

Meeting of the Taxis Committee

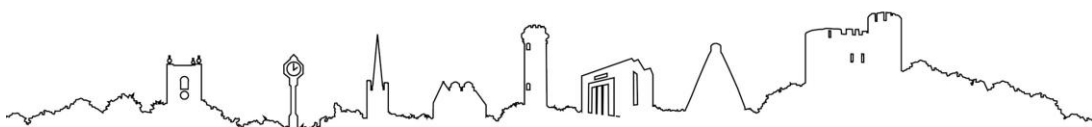
Monday 12th February, 2024 at 6.00pm
in Committee Room 2 at the Council House, Priory Road,
Dudley, West Midlands, DY1 1HF

Agenda

Agenda – Public Session

(Meeting open to the public and press)

1. Apologies for absence.
2. To report the appointment of any substitute members serving for this meeting of the Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meeting held on 15th January, 2024, as a correct record (Pages 5-9)
5. Revision of Licence Fees (Pages 10-22)
6. To consider any questions from Members to the Chair where two clear days notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).
7. Resolution to exclude the public and press.



Chair to move:

“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 under Part I of Schedule 12A to the Local Government Act 1972, as amended, for the reasons stated on the agenda.”

Under the provisions of Part I of Schedule 12A to the Local Government Act 1972, the Monitoring Officer has decided that there will be no advance disclosure of the following reports because the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from disclosure.

8. Application for Grant of Hackney Carriage Driver’s Licence – Mr SS (Pages 23-51)
(The report contains exempt information relating to an individual)



Chief Executive
2nd February, 2024

Distribution:

Councillor A Hopwood (Chair)
Councillor B Challenor (Vice-Chair)
Councillors M Aston, K Denning, D Harley, M Howard, W Little, J Martin and A Taylor.

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Submitting Apologies for Absence

- Elected Members can submit apologies by contacting Democratic Services (see our contact details below). Members wishing to appoint a substitute should notify Democratic Services as soon as possible in advance of the meeting. Any substitute Members must be eligible to serve on the meeting in question (for example, he/she must have received the training required by the Council).

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**Minutes of the Meeting of the Taxis Committee
Monday 15th January, 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 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 Malpass (Democratic Services Officer)

89 **Apologies for Absence**

Apologies for absence were received on behalf of Councillors M Aston,
K Denning and W Little.

90 **Appointment of Substitute Member**

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

91 **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.

92 **Minutes**

Resolved

That the minutes of the meeting held on 11th December, 2023, be approved as a correct record and signed.

93 **Questions Under Council Procedure Rule 11.8**

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

94 **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.

95 **Review of a Private Hire Driver's Licence – Mr SK**

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 SK.

Mr SK was in attendance at the meeting.

The Assistant Team Manager, Licensing and Waste Enforcement outlined the report, referring to specific witness statements outlined at Appendix 1 of the report submitted to the meeting. At the request of Members, dashcam footage provided to Licensing Officers by the complainant displaying footage of the incident was presented.

Following the presentation, Mr SK confirmed that the content of the report and the footage presented was a true reflection of the incident that had occurred on 4th August, 2023.

Mr SK responded to a series of questions raised by the Committee in relation to the incident which had resulted in police intervention and an interview under police caution resulting in a warning being issued under Section 59 of the Police Reform Act 2002. Whilst Mr SK indicated that he had been running late for a job and the customer had contacted him on numerous occasions to check his estimated time of arrival, he accepted that his behaviour during the incident had been unacceptable and should not have occurred and apologised profusely indicating that it had been a “mistake”. Mr SK accepted full accountability for his behaviour and manner of driving which involved a nervous student whilst participating in a driving lesson. Mr SK indicated that he was an experienced taxi driver, with no previous driving issues and 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 SK then answered further questions in relation to his driving behaviour which the Committee deemed dangerous and could have potentially caused a road traffic accident involving a cyclist 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.

The Assistant Manager Team Manager, Licensing and Waste Enforcement and Mr SK were requested to re-join the meeting to answer a further question in relation to the circumstances that had resulted in Mr SK having to attend a Taxis Committee when first being issued with a private hire driving licence. Following the response received, all parties again withdrew from the meeting to enable to 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 submitted, and the potential serious consequences of dangerous driving, amounted to reasonable cause to show Mr SK was not a fit and proper person to hold a licence and therefore, the private hire driver’s licence issued to Mr SK be revoked with immediate effect in the interests of public safety.

96 **Review of a Private Hire and Hackney Carriage Driver's Licence – Mr RA**

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 RA.

Mr RA was in attendance at the meeting together with his son-in-law as a supporter.

The Assistant Team Manager, Licensing and Waste Enforcement outlined the report submitted to the meeting indicating that the review was issued as a result of his DVLA licence being endorsed with eight penalty points.

Mr RA responded in detail to a series of questions asked by the Committee explaining the circumstances surrounding the offence dated 16th June, 2023. Mr RA indicated that whilst he was not working at the time of the incident, an altercation had occurred with another driver on a store car park, which had resulted in the other driver pursuing him, using aggressive hand gestures, flashing his headlights and sounding his horn causing Mr RA to become very distressed and frightened resulting in him disobeying a red light to enable him to drive to a safe location. Mr RA advised the Committee that he had not reported the incident to the police because he did not have information about the driver or the vehicle. Mr RA apologised for his behaviour at the time of the incident and indicated that he was an experienced taxi driver and relied on his job to enable him to provide for his family.

Mr RA then answered further questions in relation to the circumstances of the offence committed on 30th August, 2022 and the complaint received in 2006 concerning the way in which he had transported a disabled passenger. Mr RA then referred to his customer rating on Uber which highlighted a 5-star rating with good customer reviews.

Mr RA then 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 Private Hire and Hackney Carriage Driver's Licence issued to Mr RA be suspended for a period of one month in view of the nature of his convictions causing his DVLA licence to be endorsed with eight penalty points.

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

During the adjournment, Mr RA advised the Assistant Team Manager, Licensing and Waste Enforcement that a further incident had occurred on an Asda car park in June/July 2023 which the police had been investigating for a possible pedestrian collision with Mr RA's vehicle. Following no response from the police in relation to the incident and advice from the Committee's Solicitor, the Committee determined that the decision remain as above, however, Mr RA was reminded of his responsibility to report any future incidents to the Licensing Office.

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

At the request of Mr SL, following a conversation with the Assistant Team Manager, Licensing and Waste Enforcement to ascertain non-attendance, and with the agreement of the Committee, this item of business be deferred to a future meeting of the Committee to enable Mr SL to provide the Licensing Office with further information.

The meeting ended at 7.15pm.

CHAIR

Taxis Committee – 12th February 2024

Report of the Interim Service Director of Environment Directorate

Revision of Licence Fees

Purpose of Report

1. To consider the revision of fees for private hire and hackney carriage licences administered by the Committee.

Recommendation

2. That the committee consider the information contained within this report and agree to the officer's recommendation of a 2.3% increase in fees to ensure the council maintains a neutral cost position in relation to the administration of private hire and hackney licensing.

Background

3. The fees for private hire and hackney carriage licenses administered by Dudley MBC are set annually by the taxi licensing committee. The fees for private hire and hackney carriage licences were last reviewed by the committee in February 2023.
4. The Council is only permitted to set licensing fees for taxis and hackney carriages up to the amount that can be ascertained as being the cost of administering the licensing function. This includes enforcement, administration and ancillary costs relating to members meeting to determine certain licensing applications.
5. Fees received in respect of private hire and hackney carriage licences are not refunded if the application is refused.
6. In considering the revision of licence fees, the Committee may wish to compare the fees charged by the Council with those of

neighbouring Councils. A table showing these comparisons is attached as Appendix 1

7. If the 2024/25 is set based on a 0% uplift this would result in a £26k deficit, inflationary increases for salaries have been built. Over the last three-year cycle, we are forecasting a deficit of £ 80k (per Table A), during this period income levels have seen a recovery since 2021/22. It is proposed that fees increase by 2.3% to mitigate the impact of inflationary pressures. The impact of differing % increases on individual fees is outlined for illustrative purposes in table B below.

Table A

	2021/22 Outturn £000's	2022/23 Outturn £000's	2023/24 Forecast £000's	2024/25 Draft Budget £000's
Taxi Expenditure	792	707	734	776
Taxi Income	-637	-766	-750	-750
Net Position	155	-59	-16	26
Deficit over 3 Years	80			

Table B

	Existing 23/24 Fees	24/25 Fees with 1% uplift	24/25 Fees with 2% uplift	Revised Proposed 24/25 Fees
		1% Uplift £	2% Uplift £	2.3% Uplift £
Private Hire or Hackney Carriage Driver New Application				
One Year Grant	£252.00	£255.00	£257.00	£258.00
Three Year Grant	£475.00	£480.00	£485.00	£486.00
One Year Grant - Joint Application	£318.00	£321.00	£324.00	£325.00
Three Year Grant - Joint Application	£673.00	£680.00	£686.00	£688.00
Private Hire or Hackney Carriage Driver Renewal				
One Year Renewal	£126.00	£127.00	£129.00	£129.00
Three Year Renewal	£315.00	£318.00	£321.00	£322.00
One Year Renewal - Joint Renewal	£174.00	£176.00	£177.00	£178.00
Three Year Renewal - Joint Renewal	£480.00	£485.00	£490.00	£491.00
Operators				
Grant and Renewal	£445.00	£449.00	£454.00	£455.00
3 Year	£1,267.00	£1,280.00	£1,292.00	£1,296.00
5 Year	£2,001.00	£2,021.00	£2,041.00	£2,046.00
Driver Badges, Signs & Other				
Private Hire or Hackney Carriage Driver Badge	£10.00	£10.00	£10.00	£10.00
Private Hire / Hackney Carriage Driver Badge - Joint	£26.00	£26.00	£27.00	£27.00
DVLA Mandate	£1.00	£1.00	£1.00	£1.00
Disability Course	£29.00	£29.00	£30.00	£30.00
Disability Course Non Attendance Fee	£9.00	£9.00	£9.00	£9.00
General Admin Fee for changes or Adhoc requests	£39.00	£39.00	£40.00	£40.00
Private Hire/Hackney Carriage Enhanced Disclosure Fee	£62.00	£63.00	£63.00	£63.00
Repeat knowledge test for Hackney Carriage/Private Hire Drivers Fee	£82.00	£83.00	£84.00	£84.00

Private Hire or Hackney Carriage Vehicle New Application				
Hackney Carriage Vehicle or Private Hire Vehicle - New App	£250.00	£253.00	£255.00	£256.00
Private Hire or Hackney Carriage Vehicle Renewal				
Hackney Carriage Vehicle or Private Hire Vehicle - Renewal	£240.00	£242.00	£245.00	£245.00
4/6 Months Test	£159.00	£161.00	£162.00	£163.00
Retests				
Vehicle Re-Test	£51.00	£52.00	£52.00	£52.00
Vehicle Plates, Brackets & Other				
Plate	£42.00	£42.00	£43.00	£43.00
Bracket	£15.00	£15.00	£15.00	£15.00
Replacement Plate	£16.00	£16.00	£16.00	£16.00
Door Signs – Magnetic x 2	£27.00	£27.00	£28.00	£28.00
Door Signs – Vinyl x 2	£17.00	£17.00	£17.00	£17.00
Special Event Vehicles	£342.00	£345.00	£349.00	£350.00
Retest	£81.00	£82.00	£83.00	£83.00
Plate	£45.00	£45.00	£46.00	£46.00
Seating Check	£143.00	£144.00	£146.00	£146.00
Production of Insurance cover note	£38.00	£38.00	£39.00	£39.00
Cancelled Vehicle Test	£101.00	£102.00	£103.00	£103.00
Internal Plate	£7.00	£7.00	£7.00	£7.00
Hackney Carriage Door Sticker	£1.00	£1.00	£1.00	£1.00
Driver Assessment	£83.00	£84.00	£85.00	£85.00
Licence Transfer	£38.00	£38.00	£39.00	£39.00

Finance

- The financial implications in respect of the fees for private hire and hackney carriage licensing (set out in Table B) are outlined below, and any uplift to prices below 2.3% would result in a deficit position.

Table C

	Licensing Administration and other licensing	Hackney Carriage / Private Hire			
		0.0%	1.0%	2.0%	2.3%
	£'000	£'000	£'000	£'000	£'000
Fee increase option:					
Cost of licensing function:					
Salaries	711,100				
Other *	155,400	168,600	168,600	168,600	168,600
Internal recharge**	(605,900)	605,900	605,900	605,900	605,900
Gross costs	260,600	774,500	774,500	774,500	774,500
Licensing Income:					
Taxis		(749,900)	(757,399)	(772,500)	(774,500)
Street trading	(3,500)				
Betting and Gaming	(1,500)				
Sexual Entertainment Venues	(3,500)				
Scrap Metal	(3,000)				
Gambling Act	(30,000)				
Liquor	(218,100)				
Sub Total Income	(259,600)	(749,900)	(757,399)	(772,500)	(774,500)
Net cost/(surplus)	1,000	24,600	17,101	2,000	0

* other costs include direct costs of the testing function, premises costs and supplies & services which represents 30% of total costs. Other costs also include support services within the Council. For 2024/2025 these support services represent 7% of the total cost of the licensing service. This proportion is reviewed annually and is based on relevant cost drivers.

** the licensing administrative team supports all licensing functions. The above recharge represents an internal adjustment to demonstrate our estimated administrative cost for supporting (specifically) the taxi licensing role (estimated to be 70% and to show more clearly the full cost of the taxi licensing service)

9. The cost of licence administration stated in this report includes the enforcement and administrative costs of processing all licences including gaming and liquor and also includes any costs relating to members.

Law

10. Part II of the Local Government (Miscellaneous Provisions) Act 1976 regulates the grant of Private Hire and Hackney Carriage Licences.
11. In pursuance of Section 70 of the Local Government (Miscellaneous Provisions) Act 1976:
 - (1) Subject to the provisions of subsection (2) of this section, a district council may charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part-
 - (a) the reasonable cost of carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;
 - (b) the reasonable cost of providing hackney carriage stands; and
 - (c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.
 - (2) The fees chargeable under this section shall not exceed-
 - (a) for the grant of a vehicle licence in respect of a hackney carriage, twenty-five pounds;
 - (b) for the grant of a vehicle licence in respect of a private hire vehicle, twenty-five pounds; and

(c) for the grant of an operator's licence, twenty-five pounds per annum;

or in any such case, such other sums as a district council may, subject to the following provisions of this section, from time to time determine.

- (3) (a) If a district council determine that the maximum fees specified in subsection (2) of this section should be varied they shall publish in at least one local newspaper circulating in the district a notice setting out the variation proposed, drawing attention to the provisions of paragraph (b) of this subsection and specifying the period, which shall not be less than twenty-eight days from the date of the first publication of the notice, within which and the manner in which objections to the variation can be made.
- (b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of twenty-eight days from the date of the first publication thereof be deposited at the offices of the council which published the notice and shall at all reasonable hours be open to public inspection without payment.
- (4) If no objection to a variation is duly made within the period specified in the notice referred to in subsection (3) of this section, or if all objections so made are withdrawn, the variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.
- (5) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the variation shall come into force with or without modification as decided by the district council after consideration of the objections.

- (6) A district council may remit the whole or part of any fee chargeable in pursuance of this section for the grant of a licence under section 48 or 55 of this Act in any case in which they think it appropriate to do so.
12. Notwithstanding the provisions of the Act of 1847, a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so.

Risk Management

13. There are no risk management implications.

Equality Impact

14. The proposals take into account the Council's policy in relation to equal opportunities.
15. There has been no consultation or involvement of children and young people in developing these proposals.

Human Resources/Organisational Development

16. There are no Human Resources/Organisation Development implications.

Commercial/Procurement

17. There are no commercial procurement implications.

Environment/Climate Change

18. There are no environment/climate change implications.

Council Priorities and Projects

19. This application falls within the Council's statutory responsibility for Licensing as a direct link to the Council's Plan 2022-25 as a place

where communities can lead stronger, safer and healthier lives.

- Dudley the borough of opportunity
- Dudley the safe and healthy borough
- Dudley the borough of ambition and enterprise
- Dudley borough the destination of choice



Nick McGurk
Interim Service Director of Environment Directorate

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Appendices

Appendix 1 – Fees Comparison Neighbouring Authorities

List of Background Documents

None

Renewal	1 year - 3 year -	£174.00 £480.00	£78.00 £156.00	1 year - £155.00 every 3 rd year £199.00 – plus DBS 3 year - £454.00 (Not including DBS Fee)	
Disability course		£29.00	£40.00	-	
Disability course - admin fee		£9.00		-	
Private Hire Operator's Licence	1 year - £445.00 3 year - £1267.00 5 year - £2001.00		New 1 year - £1000.00 Renewal 1 year - £750.00 Renewal 5 years - £3000.00 Small: (4 vehicles or less) New 1 year - £1000.00 Renewal 1 year - £150.00 Renewal 5 years - £500.00	Application (one year) - £624 Application (three years) - £1650.00 Application (Five years)- £2500.00	1 year grant small operators - £284 5 year Grant small operator - £979 5 year Renewal small operator - £935 Renewal small operator – 1 year £241.00
				Renewal (1 year) £520 Renewal (3 Years) £1450 Renewal (5 years) £2250	1 year Grant- £805.00 1 year Renewal - £762.00 Operator 5 year Grant - £3,584 Operator 5 year Renewal - £3,541 Large Operator Grant 1 year £4246 Large Operator Grant 5 Years £20,420 Large Operator Renewal 1 Year £4,208 Large Operator Renewal 5 Years £20,382 Very Large Operator Grant 1 year £8,289 Very Large Operator Grant 5 Years £40,637

				Very Large Operator Renewal 1 Year £8,251 Very Large Operator Renewal 5 Years £40,599
Hackney Carriage and Private Hire Vehicle Licence new/expiry	£250.00 Renewal £240.00	<u>Hackney Carriage</u> Vehicle aged under 10 years old - 1 year £95.00 Vehicle aged over 10 but under 16 years old - 1 year £190.00 Vehicle aged over 10 years old 6 months licence renewal N/A	Brand New vehicle £325.00 New less than 5 years old £381.00 Renewal less than 5 years old - £353.00 Renewal (over 5 years old) - £353.00	HC Grant - £123.00 PH Grant - £127.00 Renewal HC - £94.00 PH - £113.00 Late Renewal PH – 127 HC - 108
Retest (PHV and HCV)	£51.00	Exceptional condition assessment required at 16 years and each subsequent 6 months £120	£55.00 Admin fee Missed garage appt	
4/6 months test (PHV and HCV)	£159.00	<u>Private Hire</u> Vehicle aged under 10 years old -1 year £95.00		
Plate (PHV and HCV)	£42.00	Vehicle aged over 10 but under 12 years old 6 months £95.00	£30.00 Plate	
Cancelled Vehicle Test	£101.00	<u>Hackney Carriage/Private Hire</u> Fast Track New/Renewal £180.00		

Administration Fee	£39.00		£30.00 non-refundable administration fee on each application	£72.00 for amendments Copy licence £29.00 Replacement Copy Licence £29
Special Events Vehicles	£342.00			
Retests	£ 81.00			
Plate	£ 45.00			
DBS – Enhanced	£62.00	£83.49 External Third party (DVLA INCLUDED)	£44.00	
DVLA Share Driving Licence	£1.00		£5.00	
Badge	£10.00 – Private Hire/Hackney		£30.00 Badge replacement - £4.50	£29.00
Bracket	£15.00		£13.00	
Late Insurance Production fee	£38.00		£50.00	
Transfer of Vehicle	£38.00		£50.00	£87.00