for a review of a Private Hire Operator's Licence in respect of Mr S Q S.

Mr S Q S was not present, however his legal representative was present on his behalf.

The Sub Committee heard from Mr S Q S's legal representative who informed Members that there had been allegations made against his client regarding assault. However, there was not sufficient evidence for the allegation to be pursued. On behalf of Mr S Q S, the legal representative also acknowledged the error of his client in not informing the Licensing Authority of the allegation, however in mitigation he stated that he had also been licenced at Dudley Metropolitan Borough Council for a number of years where there was no obligation to report such matters.

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

Resolved that the private hire operator's licence remain in force, however a severe warning be issued in respect of failure to notify the Council of the assault allegations.

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.

52/23 Application for a Private Hire Driver's Licence in respect of Mr F M

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

Mr F M was in attendance. The Sub Committee noted receipt of his Certificate of Good Conduct and DBS and could see nothing in the circumstances presented to it that he was not a fit and proper to hold a Private Hire Drivers Licence.

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

Resolved that the Private Hire Driver's Licence in respect of Mr F M 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.

53/23 Application for the review of the Private Hire Driver's Licence in respect of Mr R A

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

Mr R A was in attendance to respond to any questions from the Sub Committee.

The Sub Committee noted the Certificate of Good conduct the applicant had provided and his circumstances generally and determined that he was a fit and proper person to hold a licence.

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

Resolved that the Private Hire Driver's Licence in respect of Mr R A 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.

54/23 Application for a Private Hire Driver's Licence in respect of Mr F N

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

Mr F N and his legal representative were in attendance. The legal representative contended that the motoring convictions fell outside of the guidelines and that he had taken misleading advice on the issue of spent convictions. There were also some misunderstandings in the respect of his application form regarding his previous licence history at the City of Wolverhampton Council.

The Sub Committee acknowledged and accepted the comments made by the applicant's legal representative and took this into consideration in determining the application.

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

Resolved that the Private Hire Driver's Licence in respect of Mr F N be granted with a warning that all information relevant to any application or changing circumstances is notified to the Council in future in accordance with the conditions of licence and handbook.

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.

55/23 Application for a Private Hire Driver's Licence in respect of Mr A I A T

Members considered the application for a Private Hire Driver's Licence in respect of Mr A I A T.

Mr A I A T was in attendance.

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

During questioning from the Sub Committee to the applicant, it was apparent that there were errors and omissions in statutory declarations submitted that involved previous relevant convictions.

Resolved that consideration the application for the Private Hire Driver's Licence in respect of Mr A I A T be deferred to a future date in order for the matter relating to previous

convictions to be clarified between the applicant and the Licensing Authority prior to the date of the hearing.

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 4.50 pm

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