

Meeting of the Taxis Committee

Tuesday 30th, June, 2020 at 10.00am
Microsoft Teams Meeting

Agenda

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 meetings held on 28th May, 2020 as a correct record.](#)
5. 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).

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.

6. 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.”

7. [Review of a Hackney Carriage Driver's Licence – Mr FH \(Pages 1 - 3\) \(the report contains exempt information relating to an individual\) \(10.15 – 11.00\)](#)



8. Review of a Hackney Carriage Driver's Licence – Mr NH (Pages 4 - 9) (the report contains exempt information relating to an individual) (11.00 – 11.45)
9. Review of a Private Hire Driver's Licence – Mr MS (Pages 10 - 13) (the report contains exempt information relating to an individual) (11.45 – 12.30)



Chief Executive

Dated: 19th June, 2020

Distribution:

Councillor A Hopwood (Chair)

Councillor K Lewis (Vice-Chair)

Councillors A Aston, H Bills, B Challenor, R Body, J Cowell, E Lawrence and C Neale

Please note the following:

- This meeting will be held virtually by using Microsoft Teams.
- This is a formal Council Committee and it will assist the conduct of business if participants speak only when invited by the Chair.
- The Chair reserves the right to adjourn the meeting, as necessary, if there is any disruption or technical issues.
- All participants should mute their microphones and video feed when they are not speaking.
- Please remember to unmute your microphone and switch on your video feed when it is your turn to speak. Speak clearly and slowly into your microphone.
- View the [Democratic Services Privacy Notice](#) and much more information about the Council on our website www.dudley.gov.uk
- Agendas containing reports with exempt information should be treated as private and confidential. It is your responsibility to ensure that information containing private and personal data is kept safe and secure at all times. Confidential papers should be securely disposed of. If you choose to retain the documents you should ensure that the information is securely stored and destroyed within six months.
- Elected Members can submit apologies by contacting Democratic Services: Telephone 01384 815238 or E-mail Democratic.Services@dudley.gov.uk



**Minutes of the Meeting of the Taxis Committee
Thursday 28th May, 2020 at 10.00 am
Microsoft Teams Meeting**

Present:

Councillor A Hopwood (Chair)
Councillors H Bills, B Challenor, J Cowell and C Neale

Officers:-

H Marsh-Geyton – Head of Fleet and Waste Care, S Smith – Team Manager (Licensing and Waste Enforcement) (Directorate of Public Realm); S Wright - Solicitor and K Taylor - Democratic Services Officer (Directorate of Finance and Legal)

1 Apologies for absence

Apologies for absence from the meeting were submitted on behalf of Councillors A Aston, R Body, K Lewis and E Lawrence.

2 Declarations of Interest

No Member made a declaration of interest in accordance with the Members' Code of Conduct.

3 Minutes

Resolved

That the minutes of the meeting held on 12th March, 2020, be approved as a correct record and signed.

4 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.

5 Application for Grant of a Private Hire Driver's Licence – Mr TH

A report of the Director of Public Realm was submitted to consider an application on behalf of Mr TH for the grant of a private hire driver's licence.

Mr TH was in attendance at the meeting together with his representative, Mr MN, and responded to questions asked by the Committee in relation to the circumstances surrounding the offences as set out in the report. Whilst acknowledging the seriousness and number of offences committed, Mr MN reported that these had occurred when Mr TH was of a young age, without commitments, and that Mr TH regretted his actions. He referred to Mr TH's reformed character, in that there had been no further offences since 2014 and was considered a fit and proper person, by the Traffic Commissioner, to be granted a coach licence to transport a large number of passengers.

Following further discussion, Mr TH advised the Committee that there were no matters pending that needed to be brought to the Committee's attention, and that he would be willing to undertake a drugs test should the Committee deem it necessary.

Following a legal summary by the Solicitor, Mr TH was informed that the decision by the Committee would be communicated to him by telephone and a letter outlining the decision made would be posted within fourteen days. All parties then withdrew from the meeting to enable the Committee to determine the application.

Resolved

- (1) That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, Mr TH be requested to undertake a drug test, and subject to a satisfactory result, a private hire driver's licence be granted to Mr TH for an initial period of three months.
- (2) That, subject to no offences pending at the time of renewal, officers be authorised to approve the grant of further licences for six months and subsequently for a period of twelve months.

6 Application for Grant of a Private Hire Driver's Licence – Mr MSM

A report of the Director of Public Realm was submitted to consider an application on behalf of Mr MSM for the grant of a private hire driver's licence.



A copy of the minutes of the Licensing Sub-Committee meeting held at Sandwell MBC on 10th June, 2019, as referenced in paragraph 5 of the report submitted, were circulated to all parties prior to the meeting.

Mr MSM was in attendance at the meeting together with his Solicitor, Mr AS, and responded to questions asked by the Committee in relation to the circumstances surrounding the revocation of his private hire driver's licence issued by Sandwell MBC following the receipt of a complaint.

Mr AS, on behalf of his client, provided a detailed summary of the case and indicated that there were a number of discrepancies in the original complaint made to verify that the driver referred to by the passenger was Mr MSM, in particular that the complainant had referred to the driver by his forename. However there were a number of drivers with the same first name registered at the taxi base, and that the call log identified that Mr MSM had collected the complainant on only three occasions.

Mr AS stated that Mr MSM had been issued with a private hire driver's licence for nine years with no complaints or issues and that a Police investigation was not pursued due to insufficient evidence and information by the complainant. It was also noted that there were no objections submitted by responsible authorities to the application today.

In responding to questions asked by the Committee, Mr AS confirmed that Mr MSM had appealed the decision of Sandwell MBC however, to date, a hearing had not been scheduled owing to the current restrictions imposed due to the pandemic.

Following further discussion, Mr MSM advised the Committee that there were no matters pending that needed to be brought to the Committee's attention.

Following a legal summary by the Solicitor, Mr MSM was informed that the decision by the Committee would be communicated to him by telephone and a letter outlining the decision made would be posted within fourteen days. All parties then 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, and as reported at the meeting, a private hire driver's licence be granted to Mr MSM for a period of twelve months.

7 Review of a Private Hire Driver's Licence – Mr AG

A report of the Director of Public Realm was submitted to consider the review of the private hire driver's licence issued to Mr AG.



Mr AG was in attendance at the meeting together with his representative, Mr OG, and responded to questions asked by the Committee in relation to the circumstances surrounding the offence and failure to report the conviction within the required seven day period, and subsequently declare the conviction on the application for the renewal of his private hire driver's licence, as set out in the report. Mr OG referred to Mr AG's confusion surrounding the reporting of the offence as he had assumed that the Police, having been present at the time, would have informed the Local Authority.

Following further discussion, Mr AG advised the Committee that there were no matters pending that needed to be brought to the Committee's attention.

Following a legal summary by the Solicitor, Mr AG was informed that the decision by the Committee would be communicated to him by telephone and a letter outlining the decision made would be posted within fourteen days. All parties then 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, and as reported at the meeting, in pursuance of Section 61(1) (b) of the Local Government (Miscellaneous Provisions) Act 1976, the private hire drivers licences issued to Mr AG be suspended for a period of one month, in light of his conduct amounting to reasonable cause to evidence that he was not considered a fit and proper person to hold a licence.

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

The meeting ended at 12.38pm

CHAIR

**Minutes of the Meeting of the Taxis Committee
Thursday 28th May, 2020 at 2.00 pm
Microsoft Teams Meeting**

Present:

Councillor A Hopwood (Chair)
Councillors H Bills, R Body, B Challenor, J Cowell and C Neale

Officers:-

H Marsh-Geyton – Head of Fleet and Waste Care, S Smith – Team Manager (Licensing and Waste Enforcement) (Directorate of Public Realm); S Wright - Solicitor and K Taylor - Democratic Services Officer (Directorate of Finance and Legal)

8 **Apologies for absence**

Apologies for absence from the meeting were submitted on behalf of Councillors A Aston, E Lawrence and K Lewis.

9 **Declarations of Interest**

No Member made a declaration of interest in accordance with the Members' Code of Conduct.

10 **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.

11 **Review of a Hackney Carriage Driver's Licence – Mr FH**

A report of the Director of Public Realm was submitted to consider the review of the hackney carriage driver's licence issued to Mr FH.

Mr FH was in attendance at the meeting together with his representative, Mr MN.

Following the presentation of the report by the Licensing Manager (Licensing and Waste Enforcement), Mr MN attempted to make representations on behalf of Mr FH. However during the presentation a number of technical difficulties were experienced that restricted the audio to enable Mr FH to present his case sufficiently.

Therefore, following discussion and agreement with all parties it was

Resolved

That, owing to technical difficulties the review of the hackney carriage driver's licence issued to Mr FH be deferred to the next meeting of the Committee.

12 **Review of a Private Hire and Hackney Carriage Driver's Licence – Mr ML**

A report of the Director of Public Realm was submitted to consider the review of the private hire and hackney carriage driver's licence issued to Mr ML.

Mr ML was in attendance at the meeting together with his representative, Mr IS, and responded to questions asked by the Committee in relation to the circumstances surrounding the offence as set out in the report. Mr IS stated that Mr ML had been driving for twenty-two years with no issues or complaints

Following further discussion, Mr ML advised the Committee that there were no matters pending that needed to be brought to the Committee's attention.

Following a legal summary by the Solicitor, Mr ML was informed that the decision by the Committee would be communicated to him by telephone and a letter outlining the decision made would be posted within fourteen days. All parties then 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, and as reported at the meeting, the Committee considered that Mr ML was a fit and proper person and would receive a strong warning as to his future conduct.

13 **Review of a Private Hire Driver's Licence – Mr MKG**



A report of the Director of Public Realm was submitted to consider the review of the private hire driver's licence issued to Mr MKG.

Mr MKG was in attendance at the meeting and responded to questions asked by the Committee in relation to the circumstances surrounding the offences, and his failure to declare any convictions on his application form as set out in the report.

At this juncture, the Licensing Manager (Licensing and Waste Enforcement) informed the Committee that taxi driver application forms would be reviewed to ensure that the applicant declared all offences where they had been convicted by a Criminal Court, or cautioned for any offence, including those that had been imposed outside of the United Kingdom.

Following further discussion, Mr MKG advised the Committee that there were no matters pending that needed to be brought to the Committee's attention.

Following a legal summary by the Solicitor, Mr MKG was informed that the decision by the Committee would be communicated to him by telephone and a letter outlining the decision made would be posted within fourteen days. All parties then 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, and as reported at the meeting, the Committee considered that Mr MKG was a fit and proper person and accepted the explanation provided during the hearing in relation to the offences and non-disclosure of convictions on his application form and therefore, no action be taken at this time.

The meeting ended at 3.50pm

CHAIR



TA/7

**Minutes of the Meeting of the Taxis Committee
Thursday 28th May, 2020 at 6.00 pm
Microsoft Teams Meeting**

Present:

Councillor A Hopwood (Chair)
Councillor K Lewis (Vice-Chair)
Councillors A Aston, H Bills, R Body, B Challenor, J Cowell, E Lawrence and C Neale

Officers:-

H Marsh-Geyton – Head of Fleet and Waste Care, S Smith – Team Manager (Licensing and Waste Enforcement) (Directorate of Public Realm); S Wright - Solicitor and S Griffiths - Democratic Services Manager (Directorate of Finance and Legal)

14 **Declarations of Interest**

Councillor H Bills declared a disclosure in respect of Agenda Item No. 5 – Review of Private Hire and Hackney Carriage Driver’s Licence and Private Hire Operator’s Licence – Mr US, as she had previously received the video as described in the report in her capacity as Deputy Mayor.

15 **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.

16 **Review of a Private Hire and Hackney Carriage Driver’s Licence and Private Hire Operator’s Licence – Mr US**

A report of the Director of Public Realm was submitted to consider the review of the private hire and hackney carriage driver’s licence and private hire operator’s licence issued to Mr US.

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

During the presentation of the report, the Licensing Manager (Licensing and Waste Enforcement) displayed video footage that had been submitted by the complainant, as set out in the report.

Mr AS, on behalf of his client, provided a detailed account of the incident in the video footage, in particular that this had been a personal dispute between Mr US and the person concerned, which had been exacerbated by external parties. The complainant had not pursued the issue any further, accepted that she was the instigator, and therefore a Police investigation was not pursued. Mr US's exemplary behaviour over the past ten years was referred to and that this incident was a 'one-off'.

Mr US responded to questions asked by the Committee and in doing so advised that there were no matters pending that needed to be brought to the Committee's attention.

Following a legal summary by the Solicitor, Mr US was informed that the decision by the Committee would be communicated to him by telephone and a letter outlining the decision made would be posted within fourteen days. All parties then 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, and as reported at the meeting, the Committee considered that Mr US was a fit and proper person and therefore, no action be taken at this time.

17 Review of a Private Hire Driver's Licence – Mr TK

A report of the Director of Public Realm was submitted to consider the review of the private hire and hackney carriage driver's licence issued to Mr TK.

Mr TK was in attendance at the meeting together with his Solicitor, Mr AS, and responded to questions asked by the Committee in relation to the circumstances surrounding the offences as set out in the report.

Mr AS, on behalf of his client, provided a detailed summary of the case and indicated that the passenger in Mr TK's vehicle had since been imprisoned, and that Mr TK had been driving for Dudley with no issues or complaints. It was noted that Mr TK was due to appear at Warwickshire Magistrates Court in due course concerning the offence described at the meeting.

Following further discussion, Mr TK advised the Committee that there were no matters pending that needed to be brought to the Committee's attention.

Following a legal summary by the Solicitor, Mr TK was informed that the decision by the Committee would be communicated to him by telephone and a letter outlining the decision made would be posted within fourteen days. All parties then 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, and as reported at the meeting, the Committee considered that Mr TK was a fit and proper person and therefore, no further action be taken at this time.

The meeting ended at 7.50pm

CHAIR



TA/10