

Minutes of Licensing Sub Committee 1

Monday 13th December 2021 at 10.00am
in the Council Chamber at Sandwell Council House, Oldbury

Present: Councillor Allen (Chair)
Councillors R Jones, Z Hussain and Mabena.

Also Present: Councillor Williams.

Officers: Usha Devi (Licensing Enforcement Officer);
Christian Attard (Licensing Enforcement Officer);
David Elliott (Solicitor);
Trisha Newton (Senior Democratic Services Officer);
Amundeeep Johal (Democratic Services Officer);
Gabrielle Evans (Democratic Services Officer).

53/21 Apologies for Absence

There were no apologies for absence.

54/21 Declarations of Interest

No interests were declared at the meeting.

55/21 **Minutes**

Resolved that the minutes of the meetings held on 24 August 2021, 27 August 2021, 8 September 2021, 20 September 2021, 23 September 2021 and 25 October 2021 were confirmed as a correct record.

56/21 **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.

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

57/21 **Review of a Dual Private Hire and Hackney Carriage Driver’s Licence in respect of Mr S H**

Members considered a review of the Private Hire and Hackney Carriage Drivers Licence in respect of Mr S H.

Mr S H was in attendance at the meeting, accompanied by his legal representative.

The Sub Committee was advised that Mr S H had been invited to attend the Committee meeting following a conviction for Driving without Due Care and Attention and failure to notify the Taxi Licensing Office that he had been summoned in respect of the driving offence within 7 days as required by the conditions of his licence.

The Committee heard that this conviction was as a result of a road traffic collision in Mr S H's Private Hire Vehicle on 11th March 2021. Whilst Mr S H advised that this accident was reported to the Taxi Licensing Office following the accident, there were no records of this and the office had only been informed on 2 September 2021.

Additionally, the Taxi Licensing Office received a report from Ola, following a complaint from a passenger. On 30th May 2021, a private hire booking was made on behalf of a female passenger who, after the journey took place, realised several belongings had been left in the vehicle. Ola were notified and connected the passenger to the driver who arranged to return the items after his current commitments. It was reported that Mr S H phoned the passenger demanding £25 for the cost of returning the property.

It was reported that the operator had reported the matter to West Midlands Police, however, the matter was not taken further by the Police.

Mr S H's legal representative advised that Mr S H had attempted to report the accident from his hospital bed but the ongoing pandemic prevented him from informing and receiving a response from officers. Officers stated that there was no evidence of this phone call being made. Furthermore, when the driver was interviewed by Licensing Enforcement, he was still unaware of the charge and had not received any paperwork relating to the charge for the client until the third week of August 2021. On the 3rd September, after appearing in Court, the conviction had been reported to the Taxi Licensing Team. In terms of reporting, drivers were required to submit written notification upon any arrests or investigations within 3 days and were obliged to notify within 7 days of any convictions.

The legal representative also highlighted that the driver had been licensed by Sandwell Council for 8 years and had no other previous incidents or complaints. Evidence in support of Mr S H's character was supplied to the Taxi Licensing Team.

It was highlighted that the operator upheld a zero-tolerance policy to charging customers for lost property retrieval. It was noted by the Committee that Mr S H no longer worked for the operator and his account had been suspended.

Whilst a medical examination was undertaken on 22nd June 2021, in line with license requirements, there was no record of Mr S H having an operation for the Taxi Licensing Team to make a decision on fitness to drive.

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.

Having considered all the information before them, the decision was made to revoke the licence due to the conviction of a major road traffic offence. The Sub Committee noted the serious nature of the road traffic offence and failure to provide written notification in accordance with requirements of the licensing conditions. Public safety was of paramount importance. With respect to the customer complaint, the Sub Committee noted with concern that the work arrangements with the operator had been terminated. The Sub Committee saw no reason to depart from guidance on this occasion.

Resolved that the Dual Private Hire and Hackney Carriage Driver's Licence in respect of Mr S H be revoked.

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.

58/21

**Review of a Private Hire Driver's Licence in respect of Mr
T H**

Due to time restraints, the Sub Committee agreed to adjourn the meeting and reconvene on Monday 20th December 2021.

Meeting ended at 13:50pm

Contact: democratic_services@sandwell.gov.uk