

**Minutes of the Meeting of the Taxis Committee
Monday 6th November, 2023 at 6.00 pm
in Committee Room 2 at the Council House, Dudley**

Present:

Councillor B Challenor (Vice -Chair in the Chair)
Councillors M Aston, K Denning, W Little, J Martin, C Sullivan and A Taylor

Officers:

N Slym (Assistant Team Manager - Licensing and Waste Enforcement), S
Ahmed-Aziz (Solicitor) and L Jury (Democratic Services Officer)

68 Apology for Absence

An apology for absence was received on behalf of Councillor A Hopwood.

69 Appointment of Substitute Member

It was reported that Councillor C Sullivan had been appointed to serve as a substitute Member for Councillor A Hopwood for this meeting of the Committee only.

70 Declarations of interest

No Member made a declaration of interest, in accordance with the Members Code of Conduct, in respect of any matters considered at the meeting.

71 **Minutes**

Resolved

That the minutes of the meeting held on 2nd October, 2023, be approved as a correct record and signed.

72 **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

73 **Exclusion of the Public and Press**

Resolved

That the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information relating to an individual(s) as defined under Part 1 of Schedule 12A to the Local Government Act 1972, as amended.

74 **Review of a Private Hire Driver's Licence – Mr SF**

A report of the Interim Service Director of Environment Directorate was submitted to consider the review of the Private Hire Driver's Licence issued to Mr SF.

Mr SF was in attendance at the meeting, together with Mr MC and Mr NM, two Kingdom Enforcement Officers, the witnesses.

Prior to the presentation of the report, the Assistant Team Manager – Licensing and Waste Enforcement, advised Members that Mr SF was originally to be represented at the meeting by his Solicitor. However, the Licensing Section had been informed that Mr SF's Solicitor had been rushed to hospital and had requested that the review be deferred to a future meeting to be considered. Mr SF had been informed of this situation and had been asked if he wished to defer his review until he could be represented. Mr SF had requested that his review be considered on the evening of the meeting. The Solicitor advised Mr SF at the meeting of the outcomes should the decision of the Committee be to revoke his licence and he was again asked whether he wished to defer his review. In response, Mr SF again requested that his review be considered at the meeting.

Following the presentation of the report submitted, both parties confirmed that the content of the report was a true reflection of the incidents that had occurred on 4th July and 4th September, 2023.

At this juncture, bodycam footage from the Enforcement Officers that had captured the incidents on 4th July and 4th September 2023 were presented to the Committee.

The Enforcement Officers responded to a series of questions asked by the Committee in relation to the incidents. They indicated that they had felt intimidated and threatened by Mr SF's conduct whilst performing their duties, especially in relation to the questioning of their religion and Mr SF stating that he knew where one of the officers lived. They believed that Mr SF's conduct was not befitting of a taxi driver representing the Borough.

In response to a question raised by Members in relation to Mr SF's conduct on the 4th July 2023, Mr SF stated that on reflection he felt that he had been a little aggressive towards the Enforcement Officers who had approached him as he was in a high state of emotion due to him attending a funeral at the time. He stated that he had lost his temper on the second occasion as he felt that the Enforcement Officer was impeding him conducting his fare. He referred to his impeccable record over 30 years as a taxi driver.

In response to a question raised by a Member, the Enforcement Officers advised that Mr SF had not made them aware that he was attending a funeral.

Mr SF responded to further questions raised by the Committee and confirmed that there were no further matters pending that needed to be brought to the Committee's attention.

The Committee's Solicitor provided a legal summary in relation to the case, following which all parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided by all parties at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee did not consider Mr SF to be a fit and proper person in view of the incidents that had occurred and Mr SF's behaviour shown towards the Enforcement Officers, and his contempt shown at Committee, and therefore, the private hire driver's licence issued to Mr SF be revoked with immediate effect in the interests of public safety.

Mr SF be informed of his right to appeal the decision of the Committee.

75 Review of a Private Hire Driver's and Hackney Carriage Driver's Licence – Mr HMS

A report of the Interim Service Director of Environment Directorate was submitted to consider the review of a Private Hire and Hackney Carriage Driver's Licence to Mr HMS.

Mr HMS and his representative were in attendance at the meeting.

Following the presentation of the report submitted, both parties confirmed that the content of the report was a true reflection of the incident that had occurred on 20th June 2023 where Mr HMS's vehicle had failed a safety check.

The representative made detailed representations in support of Mr HMS outlining the circumstances that had led up to the incident relating to the vehicle suspension and Mr HMS's confusion in relation to the immediate suspension procedure, and confirmed that before using the vehicle, Mr HMS had taken his vehicle to a garage and had the faulty tyre replaced.

Mr HMS and his representative responded to questions raised by Member's in relation to the incident and any confusion that had arisen, although it was acknowledged that Mr HMS had signed the notice of suspension that had been presented to him and acknowledging that Mr HMS had been informed by a Licensing Officer of the penalty should a driver fail to comply with the notice.

Mr HMS confirmed that there were no further matters pending that needed to be brought to the Committee's attention.

The Committee's Solicitor provided a legal summary in relation to the case, following which all parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

That following careful consideration of the information contained in the report submitted, evidence provided at the meeting and having regard to the Committee's Guidelines and Statutory Guidance, the the Committee were of the view that in accordance with Section 46 of the Local Government (Miscellaneous) Act 1976 and Section 47 of the Town and Police Clauses Act 1847, Mr HMS was not a fit and proper person to hold a licence given the explanation provided and that the public had been placed at risk and therefore, the Private Hire and Hackney Carriage Driver's Licence issued to Mr HMS be revoked with immediate effect in the interests of public safety.

Mr HMS be informed of his right to appeal the decision of the Committee.

76 Application for a Grant of a Private Hire Driver's Licence - Mr BA

A report of the Interim Service Director of Environment Directorate was submitted to consider the application of the grant of a Private Hire Driver's Licence to Mr BA.

Mr BA was in attendance at the meeting and explained the circumstances surrounding his knowledge and law tests, as outlined in paragraph 4 of the report submitted, and responded to questions raised by the Committee.

Further to a question raised by a Member, Mr BA advised that he had been residing in the United Kingdom since 2017 and was living with his family in the Borough. He had previously been employed in shop work in Dudley and now wished to become a taxi driver working for Dudley. Mr BA confirmed that he had no criminal convictions in the country in which he had previously resided but could not provide a certificate of good conduct due to there being no formal agreement between the United Kingdom and the country in which he previously resided.

Mr BA confirmed that there were no further matters pending that needed to be brought to the Committee's attention.

The Committee's Solicitor provided a legal summary in relation to the case, following which all parties withdrew from the meeting to enable the Committee to determine the application. The advice of the legal advisor was that in the absence of a certificate of good conduct and with the Committee having no information as to Mr BA's history whilst in Iran, Mr BA should not be given the opportunity to take a further test and potentially obtained a licence given that the paramount duty of the Committee is public safety. The legal advisor further advised that if the Committee were determined to grant Mr BA a further opportunity to sit his test, then they could defer this item to next month to enable Mr BA to attend and provide further information such as references, character testimonials and employment history to give further detail on Mr BA's background.

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that given the explanation provided, they were satisfied that Mr BA had made sufficient progress from previous knowledge tests, therefore, the request for a further test, be granted.

77 Application for Grant of a Private Hire Driver's Licence – Mr WH

A report of the Interim Service Director of Environment Directorate was submitted to consider the application of the grant of a Private Hire Driver's Licence to Mr WH.

Mr WH was in attendance at the meeting, together with his representative.

Both Mr WH and his representative responded in detail to questions raised by Members in relation to Mr WH's previous conviction which had resulted in his licence being revoked in 2017 for a period of 16 months, as outlined in paragraph 5 of the report.

Responding to further questions raised by Members, Mr WH confirmed that he had been working as a delivery driver and now wished to return to taxi driving to support his family. He had regretted the incident which had occurred sometime ago and the emotional and financial impact that resulted from the incident on him and his family. Mr WH confirmed that there were no further matters pending that needed to be brought to the Committee's attention.

The Committee's Solicitor provided a legal summary in relation to the case, following which all parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided by all parties at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that they did not consider Mr WH to be a fit and proper person in view of his previous convictions as not enough time had lapsed since his conviction, therefore, the application to grant a Private Hire Driver's Licence to Mr WH, be refused.

Mr WH be informed of his right to appeal the decision of the Committee.

78 Application for Grant of a Private Hire Driver's Licence – Mr WA

A report of the Interim Service Director of Environment Directorate was submitted to consider the application of the grant of a Private Hire Driver's licence to Mr WA.

Mr WA and his Solicitor were in attendance at the meeting.

Both Mr WA and his Solicitor made representations in support of Mr WA's application and tabled references in relation to previous employment and Mr WA's good conduct.

Mr WA further responded to a series of questions asked by the Committee explaining the circumstances surrounding his previous conviction stating that he had regretted the incident that had occurred and he was now no longer acquainted to the friend who had also been involved and he had turned his life around and now wished to become a taxi driver for the Borough to support his family.

Mr WA also confirmed that there were no further matters pending that needed to be brought to the Committee's attention.

The Committee's Solicitor provided a legal summary in relation to the case, following which all parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

That following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that given the detailed explanation and evidence provided, the Committee found sufficiently compelling to enable them to depart from the Standards, therefore, they were satisfied that Mr WA was a fit and proper person to hold a licence and consequently, a Private Hire Driver's Licence be granted.

The meeting ended at 9.05pm.

CHAIR