

Minutes of Licensing Sub Committee 3

Monday 21 February 2022 at 10.00am
in the Council Chamber at Sandwell Council House, Oldbury

Present: Councillor Z Hussain (Chair);
Councillors G Gill and R Jones.

Officers: Usha Devi (Senior Licensing Officer);
Christian Attard (Licensing Enforcement Officer);
David Elliott (Solicitor);
Trisha Newton (Senior Democratic Services Officer);
Amundeeep Johal (Democratic Services Officer).

1/22 Election of Chair

Resolved that Councillor Z Hussain be elected Chair
for the meeting.

2/22 Apologies for Absence

Apologies from Councillors Fenton, Hadley and Rouf.

3/22 Declarations of Interest

No interests were declared at the meeting.

4/22 **Minutes**

Resolved that the minutes of the meeting held on 15 November 2021 be confirmed as a correct record.

5/22 **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

6/22 **Review of a Hackney Carriage Driver's Licence in respect of Mr M H**

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

Mr M H was in attendance at the meeting, accompanied by a family member for support, and had not previously appeared before the Licensing Sub Committee.

Mr M H explained the medical issue he was experiencing at the time, it was confirmed however, that he did not have a diagnosed medical condition and did not have any medical reports or letters that could be provided.

The Sub Committee was advised that Mr M H had been invited to attend the Committee meeting following a complaint that indicated inappropriate behaviour whilst holding a hackney carriage driver's license, namely urinating in a public place.

The Sub Committee were aware that the supermarket nearby contained a toilet that was available for public use at all times during opening hours, however, during the pandemic period appreciated that it would be difficult to gain access due to queuing.

It was clarified that the officer who reported the incident had done so as a member of the public and not in his capacity as an officer of the Council.

Mr M H advised that he now had a contingency plan to prevent the incident occurring again in the future.

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

The Sub Committee took into consideration representations made by all parties and members decided, on the balance of probabilities, that Mr M H was a fit and proper person to hold a licence.

Having considered all the information before them, the decision was made to issue a written warning to Mr M H with regard to his future conduct when working as a licensed driver, Members were of the view that this was appropriate given the nature of the issue and the driver's longstanding clean record.

Resolved that Mr M H be warned with regard to his future conduct when working as a licensed driver.

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 11:06am

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