

TAXIS COMMITTEE

Tuesday, 29th July, 2008 at 6.00 pm
in Committee Room 4 at the Council House, Dudley

PRESENT:-

Councillor Mrs Ameson (in the Chair)
Councillors Mrs Blood, Mrs Cowell, Mrs Faulkner, Mrs Greenaway and Ms While-Cooper

Officers

Assistant Director (Legal and Democratic Services) and Mr J Jablonski
(Directorate of Law and Property).

32 APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of Councillors Attwood, Body, James and Roberts.

33 APPOINTMENT OF SUBSTITUTE MEMBER

It was noted that Councillor Mrs Cowell had been appointed as a substitute member for Councillor Attwood for this meeting of the Committee only.

34 DECLARATIONS OF INTEREST

There were no declarations of interest from Members in accordance with the Members' Code of Conduct.

35 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 30th June, 2008, be approved as a correct record and signed.

36 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 numbers 6 to 11, 13 to 16, 12 and 5.

37

EXCLUSION OF THE PUBLIC

RESOLVED

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Local Government Act, 1972, as indicated below; and in all the circumstances, the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from disclosure.

<u>Description of Item</u>	<u>Relevant Paragraph of Part I of Schedule 12A</u>
Review of Hackney Carriage Driver's Licence – Mr BS	1
Grant of Hackney Carriage and Private Hire Drivers' Licences – Mr RMAAJ	1
Grant of Private Hire Driver's Licence – Mr SH	1
Grant of Private Hire Driver's Licence – Mr IK	1
Review of Private Hire Driver's Licence – Mr MB	1
Review of Private Hire Driver's Licence – Mr TSS	1
Renewal of Private Hire and Hackney Carriage Drivers' Licences – Mr SMC	1
Review of Private Hire and Hackney Carriage Drivers' Licences – Mr ZH	1
Review of Private Hire Driver's Licence – Mr NA	1

38

REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE –MR BS

A report of the Director of Law and Property was submitted on a review of the hackney carriage driver's licence issued to Mr BS in the light of a complaint received against him as indicated in paragraph 3 of the report submitted.

Miss MB, the complainant, was in attendance at the meeting together with Mr BS and the owner of the taxi company used by the complainant.

The complainant, Mr BS and the owner, responded to questions asked by the Assistant Director (Legal and Democratic Services) and Members of the Committee regarding the circumstances of the complaint.

Following the making of comments, including the position of Miss MB that her statement as indicated in the report submitted was accurate in so far as she was concerned and a comment from Mr BS that he agreed that he had behaved inappropriately and that there were no matters pending that the Committee needed to be aware of, it was

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the Committee in accepting Miss MB's version of events surrounding the complaint made by her: -

- (1) Agree to suspend the hackney carriage driver's licence issued to Mr BS for a period of one month, the period of suspension reflecting his previous good record and acceptance that he should have behaved differently; and
- (2) That Mr BS be required to submit a written apology to Miss MB via the Council's Licensing Officer within the next seven days and that she arrange for a copy of the letter of apology to be circulated to all members of the Committee.

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

GRANT OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS' LICENCES – MR RMAAJ

A report of the Director of Law and Property was submitted on an application for the grant of hackney carriage and private hire drivers' licences made on behalf of Mr RMAAJ, in the light of offences for which he had been convicted as indicated in the report submitted.

Mr RMAAJ was in attendance at the meeting and responded to questions asked by the Committee regarding the offences committed. He also informed them that there were no matters pending that they needed to be aware of.

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 hackney carriage and private hire drivers' licences to Mr RMAAJ for a period of three months from the date of this meeting and that he receive a strong written warning about his future conduct given the offences for which he had been convicted.

40

GRANT OF PRIVATE HIRE DRIVER'S LICENCE – MR SH

A report of the Director of Law and Property was submitted on an application for the grant of a private hire driver's licence made on behalf of Mr SH in the light of the information contained in the report submitted with particular reference to the revocation of a previous licence held and an endorsement on his driver's licence.

Mr SH was in attendance at the meeting, together with his sister-in-law, and responded to questions asked by the Committee with particular reference to the revocation of his previous licence.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the application made on behalf of Mr SH for the grant of a private hire driver's licence be refused due to the seriousness of the incident involving a ninety year old lady which had resulted in his licence being revoked in October, 2007.

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

41

GRANT OF PRIVATE HIRE DRIVER'S LICENCE – MR IK

A report of the Director of Law and Property was submitted on an application made on behalf of Mr IK for the grant of a private hire driver's licence in the light of two cautions he had received in May, 2006 and September, 2007.

Mr IK was in attendance at the meeting and responded to questions asked by the Committee in relation to the cautions received. He also informed the Committee that there were no matters pending that they need to be made aware of.

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 a private hire driver's licence to Mr IK for a period of three months from the date of this meeting.

42

REVIEW OF PRIVATE HIRE DRIVER'S LICENCE – MR TSS

A report of the Director of Law and Property was submitted on a review of the private hire driver's licence issued to Mr TSS in the light of the offences of which he had been convicted as indicated in the report submitted.

Mr TSS was in attendance at the meeting, together with a supporter, and responded to questions asked by the Committee with particular reference to the conviction for the offence of plying for hire. He 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, Mr TSS's private hire driver's licence be suspended for a period of two months.

That, in view of the nature of the offences committed, that of plying for hire, no insurance and speeding, the private hire driver's licence issued to Mr TSS be withdrawn with immediate effect in the interests of public safety in accordance with Section 61 2 (B) of Local Government (Miscellaneous Provisions) Act 1976.

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

43

RENEWAL OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR SMC

A report of the Director of Law and Property was submitted on the renewal of the private hire and hackney carriage drivers' licences issued to Mr SMC following an application for renewal submitted by him.

Mr SMC was in attendance at the meeting and in responding to questions asked by the Committee informed them that there were no matters pending that they needed to be made aware of.

RESOLVED

That, approval be given to the renewal of the private hire and hackney carriage drivers' licences issued to Mr SMC for a period of twelve months with effect from 7th July, 2008.

44

REVIEW OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS' LICENCES – MR ZH

A report of the Director of Law and Property was submitted on a review of the private hire and hackney carriage drivers' licences issued to Mr ZH, in the light of the offences for which he had been convicted as indicated in the report submitted.

Mr ZH was in attendance at the meeting and responded to questions asked by the Committee in relation to his convictions. He also informed them 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, Mr ZH's private hire and hackney carriage drivers' licences be suspended for a period of two months.

That, in view of the nature of the offences for which he had been convicted those of plying for hire and no insurance, the private hire and hackney carriage drivers' licences issued to Mr ZH be withdrawn with immediate effect in the interests of public safety in accordance with Section 61 2(B) of the Local Government (Miscellaneous Provisions) Act 1976.

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

45

REVIEW OF PRIVATE HIRE DRIVER'S LICENCE – MR NA

A report of the Director of Law and Property was submitted on an review of the private hire driver's licence issued to Mr NA in the light of the offences for which he had been convicted as indicated in the report submitted.

Mr NA was in attendance at the meeting and responded to questions asked by the Committee in relation to the offences for which he had been convicted. He 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, Mr NA's private hire driver's licence be suspended for a period of two months.

That, in view of the nature of the offences committed, those of plying for hire and no insurance, the private hire driver's licence issued to Mr NA be withdrawn with immediate effect in the interests of public safety in accordance with Section 61 2(B) of the Local Government (Miscellaneous Provisions) Act 1976.

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

46

REVIEW OF PRIVATE HIRE DRIVER'S LICENCE – MR MB

A report of the Director of Law and Property was submitted on an review of the private hire driver's licence issued to Mr MB in the light of an offence for which he had been convicted as indicated in paragraph 34 of the report submitted.

Mr MB was not in attendance at the meeting and a reason for his absence had not been received.

Following initial consideration of this matter it was agreed that the matter be dealt with in the absence of Mr MB and, following this, it was

RESOLVED

That, following careful consideration of the information contained in the report submitted, Mr MB's private hire driver's licence be suspended for a period of two months.

That, in view of the nature of the offence committed, that of causing or permitting the use of an uninsured vehicle, the private hire driver's licence issued to Mr MB be withdrawn with immediate effect in the interests of public safety in accordance with Section 61 2(B) of the Local Government (Miscellaneous Provisions) Act 1976.

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

47

GUIDELINES

The Assistant Director (Legal and Democratic Services) reported orally on guidelines issued to Members to assist with consideration of matters referred to the Committee for determination with particular reference to cases arising at a previous meeting of the Committee involving the suspension of licences with immediate effect.

Although he had been informed that guidance and case law were available on the particular points raised the guidance indicated had not been located and the case law related to a case in the Magistrates Court and not a decision of the High Court.

It was also reported that issues of suspension with immediate effect were considered in accordance with the content of a report submitted to the meeting of this Committee held on 18th April, 2007 when amendments of the Taxi Guidelines were made. A copy of this report was circulated to Members present at the meeting and would be forwarded to those Members not present.

Overall it was considered that the Committee's approach to dealing with cases involving suspension was satisfactory but he reiterated that there was a need for each case to continue to be considered on an individual basis.

RESOLVED

That the information as now reported, on the guidelines to assist Members in determining cases referred to them for determination with particular reference to those cases involving a suspension with immediate effect, be noted.

The meeting ended at 8.20 pm.

CHAIRMAN