

## **TAXIS COMMITTEE**

Wednesday, 28th April, 2010 at 4.00pm  
in Committee Room 4 at the Council House, Dudley

### **PRESENT:-**

Councillor Mrs. Ameson (Chairman)  
Councillor K. Turner (Vice-Chairman)  
Councillors Mrs. Blood, Body (part of the meeting only), Mrs. Greenaway, James and Roberts and While-Cooper and Wright (both for part of the meeting only).

### **Officers**

Interim Assistant Director (Legal and Democratic Services), Licensing Officer and Mr. J. Jablonski (all Directorate of Law, Property and Human Resources).

### **Also In Attendance**

Mr. A. Humphries, Group Accountant (Director of Finance, ICT and Procurement), Mr. A. Fidler - Consultant for Dudley Private Hire Association and Dudley Taxi Alliance, Mr. M. Ali - Dudley Taxi Alliance, Mr. S. Saleem - Dudley Private Hire Association and Mr. Bashaat - all in respect of Agenda Item 5 - Objections to Licence Fees.  
Mr. P. Lloyd - Fleet Compliance Manager and Mr. M. Hanson - Licensing Clerk - for Agenda Item 6 only - Proposed Policy in Relation to the Licensing of Modified Vehicles.

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### **APOLOGIES FOR ABSENCE**

Apologies for absence from part of the meeting only were submitted on behalf of Councillors Body, While-Cooper and Wright.

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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 17th March, 2010, be approved as a correct record and signed.

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## OBJECTIONS TO LICENCE FEES

A joint report of Officers was submitted on objections made by the Private Hire Association and Dudley Taxi Alliance to the revision of licence 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 10th February, 2010.

Arising from the Notice given of the proposed variation of fees of 2%, a letter had been received from the Dudley Taxi Alliance and the Private Hire Association, dated 20th March, 2010, giving notice that they wished to lodge formal objections to the variation of fees. In response to this, a letter dated 30th March, 2010 had been sent to the Dudley Taxi Alliance and the Private Hire Association responding to points raised and requesting formal written objections by 15th April, 2010. Copies of these two letters were attached as Appendix 1 to the report submitted.

In response to the letter of 30th March, 2010, a letter dated 15th April, 2010 was received setting out the grounds of objection to the variation of fees. A copy of this letter was attached as Appendix 2 to the report submitted.

Mr. A. Fidler, a consultant acting for Dudley Private Hire Association and the Dudley Taxi Alliance, was present at the meeting, together with representatives of those bodies and indicated that he would be speaking on their behalf at the meeting.

The Interim Assistant Director (Legal and Democratic Services) then outlined the procedure to be followed.

Mr. Fidler then outlined the concerns of the trade, as indicated in points raised in the letter attached as Appendix 2 to the report submitted, the conclusion of which was that the Committee were asked to recognise the continuing concerns of the trade in respect of the fees demanded by the Council which were considered to be a severe cost burden in the current economic climate. Also the trade believed that a full and independent review of the operation and cost allocation practices of the licensing services was required both to demonstrate that the fees being demanded for each type of licence complied with the varying legislative restraints and were reasonable by reference to good practice and proportionate to the risks assessed for the particular activity.

Following the points made and commented upon by Mr. Fidler, questions were asked, including those by Members, and responded to by the Group Accountant and the Licensing Officer.

Following this, the Interim Assistant Director (Legal and Democratic Services) asked a number of questions, challenging particular points made in the letter dated 15th April, 2010, and in the copy of the submission made by the taxi trade at the meeting of this committee held on 12<sup>th</sup> February, 2010, circulated at this meeting.

Arising from the asking of questions and responses given thereto, Mr. Fidler summed up on behalf of the Dudley Private Hire Association and Dudley Taxi Alliance.

Following consideration of the written submissions and comments made at the meeting, it was:-

**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 10th February, 2010, no modification be made to the 2% increase agreed upon and that, accordingly, the revision of licence fees be enforced with effect from 1st May, 2010.

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**PROPOSED POLICY IN RELATION TO THE LICENSING OF MODIFIED VEHICLES**

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A report of the Director of Corporate Resources was submitted on the proposed adoption of a policy for the licensing of modified vehicles as hackney carriage or private hire vehicles, as set out in paragraph 11 of the report submitted.

In attendance at the meeting were Mr P.Lloyd, Fleet Compliance Manager, and Mr M. Hanson, Licensing Clerk, officers who had been involved in the proposal. In considering the proposal a minor update suggested by Mr Lloyd was agreed upon.

**RESOLVED**

That approval be given to the adoption, with effect from 1<sup>st</sup> June, 2010, of the following policy for the licensing of modified vehicles as Hackney Carriage or Private Hire Vehicles :-

- (a) all new applications to licence a vehicle for nine seats, including the driver or for less than nine seats, as a private hire vehicle or a hackney carriage, will submit a log book showing that it is registered as category M1 and/or supply a "Minister's Approved Certificate" and/or equivalent.
- (b) the 25 modified vehicles currently licensed with the Council must have changed the designation of the vehicle with the DVLA and/or supply a Minister's Approved Certificate and/or equivalent before the next Lister Road Mechanical Test.

At this juncture, the Committee adjourned and re-commenced the meeting at 6.15 p.m. Councillors Body and Wright joined the meeting at this point.

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## EXCLUSION OF THE PUBLIC

### 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. M.S.	1
Renewal of Private Hire Driver's Licence - Mr. K.H.	1
Revocation of Private Hire Driver's Licence - Mr. S.H.	1
Grant of Private Hire Driver's Licence - Mr. K.A.K.	1
Review of Hackney Carriage Driver's Licence - Mr. M.M.	1
Review of Private Hire and Hackney Carriage Drivers' Licences - Mr. I.K.	1
Review of Private Hire Driver's Licence - Mr. M.N.	1
Renewal of Private Hire Driver's Licence - Mr. B.H.	1
Review of Private Hire Driver's Licence - Mr. K.S.	1
Review of Private Hire and Hackney Carriage Drivers' Licences - Mr. P.K.	1

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. 11, 12, 13, 14, 15, 16, 17, 18, 9 and 10.

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REVOCATION OF PRIVATE HIRE DRIVER'S LICENCE - MR. S.H.

A report of the Director of Corporate Resources was submitted on the revocation of the private hire driver's licence issued to Mr. S.H. in the light of an offence for which he had pleaded guilty and had subsequently been disqualified from driving for a period twelve months, as indicated in paragraph 5 of the report submitted.

Mr. S.H. was in attendance at the meeting, together with his representative, and outlined the circumstances leading to the offence committed.

Arising from consideration of this matter, it was:-

RESOLVED

That, in view of the disqualification from driving for a period of twelve months, the private hire driver's licence issued to Mr. S.H., be revoked.

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GRANT OF PRIVATE HIRE DRIVER'S LICENCE - MR. K.A.K.

A report of the Director of Corporate Resources was submitted on an application received for the grant of a private hire driver's licence in respect of a Mr. K.A.K.

Mr. K.A.K. was in attendance at the meeting, together with his representative, and responded to questions asked by the Committee with particular reference to the offence committed, as indicated in paragraph 6 of the report submitted. Mr. K.A.K. also informed the Committee that there were no matters pending that they needed to be aware of.

Arising from consideration of this application, it was noted that the Committee's guidelines for considering applications stated that an applicant could only be considered for a licence following the expiration of a period of three years from the end of his disqualification from driving for the offence committed a period, in the case of Mr. K.A.K., that would not end until March, 2011.

It was noted that Mr. K.A.K. had no matters pending that the Committee needed to be made aware of.

Arising from consideration of this matter, it was:-

RESOLVED

That the application for the grant of a private hire driver's licence in respect of Mr. K.A.K. be refused as a period of three years from the expiration of his disqualification from driving had not expired.

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

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REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE - MR. M.M.

A report of the Director of Corporate Resources was submitted on a review of the hackney carriage driver's licence issued to Mr. M.M. in the light of an offence referred to at paragraph 4 of the report submitted.

Mr. M.M. was in attendance at the meeting and responded to questions asked, in particular, relating to the offence committed. He also informed the Committee 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. M.M. receive a strong written warning as to his future conduct.

(Following the conclusion of this item, Councillor While-Cooper joined the meeting).

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REVIEW OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES - MR. I.K.

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. I.K. in the light of an offence for which he had been convicted as indicated in paragraph 3 of the report submitted.

Mr. I.K. was in attendance at the meeting and responded to questions asked in relation to the offence committed. Mr. I.K. also informed the Committee 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 and hackney carriage drivers' licences issued to Mr. I.K. be suspended for a period of two weeks in view of the offence for which he had been convicted.

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

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REVIEW OF PRIVATE HIRE DRIVER'S LICENCE - MR. M.N.

A report of the Director of Corporate Resources was submitted on a review of the private hire driver's licence issued to Mr. M.N. in the light of the offences for which he had been convicted, as indicated in paragraph 4 of the report submitted.

Mr. M.N. was in attendance at the meeting, together with his representative, and responded to questions asked regarding the offences committed.

Mr. M.N. also informed the Committee 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. M.N. be suspended for a period of two months in view of the offences for which he had been convicted.

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

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RENEWAL OF PRIVATE HIRE DRIVER'S LICENCE - MR. B.H.

A report of the Director of Corporate Resources was submitted on the renewal of the private hire driver's licence issued to Mr. B.H. in the light of the offence for which he had been convicted, as indicated in paragraphs 3 and 4 of the report submitted.

Mr. B.H. was in attendance at the meeting, together with his representative, and in response to questions asked by the Committee, outlined the circumstances relating to the offence.

Mr. B.H. also indicated that there were no matters pending that the Committee needed to be made aware of.

RESOLVED

That approval be given to the renewal of the private hire driver's licence issued to Mr. B.H. with effect from 30th April, 2010, and that, in the interests of public safety, the licence be suspended with immediate effect for a period of two months in view of the offence for which he had been convicted.

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

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REVIEW OF PRIVATE HIRE DRIVER'S LICENCE - MR. K.S.

A report of the Director of Corporate Resources was submitted on a review of the private hire driver's licence issued to Mr. K.S. in the light of the offences indicated in paragraph 3 of the report and his non-reporting of the offences and, therefore, breach of Condition 10 of his licence, as indicated in paragraph 4 of the report.

Mr. K.S. was in attendance at the meeting and in responding to questions asked by the Committee, in relation to the offences committed and breach of licence, he referred to his speedometer which he indicated had not been working. Mr. K.S. also informed the Committee 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. K.S. be suspended for a period of one month in view of his failure to report the offences referred to paragraph 3 of the report submitted and, therefore, his breach of Condition 10 of his licence and for having a speedometer that had not been working.

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REVIEW OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES - MR. P.K.

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. P.K. in the light of the offence for which he had been convicted, as indicated in paragraph 3 of the report submitted.

Mr. P.K. was in attendance, together with his daughter and his solicitor, Mr. Schiller.

Mr. Schiller spoke on behalf of Mr. P.K. and in so doing, updated the Committee and informed them as to the various circumstances indicated in the report submitted.



It was also noted that on 19th March, 2010, Mr. P.K.'s private hire and hackney carriage drivers' licences had been suspended in the interests of public safety. It was further noted that this period of suspension could be taken into account when the Committee made its determination.

In making further points in relation to mitigation, it was also noted that Mr. P.K. had 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, the private hire and hackney carriage drivers' licences issued to Mr. P.K. be suspended, in the interests of public safety, for a further two months with immediate effect in the light of the offences for which he had been convicted, as indicated in the report submitted and reported on at the meeting.

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#### 195      REVIEW OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES - MR. M.S.

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. M.S. in the light of the offences for which he had been convicted, as indicated in the report submitted.

Mr. M.S. was in attendance at the meeting and explained the circumstances relating to the offences.

Mr. M.S. also indicated that there were no matters pending that the Committee needed to be made aware of.

#### RESOLVED

That the private hire and hackney carriage drivers' licences issued to Mr. M.S. be revoked in the light of the caution and conviction received and his non-reporting of matters that were pending at the meeting of this Committee held on 17th March, 2010 .

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

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#### 196      RENEWAL OF PRIVATE HIRE DRIVER'S LICENCE - MR. K.H.

A report of the Director of Corporate Resources was submitted on an application for the renewal of the private hire driver's licence issued to Mr. K.H.

Mr. K.H. was not in attendance at the meeting.

Having decided to hear the matter in his absence, it was:-

RESOLVED

That, subject to Mr. K.H. having no matters pending that the Committee needed to be aware of, the Interim Assistant Director (Legal and Democratic Services) be authorised to issue a licence to Mr. K.H. for a period of six months.

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THANKS TO THE CHAIRMAN

At the conclusion of the meeting the Chairman was thanked for the able manner in which she had conducted meetings of the Committee during the preceding twelve months.

The meeting ended at 8.20 p.m.

CHAIRMAN