

**Minutes of the Meeting of the Taxis Committee
Wednesday 2nd October, 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 M Cook, J Cowell, K Denning, L Hamblett, D Harley, A Taylor and
M Webb

Officers:

N Slym (Assistant Team Manager - Licensing and Waste Enforcement),
T Holder (Solicitor) and K Malpass (Democratic Services Officer)

64 **Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of
Councillors A Ahmed and J Thorne.

65 **Appointment of Substitute Members**

It was reported that Councillors K Denning and M Webb
had been appointed to serve as substitute Members for Councillors A
Ahmed and J Thorne, respectively, for this meeting of the Committee
only.

66 **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.

67 **Minutes**

Resolved

That the minutes of the meeting held on 2nd September, 2024, be confirmed as a correct record and signed.

68 **Questions Under Council Procedure Rule 11.8**

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

69 **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.

70 **Review of a Private Hire Driver's Licence – Mr SH**

A report of the Director of Environment was submitted for the Committee to consider the application for the review of a Private Hire Driver's Licence issued to Mr SH.

Mr SH was in attendance at the meeting, together with his Legal Representative, Mr Schiller.

The complainant was not in attendance at the meeting, however, a witness statement and dashcam footage of the incident had been provided.

The Assistant Team Manager – Licensing and Waste Enforcement presented the report in detail, referring to the witness statement outlined at Appendix 1 of the report submitted which related to Mr SH's manner of driving whilst being a licensed taxi driver for Dudley. Members were advised that the incident had been reported to West Midlands Police and a Notice of Intended Prosecution had been issued for an offence of dangerous driving. However, at the time of the meeting, confirmation had not been received from West Midlands Police as to whether Mr SH had responded to the Notice of Intended Prosecution.

Mr Schiller, on behalf of Mr SH explained the legal procedure and timeframe involved in responding to a Notice of Intended Prosecution issued by West Midlands Police and reported that Mr SH had provided a response within the required legal timeframe, advising that he had been the driver of the vehicle during the incident on 11th June, 2024. Mr Schiller advised Members that Mr SH had contacted West Midlands Police by e-mail, on three separate occasions on 9th, 18th and 21st August, 2024, requesting a copy of the dashcam footage provided by the complainants to forward onto his Solicitor, however, no response had been received. A copy of the e-mail submitted on 9th August, 2024 by Mr SH was provided to the Committee during consideration of the case.

In continuing, Mr Schiller indicated that Mr SH had been offered a Fixed Penalty Notice and three points on his driving licence or for the matter to be referred to the Court for consideration. Mr SH had elected for the matter to be referred to Court and was currently waiting for confirmation of a date, however, he emphasised that Mr SH had been offered the minimum driving penalty for the incident. Mr Schiller indicated that Mr SH was fully aware that any sanction granted by the Court would need to be disclosed to the Local Authority's Licensing Department.

In view of the comments made above and that the matter was currently ongoing, Mr Schiller requested that the Committee defer the matter until after the Court hearing when the Licensing Department would be aware of the sanction provided.

At this juncture, all parties withdrew from the meeting to enable the Committee to consider Mr Schiller's request to the defer the hearing.

Following a short deliberation, the Committee reconvened and the Chair indicated that whilst the matter was still ongoing, the Committee determined that the standard of driving was of sufficient concern and therefore the meeting would continue in the interest of public safety.

At the request of the Committee, dashcam footage of the incident provided to the Licensing Department by the complainant was presented.

Mr SH confirmed that the content of the report and the footage presented was a true reflection of the incident that had occurred on 11th June, 2024. Mr SH indicated that the taxi base where he was currently employed was located on Stourbridge ring road and whilst it had not been his intention to drive dangerously, he was very familiar with the road and confident in his driving ability which he considered justified the manner in which he had been driving.

Mr SH then responded to a series of questions raised by the Committee in relation to the complaint received, together with questions raised by the Committee regarding the previous revocation of his Private Hire and Hackney Carriage Driver's Licences.

Mr Schiller, on behalf of Mr SH summed up the case in detail and indicated that Mr SH had misjudge the seriousness of the incident on 11th June, 2024. Members were advised that previous to the complaint being received and the incident in 2017 which had been dealt with at a previous Committee, Mr SH had a good driving record as a taxi driver and had responded to the Notice of Intended Prosecution in line with the legal notice period and urged the Committee to consider all evidence presented, including the low category driving penalty offered by West Midlands Police when determining the case.

The Committee's Solicitor provided a legal summary in relation to the case, following which Mr SH confirmed that there were no further matters pending that needed to be brought to the Committees attention.

All parties withdrew from the meeting to allow the Committee opportunity to determine the application. Having made their decision, the meeting was reconvened, and the Chair outlined the decision.

Resolved

That following careful consideration of the information contained in the report submitted and having watched the dash-cam footage recording demonstrating the standard of driving and having heard the comments made by Mr SH in relation to the manner in which he drove on that occasion, as well as having regard to the Committee Guidelines and Statutory Guidance; in pursuance of Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, the Committee resolved that Mr SH was not a fit and proper person to hold a licence and the Private Hire Driving Licence issued to Mr SH be revoked; the Committee further decided that the revocation would be with immediate effect subject to section 61(2B) of that Act in the interests of public safety because Mr SH's driving presented a danger to both passengers and other road users and was not of the appropriate standard required by the Committee.

Mr SH was informed of his right to appeal the decision of the Committee to the Magistrate's Court.

71 **Change in order of business**

Pursuant to Council Procedure Rule 1(c), it was:

Resolved

That the order of business be varied, and the agenda items be considered in the order set out in the minutes below.

72 **Application for Grant of Exemptions on a Private Hire Vehicle Licence – Mr BA**

A report of the Director of Environment was submitted for the Committee to consider the application submitted by Mr BA for the grant of an exemption on a licensed private hire vehicle.

Mr BA was in attendance at the meeting.

The Assistant Team Manager – Licensing and Waste Enforcement, presented the report in detail outlining Mr BA's requirements for a special dispensation with regards to door signage on his vehicle.

Mr BA responded to questions raised by Members and confirmed that appropriate private hire identity plates would be displayed when undertaking work for Uber.

The Committee's Solicitor provided a legal summary in relation to the case following which all parties withdrew from the meeting to allow the Committee opportunity to determine the application. Having made their decision, the meeting was reconvened, and the Chair outlined the decision.

Resolved

That the application for the grant of an exemption on the Private Hire Driver's Licence issued to Mr BA be approved, as having regard to the relevant legislation and the Department for Transport 2022 Best Practice for Licensing Authority Consultation 2022 there were exceptional circumstances for justification to exempt the vehicles.

73 Application for Grant of a Private Hire Driver's Licence – Mr MA

A report of the Director of Environment was submitted for the Committee to consider the application for the grant of a Private Hire Driver's Licence on behalf of Mr MA.

Mr MA was in attendance at the meeting, together with his legal representative, Mr Schiller.

The Assistant Team Manager – Licensing and Waste Enforcement presented the report in relation to Mr MA's previous conviction, as set out in the report, which had been declared on his application.

Mr Schiller, on behalf of Mr MA referred to a discrepancy in the report and indicated that Mr MA's previous date of conviction had been 6th December, 2012 and not the date recorded in the report. He outlined the circumstances surrounding the conviction and stated that eleven years had elapsed since the conviction which Mr MA had declared on his application and indicated that he had learned a valuable lesson and had not reoffended in any way since the incident had occurred.

Mr MA responded to questions asked by the Committee and indicated that he deeply regretted the incident and that he had now matured and was getting married in the very near future and assured Members that the incident had been a one-off, which was evidenced by his clean driving record since the incident.

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 allow the Committee opportunity to determine the application. Having made their decision, the meeting was reconvened, and the Chair outlined the decision.

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, given the explanation provided, Mr MA was a fit and proper person to hold a licence, therefore, the application for a Private Hire Driver's Licence to Mr MA, be granted.

74 **Application for Grant of Exemptions on a Private Hire Vehicle Licence - WL**

In view of the applicant being on holiday and his representative's non-attendance, with the agreement of the Committee, this item of business was deferred to a future meeting of the Committee.

75 **Application for the Grant of a Private Hire Driver's Licence – Mr UR**

A report of the Director of Environment was submitted for the Committee to consider the application for the grant of a Private Hire Driver's Licence on behalf of Mr UR.

Mr UR was in attendance at the meeting, together with his legal representative, Mr Schiller.

The Assistant Team Manager – Licensing and Waste Enforcement presented the report in detail, and referred to the convictions highlighted on Mr UR's Disclosure and Baring Service report, as set out in the report, which Mr UR had not fully declared on his application. Mr UR confirmed that the information in the report was a true reflection of the case.

Following the presentation, Mr Schiller, on behalf of Mr UR, outlined the circumstances relating to the omission of an offence and providing incorrect dates for declared offences on his application, and in doing so indicated that he had completed the form to the best of his memory with no intention of deceit, together with him being unaware that one offence was a conviction. Members were advised that Mr UR had made an honest mistake and attended Court on the wrong date, which he rectified immediately, and no penalty was issued.

Mr UR responded to further questions by the Committee in relation to his previous conviction indicating that Mr UR acknowledged that his past behaviour had been unacceptable which he had now learned from and was now a responsible and trustworthy person with a young family. Mr UR 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 allow the Committee opportunity to determine the application. Having made their decision, the meeting was reconvened, and the Chair outlined the decision.

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, given the explanation provided, Mr UR was a fit and proper person to hold a licence, therefore, the application for a Private Hire Driver's Licence to Mr UR, be granted, subject to successfully passing a Dudley MBC approved drug test at Mr UR's expense.

76 Application for Grant of a Private Hire Driver's Licence – Mr SSN

A report of the Director of Environment was submitted for the Committee to consider the application for the grant of a Private Hire Driver's Licence on behalf of Mr SSN.

Mr SSN was in attendance at the meeting together with his wife, Mrs BKN.

The Assistant Team Manager – Licensing and Waste Enforcement presented the report in detail, referring to the conviction highlighted on Mr SSN's Disclosure and Baring Service report, which Mr SSN had not declared on his application. Mr SSN confirmed that the information in the report was a true reflection of the case.

Following the presentation, Mrs BKN, on behalf of her husband, outlined the circumstances relating to Mr SSN's failure to declare a previous offence on his application indicating that whilst she had completed the application form on her husband's behalf, she had misunderstood the question and assured Members that the omission had not been intentional. Mrs BKN reported that the omission had been a misunderstanding and apologised and now understood that the conviction should have been declared.

Members raised concern that Mr SSN had agreed to the information recorded on his application form prior to him signing the declaration. Mrs BKN reported that whilst Mr SSN could read and write English, he was not fluent and relied on her for translation.

Mr SSN responded to questions in relation to his previous conviction 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 allow the Committee opportunity to determine the application. Having made their decision, the meeting was reconvened, and the Chair outlined the decision.

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 Guidance, in pursuance of Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, taking into account Mr SSN's previous conviction, and his failure to declare that conviction, the Committee was not satisfied with the explanation provided which gave reasonable cause to show that Mr SSN was not a fit and proper person to hold a licence, therefore, the application for a Private Hire Drivers Licence to Mr SSN be refused.

Mr SH was informed of his right to appeal the decision of the Committee to the Magistrate's Court.

The meeting ended at 7.52pm.

CHAIR