

TAXIS COMMITTEE

Wednesday, 27th April, 2011 at 5.00 p.m.
In Committee Room 4 at the Council House, Dudley

PRESENT:-

Councillor Mrs Ameson (Chairman)
Councillor Mrs Greenaway (Vice Chairman)
Councillors Mrs E Blood, Body, Ryder, K Turner, Ms Wood and Wright

Officers:-

Senior Solicitor, Licensing Officer and Ms K Farrington (All Directorate of Corporate Resources)

Also in attendance

In respect of Agenda Item 5 – Revision of Licence Fees – Group Accountant – Directorate of Corporate Resources and representatives of the Dudley Taxi Alliance.

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APOLOGY FOR ABSENCE

An apology for absence from the meeting was submitted on behalf of Councillor James.

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APPOINTMENT OF SUBSTITUTE MEMBER

It was reported that Councillor Ryder had been appointed as a substitute member for Councillor James for this meeting of the Committee only.

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DECLARATIONS OF INTEREST

There were no declarations of interest from Members in accordance with the Members' Code of Conduct.

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MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 16th March, 2011, be approved as a correct record and signed.

A report of the Director of Corporate Resources was submitted on the objections made by the Dudley Taxi Alliance to the revision of fees charged in relation to Private Hire Operator and Private Hire Vehicle and Hackney Carriage Licences agreed by this Committee at its meeting held on 16th February, 2011.

Arising from the Notice given of the proposed variation of fees of 5%, a letter had been received from the Dudley Taxi Alliance dated 30th March, 2011, giving notice that they wished to lodge formal objections to the variation of fees. A copy of that letter was attached at Appendix 1 of the report submitted. At the request of the Dudley Taxi Alliance, a further letter from Mr D Wilson, Licensing Consultant, Mediator and Trainer had also been received addressed to the Monitoring Officer outlining the concerns of the Dudley Taxi Alliance. A copy of that letter and the Monitoring Officer's response were circulated to the Committee and all other parties prior to the meeting.

Mr Ali and two further representatives of the Dudley Taxi Alliance were present at the meeting and Mr Ali indicated that he would be speaking on their behalf at the meeting.

The Licensing Officer then outlined the report on behalf of the Council.

Mr Ali then outlined the concerns of the Dudley Taxi Alliance, as indicated in the points raised in the letter attached as Appendix 1 to the report submitted. He specifically made reference to their view that the fees for the licensing of hackney carriages, private hire vehicles and operators licences should be accounted for separately by type and transparently with no recovery of costs in connection with enforcement activities related to driver or operator licensing.

The Senior Solicitor then stated that the purpose of the report was to discuss vehicle and operator fees and not driver enforcement.

A lengthy and detailed discussion then took place in relation to the proposed variation of fees and whether enforcement activity had been included in the increase of fees. The Licensing Officer then referred to a document containing percentages of different areas of work carried out by the Licensing Team and highlighted that the Council currently subsidised the taxi licensing function by approximately £70,000 per annum.

In responding to a suggestion from Mr Ali in relation to holding separate accounts for each type of licence, the Group Accountant confirmed that separate accounts could be set up, however taking into consideration the extra administration work involved, it could potentially increase fees further.

In responding to a direct question from Mr Ali, the Senior Solicitor confirmed that the proposed increase in fees for vehicle and operator licences did not include any enforcement activities in relation to drivers or operators.

RESOLVED

That, having considered the objections received to the revision of licence fees charged in relation to Private Hire Operator and Private Hire Vehicle and Hackney Carriage Licences agreed at the meeting of this Committee held on 16th February, 2011, no modification be made to the 5% increase and that the revised fees be effective from 1st May, 2011 pursuant to the provisions of Section 70(5) of the Local Government (Miscellaneous Provisions) Act 1976.

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CHANGE IN ORDER OF BUSINESS

Pursuant to Council Procedure Rule 13(c) it was: -

RESOLVED

That the remaining items of business be considered in the following order: -

Agenda Item Nos. 7, 6, 8, 9, 10, 11, 12,13, 14, 15, 16, 17, 18, 20 and 19.

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TAXI COMMITTEE HEARINGS

A report of the Director of Corporate Resources was submitted to review the policy that Taxi Committee Hearings should be held in private session.

Arising from the presentation of the report by the Licensing Officer, a discussion took place with regard to whether or not Taxi Committee hearings should be held in private session and it was

RESOLVED

That, following consideration of the information contained in the report submitted, Taxi Committee Hearings continue to be held in private session.

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CLARIFICATION OF TAXI GUIDELINES

A report of the Director of Corporate Resources was submitted to consider an appropriate timescale for the revocation/suspension of a private hire driver's licence following a second conviction for the offence of "plying for hire".

Mr I Shafiq was in attendance at the meeting. Prior to the item being considered, the Senior Solicitor informed Mr Shafiq that he had contacted Mr Schiller, Solicitor, at 5.29pm to enquire as to his attendance, as the item had been scheduled to be considered at 5.15pm. Mr Schiller reported that he would arrive at the Council House in 10 minutes. Mr Shafiq was called into Committee Room 4 at 5.47pm, however, Mr Schiller had still not arrived. In view of this, the Chairman asked Mr Shafiq if he had any objections for the Committee to proceed with the item in the absence of Mr Schiller. Mr Shafiq agreed to proceed with the meeting.

Arising from the presentation of the report by the Licensing Officer, the Committee considered the proposals indicated in paragraphs 8 and 9 of the report submitted.

Whilst acknowledging that plying for hire and no insurance was a very serious offence, Mr Shafiq considered that the penalty of revocation for a second offence was too severe and requested the Committee to reconsider the penalties for a second conviction. He suggested a six to eight month suspension for a second offence of plying for hire and revocation for a third.

Further to discussion, it was

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the following proposals be approved and included in the Taxi Guidelines:-

- (1) That the starting point for a second conviction for plying for hire would be revocation where the time between the first and second conviction for plying for hire is less than ten years;
- (2) That the starting point for a second conviction for plying for hire would be a six month suspension where the time between the first and second conviction for plying for hire is more than ten years;
- (3) That the starting point for a third conviction for plying for hire within thirty years would be revocation.

RESOLVED

That the public be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information, as defined in Part I of Schedule 12A to The Local Government Act, 1972, as indicated below and in all the circumstances, the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from

disclosure.

<u>Description of Item</u>	<u>Relevant Paragraph of Part I of Schedule 12A</u>
Review of private hire and hackney carriage drivers' licences – Mr AH	1
Grant of private hire driver's licence – Mr CFA	1
Grant of hackney carriage and private hire drivers' licences – Mr TH	1
Grant of private hire and hackney carriage drivers' licences – Mr TY	
Renewal of private hire driver's licence – Mr ZA	1
Review of private hire and hackney carriage drivers' licences – Mr MA	1
Renewal of private hire and hackney carriage drivers' licences – Mr HS	1
Grant of private hire driver's licence – Mr JA	1
Review of private hire driver's licence – Mr MA	1
Renewal of private hire a driver's licence – Mr MT	1
Grant of private hire and hackney carriage drivers' licences – Mr ZH	1

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REVIEW OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR AH

A report of the Director of Corporate Resources was submitted on a review of the private hire and hackney carriage drivers' licences issued to Mr AH in the light of the offences, for which he had been convicted, as indicated in paragraph 18 of the report submitted.

Mr AH was in attendance at the meeting together with his Solicitor, Mr Schiller. Mr Schiller outlined the case on behalf of his client and responded to questions asked by the Committee regarding the offences committed. He also informed them that there were no matters pending that they needed to be made aware of.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, Mr AH receive a strong written warning as to his future conduct in the light of the offences committed.

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GRANT OF PRIVATE HIRE DRIVER'S LICENCE – MR CFA

A report of the Director of Corporate Resources was submitted on an application made for the grant of a private hire driver's licence in respect of a Mr CFA, in the light of Mr CFA's failure to pass his local knowledge and law pertaining to private hire test on three separate occasions.

Mr CFA was in attendance at the meeting together with a supporter, and responded to questions asked by the Committee.

RESOLVED

- (1) That, following consideration of the information contained in the report submitted, and as reported at the meeting, the application for the grant of a private hire driver's licence be deferred to enable Mr CFA to take his local knowledge and law pertaining to private hire test again and that the fee for the next test be waived.
- (2) That, should Mr CFA fail the local knowledge and law pertaining to a private hire test a fourth time, the Interim Assistant Director (Law and Governance) be authorised to refuse the application made for the grant of a private hire driver's licence in respect of Mr CFA.

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GRANT OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS' LICENCES – MR TH

A report of the Director of Corporate Resources was submitted on an application made for the grant of hackney carriage and private hire drivers' licences in respect of a Mr TH in the light of the offences, for which he had been convicted, as indicated in paragraph 3 of the report submitted.

Mr TH was not in attendance at the meeting due to him being out of the country. In view of his non-attendance, it was

RESOLVED

That, the application for the grant of hackney carriage and private hire drivers' licences in respect of a Mr TH be deferred to the next meeting of the Committee.

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GRANT OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR TY

A report of the Director of Corporate Resources was submitted on an application made for the grant of private hire and hackney carriage drivers' licences in respect of a Mr TY, in the light of the information contained the report submitted.

Mr TY was in attendance at the meeting and in responding to questions asked by the Committee regarding the information contained in the report he also reported that there were no matters pending that the Committee needed to be made aware of.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, approval be given to the grant of private hire and hackney carriage drivers' licences to Mr TY for a period of three months.

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RENEWAL OF PRIVATE HIRE DRIVER'S LICENCE – MR ZA

A report of the Director of Corporate Resources was submitted on a renewal of the private hire driver's licence issued to Mr ZA in the light of the information contain in the report submitted.

Mr ZA was in attendance at the meeting together with a supporter and responded to questions asked by the Committee. It was also reported that there were no matters pending that they needed to be made aware of.

RESOLVED

That following careful consideration of the information contained in the report submitted, and as reported at the meeting, the private hire driver's licence issued to Mr ZA be renewed with effect from 14th March, 2011 and suspended for a period of one month in the light of the offence committed.

Mr ZA was informed of his right to appeal the decision of the Committee.

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REVIEW OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR MA

A report of the Director of Corporate Resources was submitted on a review of the private hire and hackney carriage drivers' licences issued to Mr MA in the light of offences committed as indicated in paragraph 8 of the report submitted.

Mr MA was in attendance at the meeting together with a supporter and responded to questions asked by the Committee regarding the offences committed. Mr MA also reported that there were no matters pending that needed to be brought to the attention of the Committee.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the private hire and hackney carriage drivers' drivers' licences issued to Mr MA be suspended for a period of two months in the light of the offences committed.

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

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RENEWAL OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR HS

A report of the Director of Corporate Resources was submitted on a renewal of the private hire and hackney carriage drivers' licences issued to Mr HS in the light of the information contained in the report submitted.

Mr HS was in attendance at the meeting together with a supporter and arising from questions asked by the Committee it was reported that there were no matters pending that the Committee needed to be made aware of.

RESOLVED

That following consideration of the information contained in the report submitted, and as reported at the meeting, the private hire and hackney carriage drivers' licences issued to Mr HS be renewed for a period of 6 months with effect from 9th March, 2011.

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GRANT OF PRIVATE HIRE DRIVER'S LICENCE – MR JA

A report of the Director of Corporate Resources was submitted on an application made for the grant of a private hire driver's licence in respect of a Mr JA, in the light of the information contained the report submitted.

Mr JA was in attendance at the meeting together with his Solicitor, Mr Schiller and a further representative

Mr Schiller outlined the case on behalf of his client and in doing so, he indicated that should Mr JA commit no further offences, the nine penalty points currently attached to his licence should be reduced to three in three months time. He then responded to questions asked by the Committee regarding the offences committed, particularly in relation to the number of licences Mr JA had applied for and the discrepancies in the signatures included on those licences, which were attached as appendices to the report submitted. He also informed them that there were no matters pending that they needed to be made aware of.

RESOLVED

- (1) That, following careful consideration of the information contained in the report, and the appendices to the report submitted, and as reported at the meeting, the application for the grant of a private hire driver's licence in respect of a Mr JA be refused in the light of the information contained in the report submitted.
- (2) That, Mr JA be invited to submit a fresh application for the grant of a private hire driver's licence in three months on the provision that no further offences had been committed within that timescale and the penalty points included on his driving licence had reduced to three.

Mr JA was informed of his right to appeal the decision of the Committee.

REVIEW OF PRIVATE HIRE DRIVER'S LICENCE – MA

A report of the Director of Corporate Resources was submitted on a review of the private hire driver's licence issued to Mr MA in the light of the offences committed as indicated in paragraph 3 of the report submitted.

Mr MA was in attendance at the meeting together with a supporter and responded to questions asked by the Committee in relation to the offence committed. He also informed them that there were no matters pending that they needed to be made aware of.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the private hire driver's licence issued to Mr MA be suspended for a period of two months in the light of the offence committed.

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

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GRANT OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR ZH

A report of the Director of Corporate Resources was submitted on an application made for the grant of private hire and hackney carriage drivers' licences in respect of a Mr ZH, in the light of the information contained the report submitted.

Mr ZH was in attendance at the meeting and responded to questions asked by the Committee regarding the information contained in the report. He also reported that there were no matters pending that they needed to be made aware of.

RESOLVED

- (1) That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the application for the grant of a private hire driver's licence in respect of Mr ZH be refused on the grounds that he had been convicted of a second offence of plying for hire and no insurance and that he had been given a discretionary disqualification for a period of 30 days.
- (2) That approval be given to the grant of a hackney carriage driver's licence in respect of Mr ZH for a period of three months.

Mr ZH was informed of his right to appeal the decision of the Committee in relation to the refusal to grant a private hire driver's licence.

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RENEWAL OF PRIVATE HIRE DRIVER'S LICENCE – MR MT

A report of the Director of Corporate Resources was submitted on the renewal of the private hire driver's licence issued to Mr MT in the light of the offence committed and the breach of condition 10 of his private hire driver's licence as indicated in paragraphs 8 and 9 of the report submitted.

Mr MT was in attendance at the meeting together with his Solicitor, Mr Schiller and two supporters.

Mr Schiller outlined the case on behalf of his client and responded to questions asked by the Committee regarding the offence committed and his breach of licence. He also informed them that there were no matters pending that they needed to be made aware of.

RESOLVED

- (1) That following careful consideration of the information contained in the report submitted, and as reported at the meeting, the private hire driver's licence issued to Mr MT be renewed for a period of twelve months with effect from 8th April, 2011 and issued with a strong written warning as to his future conduct in view of the offence committed and his breach of condition 10 of his private hire driver's licence.
- (2) That, Mr MT be requested to re-take his local knowledge and law pertaining to private hire test within a three month period, in view of his limited understanding of the English language.

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COMMENTS BY THE CHAIRMAN

The Chairman expressed her gratitude for all the support given to her by her fellow Councillors and Officers over the past twelve months. In view of Councillor Mrs Blood not seeking re-election in May, the Chairman, on behalf of the Committee, conveyed her thanks to her for all her hard work and determination and wished her all the best in her retirement. She also wished the Councillors who were standing for election in May the best of luck.

The meeting ended at 8.55pm.

CHAIRMAN