

Meeting of the Taxis Committee

Thursday 12th March, 2020 at 6.00pm

In Committee Room 2 at the Council House, Priory Road, Dudley

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 12th February, 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.”



Agenda - Private Session

(Meeting not open to the public and press)

7. Review of a Private Hire Driver's Licence – Mr AR (Pages 1-65) (the report contains exempt information relating to an individual).
8. Review of a Private Hire and Hackney Carriage Driver's Licence – Mr SZ (Pages 66-90) (the report contains exempt information relating to an individual).
9. Application for Grant of a Private Hire Driver's Licence and Review of a Hackney Carriage Driver's Licence – Mr MS (Pages 91-95) (the report contains exempt information relating to an individual).
10. Application for Grant of a Private Hire Driver's Licence – Mr RA (Pages 96-101) (the report contains exempt information relating to an individual).
11. Application for Grant of a Private Hire Driver's Licence – Mr TM (Pages 102-104) (the report contains exempt information relating to an individual).
12. Application for Grant of Exemptions on Private Hire Vehicle Licence – Mr PM (Pages 105-110) (the report contains exempt information relating to an individual).



Chief Executive

Dated: 4th March, 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



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Elected Members

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- Members can submit apologies by contacting Democratic Services. The appointment of any Substitute Member(s) should be notified to Democratic Services at least one hour before the meeting starts.
- Contact Democratic Services by Telephone 01384 815238 or E-mail Democratic.Services@dudley.gov.uk



**Minutes of the Meeting of the Taxis Committee
Wednesday 12th February, 2020 at 6.00 pm
In Committee Room 3, the Council House, Dudley**

Present:

Councillor K Lewis (Vice-Chair in the Chair)
Councillors A Aston, H Bills, R Body, B Challenor, J Cowell, A Millward 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); I Grosvenor – Senior Principal Accountant, S Wright - Solicitor and L Jury - Democratic Services Officer (Directorate of Finance and Legal)

50 **Apologies for absence**

Apologies for absence from the meeting were submitted on behalf of Councillors A Hopwood and E Lawrence.

51 **Appointment of Substitute Member**

It was noted that Councillor A Millward had been appointed as a substitute for Councillor E Lawrence for this meeting of the Committee only.

52 **Declarations of Interest**

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

53 **Minutes**

Resolved

That the minutes of the meeting held on 16th January, 2020, be approved as a correct record and signed.



54 Revision of Licence Fees

A report of the Director of Public Realm was submitted on the revision of fees for private hire and hackney carriage licences administered by the Committee.

The Team Manger (Licensing and Waste Enforcement), presented the report and in doing so made specific reference to the budget for 2020/2021 which had been set based on a 0% uplift, with inflationary increases for salaries having been built in and operational efficiencies targeted to partly mitigate the impact of this. It was reported that over the last three year cycle, a small surplus of £3000 had been forecasted as set out in Table A to the report. During this period, income levels had been fairly consistent, however wage costs had increased due to inflation, and it was proposed that fees remain unchanged whilst an ongoing review of costs would be carried out.

It was stated that if the Committee were minded to increase the fee, Table B as set out in the report, detailed the impact of a differing percentage increase on individual fees.

In conclusion, the Team Manager (Licensing and Waste Enforcement) commented that in considering the revision of licence fees, Members may wish to compare the fees charged by the Council with those of neighbouring Councils as set out in Appendix one to the report submitted.

The Senior Principal Accountant provided a detailed explanation of the fee increase options, as set out in the report, together with total costs, broken down into Licensing costs and Taxi costs and income, the income that had been generated as a result of the increased licence fee of 2% for 2019/2020 and the impact that the 2020/2021 pay award would have if a 0% increase was agreed, and ways in which the service would generate efficiencies to mitigate the impact.

Arising from consideration of the report and information provided by the Senior Principal Accountant, Members made comments and raised questions which were responded to at the meeting. A discussion ensued in relation to the fee increase last year and whether this had resulted in driver's leaving the authority or applying for licences with neighbouring authorities. The Team Manager (Licensing and Waste Enforcement) commented that applications from new drivers had decreased but vehicle testing had increased, however, the reason for this was unclear. It was acknowledged that a number of drivers had returned to Dudley from other authorities and possible reasons for this were noted.

In response to a question raised by a Member in relation to the proposal to reduce the licence fees for driver's wishing to drive electric vehicles, it was noted that fee reductions relating to electric vehicles and wheelchair accessible vehicles was under review and discussions were taking place in relation to the infrastructure that would be necessary to be put in place in the Borough before introducing this scheme.

Resolved



That no action be taken to increase the fees for private hire and hackney carriage licences administered by the Committee, with effect from 1st April, 2020.

55 **Question under Council Procedure Rule 11.8**

The following question was received from Councillor Neale and it was responded to by the Chair of the Committee:-

Question

From several residents from my ward, what can a member of the public do to stop taxis parking inconsiderately both on the public car parks, and on residential roads outside residential homes?

Response

In response to the written question to the Chair of the Taxis Committee under Council Procedure Rule 11.8.

Taxi drivers have the same responsibilities and liabilities under the law as the driver of any other motor vehicle, these include not parking in a way as to cause danger or obstruction.

The licensing section acknowledge that during a shift a driver will have periods when they do not have a fare and it would be completely unreasonable, for a number of reasons including environmental, economic and safety, to expect them to continually drive around the Borough. It is also acceptable that drivers have opportunity to communicate with their taxi driving colleagues. With the lone working nature of their occupation this can foster a sense of community amongst drivers.

Drivers should be aware of their responsibilities and the use of a particular location should not become abused to the annoyance or detriment of the other members of the community.

We expect licensed operators to take responsibility for the conduct of the drivers driving under their licence, most operators utilising the services of more than one driver and vehicle do provide some form of refreshment/rest area for drivers, however returning to these after every fare again increases unnecessary mileage.

In response to previous concerns raised about this issue at the last review of licensing conditions in 2015, Taxis Committee introduced two conditions on an operator's licence and an additional condition on the drivers licence.

The wording of these conditions is set out below:-

Operator's Licence

26. The operator shall take all of the necessary measures, including those requested by a Licensing Enforcement Officer, Police Officer, or other authorised officer to prevent vehicles in its employment, from parking or congregating in such a manner as to cause a nuisance to any reasonable person.
27. The operator shall take all of the necessary measures, including those requested by a Licensing Enforcement Officer, Police Officer, or other authorised officer, so as to prevent Private Hire vehicles in their employ from parking or congregating in a “prominent position” (i.e. where people are likely to congregate, locations with a high level of footfall, near to taxi ranks) and being in attendance of the vehicle without a prior booking for that location, that may encourage any person(s) to approach the vehicle in belief that the driver and vehicle are available for immediate hire.

Driver Licence

17. The holder of this licence whilst in charge of a licensed private hire vehicle shall not without reasonable cause allow the vehicle to park/remain stationary for a period of time whereby its presence causes nuisance or obstruction, and shall not without reasonable cause refuse to move the vehicle at the request of a Licensing Enforcement Officer, Police Officer, or other authorised officer.

These licensing conditions above have been utilised on a number of occasions since implementation by the licensing enforcement team to good effect with all those operators and drivers involved taking action to address issues once highlighted to them.

If a member of the public had concerns about persistent inconsiderate parking or causing unnecessary obstruction they should encourage them to report the matter to the licensing enforcement team so that action could be taken to address the issue.

Any failure to address the issue by the operator and/or drivers could result in a review of their licence by the Taxis Committee with the sanctions available under Sections 61 and 62 of the Local Government (Miscellaneous Provisions) Act 1976.

56 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.

57 Application for Grant of Exemptions on Private Hire Vehicle Licence – Mr DB



A report of the Director of the Public Realm was submitted to consider an application made on behalf of Mr DB for the grant of an exemption on the private hire vehicle licence operated under the operator's licence for Prestige Business Transfers.

Mr DB was in attendance at the meeting and responded to questions asked by the Committee.

Mr DB stated that since he had obtained his Operators Licence, he had already taken future bookings and could share these with the Committee to confirm that he would be providing a bespoke driving service only. He also confirmed that he would be content on wearing a badge and displaying an identification plate to be fixed in a prominent position inside his vehicle.

Mr DB advised the Committee that there were no matters pending that needed to be brought to the Committee's attention.

Resolved

That, following careful consideration of the information contained in the report submitted and as reported at the meeting, approval be given to the grant of an exemption on the Private Hire Vehicle Licence issued to Mr DB operated under the operator's licence for Prestige Business Transfers, subject to an identification plate to be fixed in a prominent position inside of the vehicle and on the windscreen of the vehicle at all times whilst in operation.

58 **Application for Grant of a Private Hire Driver's Licence – Mr RA**

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

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

Mr Schiller made representations on behalf of Mr RA and in doing so referred to the circumstances leading up to the offence committed and the effect that this had had on Mr RA and his family and he stressed that it had not been Mr RA's intention to deceive the Council. Mr Schiller circulated additional information to the Committee in support of Mr RA's case for consideration.

Resolved

That, following careful consideration of the information contained in the report submitted, together with the additional information that had been submitted and reported at the meeting, the application for the grant of a Private Hire Driver's Licence to Mr RA, be deferred to the next meeting of the Committee in order for Licensing Officers to obtain further information.

59 **Application for Grant of a Private Hire Driver's Licence – Mr EO**

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

Mr EO was in attendance at the meeting and responded to questions asked by the Committee.

Mr EO advised the Committee that there were no matters pending that needed to be brought to the Committee's attention.

Resolved

That, following consideration of the information contained in the report submitted, and as reported at the meeting, Mr EO be given a further opportunity to take his test for local knowledge and the law pertaining to private hire.

60 **Application for Review of Private Hire and Hackney Carriage Driver's Licence – Mr MR**

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 MR.

Mr MR was not in attendance at the meeting.

Having agreed to hear the matter in Mr MR's absence, the Team Manager (Licensing and Waste Enforcement) presented the report to the Committee making specific reference to the circumstances surrounding the offence committed and failure to notify the licensing office of the number of points he had been given upon conviction within the required period.

Resolved

That, following careful consideration of the information contained in the report submitted, Mr MR receive a strong warning as to his future conduct.

The meeting ended at 7.40pm.

CHAIR