

Minutes of Licensing Sub Committee 1

**Monday 17 April 2023 at 10.21am
Sandwell Council House, Oldbury**

Present: Councillor Allen (Chair);
Councillors Fenton, Gavan, M Gill and Singh.

Officers: Nicola Plant (Assistant Director – Public Protection and
Community Safety);
Usha Devi (Senior Licensing Officer);
Fiona Gee (Licensing Supervisor);
David Elliott (Legal Advisor);
Connor Robinson (Democratic Services Officer);
John Swann (Democratic Services Officer).

10/23 **Apology for Absence**

An apology was received from Councillor Wilkes.

11/23 **Declarations of Interest**

There were no declarations of interest.

12/23 **Minutes**

Resolved that the minutes of the meetings held on 21
November, 12 December 2022 and 20 February 2023 be
approved as a correct record.



13/23 **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.

14/23 **Application for the review of a Private Hire Operator's Licence in respect of Mr S S**

The Sub Committee was advised that Mr S S was not in attendance as his legal representative was not available.

The Sub Committee was therefore minded to defer consideration of the review to a future meeting.

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

(Councillor M Gill left the meeting)

15/23 **Application for a Private Hire Driver's Licence in respect of Mr A B**

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

Mr A B was in attendance, supported by family members, and had previously appeared before the Licensing Sub Committee on one occasion.

Mr A B had previously held a licence with the Council, however it had been revoked by officers under delegated powers following complaints which alleged Mr A B had behaved inappropriately.



The Sub Committee was also advised that Mr A B had previously changed operator and failed to inform the taxi licensing office within three days as per his conditions of licence.

Mr A B informed the Sub Committee that he believed the complaints were malicious in nature and did not reflect his nature. He provided positive references from his most recent operator and customers who he had previously assisted when licenced.

He advised that the failure to inform the taxi licensing office about his change of circumstances was an error he had made inadvertently for which he apologised.

The Sub Committee heard that Mr A B had no convictions listed on his DBS and was signed up to DBS update service.

In addition, he held a Travel Assistance service (TAS) badge and had driven in a professional capacity subsequent to revocation of his taxi driver's licence.

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 grant the Private Hire Driver's Licence in respect of Mr A B. The Sub Committee considered that he was a fit and proper person, however they warned and advised him of his responsibilities as a Private Hire Licence holder and the need to understand his conditions of licence.

Resolved that the Private Hire Driver's Licence in respect of Mr A B be granted with a warning as to future conduct.

(Councillor Fenton left the meeting)

(Councillor Gavan joined the meeting)



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

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

Mr S M and his legal representative were in attendance. Mr S M had previously appeared before the Licensing Sub Committee on one occasion.

The Sub Committee was advised that Mr S M had been convicted of driving without due care and had failed to report this offence to the taxi licensing office.

Members were concerned that Mr S M had eight points on his driving licence and at the time of the offence, had been transporting passengers in his car.

Mr S M's legal representative outlined that at the time of the offence he had been informed that a family member was in a poor state of health and had been attempting to return home. Mr S M accepted that he had driven irresponsibly and stated that he did inform the taxi licensing office.

Mr S M produced character references and had been registered with his taxi operator for 13 years.

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 suspend Mr S M's Private Hire Driver's Licence for a period of 14 days. The Sub Committee was concerned that he had eight points on his licence and issued him with a severe warning with regards to future conduct.

Resolved that the Private Hire Driver's Licence in respect of Mr S M is suspended for a period of 14 days and Mr S M be warned as to future conduct.

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



16/23

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

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

Mr S A was in attendance and had not previously appeared before the Licensing Sub Committee.

The Sub Committee was advised that Mr S A was unable to provide a Certificate of Good Conduct as he had held refugee status.

Mr S A had submitted documentation in advance of the meeting, including his Refugee ID Card and his UNHCR Proof of Registration Card.

The Sub Committee heard that Mr S A had provided a copy of his DBS which identified no convictions and he was signed up to the DBS update service.

Mr S A had also provided references and letters of his good character which were viewed by Members.

Having considered all the information before it, the Sub Committee was minded to grant Mr S A's Private Hire Driver's Licence. The Sub Committee determined that Mr S A was a fit and proper person to hold a licence.

Resolved that application for a Private Hire Driver's Licence in respect of Mr S A be granted.

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 5.27pm
(meeting adjourned between 10.33am – 10.55am, 1.17pm – 1.29pm and 3.27pm – 3.51pm)

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