

Minutes of Licensing Sub Committee 2

**Monday 4 December 2023 at 10.20am
in Committee Room 1, Sandwell Council House, Oldbury**

Present: Councillor Fenton (Chair);
Councillors A Hussain, J Singh and Weston.

In attendance: Usha Devi (Senior Licensing Officer); David Elliott (Legal Adviser); Trisha Newton (Deputy Democratic Services Manager) and Johane Gandiwa (Committee and Constitutional Services Lead Officer).

85/23 **Apologies**

Apologies were received from Councillor Davies.

86/23 **Declarations of Interest**

There were no declarations of interest.

87/23 **Exclusion of the Press and Public**

Resolved that the public and press be excluded from the rest of the meeting. This was 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.



88/23

Application for review of Private Hire Driver's Licence in respect of Mr M H

Members were advised that a request had been received to defer consideration of the matter so that Mr M H could seek legal representation.

Resolved that the consideration of the review of the Private Hire Driver's Licence in respect of Mr M H be deferred to a future meeting.

89/23

Application for a Private Hire Driver's Licence in respect of Mr M O A I

Members considered the application for a Private Hire Driver's Licence in respect of Mr M O A I.

Mr M O A I was in attendance.

The Sub Committee was informed that the reason for referral to the Sub Committee was a previous refusal by Wolverhampton City Council.

Mr M O A I informed the Sub Committee that he been driving for a food delivery company.

The Sub Committee took advice from its legal advisor before adjourning to decide on the application.

Having considered all the information before it, the Sub Committee was minded to grant Mr M O A I's Private Hire Driver's Licence. Members considered the applicant's honesty and presentation to the Sub Committee and consequently, Mr M O A I was deemed to be fit and proper person to hold a licence.

Resolved that the Private Hire Driver's Licence in respect of Mr M O A I be granted.



90/23

Application for renewal of a Private Hire Driver's Licence in respect of Mr A K

Members considered the renewal of the Private Hire Driver's Licence in respect of Mr A K.

Mr A K was in attendance.

The Sub Committee was informed that Mr A K had 9 live points on his DVLA licence for three traffic offences which he had not declared within the required timescales. Three of the points were due to be removed on 27 December 2023.

Mr A K explained that he had not declared the minor motoring offences because he assumed that the Council had all the information via his DVLA check.

The Sub Committee took advice from its legal advisor before adjourning to decide on the application.

Having considered all the information before it, the Sub Committee was minded to renew Mr A Ks licence with a 7-day suspension and sever warning as to his future conduct. In making its decision the Sub Committee had considered Mr A K's honesty and the fact he had not concealed his previous driving convictions. Mr A K was therefore considered fit and proper to hold a licence.

Resolved that the Private Hire Driver's Licence in respect of Mr A K be renewed and suspended for seven days and a severe warning issued as to future conduct.

Mr A K was advised of his right to appeal to the Magistrates Court within 21 days of receiving the decision letter.

91/23

Application for a Private Hire Driver's Licence in respect of Mr Z U R

Members considered the application for a new Private Hire Driver's Licence in respect of Mr Z U R.

Mr Z U R was in attendance, accompanied by his wife.



The Sub Committee was informed that the reason for the referral was a recent revocation by another local authority for plying/standing for hire and breaching conditions of a private hire drivers and vehicle licence. In addition Mr Z U R had failed to report a road traffic collision.

Mr Z U R outlined the circumstances of the incident to the Sub Committee.

The Sub Committee took advice from its legal advisor before adjourning to decide on the application.

Having considered all the information before it, the Sub Committee was minded to refuse Mr Z U R's application. The Sub Committee did not feel they could depart from guidelines and found Mr Z U R not fit and proper to hold a licence.

Resolved that the Private Hire Driver's Licence in respect of Mr Z U R be refused.

Mr Z U R was advised of his right to appeal to the Magistrates Court within 21 days of receiving the decision letter.

Meeting ended at 4.20pm.

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