

Minutes of Licensing Sub Committee 2

**Monday 19 July 2021 at 10.00am
in the Council Chamber at Sandwell Council House, Oldbury**

Present: Councillor Piper (Chair)
Councillors Chidley, S Gill and Webb.

Officers: Usha Devi (Licensing Enforcement Officer);
David Elliott (Solicitor);
Trisha Newton (Senior Democratic Services Officer);
Connor Robinson (Democratic Services Officer);
Gabrielle Evans (Democratic Services Officer).

10/21 **Apologies for Absence**

Apologies were received from Councillor S Singh.

11/21 **Declarations of Interest**

No interests were declared at the meeting.

12/21 **Minutes**

Resolved that the minutes of the meeting held on 12 April 2021 were confirmed as a correct record.



13/21 **Exclusion of the Public**

Resolved that the public and press be excluded from the rest of the meeting 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 and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Matters Delegated to the Sub Committee to consider Local Government (Miscellaneous Provisions) Act 1976 – Private Hire Driver’s/Vehicles/Operators Licensing related matters

14/21 **Application for the renewal of a Private Hire Drivers Licence in respect of Mr M A**

Members considered an application for the review of a Private Hire Driver’s Licence in respect of Mr M A.

Mr M A was in attendance and had not previously appeared before the Licensing Sub Committee. Mr M A was accompanied by Mr I K, who had filled in the application form on Mr M A’s behalf.

The Sub Committee was advised that Mr M A had breached the conditions of his licence after failing to declare unspent convictions.

Asked to explain why he had not declared previous convictions, Mr M A’s representative explained that he thought the convictions did not need to be declared because they were spent. The spent convictions had been from 1981 and 1987. The Legal Advisor explained that all spent convictions were declarable to the authority, irrespective of age.



Mr M A presented additional documents to the Sub-Committee, including a character reference and clearance from Birmingham City Council for school transport (which was what Mr M A wished to do).

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

The Sub Committee was minded to grant the Private Hire Driver's Licence in respect of Mr M A. The Sub Committee believed that there had been no attempt by Mr M A to actively deceive the Council and the omission had been a genuine mistake.

The Sub Committee decided on the balance of probabilities Mr M A was a fit and proper person to hold a licence having met all other requirements.

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

15/21

Application for a new Private Hire Drivers Licence in respect of Mr A A

Members considered an application to grant a new Private Hire Driver's Licence in respect of Mr A A.

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

The Sub Committee heard that Mr A A had failed to declare a conviction of driving whilst disqualified when making his online application.

Mr A A stated that he had declared three previous convictions and since the convictions were from nearly twenty years ago, not declaring the fourth conviction had been a genuine mistake (all four convictions were related to each other). Mr A A stated admitted he made a mistake and apologised. Mr A A also advised the committee that he had not touched alcohol for almost twenty years.



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

The Sub Committee was minded to grant the Private Hire Drivers Licence in respect of Mr A A, subject to the full completion and signing up to the online DBS. In making its decision the Committee determined Mr A A was a fit and proper person to hold a licence and the exclusion of the fourth conviction had been a genuine oversight and not an attempt at deception.

Resolved that the Private Hire Driver's Licence in respect of Mr A A be granted, subject to confirmation of signing up to the DBS Disclosure Service.

Meeting ended at 11:36am

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