

Minutes of Licensing Sub Committee 1

**Monday 17 October 2022 at 10.00am
in the Council Chamber, Sandwell Council House, Oldbury**

Present: Councillor Allen (Chair);
Councillor J Giles, M Gill, Singh and Wilkes.

In attendance: Usha Devi (Senior Licensing Officer);
David Elliott (Legal Advisor);
Sabby Gakhal (Transport Unit) (item 44/22 only);
Lisa Russell (Transport Unit) (item 44/22 only);
Trisha Newton (Senior Democratic Services Officer).

39/22 **Apologies for Absence**

No apologies for absence were received.

40/22 **Declarations of Interest**

No interests were declared at the meeting.

41/22 **Minutes**

Resolved that the minutes of the meetings held on 8 April, 19 May, 16 and 24 June, 4, 11 and 22 July 2022 be confirmed as a correct record.



42/22 **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 information relating to any individual.

43/22 **Application for the Grant of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr F T**

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

Mr F T was in attendance and had not previously appeared before the Licensing Sub Committee.

The Sub Committee was advised that, as part of the application process, if an applicant had lived outside the UK for a period of time they must provide proof of any foreign criminal history by providing a Certificate of Good Conduct from the originating country. Mr F T had arrived in the UK as an asylum seeker and was therefore unable to obtain this information. However, references, proof of employment and a statutory declaration were provided to the Sub Committee in support of the application, along with a DBS for the period of time Mr F T had been in the UK.

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

Having considered all of the supporting documentation provided, the Sub Committee was minded to grant the application for the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr F T.

Resolved that the application for a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr F T be granted.



44/22

Application for the Grant of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr T H

Further to Minute No. 38/22 (22 July 2022), 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, supported by his brother, and had appeared before the Licensing Sub Committee on a number of occasions previously.

Mr T H had a dishonesty conviction and, according to Council policy, at the time of application there should be a minimum of ten years free of conviction or at least ten years from completion of the sentence (whichever is longer).

The matter had been deferred on two previous occasions in order that further information could be obtained on Mr T H's work history.

Officers from the Passenger Transport Unit were in attendance but were unable to verify that Mr T H had been working as stated, as no evidence had been provided by the operator.

A reference had been provided from the family business and Mr T H's character was further endorsed by his brother.

Mr T H advised that he was a PSV holder and able to work in other areas should the licence not be granted.

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

Having considered all of the information before them, the Sub Committee did not feel there was any compelling information or grounds to depart from Council policy. Mr T H had a dishonesty conviction and guidelines stated there should be a minimum of ten years free of conviction before considering the grant of a licence.



Resolved that application for a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr T H 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 T H would be advised of his right to appeal to the Magistrates Court within 21 days of receiving the decision letter.

45/22

Application for the review of the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr M S

The Sub Committee was advised that Mr M S's representative was unable to attend, consideration of the matter would therefore be deferred to a future meeting.

Resolved that consideration of the review of the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr M S be deferred to a future meeting.

46/22

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

Members considered the application for a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr S M.

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

The Sub Committee was advised that Mr S M had been arrested for an offence involving violence, however, there was no conviction and the matter had been dealt with by a Protection Order. The matter was family related.

Mr S M outlined the event, which he deeply regretted, and apologised to the Sub Committee.



Mr S M advised that he was currently a security officer but was applying for a licence as he wished to change to a job which would permit flexible working so that he could spend more time with his family.

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

Having considered all of the information before them, members considered Mr M S to be a fit and proper person and were minded to grant the application.

Resolved that the application for a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr M S be granted.

(Meeting ended at 3.34pm)

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