

Minutes of Licensing Sub Committee 2

Monday 18 July 2022 at 10.00am
in Committee Room 2, Sandwell Council House, Oldbury

Present: Councillor Fenton (Chair)
Councillors Wilkes, N Singh, A Hussain and Akpoteni

Also present: Councillor Allen

Officers: Usha Devi (Senior Licensing Officer)
David Elliot (Legal Advisor)
Stephnie Hancock (Senior Democratic Services Officer)
Connor Robinson (Democratic Services Officer)
John Swann (Democratic Services Officer)

XX/XX **Apologies for Absence**

Apologies for absence were received from Councillors Z Hussain and Dunn

XX/XX **Declarations of Interest**

There were no declarations of interest

XX/XX **Exclusion of the Public and Press**

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

XX/XX

Review of a Private Hire Drivers Licence in respect of Mr K H

Members considered a review of the Private Hire Drivers Licence in respect of Mr K H.

Mr K H was in attendance, accompanied by a friend. He had not previously appeared before the Licensing Committee.

The Sub Committee was advised that Mr K H had been invited to attend the Sub Committee meeting following a Major Traffic Offence: ‘Conviction for No Insurance using a vehicle uninsured against third party risks’. In addition, he had failed to notify the Taxi Licensing Office of the offence in writing within seven days, as required by the conditions of his licence.

The Committee heard that the fixed penalty notice was as result of a road traffic offence taking place in early June 2022 in which Mr K H was driving an associate’s vehicle without being covered by the insurance policy in place. Mr K H had accepted that this was the case, and further accepted that this incident had not been reported to the Taxi Licensing Office within the required timescales.

Mr K H explained to the Sub Committee that while accompanying an associate to Scotland they had shared the driving. Mr K H believed that the insurance he had purchased as a licenced private hire driver had included third party cover. Mr K H stated that following the incident in Scotland, he now understood that it was very important to read the insurance carefully and would not make the same mistake again.



The Licensing Sub Committee heard that Mr K H currently had nine points on his licence.

Mr K H stated that he had been licenced by Sandwell Council since 2014 and had no incidents until recently. It was accepted that Mr K H was not working as a taxi driver at the time of the offence and was not in a licenced vehicle.

Members heard submissions from the Licensing Officer that it was important to ensure that drivers were aware of the conditions of their license and insurance policies and acted within the boundaries of the law at all times.

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

The Licensing Sub Committee had taken into consideration of representations made by all parties.

Having considered all the information before it, the Sub Committee decided to suspend Mr K H's licence for a period of 28 days and issue a severe warning. The Sub Committee noted the serious nature of the road traffic offence and the failure to provide written notification in accordance with the licensing conditions, it was however acknowledged that Mr K H had not been driving his licenced vehicle and had not intended to drive while uninsured.

Resolved that the Private Hire Drivers Licence held by Mr K H is suspended for a period of 28 days, and a severe warning issued to Mr K H.

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

Meeting ended at 12.28pm
(meeting adjourned 11.30am to 11.45am)

Contact: democraticservices@sandwell.gov.uk

