

Minutes of Licensing Sub Committee 3

8 March 2021 at 10.00am
Virtual Online Meeting

Present: Councillor S Davies (Chair);
Councillors E M Giles, Dhallu and Downing.

Officers: Fiona Gee (Licensing Supervisor)
David Elliot (Solicitor)
Shane Parkes (Democratic Services Officer)
Connor Robinson (Democratic Services Officer)

1/21 **Apologies for Absence**

Apologies were received from Councillors G Gill and Moore.

2/21 **Declarations of Interest**

No interests were declared at the meeting.

3/21 **Minutes**

Resolved that the minutes of the meeting held on 30 November 2021 be confirmed as a correct record.

4/21 **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

5/21

Application for the renewal of a Private Hire Driver’s Licence in respect of Mr LA

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

Mr L A was in attendance and confirmed that he had received a copy of the report.

Mr L A had previously attended Committee on two previous occasions in 2007, when his licence had been granted (Minute no. 185/07 referred – 2 November 2007) and in 2014 when he had received a period of 28 days suspension to his licence following a complaint (Minute No. 90/14 referred – 17 July 2014).

The Sub Committee was advised that Mr L A had received two endorsements for exceeding the speed limit on a motorway. He had failed to declare the endorsements within the required time period, in accordance with conditions of his licence.

Mr L A stated that while he had held the licence over a period of eleven years, he had only operated his vehicle as a taxi for a period of one and a half years. Mr L A informed the Committee that he currently operated a business in Telford and subsequently did not think he had to report the offences to the licensing office as he was not using his vehicle as a taxi at the time of the offence.



The offences had taken place within two consecutive days and Mr L A stated that on both occasions he had been traveling to his business in Telford on a route he regularly takes. Roadworks on the road had meant a temporary speed limit had been imposed, Mr L A stated that on both occasions he had failed to recognise the temporary limit and had continued to travel at the regular limit.

Mr L A was asked to provide his DVLA Code which had not previously been submitted on request. Mr L A provided the Licensing Manager with the Code in order that his record could be viewed.

Mr L A confirmed that there were no passengers in the vehicle at the time of the offences.

Mr L A advised the Sub Committee that he may want to operate a taxi service in the future if his circumstances required.

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

Having considered all the information before them, the Sub Committee unanimously felt they were able to depart from the policy on this occasion and revoke Mr L A's Private Hire Drivers Licence.

Due to the close succession of the speeding convictions the Committee was not confident in the ability of Mr L A to carry passengers safely in his vehicle. In addition, failure to notify the Licensing Authority despite being licensed with them since 2009 and being unaware of this requirement was regarded as unacceptable by the Committee.

The previous incidents also caused concern and the opinion of the Committee that Mr L A was not deemed to be a fit and proper to hold a license.

Resolved that the Private Hire Driver's Licence in respect of Mr L A 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.

Mr L A would be advised of his right to appeal to the Magistrates Court within 21 days of receiving the decision letter.

Meeting ended at 11.15am

Contact: democratic_services@sandwell.gov.uk

