

Minutes of Licensing Sub Committee 2

**Monday 29 January 2024 at 11.04am
in Committee Room 1 - Sandwell Council House, Oldbury**

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

Officers: Christian Attard (Taxi Licensing Enforcement Officer);
David Elliott (Legal Advisor);
Connor Robinson (Democratic Services Officer);
Anthony Lloyd (Democratic Services Officer).

5/24 **Apologies for Absence**

An apology for absence was received from Councillor Weston.

6/24 **Declarations of Interest**

No interests were declared at the meeting.

7/24 **Minutes**

Resolved that the minutes of the meetings held on 27 March 2023, 15 May 2023, 22 May 2023, 17 July 2023, 18 July 2023, 27 July 2023, 7 August 2023, 11 September 2023, 18 September 2023, 30 October and 21 November 2023 are confirmed as a correct record.



8/24

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.

9/24

Application to renew a Dual Driver's Licence in respect of Mr M A

Members considered the application to renew a Dual Driver's Licence in respect of Mr M A.

Mr M A was in attendance and had previously appeared before the Sub Committee in October 2015 where his licence had been granted subject to a review after 6-months (Minute No. 111/15, Licensing (Miscellaneous) Committee, Tuesday 13 October 2015).

The Sub Committee was advised that Mr M A had failed to declare a refusal by another Local Authority, along with a failure to declare all historical criminal and/or driving convictions and cautions and/or warnings from other Local Authorities on his application. Mr M A had recently had a licence refused by Birmingham City Council.

The Sub Committee heard that Mr M As previous applications had included the required declarations and that it was only the most recent application that had omitted the details.

Mr M A admitted that a mistake had been made when filling out the application form as they were not yet used to the online application process. It was noted that Council officers had assisted the applicant in previous years when filling out the application form.

The Sub Committee was minded that policy stipulated that the Council would take a dim view of anyone trying to fraud the Council



when filling out application forms. However, the applicant argued that he had not tried to deliberately mislead the Council.

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

Having considered all the information before it, the Sub Committee deemed that the applicant had made an honest mistake when filling out the application forms and that Mr M A was a fit and proper person to hold a licence. The Committee was minded to grant the renewal of the Private Hire Driver's Licence in respect of Mr M A with a stern warning to ensure that future applications included the required declarations.

Resolved:-

- (1) that the Private Hire Driver's Licence in respect of Mr M H be renewed;
- (2) that Mr M H be issued with a warning as to future conduct.

10/23

Application for a New Private Hire Driver's Licence in respect of Mr R H

Members considered application for a New Private Hire Driver's Licence in respect of Mr R H

Mr R H who was in attendance and supported by a friend and had not previously appeared before the Sub Committee.

The Sub Committee was advised that Mr R H had declared that his licence had been revoked by City of Wolverhampton Council. The reason given by Mr R H for this revocation was due to him being found Plying for Hire.

The Sub Committee noted that Sandwell's Private Hire and Hackney Carriage Licensing Policy stated that the Council would normally refuse to grant a licence if an applicant had their licence



revoked during the past 12 months. Members were also minded that offences such as plying for hire, which had occurred in the previous three years, would normally result in a licence not being granted.

It was noted by the Sub Committee that Mr R H had not been convicted of plying for hire but rather had been previously been revoked by Wolverhampton City Council for doing so.

Mr R H addressed the Sub Committee and acknowledged that a mistake had been made when picking up passengers. Mr R H had accepted a job in the same location that test purchases had been present at and that technological problems had resulted in the job not being correctly displayed as cancelled on the taxi driver's system. It was also explained that no form of cancellation from the taxi firm had been received by the driver during the trip.

Mr R H had not appealed to the magistrate's court, in relation to the revocation, despite being aware of his ability to do so. Mr R H had stated personal circumstances at the time had meant that the process would be difficult to withstand.

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

Having considered all the information before it, the Sub Committee was minded to refuse the application for a New Private Hire Driver's Licence in respect of Mr R H. While Mr R H had provided an explanation to the Sub Committee members had found no reason to depart from the Councils Policy.

Resolved that the application for a new Private Hire Driver's Licence in respect of Mr R H is refused.

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

Meeting ended at 1.36pm
(with an adjournment between 11.49am and 12.55pm)
Contact: democratic_services@sandwell.gov.uk

