

Minutes of Licensing Sub Committee 3

5 September 2022 at 10.00am
in Committee Room 1, Sandwell Council House, Oldbury

Present: Councillor Gavan (Chair);
Councillors Allen, J Giles and Singh.

Officers: Balbir Dhugga (Licensing Officer), Usha Devi (Licensing Officer), David Elliott (Legal Adviser), Trisha Newton (Senior Democratic Services Officer), Connor Robinson (Democratic Services Officer) and John Swann (Democratic Services Officer).

7/22 **Apologies for Absence**

Apologies for absence were received from Councillors W Gill, Jalil and Kausar.

8/22 **Declarations of Interest**

No interests were declared at the meeting.

9/22 **Minutes**

Resolved that the minutes of the meeting held on 21 February 2022 be received.



Matters delegated to the Sub Committee to consider the licensing of sex establishments in accordance with (Schedule 3) of the Local Government Act 1982

10/22

Renewal and Transfer of Sex Shop Licence for Private Shop, 19 Bull Street, West Bromwich

The Sub Committee considered an application for the renewal and transfer of the sex shop licence in respect of Private Shop, 19 Bull Street, West Bromwich.

The premises had traded as a licensed sex shop at these premises since 2003 and the licence had been renewed each year.

Upon approval of the renewal and transfer, the licence would run for a period of 12 months commencing 1 August 2022 and expire on 31 July 2023.

No objections had been received.

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

Having considered all of the information before them, members were minded to renew and transfer the sex shop licence in respect of Private Shop, 19 Bull Street, West Bromwich.

The Sub Committee was satisfied that the application had been advertised in accordance with statutory requirements and no objections to the application had been received.

Resolved that the sex shop licence in respect of Private Shop, 19 Bull Street, West Bromwich be transferred to Mr Stephen Leinster and renewed for a period of 12 months with effect from 1 August 2022.



11/22 **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.

(Meeting adjourned 10.15-10.30)

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

12/22 **Application for the review of a Private Hire Driver’s Licence in respect of Mr S K**

Further to Minute No. 5/22 (Licensing Sub Committee 1 – 4 April 2022), the Sub Committee considered an application for the review of a Private Hire Driver’s Licence in respect of Mr S K.

Mr S K was in attendance, supported by his son.

The Sub Committee was advised that Mr S K had been referred due to a failure to report an arrest which involved another licensed driver within the required timescale of 3 days.

Mr S K had attended court in July 2022 and had been charged of assault by beating.

The Sub Committee viewed footage in which Mr S K was seen to assault another licenced taxi driver in a pre-planned manner.



Mr S K advised that he had not reported the incident to the taxi licensing team and apologised, stating this would not happen again and that it was a unique domestic situation rather than a work related issue.

Having considered all the information before them, 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 all of the information provided, including video footage, and was concerned that Mr S K had been convicted of assault. Whilst a fine was an option for punishment, the Court had imposed a more serious community based penalty of 120 hours unpaid work and 20 days of rehabilitation activity. Members took into account Mr S K's long clean record prior to this incident and the failure to report it and decided to depart from the policy guideline of revocation. They accordingly suspended the licence for 6 months.

Resolved that the Private Hire Driver's Licence in respect of Mr S K be suspended for a period of 6 months.

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

13/22

Application for the renewal of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr R M

Further to Minute No. 6/22 (Licensing Sub Committee 1 – 4 April 2022), the Sub Committee considered the renewal of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr R M.

Mr R M was in attendance, supported by his friend.



The Sub Committee was advised that Mr R M had been referred following a failure to declare an arrest for a violent offence and the subsequent conviction.

Mr R M outlined the incident to the Sub Committee which was a family matter involving his son and brother-in-law. Mr R M had been charged with common assault whilst defending his son.

Mr R M informed the Sub Committee that he had never had any complaints around his private hire work and wished to keep his licence with Sandwell (Mr R M was also licenced with Birmingham).

Having considered all the information before them, the Sub Committee took advice from its Legal Advisor before adjourning to make a decision on the application.

The Sub Committee was minded to suspend the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr R M for a period of three months. Members had considered the matter carefully and Mr R M had a received a fine only conviction. The Sub Committee had taken into consideration all of the evidence, including video and photographs and also took into account the failure to report the matter in the stipulated timescales.

Resolved that the Dual Private and Hackney Carriage Driver's Licence in respect of Mr R M be renewed and suspended for a period of three months.

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

(Adjourned 3.20pm to 3.43pm)



14/22

Application for the grant of a Private Hire Driver's Licence in respect of Mr I Y

The Sub Committee considered an application for a Private Hire Driver's Licence in respect of Mr I Y.

Mr I Y was in attendance, represented by his brother.

The Sub Committee was advised that Mr I Y had failed to declare all convictions on his application form. The Licensing Office were aware of the previous convictions as the information had been retained from a previous license which had been revoked in 2018.

Mr I Y's representative stated that whilst Mr I Y did have a history of criminal offences, these were all historic.

Mr I Y's representative also stated that it was an honest mistake as the DBS issued did not show any convictions.

The Sub Committee heard it was not the applicant's intention to deliberately mislead the taxi licensing team and Mr I Y confirmed that he understood his conditions of license if granted.

Having considered all the information before them, the Sub Committee took advice from its Legal Advisor before adjourning to make a decision on the application.

The Sub Committee was minded to grant Mr I Y's Private Hire Driver's Licence due to his convictions being historic in nature. The Sub Committee was satisfied that this appeared to be an honest mistake as his convictions were referenced elsewhere upon the application form. The Sub Committee also noted that Mr I Y's DBS certificate had not displayed any convictions. The Sub Committee was therefore minded to grant Mr I Y's Private Hire Driver's Licence and issue a warning as to future conduct.

Resolved that the Private Hire Driver's Licence in respect of Mr I Y be granted and Mr I Y be issued with a warning as to future conduct.



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

(Councillor Singh left the meeting)

15/22 **Application for the grant of a Private Hire Driver's Licence in respect of Mr G W**

The Sub Committee considered the application for a Private Hire Driver's Licence in respect of Mr G W.

Mr G W was in attendance and had not previously appeared before the Sub Committee.

The Sub Committee was advised that Mr G W had been referred as a result of a previous offence involving dishonesty and matters resulting in revocation of his Private Hire Driver's Licence whilst licensed by Wolverhampton City Council.

Having considered all the information before them, the Sub Committee took advice from its Legal Advisor before adjourning to make a decision on the application.

The Sub Committee was minded to refuse to the application for a Private Hire Driver's Licence in respect of Mr G W. The policy guidelines identified that offences involving dishonesty within the last 10 years would normally result in refusal and the Sub Committee saw no reason to depart from policy. Members were also concerned around the alleged previous conduct whilst licensed by Wolverhampton City Council, which had resulted in revocation.



Resolved that the application for a Private Hire Driver's Licence in respect of Mr G W 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 G W would be advised of his right to appeal to the Magistrates Court within 21 days of receiving the decision letter.

The meeting ended at 5.28pm
(with adjournments between 10.15am to 10.30am
and 3.20pm to 3.43pm)

Contact: democratic_services@sandwell.gov.uk

