

PUBLIC PROTECTION SUB COMMITTEE

8 JANUARY 2019

Present: Councillor Mackie(Chairperson)
Councillors Jacobsen and Robson

9 : EXCLUSION OF THE PUBLIC

The following item is confidential and exempt from publication as it contains exempt information of the description contained in paragraph 14 of Part 4 and paragraph 21 of Part 5 Schedule 12A of the Local Government Act 1972. The public may be excluded from a meeting by resolution of the Committee pursuant to Section 100A (4) of the Local Government Act 1972 during discussion of this item.

RESOLVED - That the public be excluded.

10 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

RESOLVED – That the following matters be dealt with as indicated:

(1) Disciplinary Hearing 1

The Committee received representations from two complainants and a hackney carriage/private hire driver. The complainants alleged that the driver had refused a fare and had indicated that the journey was too short. The driver was also alleged to have driven off with the passenger door of the vehicle still open.

The complainants stated that they had approach a taxi on the rank outside the House of Fraser store. CR opened the door and asked if the driver was free and he nodded, but when the destination was provided the driver laughed, and said 'that is too short'. CR said that she then advised the driver that he was not permitted to refuse the fare. He then drove away with the passenger door open. AR took a photo of the vehicle driving away. The photograph was included in the report. Members were advised that there were only two female passengers in the group and they were not intoxicated.

The driver's representative stated that both passengers were intoxicated and abusive so the driver pulled away and he felt that they may soil his vehicle. The driver left the area and joined another rank. The driver stated that when the complainants became abusive he advised them the he would not take the fare as they should not speak to him like that.

CR stated that no abusive language was used. The driver pulled away with the door still open only when the destination was provided. The next taxi in the rank, who had witnessed the incident, took them to their destination without any problem.

During summing up CR stated that it was not fair that the driver refused to take them. It was not safe for two females to walk home at that time of night and they were entitled to expect to be protected. The driver's representative stated that an issue has been identified by the taxi trade and drivers are wondering where their judgement lies when they consider passengers to be intoxicated. The driver has a right to refuse a fare in certain circumstances and he has exercised that right in this instance.

The Sub Committee considered the witnesses to be credible and on the balance of probabilities the fare was refused without justification.

RESOLVED – That the hackney carriage/private hire drivers licence be suspended for 10 days for refusal of a fare without justification.

(2) Disciplinary Hearing 2

The Sub Committee received representations from two Gwent Police Officers regarding a number of allegations made against a hackney carriage/private hire driver. The officers provided details of the allegations made and the subsequent investigations into these matters. Members were advised that no prosecutions were brought as a result of those investigations.

The officers considered that all the alleged offences, which have all occurred in the Caerphilly area, were sexual in nature and demonstrated a pattern of behaviour that were a cause for concern. The incidents that were investigated were all linked to the individual's duties as a hackney carriage/private hire driver.

The Sub Committee received representations from the driver and his representative. Each incident was addressed in turn. The driver denied any wrongdoing.

The driver's representative stated that they were under the impression that the complainants for each incident were going to be present at the hearing. The Council's Legal Representative provided clarification. The driver and his representative were advised that the Sub Committee's role was to look at all matters relating to its duty to protect the public. If there is any doubt as to an individual's suitability then the civil test – the balance of probabilities – is to be applied. The Sub Committee will assess whether any person is fit and proper to hold a licence based on the information before it.

Both parties were invited to sum up. The Police Officers stated that the allegations have been discussed at length and although no further action was brought by the CPS, members were invited to form an objective, balanced view. The alleged incidents before the Sub Committee took place over a number of years and the complainants were independent of each other. A pattern of behaviour of similar actions and behaviour by the driver has been identified and ultimately this was the main concern for Gwent Police.

The driver's representative stated that after a difficult period in Caerphilly the driver has moved to Cardiff for a fresh start. The complaints were all investigated and had resulted in no further action. All matters were denied.

The Sub Committee considered the incidents and pattern of behaviour. Members agreed that the incidents and pattern of behaviour were grave cause for concern and the driver was not a fit and proper person to hold a licence.

RESOLVED – the Hackney Carriage/Private Hire Drivers Licence be revoked.

(3) Disciplinary Hearing 3

Members were advised that a complaint has been received regarding the refusal of a fare. The complainant was unable to attend the hearing and Members considered the written statement provided.

The driver's representative addressed the Sub Committee. Members were advised that the fare was refused because the complainant was intoxicated, abusive and had no money. There were no independent witnesses and there were no complaints made against the driver previously.

RESOLVED – That no further action be taken.

(4) Disciplinary Hearing 4

The Sub Committee received a report and were asked to consider whether a driver was a fit and proper person to hold a hackney carriage/private hire drivers licence. Members were advised that the driver in question has repeatedly and consistently failed to produce proof that valid motor vehicle insurance was in place for his vehicles, despite reminders from the Licensing Team.

The driver addressed the Sub Committee and advised Members that he did have insurance policies in place. He had asked his insurance company to email proof of insurance through to the Licensing Team. However, there was some confusion regarding the correct email address. A number of other factors were said to have affected the driver's ability to provide proof of insurance not being provided, including a holiday between June 2007 and June 2008; the birth of a daughter and the passing of a disabled son.

Responding to questions from the Sub Committee, the driver confirmed that he was aware of his responsibilities and the need to comply with these requirements. Members were also advised that the driver was a proprietor for a number of vehicles.

RESOLVED – That the driver's Hackney Carriage/Private Hire Drivers Licence be suspended for 10 days.

(5) Application 1

The Sub Committee received an application for the grant of a Hackney Carriage/Private Hire Drivers Licence. The applicant declared a number of convictions and as part of the application process an enhanced DBS check was carried out. A copy of the DBS Certificate was circulated.

Members were advised that the applicant went through a troubled period during his early years which resulted several convictions for a variety of offences. Members were given details of the applicants personal circumstances at that time.

Members were asked to note that the most recent offence was 2011. The applicant was now married and has two children. He also graduated from university with a degree in English. One of his children has special needs due to a health condition. The applicant has been her primary carer. Working as a taxi driver would offer the applicant a degree of flexibility in terms of those caring responsibilities.

Members considered the application. Members agreed that whilst there applicant's past criminal record was a cause for concern, he had sufficiently demonstrated that he was no longer at risk of offending further.

RESOLVED – That the application for the grant of a Hackney Carriage/Private Hire Drivers Licence be approved.

The meeting terminated at 1.45 pm