

Minutes of Licensing Sub Committee 2

Monday 24 January 2022 at 10.00am
in the Council Chamber at Sandwell Council House, Oldbury

Present: Councillor Mabena (Chair)
Councillors Allen, Chidley and Webb.

Officers: Usha Devi (Senior Licensing Officer);
Stephen Beresford (Licensing Enforcement Officer);
David Elliott (Solicitor);
Karen Walden (Senior Legal Assistant);
Trisha Newton (Senior Democratic Services Officer);
Amundeeep Johal (Democratic Services Officer).

1/22 **Apologies for Absence**

There were no apologies for absence.

2/22 **Declarations of Interest**

No interests were declared at the meeting.

3/22 **Minutes**

Resolved that the minutes of the meeting held on
18 October 2021 were confirmed as a correct record.

4/22

Exclusion of the Public

Resolved that the public and press be excluded from the rest of the meeting 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 and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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

5/22

Members considered a review of the Private Hire and Hackney Carriage Drivers Licence in respect of Mr A H

Members considered the review of the Private Hire and Hackney Carriage Driver's Licence in respect of Mr A H.

Mr A H was in attendance at the meeting and had not previously appeared before the Licensing Sub Committee.

The Sub Committee was advised that Mr A H had convictions for operating a vehicle as a private hire vehicle without a current licence and using a motor vehicle on a road/public place without third party insurance.

In April 2021, a complaint had been received from a taxi operator from a passenger that the vehicle which attended to collect them had a different registration number from what had been provided on the confirmation text message.

The operator had investigated the matter and had asked Mr A H to inspect the vehicle but was informed by the driver that this was not possible as the vehicle had been involved in a road traffic collision.

Upon investigating the matter, it was noticed that the vehicle that the passenger had described was not registered to the private hire licence and the road traffic collision had not been reported to the Taxi Licensing Team.

Mr A H was interviewed by the Licensing Enforcement Officer. Mr A H submitted an application to change his private hire vehicle, however, he stated that he was unable to get it licenced due to the pandemic. Mr A H continued to drive the new vehicle and upon investigation, it was found that the road traffic collision had been fabricated to divert the operator's attention with journeys being undertaken without insurance.

The driver confirmed that he was aware of the conditions of his licence.

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

The Sub Committee had taken into consideration representations made by all parties. Having considered all the information before them, members were minded to revoke the licence in respect of Mr A H due to the convictions of operating a vehicle as a private hire vehicle without a current licence and using a motor vehicle on a road/public place without third party insurance. Members noted with concern that journeys had been carried out whilst the driver was uninsured and unlicensed. The Sub Committee noted the driver's five-year history with Sandwell Council, but believed that this could not override the serious nature of the offences. The Sub Committee saw no reason to depart from guidance on this occasion.

Resolved that the Private Hire and Hackney Carriage Driver's Licence in respect of Mr A H be revoked.

In making the decision the Committee had regard to the Local Government (Miscellaneous Provisions) Act 1976, Council Policy and Guidelines, relevant case law and the Human Rights Act 1998.

Mr A H would be advised of his right to appeal to the Magistrates Court within 21 days of receiving the decision letter

Meeting ended at 11:19am

Contact: democratic_services@sandwell.gov.uk