

**Minutes of the Meeting of the Taxis Committee
Monday 18th March, 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 K Denning, D Harley, M Howard, W Little, J Martin and A Taylor

Officers:

N Slym (Assistant Team Manager - Licensing and Waste Enforcement),
S Ahmed-Aziz (Solicitor) and K Malpass (Democratic Services Officer)

106 **Apology for Absence**

An apology for absence was received on behalf of Councillor M Aston.

107 **Appointment of Substitute Member**

There were no substitute Members appointed for this meeting of the Sub-Committee.

108 **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.

109 **Minutes**

Resolved

That the minutes of the meeting held on 12th February, 2024, be approved as a correct record and signed.

110 **Questions Under Council Procedure Rule 11.8**

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

111 **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.

112 **Review of Private Hire and Hackney Carriage Driver's Licence – Mr FA**

A report of the Director of Environment was submitted to consider the review of a Private Hire and Hackney Carriage Driver's licence issued to Mr FA.

Mr FA was in attendance at the meeting, together with the complainants, Mr JQ and Mrs AQ.

Following the presentation of the report submitted, the complainants confirmed that the content of the report was a true reflection of the incident that had occurred on 20th October, 2023. Mr FA disputed the content of the report and outlined his version of events later in the meeting.

The complainant, Mr JQ responded to a series of questions asked by the Committee in relation to the incident and indicated that the experience had left them feeling very traumatised and wary about using taxis in the future. Whilst it was acknowledged that the journey had taken longer than expected, Mr JQ explained that the weather conditions were quite bad and felt it appropriate to complain about the driver's attitude when being picked up and his erratic driving, particularly when using the M5 Motorway, rather than the time taken to transport them to their required destination.

Mr FA responded to questions raised by the Committee and refuted the allegations made by the complainants. Mr FA indicated that Mr JQ was very aggressive upon collection from their home address which continued throughout the journey. Mr FA explained his version of events and indicated that he had been using the Personal Digital Assistant (PDA) system which the complainants misidentified for a mobile phone.

In referring to the issue regarding the fee discrepancy, the Assistant Team Manager of Licensing and Waste Enforcement confirmed that, for Private Hire vehicles, the fee was agreed by the Operator and customer at the time of booking as outlined in appropriate legislation and should only be increased should the customer deviate from the agreed journey.

Mr FA responded to further questions in relation to his failure to attend an interview on 6th December, 2023 despite numerous letters being sent with one letter being hand delivered by a Licensing Officer and the circumstances of his previous convictions where he had previously attended the Taxis Committee.

Mr FA apologised to the complainants for the confusion caused during the incident 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.

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 and Mr FA's previous convictions amounted to reasonable cause to show Mr FA was not a fit and proper person to hold a licence and therefore, the private hire and hackney carriage driver's licence issued to Mr FA be revoked with immediate effect in the interests of public safety.

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

113 **Application for Grant of Hackney Carriage Driver's Licence – Mr SS**

A report of the Director of Environment was submitted to consider the application for the grant of a Hackney Carriage Driver's licence to Mr SS.

Mr SS was in attendance at the meeting, together with a supporter, Mr N and an interpreter.

Mr N, on behalf of Mr SS explained the circumstances surrounding his failure to declare, when applying for a Hackney Carriage Driver's Licence, previous appearances before the Taxi Committee, whilst licensed as a taxi driver with Sandwell MBC, and his failure to declare convictions highlighted on his Disclosure and Barring Service (DBS) contrary to Section 57(3) of the Local Government Miscellaneous Provisions) Act 1878. Whilst he accepted that all driving disqualifications, revocations, endorsements, convictions and cautions should have been disclosed in the correct sections of the form, he indicated that at the time he applied for a hackney carriage driver's licence, he was supported with completing the application form and due to the significant time that had lapsed since his convictions and previous appearances before the Taxis Committee at Sandwell MBC, he had "forgotten" to inform the person completing the form of the information.

Mr SS was reminded of the requirements to declare any offences and previous appearances at a Taxis Committee which he should have been aware of due to sanctions previously provided by Sandwell's Taxis Committee. Mr SS apologised for his ignorance in relation to his requirements and indicated that it had been a "mistake" and would not occur in future.

Mr N responded to further questions on behalf of Mr SS in relation to his previous convictions and reported that Mr SS's had learned from previous experience, was a good character and his desire to be provided with the opportunity to work as a Dudley Taxi driver and not have to claim benefits. Mr SS 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, whilst the Committee acknowledged that significant time had lapsed since Mr SS's convictions, they did not consider Mr SS to be a fit and proper person in view of his persistent failure to declare previous convictions and appearances before Sandwell MBC's Taxis Committee, therefore, the application for the grant of a Hackney Carriage driver's licence to Mr SS, be refused.

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

114 **Renewal of a Private Hire and Hackney Carriage Driver's Licence – Mr NH**

A report of the Director of Environment was submitted to consider the renewal of a Private Hire and Hackney Carriage Driver's licence to Mr NH.

Mr NH was in attendance at the meeting, together with his Solicitor, Mr Schiller, attending by Microsoft Teams, and all parties confirmed that the additional documentation submitted had been received and circulated to Members of the Committee.

Mr Schiller explained the circumstances surrounding Mr NH's failure to declare that he had previously held a Private Hire Driver's Licence with Wolverhampton City Council which had been revoked on 29th November, 2017, on any of his application forms for a Private Hire and Hackney Carriage Driver's Licence, either on his initial application form for a grant in 2018 or any subsequent renewals, which he had signed to declare that the information submitted was accurate. Mr NH had previously held a taxi licence with Sandwell MBC, and when questioned why he had indicated that he had not had a licence revoked, Mr NH apologised and stated that due to his poor ability to complete forms, he had received support from various people when completing each application form which had been copied from previous forms. Whilst Mr NH had assumed that the application forms had been completed accurately, he accepted full responsibility for the error.

Mr NH was reminded of the requirements to declare any sanctions previously provided by any Local Authority in which a taxi licence had been issued. Mr Schiller, on behalf of Mr NH apologised for his ignorance in relation to the requirements and indicated that it had been a "mistake" and would not occur in future.

In explaining the circumstances surrounding Mr NH's previous conviction, Mr Schiller indicated that Mr NH had been the victim of fraud and was not operating as a taxi driver at the time of the incident. In responding to further questions, Mr Schiller confirmed that Mr NH had a lengthy clean driving record 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.

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 were satisfied that Mr NH was a fit and proper person to hold a licence given the explanation provided, therefore, the private hire and hackney carriage driver's licence issued to Mr NH, be renewed.

115 **Review of a Private Hire Driver's Licence – Mr SY**

Following a request from Mr Schiller to delay consideration of the application for the review of a Private Hire Driver's Licence on the grounds of the sudden bereavement of a family member, the Committee determined to defer the item to a future meeting of the Committee.

116 **Application for the Grant of a Private Hire Driver's Licence – Mr MA**

A report of the Director of Environment was submitted to consider the application for the grant of a private hire driver's licence to Mr MA.

Mr MA was in attendance at the meeting and explained the circumstances surrounding his convictions, which were outlined on his Disclosure and Barring Service (DBS) and referred to in paragraph 3 of the report submitted.

In responding to questions raised by the Committee, Mr MA 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 were satisfied that Mr MA was a fit and proper person to hold a licence given the explanation provided, therefore, the private hire driver's licence to Mr MA, be granted.

117 **Application for the Grant of a Private Hire Driver's Licence – Mr RMIN**

A report of the Director of Environment was submitted to consider the application for the grant of a private hire driver's licence to Mr RMIN.

Mr RMIN was in attendance at the meeting and explained the circumstances surrounding his conviction, which was outlined on his Disclosure and Barring Service (DBS) and referred to in paragraph 3 of the report submitted.

In responding to questions raised by the Committee, Mr RMIN 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 were satisfied that Mr RMIN was a fit and proper person to hold a licence given the explanation provided, therefore, the private hire driver's licence to Mr RMIN, be granted.

The meeting ended at 8.51pm.

CHAIR