

## **TAXI LICENSING SUB-COMMITTEE 'B'**

**30 JANUARY 2018 AT 6.00 PM AT THE COUNCIL HOUSE**

**Members present:** Councillor S. Fitzpatrick (Vice - Chair in the Chair)  
Councillor J. Fitzpatrick  
Councillor D. Hazel  
Councillor Sears

**Officers present:** Mrs L. Boothman Regulatory Services Manager –  
Community Protection  
Mr D. Elrington Regulatory Services Manager  
Mr D. Patouchas Solicitor to the Sub - Committee  
Mr M. Powis Democratic Services Officer

### **1/18 APOLOGIES**

Apologies were received from Councillor Ditta and Councillor Washbrooke

### **2/18 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **3/18 LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 (AS AMENDED)**

#### **Resolved**

That the public be excluded from the meeting during consideration of the items set out in the private agenda for the reasons set out therein and Section 100A of the Local Government Act 1972.

### **4/18 PRIVATE SESSION**

#### **Exclusion of the Public**

#### **Resolved**

That, during consideration of the remaining items on the agenda, the Sub-Committee considers that the items for consideration are exempt information for the reasons set out therein and Section 100A of the Local Government Act 1972 and accordingly resolved to consider those items in private.

5/18 **MINUTES**

**Resolved**

That the Minutes of the meeting held on 18 December 2017, a copy having been circulated to the members of the Sub-Committee, be approved and signed by the Vice - Chair as a correct record.

6/18 **REVIEW OF A PRIVATE HIRE DRIVER LICENCE – MRS SAFEEN AKHTAR**

The report of the Director of Public Health and the procedure to be followed were submitted [annexed].

Mrs Akhtar was in attendance and she confirmed that she had received a copy of the report and understood the procedure to be followed.

The Regulatory Services Manager enlarged upon the report for the benefit of the Sub - Committee and indicated that Mrs Akhtar had previously held a private hire drivers licence in Walsall which had expired on 23 December 2013. The Licensing Office received Mrs Akhtar's application on 6 December 2017 and subsequently completed assessments in English and Maths on 15 December 2017. In addition, Mrs Akhtar completed and passed a private hire drivers knowledge assessment on 18 January 2018.

He informed the Sub – Committee that Mrs Akhtar disclosed driving convictions for speeding in 2013 and 2015 which was confirmed by the DVLA Mandate with three penalty points allocated to each conviction. The Regulatory Services Manager highlighted that in addition to convictions for speeding, she declared that she had received a totting up conviction in 2010, which had resulted in six penalty points and a driving ban. She confirmed that she held a private hire vehicles licence with Rushcliffe Borough Council.

Mrs Akhtar had no questions for the Regulatory Services Manager on the report.

A Member sought clarification in regard to a TT10 conviction. The Regulatory Services Manager confirmed that incident was classified as a totting up conviction.

Mrs Akhtar was then invited to present her case. She informed the Sub – Committee that she was residing in Nottingham however, due to a new taxi driving business venture, she was required to apply for a private hire driver's licence then apply for an operator's licence in Walsall. She highlighted in regard to the totting up conviction she had been pregnant and had been under a lot of stress at the time.

Furthermore, she confirmed that she did not remember specific details in relation to the incident but highlighted that she had learned from her mistakes.

The Solicitor to the Sub – Committee sought clarification on the totting up conviction. She clarified that she had received three convictions including speeding and a failure to give information in relation to the driver. She concluded that she did not remember specific details in regard to the incident in 2010.

A Member sought clarification in regard to potential work in Walsall. She confirmed that the work would be contracts based working with children and vulnerable adults only. She confirmed that if granted, she would operate a base in Walsall and employ local drivers as arrangements had been primarily based in Nottingham.

The Regulatory Services Manager sought clarification in regard a speeding conviction in 2015. She confirmed that she had misjudged the speed on the road and was caught travelling at 40MPH in a 30MPH zone. She highlighted that she had been a licensed private hire driver since 2011 and was aware of the seriousness of the previous convictions.

A Member sought clarification on Mrs Akhtar's business venture. She confirmed that her business had secured a five year contract providing transportation of vulnerable children and adults. She clarified that she had staff based in Walsall; however, an operator's licence was needed for long term viability for her business although she would not be driving vehicles herself.

Both parties were invited to sum up and Regulatory Services Manager drew the Sub-Committee's attention to paragraphs 4 and 6 of the report, which contained the Council's Motoring and Criminal Convictions Guidelines and the legal basis for the review of a licence.

Both parties withdrew from the meeting at 6.27p.m following which Members carefully considered the representations made.

**Resolved:**

**That Mrs Aktar's application for a licence to drive private hire vehicles be granted for a period of six months.**

**Both parties were re-admitted to the meeting at 6.34p.m. and informed of the Sub-Committee's decision. Mrs Akhtar was advised of his right to make an appeal to the Magistrates' Court within 21 days.**

**(Exempt information under paragraphs 1 & 2 of Part 1 of Schedule 12A of the Local Government Act 1972) (As amended).**



**REVIEW OF A PRIVATE HIRE DRIVER LICENCE – MR WAQAS MUGHAL AHMED**

The report of the Director of Public Health and the procedure to be followed were submitted [annexed].

Mr Ahmed was in attendance and confirmed that he had received a copy of the report and understood the procedure to be followed.

The Regulatory Services Manager – Community Protection enlarged upon the report for the benefit of the Sub - Committee and indicated that Mr Ahmed held a licence to drive private hire vehicles since October 2013. She advised that Mr Ahmed's private hire driver's licence was renewed on 6 October 2016, however, he failed to produce his Disclosure and Barring Service Certificate until 22 November 2017 despite reminders from the Licensing Office. The certificate revealed that Mr Ahmed was issued a Police Caution for Resist or Obstruct Constable Contrary to Section 89(2) Police Act 1996 on 6 July 2013. She confirmed that additional information was disclosed at the Chief Police Officers discretion which confirmed that Mr Ahmed was subject to arrest following an allegation of wounding/inflicting grievous bodily harm. She concluded that Mr Ahmed had appeared before Wolverhampton Crown Court on 25 July 2017 and was found not guilty.

The Regulatory Services Manager – Community Protection highlighted that Mr Ahmed had received a caution on 6 July 2013 prior to the issue of his licence in October 2013 and therefore was not in any breach of any licensing conditions.

Mr Ahmed had passed a Driver Training Course in June 2013.

Mr Ahmed had no questions for the Regulatory Services Manager – Community Protection on the report.

The Sub-Committee had no questions to ask the Regulatory Services Manager – Community Protection.

Mr Ahmed was then invited to present his case. He outlined that the allegation in regard to wounding/inflicting grievous bodily harm was a family matter and that he was falsely accused. He highlighted that he did not inform the Licensing Office due to not taking up employment but confirmed that he wished to pursue taxi driving in future.

The Solicitor to the Sub – Committee sought clarification in regard to a Police Caution on 6 July 2013. Mr Ahmed confirmed that he had been not insured to drive his friend's car and as a result was cautioned. The Solicitor to the Sub – Committee asked a supplementary question in regard to delays with the submission of a DBS in accordance with his licence renewal.

He informed the Sub – Committee that his house was undergoing renovation work and was unable to find any letters from the Licensing Office.

A Member sought clarification on Mr Ahmed's current employment status. He confirmed that he was a hairdresser, but wished to pursue taxi driving work in future.

A Member enquired on how Mr Ahmed would react to an intoxicated customer. He confirmed that he would remain calm, collective and communicate in a relaxed manner.

The Solicitor to the Committee confirmed that Mr Ahmed had failed to complete the application form adequately by providing information on the caution issued on 6 July 2013. He asked whether Mr Ahmed was deliberately withholding information which Mr Ahmed refuted.

Both parties were invited to sum up and the Regulatory Services Manager – Community Protection drew the Sub-Committee's attention to paragraphs 5 and 6 of the report, which contained the Council's Motoring and Criminal Convictions Guidelines and the legal basis for the review of a licence.

Both parties withdrew from the meeting at 6.48p.m. following which Members carefully considered the representations made.

**Resolved:**

- 1. That Mr Waqas Mughal Ahmed's private hire vehicles be revoked in respect of the following:-**
  - a) Failure to disclose information pertinent to the application;**
  - b) Unreasonable cause for delay in providing information in order to comply with Walsall Council's Taxi and Private Hire Vehicle Licensing, Motoring and Criminal Conviction Guidelines.**

**Both parties were re-admitted to the meeting at 6.57p.m. and informed of the Sub-Committee's decision. Mr Ahmed was advised of his right to make an appeal to the Magistrates' Court within 21 days.**

**(Exempt information under paragraphs 1, 2 & 3 of Part 1 of Schedule 12A of the Local Government Act 1972) (As amended).**

The meeting terminated at 7.00 pm.

Chair.....

Date.....