

**WYRE FOREST DISTRICT COUNCIL**

**Licensing and Environmental Committee**

**Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster**

**7 August 2023 (10.30am)**

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**Present:**

Councillors: P Harrison (Chairman), K Henderson (Vice-Chairman), J Aston, J F Byng, P Dyke, I Hardiman, M McDonnell, S Miah, M Rayner, C Rogers, D Ross and A Sutton.

**Observers:**

There were no members present as observers.

**LIC.08 Apologies for Absence**

Apologies for absence were received from Councillor K Gale.

**LIC.09 Appointment of Substitutes**

Councillor D Ross was a substitute for Councillor K Gale.

**LIC.10 Declaration of Interests**

No declarations of interest were made.

**LIC.11 Minutes**

**Decision: The minutes of the meeting held on 5 June 2023 be confirmed as a correct record and signed by the Chairman.**

**LIC.12 Potential reform of policy on Taxi and Private Hire Vehicle Licensing**

The Committee received a report from the Licensing and Support Services Manager (on behalf of the Head of Worcestershire Regulatory Services for WFDC) that sought the Committee's support for formal consultation on changes to taxi and private hire vehicle licensing as part of the programme of reform agreed by the Committee in December 2022.

The Committee considered the report and was given the opportunity to ask questions, to which the Licensing and Support Services Manager and Chief Executive were able to provide verbal responses.

**Agreed: The Committee noted the report and agreed to support a 12-week consultation on the following policy changes:**

**2.1 No fossil-fuel driven vehicles to enter the fleet after 31 December 2026;**

**2.2 Maximum age on vehicles entering the fleet to be increased from two years to five years, and maximum age on renewal from 7 years for private hire vehicle and 10 years for hackney carriage vehicles to twelve years for both, with effect from 1 January 2024;**

**2.3 The principle of applying a percentage reduction in licensing fees for vehicles that do not use fossil fuels compared to the fees for vehicles that use fossil fuels.**

**LIC.13 Exclusion of the Press and Public**

**Decision: Under Section 100A(4) of the Local Government Act, 1972 the press and public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of “Exempt Information” as defined in paragraphs 7 of Part I of Schedule 12A of the Act.**

**LIC.14 Review of a Hackney Carriage / Private Hire Driver’s Licence**

The Chairman welcomed the applicant and his legal representative to the meeting and explained the order of proceedings. The Chairman gave members a further opportunity to declare any interests.

The Committee received a report from the Technical Officer (Licensing) that presented information to the Committee for it to consider and determine whether an existing licence holder remained a fit and proper person to hold a licence to drive Hackney Carriage and Private Hire Vehicles. The Technical Officer (Licensing) presented the exempt report and outlined the key issues for the Committee to take into consideration when making their decision.

The licence holder’s legal representative addressed the Committee and gave further details surrounding the incidents being reviewed. Following questions from members, the licence holder and his legal representative gave additional information to explain the incidents further. The Solicitor present was able to provide guidance to members on legal aspects of the discussion.

At 11.50am the meeting was adjourned. The Technical Officer (Licensing), the licence holder and his legal representative left the meeting at this point for members to deliberate their decision in private. The Solicitor and the Assistant Committee Services Officer stayed in the meeting whilst the Committee reached their decision.

The meeting resumed at 1.19pm. The licence holder and his legal representative re-entered the meeting at this point. The Solicitor read out the decision of the Committee.

**Decision: Having reviewed the licence holder’s Hackney Carriage/Private Hire Driver’s Licence and carefully considered whether the licence holder is a fit and proper person to continue to hold such a licence, the Committee have decided, with due consideration of the Hackney Carriage and Private Hire Licensing Policy and the ‘Guidelines on the Assessment of Previous Convictions’ contained therein, that:**

The licence holder's Carriage/Private Hire Driver's Licence is suspended under s 61 (1) (b) of the Local Government (Miscellaneous Provisions) Act 1976 for 6 months on the grounds that the Committee, are not satisfied that the licence holder is currently "a fit and proper person" to hold such a Licence in light of:

1. The further speeding conviction despite the strong warnings issued to him in respect of motoring convictions at the time of the renewal of his licence in September 2020 and then again in October 2021 due to previous motoring convictions.
2. The most recent complaint received against the licence holder, in respect of an incident which involved the licence holder parking his taxi on a pavement despite double yellow lines, reversing his taxi towards a member of the public, who at the time was using the pavement with her two small children, and the licence holder's subsequent aggressive shouting at the member of the public, when she alerted him to their presence,
3. The fact that repeated warnings, however strongly worded, issued to the licence holder sadly appear to have had very little effect on his behaviour.
4. The licence holder's demeanour shown during the hearing appeared to the Committee to be unprofessional and aggressive. The Committee expects of professional drivers a higher standard of behaviour than from ordinary drivers.
5. This was amplified by the lack of any contrition on the part of the licence holder when being questioned about an incident involving a little child, showing a disregard for members of the public.

However, in light of the representations by the applicant's legal representative and the fact that the complainant was not present to allow questioning of her version of events the Committee are satisfied that suspension is more appropriate on this occasion than revocation of his licence. The Committee is confident that by the end of the 6 months suspension the licence holder will again be a fit and proper person due to the opportunity to reflect properly on his driving and his behaviour and the effect this can have on the safety of the travelling public. In addition, the Committee considers that after the suspension is lifted the licence holder should, in cooperation with the licensing officers, arrange to attend a training course on professional behaviour.

The Chairman advised the applicant would receive the decision in writing via his legal representative, along with details of the appeal process.

The meeting was adjourned for a break at 1.28pm.

The meeting resumed at 2.00pm

#### **LIC.15 Review of a Hackney Carriage / Private Hire Driver's Licence**

The Chairman welcomed the applicant and his legal representative to the meeting and explained the order of the proceedings. Members were offered the opportunity to declare any interests at this stage, but none were made.

The Technical Officer (Licensing) presented the confidential report and outlined the key issues.

The applicant's legal representative addressed the Committee. Following questions from members, the licence holder and his legal representative explained the circumstances surrounding the event in question. The Technical Officer (Licensing) responded to clarify certain findings for the Committee.

The Technical Officer (Licensing) and the licence holder's legal representative both gave closing statements.

At 2.48pm the meeting was adjourned. The Technical Officer (Licensing), licence holder and his legal representative left the meeting at this point for members to deliberate their decision in private. The Solicitor and the Assistant Committee Services Officer stayed in the meeting whilst the Committee reached their decision.

The meeting resumed at 3.29pm. The Technical Officer (Licensing), the licence holder and his legal representative re-entered the meeting at this point. The Solicitor read out the decision of the Committee.

**Decision: Having reviewed the Licence Holder's Hackney Carriage/Private Hire Driver's Licence and carefully considered whether the Licence Holder remains a fit and proper person to continue to hold such a licence, the Committee have decided, with due consideration of the Council's Hackney Carriage and Private Hire Licensing Policy:**

**That the Committee are satisfied, having thoroughly considered the circumstances of the current complaint in respect of the licence holder's refusal of a fare, as well as the details of the two previous complaints received against him and their outcomes, that the licence holder remains a fit and proper person to continue to hold a Hackney Carriage/Private Hire Licence for the following reasons:**

- 1. The Committee are persuaded, on the balance of probabilities, having taken account of the previous complaints and their outcomes, by the representations of Licence Holder's legal representative in respect of the part of the incident of 24 March 2023 that was not witnessed by the licensing officers.**
- 2. However, the Committee considers that in view of the information obtained by the officers in respect of the incident it was their duty to act and they were correct in bringing the matter to the Committee.**

**The Committee themselves wish to remind Licence Holder of his duties as a professional taxi driver to avoid any further complaints against him.**

The Chairman confirmed that the decision of the committee would be forwarded in writing to the applicant's legal representative.

There being no further business, the meeting ended at 3.33pm.