

# Agenda

## Licensing Sub Committee 2

**Monday 29 January 2024 at 11.00 am**  
**in Committee Room 1, Sandwell Council House, Oldbury**

- |          |   |                |
|----------|---|----------------|
| <b>1</b> | <b>Apologies for Absence</b>  | <b>7 - 8</b>   |
|          | To receive any apologies for absence.   |                |
| <b>2</b> | <b>Declaration 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 - 70</b> |
|          | To confirm the minutes of the meetings held on 27 March, 15 and 22 May, 17, 18 and 27 July, 7 August, 11 and 18 September, 30 October and 21 November 2023 as a correct record.   |                |
| <b>4</b> | <b>Exclusion of the Public and Press</b>  | <b>71 - 80</b> |
|          | “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**

81 - 124

**Shokat Lal**

**Chief Executive**

Sandwell Council House

Freeth Street

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**Distribution**

Councillor Fenton (Chair)

Councillors A Hussain, J Singh and Weston

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## Licensing Sub Committee 2

### Apologies for Absence

To receive any apologies for absence from the members of the Committee.



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## Licensing Sub Committee 2

### 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 2

Monday 27 March 2023 at 10.07am  
in Committee Room 2 - Sandwell Council House, Oldbury

**Present:** Councillor Fenton (Chair);  
Councillors Dunn and A Hussain.

**Officers:** Usha Devi (Senior Licensing Officer);  
Christian Attard (Taxi Licensing Enforcement Officer);  
Geraldin Chitakara (Licensing Officer)  
David Elliott (Legal Advisor);  
Connor Robinson (Democratic Services Officer);

### 28/23 **Apologies for Absence**

Apologies for absence were received from Councillor Akpoteni and Z Hussain.

### 29/23 **Declarations of Interest**

No interests were declared at the meeting.

### 30/23 **Minutes**

**Resolved** that the minutes of the meetings held on 14 and 28 November 2022 be confirmed as a correct record.



31/23 **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 an individual.

32/23 **Application for the Review of a Private Hire Driver’s Licence in respect of Mr M T U**

Further to Minute No. 27/23 (Licensing Sub Committee 3 - 23 January 2023), members considered a review of a Private Hire Drivers Licence in respect of Mr M T U.

Mr M T U was in attendance, represented by his solicitor.

The Sub Committee was advised that Mr M T U had appeared before the Licensing Sub Committee on 23 January 2023. The Sub Committee had resolved to suspend Mr M T U until he had been assessed by Sandwell Occupational Health.

The Sub Committee was advised that a Medical Fitness Certificate had been provided following the assessment considered Mr M T U fit to continue driving.

The Sub Committee was informed that Licensing was only made aware of the change in Mr M T Us medical circumstances following a conversation with the Taxi Licensing Enforcement Officer in response to a number of complaints received which related to concerns around Mr M T U’s fitness to operate a vehicle. Mr M T U had during the conversation, informed Licensing of his recent medical diagnoses a month prior. Under the Policy a change in medical circumstances must be declared within one working day.



Mr M T U's representative advised the Sub Committee that his client had fully cooperated with the proceedings following his suspension and it was unfortunate that the advice he had been given by his GP had not been wholly correct. Mr M T U understood that it was very important to inform Licensing of any change and that the process had been a learning curve for him.

It was also stressed that Mr M T U had undergone the Occupational Health assessment and had been found fit.

With respect to the number of complaints, it was advised that while it was correct to note them, no formal witness statements had been obtained. However, it was stressed that the nature of the complaints required the review of the licence.

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 remove the suspension of the Private Hire Driver's Licence in respect of Mr M T U. In coming to its decision the Sub Committee had taken account of Mr M T U's cooperation with the process and the results of his Occupational Health Assessment.

**Resolved** that the suspension of the Private Hire Driver's Licence in respect of Mr M T U be removed.

33/23

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

Members considered a renewal of a Private Hire a Driver's Licence in respect of Mr M H.

Mr M H was in attendance, supported by his brother in law and represented by his solicitor. Mr M H had appeared before the Committee previously.



The Sub Committee was advised that Mr M H had been breach of Licensing Conditions due a failure to declare the revocation of a Private Hire Driver's Licence by Wolverhampton City Council, along with an ongoing investigation for plying for hire by Birmingham City Council.

The Sub Committee heard that in June 2021 a notification had been received from Wolverhampton City Council informing them that Mr M H had been caught plying for hire in Birmingham in May of that year. Licensing was informed that Wolverhampton Council had revoked Mr M H's licence in September. As the matter was not taken to court there was no conviction for no insurance.

Mr M H had failed to declare on his application in early September that he held a licence with Wolverhampton City Council and that it was under review. Licensing confirmed that Mr M H should have made them aware of the decision of Wolverhampton City Council as per his conditions of licence and that he should have also made them aware he was being investigated for plying for hire in Birmingham.

Mr M H's representative disagreed with the report and argued Mr M H had not misled Licensing and that his application that was submitted in early September was correct. The Sub Committee heard that Mr M H had voluntarily surrendered his Wolverhampton Private Hire Vehicle Driver Badges and Private Hire Vehicle Plates in early July 2021 and therefore was not licensed with Wolverhampton when he submitted his application. In addition, it was also argued that Wolverhampton could not have revoked Mr M H's licence as at the time of the Wolverhampton review he no longer held a Wolverhampton licence.

The Sub Committee sought legal advice on the argument presented. It was confirmed that a driver may at any point voluntarily surrender their licence and it was correct that a licence cannot be revoked if it had been surrendered.



Addressing the finding of Birmingham City Council of Mr M H plying for hire, it was argued that there had been no formal conviction. It was also stated that Mr M H had been a licensed driver in Sandwell since 2009 and bar a minor traffic offence a decade ago had an unblemished 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 renewal of the Private Hire Driver's Licence in respect of Mr M H with a stern warning as to his future conduct. The Sub Committee appreciated the uniqueness of the case, there had been no formal conviction of plying for hire and it had been accepted that a revocation could not be applied to a surrendered licence. The Sub Committee was confident that Mr M H remained a fit and proper person to hold a licence.

**Resolved:-**

- (1) that the Private Hire Driver's Licence in respect of Mr M H be renewed;
- (2) that Mr H be issued with a warning as to future conduct.

34/23 **Application for the Review of a Private Hire Driver's Licence in respect of M A**

The Sub Committee was advised that Mr M A was unable to attend 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.

35/23 **Application for the Review of Private Hire Driver's Licence in respect of Mr A M**

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



Mr A M was in attendance, supported by a friend. Mr A M had not appeared before the Sub Committee before and had no previous convictions.

The Sub Committee was advised that, at the end of May 2022, Licensing had received a photograph that depicted a taxi bearing Mr A M's number and plates parked in a Hackney Carriage rank on Dudley High Street. The photograph was accompanied by a complaint and witness statement stating that the vehicle was parked in the Hackney Carriage rank for a period of two hours.

Mr A M had attended the Licensing Office in June and admitted to parking in the Hackney Carriage rank. Mr A M stated that he had parked in the rank and that he had done so as he had to visit a local bank.

In addition the Sub Committee heard that Mr A M had around the same time been issued with a fixed penalty notice from Dudley Council following an Environmental Enforcement Officer witnessing Mr A M discarding a cigarette onto the floor. Mr A M had driven off before a penalty could be issued however the driver was identified through his plates and the penalty was sent via post.

Mr A M reiterated that he had been parked in the Hackney Carriage rank as he was visiting the bank. He explained that while he had initially been waiting in the vehicle, he subsequently left his vehicle to support a family member visiting the local bank, he stated that he was not plying for hire. He now realised that the area was reserved for Hackney Carriages and that as a private hire vehicle he was not permitted to park there.

In addition, Mr A M admitted how he handled the Environmental Enforcement Officer from Dudley Council was a mistake and he wished he had handled the situation differently.

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 issue Mr A M a severe warning. In making its decision the Sub Committee accepted the explanation of Mr A M visiting the bank and also noted the long period Mr A M had held a licence without issue.

**Resolved** that Mr A M be issued with a severe warning as to future conduct.

36/23

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

Members considered a renewal of a Private Hire a Driver's Licence in respect of Mr K S.

Mr K S was in attendance, supported by his wife. He had not appeared before the Sub Committee before.

The Sub Committee was advised that Mr K S had been referred to the Sub Committee following a driving conviction for using a mobile phone whilst driving.

Mr K S had contacted Sandwell Licensing in late-October to confirm he had received a letter regarding using his mobile phone whilst driving and that he had been issued with 6 penalty points.

The Sub Committee also noted that Mr K S had at the same time been convicted of driving whilst not wearing a seat belt, however, there was no separate penalty.

Mr K S explained to the Sub Committee the circumstances surrounding the use of the mobile phone. Mr K S stated that he had recently purchased a new phone holder, the phone holder was not very secure, and his phone had moved from the original position it had been placed. Mr K S stated that while stuck in traffic and not moving he had attempted to move the phone into its original position.



Mr K S told the Sub Committee that he did not receive any notification of the charge until a few months later at which point he was out of the country. He informed the Sub Committee that he had not been given the opportunity to explain himself and when he attended court he only had the option to plead guilty or not guilty and was not given the chance to explain the situation.

Mr K S also confirmed that he had not been wearing his seat belt as was required by law.

Mr K S stated that he had been a taxi driver in Sandwell for almost 40 years and had never had an issue.

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 issue a severe warning. The Sub Committee in making its decision noted the honesty of the driver along with his very long and clean record.

**Resolved** that Mr K S be issued with a severe warning as to future contact.

Meeting ended at 4.04pm  
(with adjournments between 10.40am to 11am, 11.44am to 11.55am,  
12.50pm to 2.31pm and 3.02pm to 3.15pm)

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## Minutes of Licensing Sub Committee 2

Monday 15 May 2023 at 10.12am  
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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## Minutes of Licensing Sub Committee 2

Monday 22 May 2023 at 10.25am  
in Committee Room 1, Sandwell Council House, Oldbury

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

**Officers:** Geeta Bangerh (Licensing Officer)  
Kiran Dhesi (Licensing Officer)  
David Elliott (Legal Advisor)  
Connor Robinson (Democratic Services Officer)  
John Swann (Democratic Services Officer)

**In Attendance:** Sandip Gillar (Applicant)  
Dalveer Gillar (Applicant)  
Nicola Stansbie (West Midlands Police Licensing)  
Sharan Dadwal (Environmental Health)  
Catherine Hartle (Resident)  
Jonathan Hartle (Resident)  
Wayne Lancaster (Resident)  
Dean Gould (Resident)  
Craig Potter (Resident)  
Ronald Shearwood (Resident)  
Amanda Shearwood (Resident)

### 44/23 **Apologies for Absence**

No apologies for absence were received.



## 45/23 **Declarations of Interest**

No declaration of interest was made.

## 46/23 **Application for the grant of a new Premises Licence at Luxor Events, 152 Reddal Hill Road, Cradley Heath, B64 5JJ**

The Sub Committee considered the application for the grant of a new Premises Licence at Luxor Events, 152 Reddal Hill Road, Cradley Heath, B64 5JJ.

Representations had been received from Environmental Health, West Midlands Police and local residents objecting to the grant of the application due to the licensing objectives, namely, the prevention of public nuisance, public safety and crime and disorder.

The application was for regulated entertainment, (Indoors only) Monday – Sunday 10:00 – 23:00 hours and Supply of Alcohol (On Premises only) Monday to Sunday 10:00 – 23:00 hours. The proposed hours the premises would be open to the public was Monday to Sunday 09:00 – 00:00 hours.

The applicant was present and addressed the Sub Committee with the following:-

- the applicants are two professional individuals with a young family;
- the application would expand the range of businesses currently being operated;
- as well as being professional project managers, the applicants manage a number of rental properties and a photo booth company;
- around £50,000 had been spent on the property to enhance facilities and bring it up to modern standards;
- the applicants wished to work and engage with local residents and build a relationship of respect and harmony;
- the venue would only be used for private events, these could include, birthday parties, weddings, baby showers and corporate events;





- it was expected that the venue would only be in use two to three times a week;
- use could be on any day of the week depending on the booking;
- in response to the Licensing Objectives and to reassure the Sub Committee:
  - **The Prevention of Public Nuisance**
  - the Environmental Health officer had visited the site and recommended sound proofing, subsequent work had been done and was ongoing to ensure the building was sound proof;
  - noise assessments had been carried out to determine the frequency of any possible disturbance and a further enhanced assessment was planned;
  - to mitigate noise at the closure of events, rubbish and glass clean up would take place only in the morning or afternoon, not in the evening;
  - a dispersal policy would be in place, and if required outdoor supervisors would be on duty to ensure an orderly dispersal;
  - a designated smoking policy would be in place and enforced;
  - car parking was a noted concern, the Council currently owned an adjacent car park, but it was closed. Conversations had been had with local representatives to see if this car park could be opened up to alleviate parking;
  - a petition had been set up to collect signatures from local residents asking for the car park to be re-opened;
  - **The Prevention of Crime and Disorder**
  - the venue would only cater for private and corporate events, it was not a public venue and all guests and clients would be registered;
  - due to the nature of the events it was hoped that it would limit any anti-social-behaviour that had previously been experienced;
  - a security system had been installed and CCTV been placed around the premises;



- licenced door staff would be employed on large event days;
- a comprehensive dispersal strategy would be in place;
- an effects of alcohol information would be included in all employee handbooks;
- **Public Safety**
- applicants hoped to have demonstrated a comprehensive plan of how they seek to manage the venue effectively;
- applicants had tried to reach out to local residents but was conscious that reaching everyone was difficult;
- applicants had seen the documents and review of the previous venue operators and wanted to stress the difference between what was there before and what they were planning to do;
- the venue limit was proposed to be 300 not 500 as it was previously;
- the equipment used for sound previously was unacceptable for the venue and residential setting, such equipment and speakers would not be used;
- visitors would not be allowed to bring alcohol outside of the venue;
- it was not expected that two events would operate at the same time, music would only be played in the large function room;
- fire safety was very important, and a clear plan had been submitted, designated fire exits were in place;
- the building had significant damage and work had been underway to rectify this and bring the venue up to a suitable standard.

A number of local residents were present and addressed the Sub Committee with the following representations:-

- local residents had not known who to approach about concerns, previous bad experiences had left local residents apprehensive about approaching the owner;
- the previous use of the venue had caused very serious concerns to local residents impacting their lives in a very negative way;



- the venue had very limited parking resulting in the majority of visitors and attendees parking locally and causing problems and distress to local residents and business owners;
- visitors and attendees at the venue were likely to cause noise problems when they left in the evening;
- doubt was expressed that the venue could be sound proofed due to its age and therefore presented a very real concern to local residents;
- each event had the potential to impact local residents negatively as users and uses of the venue could cause issues and problems.

The Police representation was present and addressed the Sub Committee with the following representations:-

- the venue was a large venue in a residential area which had been subject to a number of complains previously under a previous owner due to continued anti-social behaviour;
- there had been continued noise complaints due to sound escaping from the building and the type of events proposed had the potential to cause future problems;
- the risk of disturbance and anti-social behaviour to local residents was high;
- there was little parking available for visitors and attendees and therefore there was a concern that the local roads and residents would be impacted;
- the proposed exit and entrances onto the nearby streets had previously been a source of anti-social behaviour;
- the venue would require a number of staff to manage it effectively to deal with any concerns.

Environmental Health was present and addressed the Sub Committee with the following representations:-

- the venue had previously been a real concern due to the noise and vibration complaints and there was a worry of previous issues reoccurring;
- there was a high risk of anti-social behaviour when visitors were leaving the venue;
- no car park means visitors and attendees would need to park on nearby streets;



- noise can travel through buildings and while the applicant was undertaking work to sound proof the venue the level of investment was very substantial;
- local residents had the right to enjoy their homes and not be adversely impacted by noise;
- a noise abatement notice which had been contravened had led to the previous licence being revoked;
- continued noise disturbance would result in a noise abatement notice being issued.

The applicants appreciated the concerns raised by local residents, Police and Environmental Health and stated that they had spent a considerable amount of money on soundproofing measures. Users of the venue would be required to submit their plans and activities prior to use, it was also expected that staff on site would be hired through the venue. Procedures would be in place to prevent noise escaping the venue and managing visitors and attendees as they left the venue.

The applicants indicated that they had been working with a noise expert would be attending the venue within the next few weeks to undertake a professional assessment.

The Police indicated that they would wish to see conditions related to a dispersal policy, a capacity door staff ratio, CCTV coverage, refusal register and booking logs. While the Police appreciated the willingness of the applicants to address concerns, the venue, because of its history, was a real concern.

The applicants explained that a risk assessment would be in place for all uses of the venue, only approved suppliers would be used including any music/DJ providers. The applicants indicated they would be very active at the venue and would ensure all users met their requirements.

The Sub Committee took advice from its legal advisor and it was determined that any decision be deferred until the applicants had undertaken a noise/acoustics assessment.



**Resolved** that the application for the grant of a Premises Licence at Luxor Events, 152 Reddal Hill Road, Cradley Heath, be deferred to the 18 July 2023 to allow for the applicants to undertake a noise/acoustics assessment.

(meeting adjourned 12.36pm to 1.31pm and 2.30 to 2.52pm)  
Meeting adjourned until 18 July 2023

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# Minutes of Licensing Sub Committee 2

**Monday 17 July 2023 at 10.00am  
Sandwell Council House, Oldbury**

**Present:** Councillor Fenton (Chair);  
Councillors 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 **Apology 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 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.

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 4.50pm.

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



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# Minutes of Licensing Sub Committee 2

18 July 2023 at 10.00am  
Sandwell Council House, Oldbury

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

**Officers:** Geeta Bangerh (Licensing Officer)  
Kiran Dhesi (Licensing Officer)  
David Elliott (Legal Advisor)  
Toby Howes (Interim Democratic Services Officer)

**In Attendance:** Sandip Gillar (Applicant)  
Dalveer Gillar (Applicant)  
Nicola Stansbie (West Midlands Police Licensing)  
Sharan Dadwal (Environmental Health)  
Catherine Hartle (Resident)  
Jonathan Hartle (Resident)  
Wayne Lancaster (Resident)  
Dean Gould (Resident)  
Craig Potter (Resident)  
Ronald Shearwood (Resident)  
Amanda Shearwood (Resident)

## 56/23 **Apology for Absence**

No apologies for absence were received.

## 57/23 **Declarations of Interest**

There were no declarations of interest.



58/23

## **Application for the grant of a new Premises Licence at Luxor Events, 152 Reddal Hill Road, Cradley Heath**

Further to Minute No. 46/23 (22 May 2023), the Sub Committee reconvened to consider the application for a Premises Licence in respect of Luxor Events, 152 Reddal Hill Road, Cradley Heath.

At its meeting on 22 May 2023, the Sub Committee had requested that matter be adjourned to allow the applicant to provide a noise/acoustics assessment.

The Sub Committee did not have the benefit of a noise experts report commissioned by the application which had been the principal reason for adjourning the application.

The Sub Committee had heard much information but did not feel it was equipped to make a decision under Section 18 of the Licensing Act 2003 without this additional information to hear alongside the representations put forward by the residents, Police and Environmental Health.

The application confirmed that an appropriate expert had been sourced. Accordingly, it was proposed that a suitable date would be identified for the Sub Committee to make a final determination on the matter.

**Resolved** that consideration of the Premises Licence in respect of Luxor Events, 152 Reddal Hill Road, Cradley Heath be adjourned to a future meeting.

Meeting ended at 17.15pm

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## Minutes of Licensing Sub Committee 2

27 July 2023 at 10.20am  
Sandwell Council House, Oldbury

**Present:** Councillor Fenton (Chair);  
Councillors R Jalil and N Singh.

**Officers:** Geeta Bangerh (Licensing Officer);  
David Elliott (Solicitor);  
Johane Gandiwa (Committee and Constitutional Services  
Lead Officer).

59/23 **Apologies for Absence**

No apologies for absence were received.

60/23 **Declarations of Interest**

There were no declarations of interest.

61/23 **Objection to a Temporary Event Notice for Blue Mountain Grill,  
53 Great Bridge Street, Tipton**

The Sub Committee considered an objection to a Temporary Event Notices for Blue Mountain Grill, 53 Great Bridge Street, Tipton.

The applicant was not in attendance despite advising they would attend the hearing.



The Sub Committee was advised of the grounds of objection that had been raised by West Midlands Police. The Police stated that they had not been furnished with adequate information to enable them to assess the risks involved.

In addition, the applicant had not provided the Police with a full Risk Assessment. This compromised the licensing objective of prevention of crime. The Sub Committee was also advised that the Temporary Event Notices stated that 80 people were expected to attend the event.

The Police confirmed that they had not been furnished with adequate information by the applicant despite making several requests. The Police had also received allegations that some unsanctioned events were being carried out at the venue in violation of licensing conditions. The conditions of the licence required the licence holder to notify Police of events. Environmental Health had been alerted of noise complaints.

By 20 July 2023, the Police had still not been provided with a full Risk Assessment in order to assess the risks involved. The Police further advised the Committee that advertising for events was being done in violation of the licence. Excerpts of the advertisements were shown to the Sub Committee.

The Police highlighted that in the absence of the full Risk Assessment, they were not able to give any assurance.

The Sub Committee took advice from its legal advisor before adjourning to decide on the objection.

Having considered all the information before it, the Sub-Committee noted that the conditions of the premises licence required a full assessment to be carried out. The assessment had not been provided to the Police. The assessment was very relevant in making a decision that upheld/promoted the licensing objectives which was the primary role of the Sub-Committee.





The Sub Committee further noted that the venue appeared small for the type of event proposed as the venue was essentially a restaurant with an authorised threshold of 60, not 80 as proposed.

The Sub-Committee found that the failure by the applicant to provide adequate information, including a full Risk Assessment, was a violation of the licensing conditions.

**Resolved** that the application for a Temporary Event Notice in respect of Blue Mountain Grill, 53 Great Bridge Street, Tipton, be refused.

The applicant would be advised of the right to appeal to the Magistrates Court within 21 days of receiving the decision letter.

Meeting ended at 11:44am  
(Meeting adjourned between 11:19am to 11:40am)

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## Minutes of Licensing Sub Committee 2

7 August 2023 at 10.00am  
Sandwell Council House, Oldbury

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

**Officers:** Kiran Dubb (Licensing Officer);  
David Elliott (Solicitor);  
Toby Howes (Interim Democratic Services Officer).

### 62/23 **Apologies for Absence**

No apologies for absence were received.

### 63/23 **Declarations of Interest**

There were no declarations of interest.

### 64/23 **Application for the grant of a New Premises Licence at Burger & Sauce, 560 Bearwood Road, Smethwick**

The Sub Committee considered an application for a Premises Licence in respect of Burger & Sauce, 560 Bearwood Road, Smethwick.

The application was for Late Night Refreshments (Indoors only) Monday – Sunday 11pm – 4am with the proposed hours the



premises would be open to the public Monday – Sunday 11am – 4am.

Representations had been received from residents. There were no representations received from any of the responsible authorities.

The Sub Committee was advised that the applicant proposed that the hours of opening be amended to 11am – 2am, seven days a week, and the hours of offering late night refreshment be amended to 11pm – 2am, seven days a week.

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

The Sub Committee was minded to grant the application based on the amended hours that had been proposed. The Sub Committee also noted that the Operating Schedule would become the conditions of the licence, as would mandatory conditions contained in the Licensing Act 2003 by operation of law.

**Resolved** that the Premises Licence in respect of Burger & Sauce, 560 Bearwood Road, Smethwick be granted, subject to the amendment of the hours of opening to 11am – 2am, seven days a week, and the hours of offering late night refreshment to 11pm – 2am, seven days a week.

The residents would be advised of their right to appeal to the Magistrates Court within 21 days of receiving the decision letter.

Meeting ended at 11:50am

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# Minutes of Licensing Sub Committee 2

**11 September 2023 at 10.00am**  
**Sandwell Council House, Oldbury**

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

**Officers:** Geeta Bangerh (Licensing Officer)  
Kiran Dhesi (Licensing Officer)  
David Elliott (Legal Advisor)  
Toby Howes (Interim Democratic Services Officer)

**In Attendance:** Sandip Gillar (Applicant)  
Dalveer Gillar (Applicant)  
Nicola Stansbie (West Midlands Police Licensing)  
Sharan Dadwal (Environmental Health)  
Catherine Hartle (Resident)  
Jonathan Hartle (Resident)  
Wayne Lancaster (Resident)  
Dean Gould (Resident)  
Craig Potter (Resident)  
Ronald Shearwood (Resident)  
Amanda Shearwood (Resident)

## 65/23 **Apology for Absence**

No apologies for absence were received.

## 66/23 **Declarations of Interest**

There were no declarations of interest.



## **Application for the grant of a new Premises Licence at Luxor Events, 152 Reddal Hill Road, Cradley Heath**

Further to Minute No. 58/23 (18 July 2023), the Sub Committee reconvened to consider the application for a Premises Licence in respect of Luxor Events, 152 Reddal Hill Road, Cradley Heath.

At its meeting on 18 July 2023, the Sub Committee had requested that matter be further adjourned to allow the applicant to provide a noise/acoustics assessment.

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

The Sub Committee was minded the grant the Premises Licence in respect of Luxor Events with the addition of further agreed conditions.

The premises had historically been used for commercial/entertainment purposes for a number of years and the Sub Committee were presented with evidence of such use by the applicant going back to the earlier 2000s. More recently in 2022 the Premises Licence was revoked. This decision related to a former Premises Licence Holder who was served with a statutory nuisance abatement notice but breached it on a number of occasions, holding music events until the early hours of the morning.

The current applicant had not been served with such a notice. The proposed hours of licensable activities and opening and closing were more modest.

The applicant, through a revised operating schedule (upon seeking professional advice), and further volunteered conditions as described above had sought to regulate their activities so as not to undermine the Licensing Objectives, particularly that of Public Nuisance.

In particular, it was apparent to the Sub Committee that bass noise intrusion until 11pm was of particular concern to the residents. The



position of Environmental Health was and remained that they opposed the application being of the view that structural works of some measure were required to the premises to achieve appropriate noise attenuation. However, if the decision was to grant the Premises Licence the Environmental Health Department proposed condition 10 set out to seek to tackle possible noise intrusion to the resident interested parties by bass. This proposed condition was referred to the applicant's noise expert and accepted in principle.

The West Midlands Police had made representations that had been taken into account during the application process. As regards the issue of public nuisance however they accepted this was, in terms of noise measurement not their field of expertise and an issue for those qualified in that field primarily to comment upon.

**Resolved** the Premises Licence in respect of Luxor Events, 152 Reddal Hill Road, Cradley Heath be granted with the following conditions:-

- The permitted opening hours of the premises are 9am to midnight, seven days a week;
- The permitted licensable activities are:-
  - o The supply of alcohol from 10am to 11pm, seven days a week;
  - o The playing of live music from 10am to 11pm, seven days a week;
  - o The playing of recorded music from 10am to 11pm, seven days a week;
  - o The performance of dance from 10am to 11pm, seven days a week;
  - o Any similar regulated entertainment to that described above from 10am to 11pm, seven days a week;
- The licence will be subject to conditions volunteered through the Operating Schedule to meet the licensing objectives. These are:-
  - (a) General - all 4 Licensing Objectives b, c, d and eAs the applicants we will ensure that we fully uphold all the four licensing objectives, at all times. We have taken into consideration the following key documents



- (1) Council's statement of Licensing Policy
- (2) Guidelines issued under Section 182 of the Licensing Act

There is now a robust operating schedule, in addition to policies/procedures in place at the premises with reasonable hours of operation demonstrating a commitment to due diligence at the premises.

As the Premises Licence Holder we will ensure that we fully uphold all of the licensing objectives at all times.

Policies and procedures are being fully implemented for the safe and efficient running of the premises including, but not least

1. Staff training and operations manual
2. Referrals log
3. Incident log
4. Challenge 25
5. Signage-Consideration to neighbours
6. Noise Management Plan
7. Dispersal Plan
8. DPS Authorisation Form
9. Risk assessment

(b) The prevention of crime and disorder

CCTV will be installed, operated and fully maintained at all times; images will be retained for at least 28 days and be produced on request of any responsible authority. The CCTV will be operational at all times whilst the premises are trading.

Warning notices will be displayed in public areas of the premises advising that CCTV is in operation.

If the CCTV hard drive needs to be replaced then the old/previous one will be kept on the premises for a





minimum of 28 days and made immediately available to any of the responsible authorities on request.

There will be someone on site while the premises is carrying out licensable activity who will be able to operate the CCTV on request of any of the responsible authorities.

A refusals register will be maintained at all times and will be checked and signed off by the DPS at regular interval.

These will be made available for inspection by the responsible authority upon reasonable request.

Customers will not be permitted to take open containers of alcoholic drinks from the premises.

### (c) Public Safety

The Premises Licence Holder or Designated Premises Supervisor will carry out pre-opening checks of the premises to ensure that there are no risks to patrons and that all safety precautions are in place.

All staff training forms in relation to Licensing Act and Challenge 25 policy will be signed by both the trainer and the trainee. No staff are to work “front of house” without this documented training whilst the premises is carrying out licensable activity.

These training records are to be made immediately available to any of the responsible authorities on request. The licence holder will ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.

All safety certificates and inspection reports will be kept in site and made available to officers of relevant statutory bodies including Fire Risk Assessment.

The premises will comply with all food safety regulations. The staff involved in food preparation will be fully trained.



(d) The prevention of public nuisance

As the Premises Licence Holder, we will ensure that the disturbance caused to the general public is kept to a minimum and signage will be placed in prominent places, asking customers to respect our neighbours.

Staff members will ensure that the frontage of the premises are checked regularly for litter, rubbish, clearing away and debris.

No rubbish, including bottles, shall be moved, removed, or placed in outside areas between 2200 hours and 800 hours.

All door and windows will remain closed when music is played at the venue.

(e) A Challenge 25 policy is in place and only recognised forms of ID will be accepted. {PASS accredited ID, passport or photo driving licence}.

All children will be accompanied by an adult when attending functions at the venue.

All staff training in relation to the Licensing Act and Challenge 25 policy will be signed by both trainer and trainee. No staff are to work "in front of house" without this documented training while the premises is carrying out a licensable activity.

The Operating Schedule is accompanied by the following supporting example documentation to assist its implementation-

Annex E - Noise Management Plan to be adopted

Annex F - Risk assessment to be adopted

Annex G - Revised Operating Schedule as recounted to be adopted

Annex H - Refusals log to be adopted

Annex I - DPS Authorisation Forms to be adopted

Annex J - Pro forma staff training record to be adopted



Annex K - Dispersal Policy to be adopted  
Annex L - Pro forma Incident Log- Book to be adopted  
Annex M - Challenge 25 staff instruction Notice  
Annex M - Example dispersal notice (not to scale) to be adopted.

## The Prevention of Crime and Disorder

1. When a licensable activity takes place there will always be a personal licence holder on the premises
2. The Premises will only operate licensable activities for pre-booked events
3. When the Premises is not booked for planned events it will not operate as a walk-in venue for the general public.
4. The premises will record the name, date of birth, address and contact number of any persons hiring the venue by way of booking form. The risk assessment grading will be written on the booking form.
5. When carrying out licensable activity the premises will display prominent signage outside the front of the venue stating that the venue is open for a private function or event, invite only and no access is to be permitted to the general public.
6. All events will be risk assessed and the premises will notify West Midlands Police licensing team of any event deemed to be medium or high risk. The notification will be made 28 days before the event and will include all details of the promoter and DJs or musicians performing (Full name ,Date of Birth, stage name).The Premises Licence Holder will utilise a booking form for those details and these will be retained at the premises for no less than 3 months.
7. The premises will employ their own (in house) SIA/door staff and not use those of promoters who may book the venue.



## Public Nuisance

8. The dispersal plan will be a “live” document and will be constantly reviewed and updated. It will include that the entrance on Highland Road will not be used for dispersal, except in the case of emergencies.
9. Staff will monitor traffic control of patrons using the premises, and signpost patrons to the nearest car parks. Best efforts will be made by the venue to ensure people park responsibly.

The following additional conditions were proposed by Environmental Health and agreed by the applicant (after referral to their noise expert), at the hearing on September 11<sup>th</sup>. After consideration they were also attached to the Premises Licence by the Licensing Sub-Committee.

10. When measured over any 15 -minute period ,1 metre from the façade of any noise sensitive premises, the noise emitted from the licensed premises shall comply with the following:

LAeq EN shall not exceed LA90 WEN, and ;

15 -minute average noise sound pressure level measured over 15 minutes does not exceed the background sound level LA90

L10 EN shall not exceed L90 WEN in any 1/3 octave band between 40 and 160 Hz (Linear, Fast) dealing with lower problematic frequency bass.

The mandatory conditions added by operation of law contained in Sections 19-22 of the Licensing Act 2003 (where applicable) shall also attach to the premises licence.



Meeting ended at 2.38pm

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## Minutes of Licensing Sub Committee 2

**Monday 18 September 2023 at 10.15pm  
in Committee Room 1, Sandwell Council House, Oldbury**

**Present:** Councillor Fenton (Chair)  
Councillors 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**

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.





## 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.



## 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)

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



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## Minutes of Licensing Sub Committee 2

**Monday 30 October 2023 at 10.00am  
in Committee Room 2, Sandwell Council House, Oldbury**

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

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

### 76/23 **Apologies for Absence**

Apologies for absence were received from Councillors Hussain and Weston.

### 77/23 **Declarations of Interest**

There were no interests declared.

### 78/23 **Exclusion of the Press and Public**

**Resolved** that the public and press be excluded from the rest of the meeting. This was 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.



## Application for the Review of Private Hire Driver's Licence in respect of Mr M S Z

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

Mr M S Z was in attendance and was accompanied by his brother.

Mr M S Z had been referred to the Sub Committee for failure to declare previous refusal by Birmingham City Council in 2019 and failure to declare a 1-month Committee suspension in 2017.

Mr M S Z apologised for his failure to declare refusal by Birmingham City Council and said it was a mistake in completing the online application.

The applicant had declared his convictions in previous applications. Mr M S Z had had been licenced with Sandwell for fifteen years and no complaints had been registered against him. He presented to the Sub Committee a positive reference.

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

Having considered all the information before it, the Sub Committee was minded to grant the renewal application with a severe warning. The Sub Committee considered that he was a fit and proper person who had a long unblemished record. Mr M S Z had not shown any fundamental intention to deceive the Council.

**Resolved** that Mr M S Z be granted a severe warning as to his future conduct.





## Application for a Private Hire Driver's Licence in respect of Mr P B

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

Mr P B was in attendance.

The Sub Committee was informed that Mr P B had failed to declare in his application form that he had been convicted for Plying/Standing for Hire whilst licensed with another authority. His appeal against revocation by Wolverhampton City Council had been dismissed by court.

Mr P B explained that he had never been arrested and had not received any fixed penalty. He explained the circumstances of the incident.

The Sub Committee took advice from its legal advisor.

The Sub Committee was of the view that there was inadequate information before it to make a Wednesbury reasonable decision. No evidence of plying for hire had been placed before the Sub Committee. It was not clear whether Mr P B had been convicted. The report from Wolverhampton City Council had not been placed before the Sub Committee.

**Resolved** that owing to inadequate information, consideration of the Private Hire Driver's Licence in respect of Mr P B be deferred to a future meeting.



## Application for review and grant of a Private Hire Driver's Licence in respect of Mr Z A

The Sub Committee was informed that Mr Z A's conviction had been overturned by the Crown Court on appeal. Mr Z A therefore had no reason to be before the Sub Committee.

The Sub Committee took advice from its legal advisor.

The Sub Committee agreed that there was no longer any need to look at the revocation as the reason for the referral had been extinguished by Mr Z A's successful appeal to the Crown Court.

**Resolved** that following Z A's successful appeal to the Crown Court, no action is taken with regards to Mr Z A's Private Hire Driver's Licence.

Meeting ended at 1.46pm  
(meeting adjourned between 11.00am -11.32am and 12.25pm – 1.35pm)

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



# Minutes of Licensing Sub Committee 2

21 November 2023 at 10.00am  
At Committee Room 2, Sandwell Council House, Oldbury

**Present:** Councillor Fenton (Chair);  
Councillors J Giles and Lewis.

**In attendance:** Mahima Ghimire (Applicant)  
Bishnu Ghimire (Proposed Designated Premises Supervisor)  
Geeta Bangerh (Licensing Officer)  
Makhan Singh Gosal (Senior Licensing Officer);  
David Elliott (Legal Adviser, Sandwell Metropolitan Borough  
Council);  
Toby Howes (Interim Democratic Services Officer).

## 82/23 Apologies

No apologies were received.

## 83/23 Declarations of Interest

There were no declarations of interest



## Application for the grant of a New Premises Licence at Chulo Restaurant, 5 Carters Green, West Bromwich

The Licensing Officer presented the report and advised that the Fire Service, who had made a representation, were not in attendance.

The Applicant informed the Sub Committee that they were addressing issues raised by the Fire Service in respect of their representation.

A photograph image of a fire extinguisher was circulated to Members. The Sub Committee also heard that a fire alarm system was due to be installed by the end of the week.

The Sub Committee emphasised the need for the Applicant to provide the Fire Service with information addressing their concerns in respect of the fire extinguisher, fire alarm and fire risk assessment.

**Resolved** that the application be deferred to 18 December 2023 in order to allow the applicant to address the concerns raised by the Fire Service in their representation.

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.

Meeting ended at 10.45am.

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



## Report to Licensing Sub Committee 2

**29 January 2024**

### 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 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

<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

- 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.

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