

Minutes of Licensing Sub Committee 1

**Monday 20 December 2021 at 10.00am
in the Council Chamber at Sandwell Council House, Oldbury**

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

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

59/21 **Apologies for Absence**

There were no apologies for absence.

60/21 **Declarations of Interest**

No interests were declared at the meeting.

61/21 **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**

62/21

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

Further to Minute No. 58/21 (13 December 2021), the Sub Committee considered an application for the review of a Private Hire Driver’s Licence in respect of Mr T H.

Mr T H was in attendance and was supported by his friend. Members were informed that Mr T H had not previously appeared before the Licensing Sub Committee.

The Committee was advised that Mr T H had failed to declare the fact that he had been arrested and interviewed by the West Midlands Police due to a serious offence involving violence, within 3 days as per policy guidelines. Mr T H had also failed to provide any information whilst being further investigated and had not informed the Taxi Licensing Department about his bail order, within 3 days as per policy guidelines.

Furthermore, Mr T H had failed to declare details of the offence and the date of being convicted by the Magistrates Court within 7 days.

Mr T H submitted his Private Hire Drivers renewal application form on the 17 June 2021, where he had incorrectly provided officers with his previous address and failed to declare any cautions or convictions. On 9th July 2021, upon being served with an immediate suspension due to his DBS having expired, Mr T H attended the taxi licensing office and mentioned to the licensing officer he had received a caution for assault by beating.

Upon competition of the conviction notification form and the Court paperwork provided by Mr T H, it was identified that the address provided was different to Licensing Office records. Mr T H informed the Licensing Officer that he had been given a restraining order and had confirmed he had been arrested. Mr T H was advised of the conditions of his licence with regard to notifying the Council of an arrest or conviction which he had failed to comply with.

On 18th November 2021, Mr T H was informed that the immediate suspension issued would not be lifted due to the nature of the offences leading to his conviction, therefore Mr T H remained suspended in the interest of public safety and information received by West Midlands Police.

Mr T H advised that he had been licensed by Sandwell Council since 2015 and had a clean record. Evidence in support of Mr T H's character was supplied to the Taxi Licensing Team.

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, members were minded to revoke the licence due to the conviction of two counts of assault. The Sub Committee noted the serious nature of the offences and failure to notify the Taxi Licensing Team of the initial arrest and conviction and also the change in address. The Sub Committee noted with concern that the lack of knowledge of the conditions of licence presented a threat to potential passengers. The Sub Committee saw no reason to depart from guidance on this occasion.

Resolved that the Private Hire Driver's Licence in respect of Mr T 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.

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

Meeting ended at 12:21pm

Contact: democratic_services@sandwell.gov.uk