

Minutes of Licensing Sub Committee 2

**Monday 14 November 2022 at 10.12am
at Sandwell Council House, Oldbury**

Present: Councillor Fenton (Chair);
Councillors Akpoteni, Allen and Dunn

In attendance: Christian Attard (Taxi Licensing Enforcement Officer);
Usha Devi (Senior Licensing Officer);
David Elliott (Legal Advisor);
Trisha Newton (Deputy Democratic Services Manager);
Connor Robinson (Democratic Services Officer);
John Swann (Democratic Services Officer).

17/22 **Apologies for Absence**

Apologies for absence were received from Councillors A Hussain and Z Hussain.

18/22 **Declarations of Interest**

No interests were declared at the meeting.

19/22 **Minutes**

Resolved that the minutes of the meetings held on 25 August, 22 September and 7 October 2022 be confirmed as a correct record.



20/22 **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.

21/22 **Application for the Review of a Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr O M**

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

Mr O M was in attendance and had previously appeared before the Licensing Sub Committee.

The Sub Committee was advised that Mr O M had been referred over historic convictions which had not resulted in a referral to the Sub Committee to consider granting a licence previously.

Mr O M had held his licence from Sandwell Council since 2019 and had a clean driving record and no complaints during this time-period.

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 and was minded to take no further action in respect of Mr O M. Members took into account a character reference and clean record and considered him to be a fit and proper person.

Resolved that no action be taken in relation to Mr O M's dual private hire and hackney carriage driver's licence.



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 adjourned 10.49 – 11.30)

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

Consideration of the review of the private hire driver's licence in respect of Mr A M was deferred to a future meeting.

23/22 Application for the Review of a Private Hire Driver's Licence in respect of Mr M K

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

Mr M K was in attendance, accompanied by his cousin for support, and had not previously appeared before the Licensing Sub Committee.

The Sub Committee was advised that Mr M K had been referred following a failed MOT test on his licensed vehicle.

The Sub Committee expressed concern but noted that the defects had accumulated rapidly and there had been a successful MOT test 3 months prior to the defects being detected.

Mr M K advised that he had purchased a new car which was licenced with the Council.

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 and was minded to take no action against Mr M K, other than to remind him to read the handbook and to



adhere to the guidance contained within it. Members took into account his previous clean record. Members also determined that it could not be concluded that an incident had taken place given that he had previously successfully passed MOT inspections.

Resolved that no action be taken in respect of Mr M K's Private Hire Licence.

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.

24/22

Application for the Grant of a Private Hire Driver's Licence in respect of Mr N K

Members considered the grant of a Private Hire Driver's Licence in respect of Mr N K.

Mr N K was in attendance and had previously appeared before the Sub Committee on three occasions.

The Sub Committee was advised that Mr N K had been referred as his previous licence application was refused in 2017 for smoking and using a phone in his licensed vehicle.

Members noted there were convictions listed on the DBS and no endorsements on the driver's licence.

Mr N K stated that he no longer smoked and had Bluetooth to enable hands-free calls.

The Sub Committee noted that Mr N K was not currently signed up to the DBS update service, as required.

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 was minded to grant Mr N K's Private Hire



Driver's licence. Members were satisfied that Mr N K appeared to be a fit and proper person to hold a licence.

Resolved that the Private Hire Driver's Licence in respect of Mr N K be granted, however, the licence would be suspended pending sign 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.

(Meeting ended at 14.58pm)

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