

Minutes of Licensing Sub Committee 1

**Monday 24 October 2022 at 10.10am
In Committee Room 1, Sandwell Council House, Oldbury**

Present: Councillor Fenton (Chair);
Councillors Dunn (pm), Gavan and Wilkes (am).

In attendance: Christian Attard (Taxi Licensing Enforcement Officer) (item 50/22 only);
Andy Poulton (Senior Licensing Officer) (item 51/22 only);
David Elliott (Legal Advisor);
Trisha Newton (Senior Democratic Services Officer);
Connor Robinson (Democratic Services Officer);
John Swann (Democratic Services Officer).

47/22 **Apologies for Absence**

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

48/22 **Declarations of Interest**

No interests were declared at the meeting.



49/22 **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 any individual.

(Meeting adjourned 10.11 – 10.39am)

50/22 **Application for the Review of a Dual Driver's Licence in respect of Mr M Z**

Members considered the review of a Dual Driver's Licence in respect of Mr M Z.

Mr M Z was in attendance and had not previously appeared before the Licensing Sub Committee.

The Sub Committee was advised that Mr M Z had been referred due to a failure to report an arrest within the required timescale of 48 hours.

In addition, upon receiving details of his arrest from Wolverhampton Council, it was found that Mr M Z was not currently signed up to the DBS update service.

The Sub Committee was advised that at the time of the hearing, Mr M Z's badge licence was suspended and that he was released under investigation with no bail conditions attached.

Mr M Z acknowledged that he did not inform Sandwell Council within 48 hours and stated that he thought his Sandwell Council badge licence had already expired, as he had been working whilst licensed by Wolverhampton Council.



Mr M Z also explained that he was registered on the DBS update service with Wolverhampton Council, and explained that Wolverhampton Council had returned his badge licence to him. This was confirmed by the Taxi Licensing Team.

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 representations made by all parties.

The Sub Committee was minded to issue Mr M Z with a severe warning. Members took into account the nature of the case and the circumstances surrounding it, along with the fact there was no charge or criminal conviction and that Mr M Z had received no complaints conduct previously. The matter was considered serious and Mr M Z was informed that his badge licence would remain suspended until he sign's up to the DBS update service. In addition, Mr M Z was reminded of his responsibilities, including the need to inform the taxi licensing office within 48 hours of any arrest and his duty to adhere to council policy.

Resolved that Mr M Z be issued with a severe warning around future conduct with the licence remaining suspended until Mr M Z was signed up to the DBS update service.

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 Z 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 11.43 – 14.05pm)

(Councillor Dunn joined the meeting)



51/22

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

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

Mr M S was in attendance, accompanied by his legal representative.

The Sub Committee was advised that Mr M S had been referred following a major traffic offence.

Mr M S's representative gave an account of the incident and the circumstances.

In addition, the Sub Committee expressed concern that Mr M S had a long history of road traffic offences and eleven points on his driving licence.

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 representations made by all parties.

The Sub Committee was minded to revoke Mr M S's Dual Private Hire and Hackney Carriage Driver's Licence, the Council's policy starting point was revocation and members saw no reason to depart from this. In addition, the Sub Committee was not satisfied that Mr M S was a fit and proper person to hold a licence due to his long history of road traffic offences, particularly his two recent convictions for careless driving.

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

(Meeting ended at 3.38pm)

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