

# Minutes of Licensing Sub Committee 1

**Monday 11 July 2022 at 10.00am  
in the Council Chamber, Sandwell Council House, Oldbury**

**Present:** Councillor Allen (Chair);  
Councillor Dunn (pm), J Giles and Wilkes (am).

**In attendance:** Usha Devi (Senior Licensing Officer);  
Steve Beresford (Licensing Enforcement Officer);  
Christian Attard (Licensing Enforcement Officer);  
David Elliott (Legal Advisor);  
Trisha Newton (Senior Democratic Services Officer);  
Connor Robinson (Democratic Services Officer);  
Mateusz Sliwinski (Democratic Services Officer);  
John Swann (Democratic Services Officer).

## 30/22 **Apologies for Absence**

Apologies for absence were received from Councillors M Gill and N Singh.

## 31/22 **Declarations of Interest**

No interests were declared at the meeting.

## 32/22 **Minutes**

**Resolved** that the minutes of the meeting held on 20 December 2021, 4 April and 29 April 2022 be confirmed as a correct record.



33/22 **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 and or information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

34/22 **Application for the Review of a Private Hire Driver's Licence in respect of Mr R A**

Members considered the review of a Private Hire Driver's Licence in respect of Mr R A.

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

The Sub Committee was advised that Mr R A had been interviewed by a Licensing Officer following advice from his insurance company that the insurance against his vehicle had been cancelled.

The Licensing Office had been contacted by Mr R A's insurers in late August 2021 notifying them of the cancellation of Mr R A's vehicle insurance. No notification had been received from Mr R A and a number of attempts were made to contact Mr R A but no response had been forthcoming.

The home address of Mr R A was visited by Licensing Enforcement Officers where it was noted the Private Hire Vehicle was not parked outside of the home but in an off-road parking area that formed part of the highway.



At the address officers spoke with Mr R A's wife who informed them that Mr R A had gone abroad due to a family emergency and that was the reason he had cancelled his insurance. Mr R A was contacted via telephone by his wife and officers were able to speak with him. Mr R A's wife confirmed that the uninsured parked vehicle would be moved to a private driveway. A subsequent visit by officers to the site of the parked car in late September indicated that the parked vehicle had not been moved.

In mid March 2022 Mr R A attended the Licensing Office voluntarily where he accepted that he had not informed Licencing about cancelling his insurance and had not handed in his plates and licence after doing so. Mr R A apologised for his conduct and was asking for his licence to be reinstated.

Mr R A explained he had cancelled his insurance as he had expected to be abroad for 6 months due to the family emergency. Mr R A stated that he thought the parking area was a private car park not part of the public highway.

Officers confirmed that a private hire vehicle required to be insured at all times, whether or not it was parked on private or public area.

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

The Sub Committee was minded to issue Mr R A with a severe warning. Members took into account the nature of the case and circumstances surrounding it, along with the fact that there was no charge or criminal conviction and the vehicle was not being driven. The matter was considered to be serious and Mr R A was reminded of his duty to read and understand the handbook and to speak to the licensing team if there were queries in future.

**Resolved** that Mr R A be issued with severe warning concerning his future conduct.



35/22

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

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

Mr M Y was in attendance and had not previously appeared before the Licensing Sub Committee. Mr M Y was supported by his daughter.

The Sub Committee was advised that Mr M Y had been referred following a reported incident where Mr M Y had used his mobile phone whilst driving a licenced vehicle with passengers on board. Mr M Y had also failed to notify the Licensing Team of an SP30 motoring conviction (exceeding the statutory speed limit on a public road), as per his conditions of licence, for which he received 3 penalty points.

In late May 2022 the Licensing Office received a call from a passenger who informed the team that whilst she had been travelling in Mr M Y's vehicle and he had picked up and answered his mobile phone whilst driving and despite being told to stop he had continued driving, did not end the call or pull over.

The passenger had provided a written statement which indicated that she had felt unsafe and her children were distressed by the situation. It was also noted that Mr M Y had failed to support the passenger on entering and exiting the vehicle with loading and unloading the passengers child's wheelchair, unlike previous occasions.

The Sub Committee viewed video footage of the incident which had been filmed by the passenger.

Mr M Y stated that he had been waiting for an important call from the hospital and had therefore taken the call on his mobile.

In addition to the above incident, there was also concern around two accidents which had not been reported to the licensing office within the stipulated timescales.



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

The Sub Committee was minded to revoke the Private Hire Driver's Licence in respect of Mr M Y. Mr M Y had used a handheld device whilst driving with a passenger and this was confirmed by video footage. Members were also concerned that Mr M Y had previously failed to report a speeding offence and had also been involved in two accidents which he had also failed to report in the appropriate manner. It was considered by the Sub Committee, however, that the mobile phone incident in itself left members of the opinion that Mr M Y was not a fit and proper person to hold a licence.

**Resolved** that the Private Hire Driver's Licence in respect of Mr M Y 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 M Y would be advised of his right to appeal to the Magistrates Court within 21 days of receiving the decision letter.

(Councillor Wilkes left the meeting)

(Meeting adjourned 2pm - 2.30pm)

(Councillor Dunn joined the meeting)

### 36/22 **Application for the Review of a Private Hire Driver's Licence in respect of Mr M A**

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

Mr M A was in attendance, supported by a friend, and had not previously appeared before the Licensing Sub Committee.



The Sub Committee was advised that Mr M A had been referred in relation to smoking in his licenced vehicle.

In early March 2022 the Licensing Office received two photographs of Mr M A sitting in his licenced vehicle smoking a cigarette. Smoking within a licenced vehicle was contrary to the Health Act 2006, Sandwell Taxi Licensing Policy and the driver conditions of licence.

In late April Mr M A attended the Licensing Office for a vehicle inspection and discussion. Licensing Enforcement Officers noted that Mr M A's vehicle had a smell of stale smoke and there were ash deposits in the footwell/sill of the driver door. Mr M A had stated that he did smoke outside of the vehicle. When shown the images of him smoking in the vehicle Mr M A apologised and stated that it would not happen again.

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

The Sub Committee was minded issue Mr M A with a severe warning. Members took into consideration Mr M A's previous good record, however, should the issue reoccur the matter would be taken very seriously by the Sub Committee.

**Resolved** that Mr M A be issued with severe warning around future conduct.

37/22

### **Application for the grant of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of T H**

Members considered an application for the grant of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr T H.

Mr T H was in attendance and had appeared before the Licensing Sub Committee on a number of occasions previously.



The Sub Committee was advised that Mr T H had failed to declare his previous driving convictions on his application form.

Mr T H stated that he had not declared the convictions as he thought that the Council already had that information.

The Sub Committee asked why Mr T H had applied for a licence as there was a requirement to be conviction free for 10 years where there had been a previous conviction in relation to the Fraud Act. Mr T H stated that he was a changed man, that he had no new points or convictions, and apologised for his previous conduct. Mr T H provided character references to the Sub Committee.

Mr T H advised that he had been working for Sandwell, transporting and supporting Special Educational Needs children going to school, and that he held a Travel Assistance Service badge to work with vulnerable children and young people. However, no evidence had been provided in advance and none was available at the meeting to evidence the current work undertaken.

Mr T H did not have the Travel Assistance Service badge with him but said he could bring it in if required.

In view of the new information and the need to confirm the status, the Sub Committee was minded to adjourn the meeting in order to gain additional information from the operator and the transport unit.

**Resolved** that consideration of the new application for a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr T H be adjourned to 22 July 2022, in order for further information to be gathered.

Meeting adjourned at 4.36pm



**Friday 22 July 2022 at 10.00am  
in the Council Chamber, Sandwell Council House, Oldbury**

**Present:** Councillor Allen (Chair);  
Councillor Dunn and J Giles

**In attendance:** Usha Devi (Senior Licensing Officer);  
David Elliott (Legal Advisor);  
Trisha Newton (Senior Democratic Services Officer);  
Connor Robinson (Democratic Services Officer).

38/22 **Application for the grant of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of T H**

Further to Minute No. 37/22 above, the Sub Committee reconvened to consider the application for the grant of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr T H.

The Sub Committee was informed that the Licensing Officer had been in contact with the Travel Assistance Service who issued the Travel Assistance Service (TAS) badge. They had confirmed that Mr T H had a TAS badge which was valid until January 2023, however, the TAS team were not clear on any official work that Mr T H had been registered to undertake. The person who had mainly dealt with Mr T H was unavailable, therefore, there was currently limited information available to present to the Sub Committee.

Mr T H was again unable to present the badge at the meeting for members to see and said he would need to reapply for a replacement badge.

Mr T H presented the Sub Committee with a character reference from the operator he worked for. It transpired that the operator was run by Mr H T's family and the character reference was made by his brother.





Mr T H informed the Sub Committee that since his licence had been revoked in 2016, he had worked for the taxi operator run by members of his family and had undertaken work transporting SEND children. It was however difficult for the Sub Committee to understand what work was undertaken and to what extent.

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

The Sub Committee was minded to defer consideration of the matter to a future meeting. The Sub Committee was not satisfied that Mr T H had demonstrated what work he had undertaken since 2016. It was stressed that the responsibility lay with Mr T H and he needed to provide references (other than from family), a copy of his PSV licence, his TAS badge and more information from the Passenger Transport Unit would be helpful.

**Resolved** that the application for the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr T H be deferred to a future meeting in order that further information can be obtained by both the driver and the Licensing Officer.

(Meeting ended at 11.24am)

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