

Minutes of the Meeting of the Taxis Committee

Wednesday 8th April, 2015 at 5.30 p.m.
in Committee Room 3 at the Council House, Dudley

Present:-

Councillor R Body (Chair)
Councillor A Ahmed (Vice-Chair)
Councillors A Aston, P Bradley, J Cowell, A Goddard, J Martin, G Simms and
D Vickers

Officers:-

T Holder, Solicitor , M Hanson, Licensing Enforcement Officer, T Trickett,
Licensing Enforcement Officer and K Griffiths, Democratic Services Officer
(all Directorate of Resources and Transformation)

108. **Apology for Absence**

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

109. **Appointment of Substitute Member**

It was reported that Councillor A Goddard had been appointed as a substitute
member for Councillor C Elcock for this meeting of the Committee only.

110. **Declarations of Interest**

There were no declarations of interests from Members, in accordance with the
Member's Code of Conduct.

111. **Minutes**

Resolved

That the minutes of the meeting of the Committee held on 10th
March, 2015, be approved as a correct record and signed.

112. **Exclusion of the Public**

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 any individual(s) as defined under Part I of Schedule 12A to the Local Government Act 1972, as amended.

113. **Review of Private Hire and Hackney Carriage Drivers' Licences – Mr MM**

A report of the Strategic Director (Resources and Transformation) was submitted on a review of the private hire and hackney carriage drivers' licences issued to Mr MM in the light of the offences committed as indicated in paragraph 3 of the report submitted.

The Licensing Enforcement Officer confirmed that a clean DBS check had been received in relation to Mr MM.

Mr MM was in attendance at the meeting and referred to the circumstances surrounding the offences committed, and in responding to questions asked by the Committee, Mr MM confirmed 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 MM be suspended for a period of four months in the light of the offences committed.

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

114. **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. 9, 8, 10, 11, 12, 13 and 14.

115.

Renewal of Private Hire Driver's Licence – Mr IA

A report of the Strategic Director (Resources and Transformation) was submitted on the renewal of the private hire driver's licence issued to Mr IA, in the light of the conviction referred to in paragraph 4 of the report submitted, which was not reported within the required 7 day period. Mr IA was therefore in breach of condition 10 of his private hire driver's licence.

Mr IA was in attendance at the meeting.

Mr IA responded to questions asked by the Committee on the circumstances surrounding the offence committed and for the non-reporting of the conviction. Mr IA indicated that although he had held a private hire driver's licence, he had never worked as a taxi driver. In responding to a question from the Committee, Mr IA confirmed that holding a private hire driver's licence would give him the opportunity to provide a taxi service in future.

Mr IA also informed the Committee that there were no matters pending that they needed to be made aware of.

Resolved

That, arising from the information contained in the report submitted, and as reported at the meeting, the private hire driver's licence issued to Mr IA be renewed with effect from 14th November, 2014, and suspended for a period of one month, in the light of the offence committed and the non-disclosure of the offence.

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

116.

Grant of Private Hire and Hackney Carriage Drivers' Licences – Mr MR

A report of the Strategic Director (Resources and Transformation) was submitted on an application for the grant of private hire and hackney carriage drivers' licences in respect of Mr MR, in the light of the serious offences committed as indicated in paragraph 4 the report submitted.

Mr MR was in attendance at the meeting, together with his Solicitor, Mr Schiller.

Mr Schiller acknowledged that the offences outlined in the report were very serious, however, indicated that there had been a number of people involved in the operation. Mr Schiller described, in detail, Mr MR's involvement in the operation and asked that the Committee, when making its decision, consider that Mr MR had already suffered significantly due to his behaviour and that he was making an effort to rehabilitate himself back into the community. Mr Schiller also referred to a previous case with similar circumstances.

Mr Schiller and Mr MR then responded to questions asked by the Committee regarding the offences committed, and in doing so, 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 application for the grant of private hire and hackney carriage drivers' licences in respect of Mr MR be refused, on the grounds that Mr MR was not a fit and proper person at the present time, given the information outlined in the report submitted.

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

(At this juncture, Councillor A Aston joined the meeting).

117. **Grant of Private Hire and Hackney Carriage Drivers' Licences – Mr SA**

A report of the Strategic Director (Resources and Transformation) was submitted on an application for the grant of private hire and hackney carriage drivers' licences in respect of Mr SA, in the light of the offence committed as indicated in paragraph 4 the report submitted.

Mr SA was in attendance at the meeting and referred to the circumstances surrounding the offence committed and in responding to questions by the Committee, Mr SA informed them that there were no matters pending that they needed to be made aware of.

Resolved

That, following 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 SA for a period of twelve months.

118. **Review of Private Hire and Hackney Carriage Drivers' Licences – Mr GH**

A report of the Strategic Director (Resources and Transformation) was submitted on a review of the private hire and hackney carriage drivers' licences issued to Mr GH, in the light of the offences committed as indicated in paragraph 20 of the report submitted.

Mr GH was not in attendance at the meeting and a reason for his absence had not been received. In view of this, the Committee decided to proceed in the absence of Mr GH and it was

Resolved

That, following careful consideration of the information contained in the report submitted, the private hire and hackney carriage drivers' licences issued to Mr MM be suspended for a period of six months in the light of the offences committed and his previous conduct.

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

119.

Review of Hackney Carriage Driver's Licence – Mr AS

A report of the Strategic Director (Resources and Transformation) was submitted on a review of the hackney carriage driver's licence issued to Mr AS, in the light of the offences committed as indicated in paragraph 17 of the report submitted.

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

Mr Schiller made representations on behalf of Mr AS, and in doing so referred to the circumstances surrounding his failure to operate the taximeter in March, 2015 and his slight overcharge of taxi fare. Mr Schiller indicated that Mr AS did not deliberately overcharge his customers, he had relied on previous experience when estimating the fare. Mr Schiller indicated that Mr AS was aware of alternative methods of agreeing taxi fares in cases where the taximeter had failed to operate, unfortunately, in this case, that did not happen. Mr Schiller further indicated that Mr AS had been a licensed taxi driver for many years and requested the Committee, when making its decision, to consider his previous driving record.

Mr Schiller and Mr AS then responded to questions from the Committee regarding the offences committed, and in doing so, 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 hackney carriage driver's licence issued to Mr AS be suspended for a period of six months, on the grounds that this had been his second offence of failing to operate a taximeter.

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

120.

Review of Private Hire and Hackney Carriage Drivers' Licences – Mr MA

A report of the Strategic Director (Resources and Transformation) was submitted on a review of the private hire and hackney carriage drivers' licences 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 referred to the circumstances surrounding the offences committed. In responding to questions asked by the Committee, Mr MA confirmed 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 MA be suspended for a period of four months in the light of the offences committed.

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

121.

Review of Private Hire Operator's Licence – Mr SQS

A report of the Strategic Director (Resources and Transformation) was submitted on a review of the private hire operator's licence issued to Mr SQS, in the light of the information contained in the report submitted.

Mr SQS was in attendance at the meeting, together with his Solicitor, Mr Schiller. It was noted that a full transcript of the case had been circulated to the Committee prior to the meeting.

Mr Schiller outlined, in detail, the circumstances surrounding Mr SQS's breach of Licensing Conditions 4 and 9 of his Private Hire Operator's Licence. He indicated that Mr SQS had been unaware of his breach of conditions due to him relying on trust from his employees. Mr Schiller explained that he had been assured by the taxi driver referred to in the report that he had applied to Dudley MBC's Licensing Office for the renewal of his private hire driver's licence and stated that due to the current backlog, the paperwork requested by Mr SQS had not been issued. Mr Schiller also explained that the taxi driver had recently changed his vehicle and that he had been provided with new plates by the Licensing Office.

Discussion then ensued on the interpretation of the responsibilities of operators and taxi drivers and the Committee indicated that Mr SQS had not exercised all methods to ensure that he was not in breach of his operator's licence.

Mr Schiller maintained that Mr SQS had no doubt that the taxi driver had misled him and suggested that the Authority consider adapting their own methods and introduce a facility to notify operators of when private hire taxi drivers' licences were due to expire.

Mr Schiller and Mr SQS responded to a number of questions in relation to the breach of Conditions 4 and 9 of his operator's licence and procedures Mr SQS had in place to ensure that all of his employees held a current private hire driver's licence. Mr SQS 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 Committee recommended that Mr SQS review his current working practices and procedures to ensure that a further breach of his operator's licence does not occur in the future.

The meeting ended at 8.40 p.m.

CHAIR