

**Minutes of the Meeting of the Taxis Committee
Monday 2nd October, 2023 at 6.00 pm
in Committee Room 2 at the Council House, Dudley**

Present:

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

Officers:

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

53 Apologies for Absence

Apologies for absence were received on behalf of Councillors D Harley
and M Howard.

54 Appointment of Substitute Members

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

55 **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.

56 **Minutes**

Resolved

That the minutes of the meeting held on 4th September, 2023, be approved as a correct record and signed.

57 **Questions Under Council Procedure Rule 11.8**

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

58 **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.

59 **Review of a Private Hire Driver's Licence – Mr RML**

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 RML.

Mr RML was in attendance at the meeting, together with the complainant, Mr MK.

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 18th July, 2023.

The complainant, Mr MK responded to a series of questions asked by the Committee in relation to the incident. He indicated that whilst the incident had left him feeling frightened and intimidated, he accepted that Mr RML's behaviour could have been a result of him having a "bad day". Whilst Mr RML's behaviour had been deemed unacceptable, Mr MK did not wish for Mr RML's private hire driver's licence to be revoked, but a firm warning be issued as to his future behaviour and conduct. Mr RML sincerely apologised for his conduct and the way in which he had made Mr MK feel, and indicated that he had been raised to respect the elderly members of society.

Following the Committee's questions, Mr MK withdrew from the meeting.

Mr RML responded to questions raised by the Committee and accepted that his behaviour during the incident had been unacceptable and should not have occurred. He indicated that once he had realised that Mr MK was an elderly gentleman, he had calmed down immediately. Mr MK indicated that he relied on his job to enable him to provide for his family and assured the Committee that he had learned a valuable lesson from the incident, and it would not happen again.

Mr RML 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 by all parties and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that given the explanation provided by Mr RML, the accountability and compassion that he had shown towards Mr MK and Mr MK's empathy towards Mr RML, they were satisfied that Mr RML was a fit and proper person to hold a licence and a warning be issued regarding his future conduct.

60 **Change in Order of Business**

Pursuant to Council Procedure Rule 1(c), it was:-

Resolved

That the order of business be varied and the agenda items be considered in the order set out in the minutes below.

61 **Renewal of a Private Hire Driver's Licence – Mr AK**

It was noted that the application had been withdrawn.

62 **Review of a Private Hire and Hackney Carriage Driver's Licence – Mr BD**

A report of the Interim Service Director of Environment Directorate was submitted to consider the review of the private hire and hackney carriage driver's licence issued to Mr BD.

Mr BD was in attendance at the meeting and explained the circumstances surrounding the endorsement of his Driver and Vehicle Licensing Agency (DVLA) mandate, as outlined in paragraph 4 of the report submitted, and responded to questions raised by the Committee.

Mr BD 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 explanation provided and as Mr BD had not been on duty at the time the offence had been committed and that he had no previous convictions since being granted a taxi licence, the Committee were satisfied that Mr BD was a fit and proper person to hold a licence and a warning be issued regarding his future conduct.

63 **Review of a Private Hire and Hackney Carriage Driver's Licence – Mr MAA**

A report of the Interim Service Director of Environment Directorate was submitted to consider the review of the private hire and Hackney Carriage Driver's licence issued to Mr MAA.

Mr MAA was in attendance at the meeting, together with his brother Mr AA and a complainant, Mr PS.

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 23rd March and 25th May, 2023.

The complainant, Mr PS responded to a series of questions asked by the Committee in relation to the incident and indicated that Mr MAA's behaviour had made him feel threatened and intimidated and had been deemed unacceptable, particularly as Mr PS's role was to provide support to driver's and recommend appropriate measures following failed vehicle checks.

Mr MAA responded to questions raised by the Committee and accepted that his behaviour during the incident had been unacceptable and should not have occurred and apologised for the way he had conducted himself during the incident and assured Member's that it would not occur again. In explaining the mitigating factors, Mr MAA indicated that he had recently had a bereavement in the family and was experiencing financial and other personal issues. Mr AA indicated that whilst he accepted that Mr MAA's behaviour had been unacceptable, he apologised on his behalf and indicated that Mr MAA had learned a valuable lesson and requested that the Committee be lenient when considering the decision.

Mr MAA then answered further questions in relation to his previous convictions outlined in the Appendix to the report submitted 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 determined that the circumstances surrounding the incident, as outlined in the report, amounted to reasonable cause to show Mr MAA was not a fit and proper person to hold a licence and therefore, the private hire and hackney carriage driver's licence issued to Mr MAA be revoked with immediate effect in the interests of public safety.

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

64 **Review of a Private Hire Driver's Licence – Mr MA**

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 MA.

Mr MA was in attendance at the meeting and explained in detail the circumstances following the breach of Section 73 of the Local Government (Miscellaneous Provisions) Act 1976 following the failure to report to appropriate Council premises to carry out an inspection of a vehicle following a request by an authorised officer during a Safety Operation. Mr MA indicated that whilst a reasonable consideration was agreed by the Police Officer in that Mr MA could pick up his daughter from work, he acknowledged that it was made clear that he should attend the Council premises immediately after to enable a safety check of his vehicle to be carried out. He explained the mitigating factors in relation to his failure to follow Police instructions and indicated that he was unable to contact the service to explain his non-attendance as he had not been provided with a contact number and considered it to be "too late" to undergo a safety check following the issues that had occurred whilst transporting his daughter home.

Mr MA further responded to a series of questions asked 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 at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee determined that the circumstances surrounding the incident, as outlined in the report submitted, amounted to reasonable cause to show Mr MA was not a fit and proper person to hold a licence and therefore, the private hire driver's licence issued to Mr MA be revoked with immediate effect in the interests of public safety.

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

65

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

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

Mr MFK was in attendance at the meeting, together with his Solicitor, Mr AS.

Mr AS made detailed representations on behalf of his client in relation to Mr MFK's failure to disclose his previous driving convictions, which occurred in October 2015.

Mr MFK responded to 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 at the meeting and having regard to the Committee Guidelines and Statutory Standards, the Committee were satisfied that Mr MFK was a fit and proper person to hold a licence given the explanation provided, therefore, the private hire driver's licence to Mr MFK, be granted.

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

A report of the Interim Service Director of Environment Directorate was submitted to consider the grant of a private hire driver's licence to Mr MIH.

Mr MIH was in attendance at the meeting and responded to questions raised by the Committee in relation to the conviction outlined in paragraph 3 of the report submitted.

Mr MIH 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 were satisfied that Mr MIH was a fit and proper person to hold a licence given the explanation provided and that sufficient time had lapsed since his previous conviction, therefore, the private hire driver's licence to Mr MIH be granted.

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

A report of the Interim Service Director of Environment Directorate was submitted to consider the grant of a private hire driver's licence to Mr MR.

Mr MR was in attendance at the meeting and responded to questions raised by the Committee in relation to his failure to disclose his previous convictions as outlined in paragraph 3 of the report submitted.

Mr MR confirmed that there were no 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 MR was a fit and proper person to hold a licence given the explanation provided and that sufficient time had lapsed since his previous convictions, therefore, the private hire driver's licence to Mr MR be granted.

The meeting ended 9.02pm

CHAIR