

**Minutes of the Meeting of the Taxis Committee
Monday 22nd April, 2024 at 6.00 pm
in Committee Room 2 at the Council House, Dudley**

Present:

Councillor A Hopwood (Chair)
Councillor B Challenor (Vice -Chair)
Councillors K Denning, D Harley, M Howard, J Martin, C Sullivan, and A Taylor

Officers:

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

118 **Apologies for Absence**

Apologies for absence from the meeting were received on behalf of Councillors M Aston and W Little.

119 **Appointment of Substitute Member**

It was reported that Councillor C Sullivan had been appointed as a substitute member for Councillor W Little for this meeting of the Committee only.

120 **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.

121 **Minutes**

Resolved

That the minutes of the meeting held on 18th March 2024, be approved as a correct record and signed.

122 **Questions Under Council Procedure Rule 11.8**

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

123 **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.

124 **Review of Private Hire Driver's Licence – Mr SY**

A report of the Director of Environment was submitted to consider the review of a Private Hire Driver's licence issued to Mr SY.

Mr SY attended the meeting, together with his Solicitor Mr Shiller.

Following the presentation of the report submitted, Mr Shiller presented the case on behalf of Mr SY, explaining the circumstances surrounding the convictions for plying for hire, stating that Mr SY was approached on several occasions by undercover officers and succumbed under the pressure to take the passengers to their desired location, and in view of that Mr SY's vehicle insurance would have been deemed void for the purpose of transporting those passengers.

Mr Shiller advised that for a period of ten years there had been no adverse problems during the beginning of the licence period for Mr SY, advising that Mr SY had been concise when questioned about the offence and pleaded guilty which had resulted in him receiving a low

fine and the lowest number of penalty points that could be applied to his licence.

Mr Schiller referred to Mr SY's previous convictions advising that less weight should be given to those convictions and the long period of time that had elapsed between the old and current conviction.

Mr SY responded to questions raised by the Committee apologising for the actions that had led to the current conviction, advising that he remained on the high street for a minimal period following a passenger disembarking from his vehicle. On the day in question the weather had been inclement, and Mr SY had felt sorry for those passengers who had approached him and he had succumbed to their requests having been approached on more than one occasion.

In response to further questions raised by the Committee, Mr Schiller stated that Mr SY wished to work predominantly for Uber in the future, which would provide an audit trail of pre-paid work thus alleviating any safety concerns as far as passengers were concerned.

In summing up, Mr Schiller advised that there were no further matters pending that needed to be brought to the Committees 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 the circumstances surrounding the conviction, as outlined in the report and Mr SY's previous convictions amounted to reasonable cause to show Mr SY was not a fit and proper person to hold a licence and therefore, the private hire driver's licence issued to Mr SY be revoked with immediate effect in the interests of public safety.

Mr SY was informed of his right to appeal the decision of the Committee to the Magistrates' Court.

125 **Review of a Private Hire and Hackney Carriage Driver's Licence – Mr AA**

A report of the Director of Environment was submitted to consider the review of a Private Hire and Hackney Carriage Driver's licence issued to Mr AA.

Mr AA attended the meeting, together with his Solicitor, Mr Schiller.

Following the presentation of the report submitted, Mr Schiller explained the circumstances surrounding the incident of Mr AA namely, using a motor vehicle on a road when television receiving/cinematographic apparatus was visible to the driver, contrary to Regulation 109 of the Road Vehicles (Construction and Use) Regulations 1986, section 42 of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988.

A video of the incident was viewed by the Committee.

Mr Schiller advised that prior to the passenger entering the vehicle, Mr AA was viewing a podcast on how to replace a headlight bulb, and the podcast was not being viewed whilst Mr AA was transporting the passenger, but he had failed to turn off the podcast. It was explained that the same mounted device was used for satellite navigation purposes for Mr AA to avoid road closures and traffic whilst on the journey.

In responding to questions of the Committee, Mr AA advised that he had texted the mother of his next passenger once the first passenger entered his vehicle, and he had mistakenly failed to switch off the podcast whilst driving.

In summing up, Mr Schiller referred to Mr AA's previous exemplary driving record with no previous convictions or incidents and confirmed that there were no other 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 Committee were of the view that in accordance with Section

61(1)(b) and Section 61(2A) of the Local Government (Miscellaneous) Act 1976, the Private Hire and Hackney Carriage Driver's Licence issued to Mr AA be suspended for a period of three months.

Mr AA was informed of his right to appeal the decision of the Committee to the Magistrates' Court.

126 **Review of a Private Hire Driver's Licence – Mr SL**

A report of the Director of Environment was submitted to consider the renewal of a Private Hire Driver's licence to Mr SL.

Mr SL attended the meeting, together with a supporter.

Mr SL's supporter referred to the failure to disclose his new address and details of the conviction contained in paragraph 4 of the report submitted, advising that Mr SL was estranged from his family who had failed to pass onto him correspondence that had resulted in Mr SL being unaware of the penalty points that had been applied to his driver's licence. Mr SL had been unable to provide details of a new address as he had until recently not had a permanent address.

Once Mr SL had become aware of details of the conviction, he had paid a fine and was awaiting details of a driving course but had initially been unaware of the three penalty points.

Mr SL was also in financial difficulties.

In responding to questions raised by the Committee, Mr SL apologised for his failures and omissions, advising that his wife usually dealt with much of the paperwork and filling in forms. Mr SL had been staying with numerous friends who would not let him use their addresses. Mr SL advised that he had become depressed following the breakdown of his relationship and being estranged from his children.

Mr SL confirmed that there were no other 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 were satisfied that Mr SL was a fit and proper person to hold a licence given the explanation provided, therefore, a strong written warning be issued regarding his future conduct.

127 **Application for the Grant of a Private Hire Driver's Licence – Mr PK**

A report of the Director of Environment was submitted to consider the application for the grant of a private hire driver's licence to Mr PK.

Mr PK was in attendance at the meeting together with his Solicitor Mr Currie.

Mr Currie apologised on behalf of Mr PK for the initial responses to the Council's Licensing Officers regarding the current application, advising that delays had occurred due to the Section moving offices and initially although Mr PK had been advised that a licence would be granted and his application would not need to be considered by the Committee, subsequently he was advised that was not the case and he would then have to wait for a date to appear before the Committee. This had resulted in a financial penalty following Mr PK withdrawing from a vehicle finance agreement which had frustrated Mr PK.

Mr Currie also referred to the circumstances surrounding previous known matters whilst Mr PK was licensed by Birmingham City Council, who had subsequently refused to renew his previous licence.

In responding to questions raised by the Committee, Mr PK advised that he had found it difficult to find parking spaces in Birmingham, which had resulted in him parking in various inappropriate places including a disabled bay and a staff car parking bay. Mr PK also apologised for his conduct towards the Council's licensing officers.

Mr PK advised that he was not at the time in a financial position to appeal the decision of Birmingham City Council to refuse his application for the renewal of his licence. Mr PK confirmed that there were no further matters pending that needed to be brought to the Committees 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 in view of the previous catalogue of unacceptable behaviour and the fact that Birmingham City Council had refused to renew Mr PK's licence, they did not consider Mr PK to be a fit and proper person, therefore the application to grant a Private Hire Driver's licence to Mr PK be refused.

Mr PK was informed of his right to appeal the decision of the Committee to the Magistrates' Court.

128 **Application for the Grant of a Private Hire Driver's Licence – Mr MI**

A report of the Director of Environment was submitted to consider the application for the grant of a private hire driver's licence to Mr MI.

Mr MI attended the meeting together with his supporter Mr Nasar, and Mr Nasar explained the circumstances surrounding his conviction, referred to in paragraph 4 of the report submitted.

In responding to questions raised by the Committee, Mr MI confirmed that he did advise his base of the two phones that were left in his vehicle and was advised to bring them to the base. He also stated that his licence had been suspended in the past by Sandwell Metropolitan Borough Council. Mr MI had not held a Private Hire Driver's licence since 2016, the date of his conviction. Mr MI 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 in view of the previous

convictions they did not consider Mr MI to be a fit and proper person, therefore the application to grant a Private Hire Driver's licence to Mr MI be refused.

Mr MI was informed of his right to appeal the decision of the Committee to the Magistrate's Court.

129 **Application for the Grant of a Priver Hire Driver's Licence – Mr NA**

In accordance with Council Procedure Rule 6.2(b) Members determined that the application could not be considered with the time constraints under the Council Procedure Rule that the application be deferred to the next meeting of the Committee.

130 **Application for the Grant of a Private Hire Driver's Licence – Mr UDK**

In accordance with Council Procedure Rule 6.2(b) Members determined that the application could not be considered with the time constraints under the Council Procedure Rule that the application be deferred to the next meeting of the Committee.

131 **Application for the Grant of a Private Hire Driver's Licence – Mr HI**

In accordance with Council Procedure Rule 6.2(b) – Members determined that the application could not be considered with the time constraints under the Council Procedure Rule that the application be deferred to the next meeting of the Committee.

The meeting ended at 9.15pm.

CHAIR