

# Minutes of Licensing Sub Committee 2

**Monday, 18 September 2023 at 10.00 am  
at Committee Room 1 - Sandwell Council House, Oldbury**

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

**Officers:** Balbir Dhugga (Licensing Officer);  
Christian Attard (Senior Licensing Officer);  
David Elliott (Legal Advisor);  
Johane Gandiwa (Committee and Constitutional Services  
Lead Officer);  
Connor Robinson (Democratic Services Officer).

## **68/23 Apologies for Absence**

No apologies for absence were received.

## **69/23 Declarations of Interest**

There were no interests declared.

## **70/23 Transfer of Sexual Entertainment Venue Licence for Angels Gentlemen's Club, 303 High Street, West Bromwich, B70 8ND**

The Sub Committee considered the application for the transfer of a sexual entertainment venue licence in respect of Angels Gentlemen's Club, 303 High Street, West Bromwich.

The premises had traded as a licensed sex establishment at its current address for many years and the licence had been renewed each year.



In November 2017, the premises were transferred to WB2 Anchor Limited.

Mr Kulwant Singh was currently a director of WB2 Anchor Limited of Angels Gentlemen's Club and already had a wealth of experience over many years running the venue. The reason for the transfer was that he now wished to transfer the licence to himself as an individual from the current company.

There was a premises licence under the Licensing Act 2003 in force at these premises authorising the sale and supply of alcohol, late night refreshment and regulated entertainment between the hours of 10.00am until 5.00am Monday – Sunday. The premises opening hours were 10.00am until 5.30am Monday – Sunday. The premises licence was transferred from WB2 Anchor Limited to Kulwant Singh on 27 July 2023.

No objections have been submitted by West Midlands Police and no other objections have been received for this application.

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

**Resolved** that the transfer of the sexual entertainment venue licence in respect of Angels Gentlemen's Club, 303 High Street, West Bromwich to Mr Kulwant Singh be granted.

### **71/23 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.

### **72/23 Application for the Review of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr O M**

Members considered the review of the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr O M.

Further to Minute No. 21/22 (Licensing Sub Committee 2 - 14 November 2022), Mr O M was in attendance.

The Sub Committee was advised that Mr O M had been convicted in May 2023 for driving without due care and attention. Mr O M had notified the Licensing team within the required timescales.

There was no record of any complaints received regarding Mr O M.

Mr O M advised the committee that he had not been familiar with the area when the incident occurred resulting in driving into a road with a no entry sign.

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 warn Mr O M to take more care while driving in the future, Mr O M 's previous good record was taken into account when making the decision.

**Resolved** that following the Review of Mr O M's Dual Private Hire and Hackney Carriage Driver's Licence that Mr O M be issued with a warning to take more care in the future.

### **73/23 Application for Private Hire Driver's Licence in respect of Mr M O**

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

Mr M O was in attendance and had appeared before the Sub Committee on two previous occasions, the first being in late June 2018 where Mr M O's renewal application was refused (Minute No. 60/18 – Licensing Sub Committee 2) and the previous being in early September 2019 where his licence was revoked (Minute No. 61/19 – Licensing Sub Committee 1).

The refusal of the renewal in 2018 was subsequently appealed and the courts had taken the decision to uphold the applicant's appeal and Mr M O's licence was reinstated.

In October 2019 Licensing were notified by Birmingham City Council that Mr M O had been convicted of plying for hire and having no insurance. Mr M O had not notified Licensing that he

had been convicted of the offences as per his conditions of licence, and, as per the Council's policy, Mr M O's licence was revoked by the Sub Committee.

Following the decision of the Sub Committee Mr M O appealed the decision to the Magistrates Court, while the appeal was dismissed by the Magistrates Court in mid August 2021 Mr M O notified Licensing that he would be further appealing the decision to the Crown Court. Mr M O's appeal was heard by the Crown Court in mid-February 2022 and as his appeal was dismissed and Mr M O returned his plates and badges.

During the appeal period, no further complaints were received regarding Mr M O.

Mr M O had been unable to provide a certificate of good conduct for the period that he lived outside of the UK since he was 18. Mr M O had been invited to supply documents in support of his application, but none had been received. Mr M O had declared the offences on his application form together with his previous licence having been revoked by Sandwell. The Sub Committee was advised that offences detailed had expired as per policy rehabilitation period.

Mr M O explained that he was unable to obtain a certificate of good conduct due to the political circumstances in Afghanistan. Mr M O provided a statutory declaration and references to the Sub Committee.

Mr M O outlined the circumstances surrounding the plying for hire conviction.

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 application with a warning as to Mr M O's future conduct. The Sub Committee took into account the statutory declaration and references along with the period of time since the convictions and found Mr M O to be a fit and proper person.

**Resolved** that the Private Hire Driver's Licence in respect of Mr M O be granted with a warning as to his future conduct.

## **74/23 Application for Private Hire Driver's Licence in respect of Mr M B**

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

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

The Sub Committee was advised that Mr M B had failed to declare driving convictions and had been refused by Wolverhampton City Council.

Mr M B stated that he had made a mistake when submitting his application and that since the convictions were not present on his DBS he did not think he had to include them on his application.

Mr M B had been working for a food delivery company since he had been refused his renewal licence at Wolverhampton.

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 application with a severe warning as to Mr M B's future conduct. The Sub Committee took into account the driver's honesty and his reviews from customers and found he was a fit and proper person to hold a licence.

**Resolved** that the Private Hire Driver's Licence in respect of Mr M B be granted with a severe warning as to his future conduct.

## **75/23 Application for Private Hire Driver's Licence in respect of Mr A C**

Members considered the application for New Private Hire Driver's Licence in respect of Mr A C.

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

The Sub Committee was advised that Mr A C had failed to declare his motoring convictions.

The Sub Committee was advised that Mr A C had held a Private Hire Licence with the City of Wolverhampton Council from early July 2018 and was currently licensed with them until early June 2024.

In early August 2023 Licensing questioned Mr A C and asked what the motoring offences were. Mr A C declared two SP30 speeding offences from 2016 and 2017. Mr A C had also received a further notification for speeding and had accepted a speed awareness course with the DVLA authority. A copy of the notification had been emailed to the taxi licensing team in early August 2023.

Mr A C apologised for not declaring his convictions and stated that he had misunderstood the question and thought he did not need to include convictions that no longer appeared on his DVLA record.

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 application with a warning as to Mr A C's future conduct. The Sub Committee took into account the driver's honesty and found he was a fit and proper person to hold a licence.

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

Meeting ended at 4.37pm

(Meeting adjourned 10.15am to 10.43am, 11.23am to 11.33am, 12.34pm to 1.38pm, 2.37pm to 2.45pm and 3.59pm to 4.10pm)

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