

TAXIS COMMITTEE

Wednesday, 18th April 2007, at 6.00 p.m.
in Committee Room 4 at the Council House, Dudley

PRESENT:-

Councillor Mrs Ameson (in the Chair)
Councillor A Turner (Vice Chairman)
Councillors Mrs Collins, Mrs Faulkner, Hill, Male, Ryder and Tomkinson

Officers

Assistant Director Legal and Democratic Services, Mr T Holder (Solicitor)
and Mr J Jablonski (Directorate of Law and Property).

159 APOLOGY FOR ABSENCE

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

160 DECLARATIONS OF INTEREST

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

161 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 21st
March, 2007, be approved as a correct record and signed.

162 PROPOSED AMENDMENTS TO THE TAXI GUIDELINES

A report of the Director of Law and Property was submitted on a proposal
to amend the Taxi Guidelines arising from changes to the Local
Government (Miscellaneous) Provisions Act, 1976.

The effect of the changes were that, following consideration of the implications of the changes referred to in the report submitted, proposed amendments to the Taxi Guidelines had been drawn up suggesting that suspension or revocation of a private hire or a hackney carriage driver's licence would take effect when the appropriate notice was given to the driver unless the Committee determined that public safety would not be compromised by the driver continuing to drive during an appeal that was made to the Magistrates' Court.

Paragraph 9 of the report submitted set out the proposed addition to the Taxi Guidelines.

Attached as an Appendix to the report submitted was a draft letter to be sent to drivers requiring them to attend Committee which set out the effects on them, as now proposed, of a decision to suspend or revoke their licence. The draft letter would be amended to explicitly refer to the notice to be given and the fact that drivers affected would not be able to work as a private hire or hackney carriage driver irrespective of whether they appeal the decision.

Consideration would also be given to provisions in relation to human rights in respect of the Guidelines, the method of service of notice and the possible need for additional meetings of the Committee in the light of the operation of the new provisions.

RESOLVED

That, with effect from the date of the next meeting of this Committee approval be given to an addition to the Taxi Guidelines, as set out in paragraph 9 of the report submitted, arising from changes to the Local Government (Miscellaneous) Provisions Act, 1976, regarding the suspension or revocation of private hire or hackney carriage drivers' licences or an operator's licence with effect from the giving of notice to a driver or operator resulting in drivers being unable to work as private hire or hackney carriage drivers irrespective of whether they appeal the decision unless the Committee determine that public safety would not be compromised by the driver continuing to drive during an appeal that is made to the Magistrates' Court.

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 1 of Schedule 12A</u>
Renewal of Hackney Carriage and Private Hire Drivers' Licences – Mr AA	1
Review of Private Hire Driver's Licence – Mr ZI	1
Review of Private Hire Driver's Licence – Mr TA	1
Renewal of Private Hire Driver's Licence – Mr WA	1
Review of Private Hire Driver's Licence – Mr MU	1
Renewal of Private Hire and Hackney Carriage Drivers' Licences – Mr SMC	1
Renewal of Private Hire and Hackney Carriage Drivers' Licences – Mr GX	1
Grant of Private Hire and Hackney Carriage Drivers' Licences – Mr MA	1
Grant of Private Hire Driver's Licence – Mr MS	1
Grant of Private Hire Driver's Licence – Mr TM	1

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

A report of the Director of Law and Property was submitted on a review of the hackney carriage and private hire drivers' licences issued to Mr AA in the light of the non-reporting of a conviction within seven days and consequence breach of conditions on his licences.

Mr AA was in attendance at the meeting, together with his representative, and responded to questions asked by the Committee in relation to the breaches of conditions on his licences. Arising from questions asked he admitted that at the time of the offence his vehicle had been overloaded. He was also unaware of any other matters pending.

RESOLVED

That, following careful consideration of the information contained in the report submitted and as reported at the meeting, Mr AA's hackney carriage and private hire drivers' licences be suspended for a period of three months from the date of this meeting in view of the non-reporting of a conviction and consequent breach of conditions on his licences, all the surrounding circumstances and his admission that his vehicle had been overloaded at the time of the offence.

165

REVIEW OF PRIVATE HIRE DRIVER'S LICENCE – MR ZI

A report of the Director of Law and Property was submitted on a review of the private hire driver's licence issued to Mr ZI in the light of offences for which he had been convicted as indicated in paragraph 3 of the report submitted.

Mr ZI was not in attendance at the meeting and a letter that had been received reported that he was currently out of the country and asked that consideration be given to his case. It was noted that his licence had expired and that an application for renewal had not been made.

RESOLVED

That, in view of the absence of Mr ZI and the expiry of his licence, consideration of the matter under review be deferred and that any application for a further licence be refused until Mr ZI appears before the committee.

166

REVIEW OF PRIVATE HIRE DRIVER'S LICENCE – MR TA

A report of the Director of Law and Property was submitted on a review of the private hire driver's licence issued to Mr TA in the light of offences for which he had been convicted, as indicated in paragraph 5 of the report submitted.

Mr TA was in attendance at the meeting, together with his representative, and responded to questions asked by the Committee in relation to the offences committed.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, Mr TA's private hire driver's licence be suspended for a period of two months from the date of this meeting in the light of the offences for which he had been convicted.

167

RENEWAL OF HACKNEY CARRIAGE DRIVER'S LICENCE – MR WA

A report of the Director of Law and Property was submitted on the renewal of the hackney carriage driver's licence issued to Mr WA.

Mr WA was in attendance at the meeting, together with his representative, and responded to questions asked by the Committee. He confirmed that there were no matters pending that they needed to be 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 renewal of the hackney carriage driver's licence issued to Mr WA for a period of six months with effect from 15th February, 2007 and that future renewals be dealt with by the Assistant Director Legal and Democratic Services, provided that Mr WA had no offences pending at the time of renewal.

168

REVIEW OF PRIVATE HIRE DRIVER'S LICENCE – MR MU

A report of the Director of Law and Property was submitted on a review of the private hire driver's licence issued to Mr MU in the light of offences for which he had been convicted, as indicated in paragraph 22 of the report submitted.

Mr MU was in attendance at the meeting, together with his representative, and responded to questions asked by the Committee in relation to the offences committed. He confirmed that there were no matters pending that they needed to be aware of.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, Mr MU's private hire driver's licence be suspended for a period of two months from the date of this meeting in the light of the offences for which he had been convicted.

169

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

A report of the Director of Law and Property was submitted on the renewal of the private hire and hackney carriage drivers' licences issued to Mr SMC.

Mr SMC was in attendance at the meeting and responded to questions asked by the Committee. He confirmed that there were no matters pending that they needed to be 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 renewal of the private hire and hackney carriage drivers' licences issued to Mr SMC for a period of six months with effect from 6th March, 2007 and that future renewals be dealt with by the Assistant Director Legal and Democratic Services, provided that Mr SMC had no offences pending at the time of renewal.

170

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

A report of the Director of Law and Property was submitted on the renewal of the private hire and hackney carriage drivers' licences issued to Mr GX.

Mr GX was in attendance at the meeting, together with his representative, and responded to questions asked by the Committee. He confirmed that there were no matters pending that they needed to be 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 renewal of the private hire and hackney carriage drivers' licences issued to Mr GX for a period of six months with effect from 15th February, 2007.

171

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. 16,17 and 15

172 GRANT OF PRIVATE HIRE DRIVER'S LICENCE – MR MS

A report of the Director of Law and Property was submitted on an application made on behalf of Mr MS for the grant of a private hire driver's licence.

Mr MS was in attendance at the meeting, together with his representative, and responded to questions asked by the Committee, in particular regarding his failure to pass the driving/knowledge test on three separate occasions.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, Mr MS be given a final opportunity to take the driving/knowledge test, and that the fee for this be at Mr MS's cost, and that should he fail the test the Assistant Director Legal and Democratic Services be authorised to refuse the licence.

173 ELECTION OF CHAIRMAN

On the occasion of Councillor Male's last meeting as a member of the Committee prior to his retirement as a Councillor at the forthcoming elections, it was,

RESOLVED

That Councillor Male be elected the Chairman of the meeting for the remaining items of business

(Councillor Male – in the Chair)

174 GRANT OF PRIVATE HIRE DRIVER'S LICENCE – MR TM

A report of the Director of Law and Property was submitted on an application made on behalf of Mr TM for the grant of a private hire driver's licence.

Mr TM was in attendance at the meeting, together with his wife, and responded to questions asked by the Committee in respect of the offences for which he had been convicted, as indicated in the report submitted.

Mr TM reported that there were no matters pending that the Committee needed to be aware of.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the application made on behalf of Mr TM for the grant of a private hire driver's licence be refused on the grounds that the offences of indecent assault and making a false statement for which he had been convicted were so serious that he could not be considered for a licence in the Borough.

175

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

A report of the Director of Law and Property was submitted on an application made on behalf of Mr MA for the grant of private hire and hackney carriage drivers' licences.

Mr MA was not in attendance at the meeting and a reason for his absence had not been received.

RESOLVED

That, in view of the failure of Mr MA to pass his driving/knowledge test and his failure to re-take that test despite a letter having been sent to him, the application made on behalf of Mr MA for the grant of private hire and hackney carriage drivers' licences be refused.

176

CHAIRMAN'S REMARKS

At the close of the meeting Councillor Mrs Ameson, on behalf of the Committee, paid tribute to the work of Councillor Male on the Committee, as he would not be standing in the forthcoming local elections. She also extended best wishes to him for the future. Councillor Male thanked those present for the sentiments expressed.

The meeting ended at 8.00 p.m.

CHAIRMAN

T/78

