

PUBLIC PROTECTION SUB COMMITTEE

10 APRIL 2024

Present: Councillor Michael(Chairperson)
Councillors Bridgeman and Jenkins

11 : 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 of Schedule 12A of the Local Government Act 1972. The public may be excluded from the meeting by resolution of the Committee pursuant to Section 100A(4) of the Local Government Act 1972 during discussion of this item.

12 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

(1) Application 1

The Sub Committee were asked to determine if a driver remained a fit and proper person to continue to hold a Hackney Carriage/Private Hire Driver's License given that a complaint had been received alleging that the driver was aggressive, made rude gestures and drove his vehicle in a way as to cause concern.

Addressing the Sub Committee, the driver recalled that the parking layout outside Heath Hospital had recently changed, and this had caused some confusion for the public. As taxi drivers they often needed to explain to people where they could park and where they might get a ticket. People were normally very understanding and grateful for the advice but in this case the people he spoke to got aggressive and told him to go away. He was only trying to help but the way they responded made him feel terrible.

Addressing the Sub Committee, the witness explained that her recollection of events was very different. She and her son were picking up her husband after major surgery, and her son dropped her off at the entrance before driving off and coming back to pick them up. Her son made sure to go to the designated pick-up point, which was clearly signposted. As he pulled up, the taxi driver got out of his car and started shouting that they couldn't park there. Her son calmly responded that they would only be 30 seconds, but the driver continued shouting and put his middle finger up at them. He then reversed his car very close to theirs in

order to make it difficult for her son to pull out. She wound the window down and said she was going to report him, and he said 'go ahead'.

The driver suggested that the witness had parked in the taxi rank and he was telling them they couldn't park there. The witness insisted that they had not parked in the taxi rank at any point, and had followed the signs instead.

The driver added that his vehicle had a parking sensor and camera so he would not have reversed right up against the complainant's car as they claimed. Responding to questions from the Sub Committee, he confirmed that the camera did not record video footage.

Members queried how the parking system at the hospital worked, which the Licensing Officer clarified was not regulated in the normal way as the taxi rank was not designated by Highways. Instead, there was a private agreement for taxis to be allowed to use certain bays, with a private company issuing tickets when people contravened the signs. It was a notoriously busy area which used a one-way loop to prevent cars pulling into the A&E bays.

The Sub Committee discussed the contrasting stories in detail and highlighted the need for taxi drivers operating at a hospital to be especially empathetic and patient with the public, even if they sincerely felt they were doing something wrong.

RESOLVED – that the driver receive a written warning.

(2) Application 2

The Sub Committee were asked to determine if a driver remained a fit and proper person to continue to hold a Private Hire Driver's License given that a complaint had been received stating that the driver had notified the authority he had been convicted of a motoring offence CU80 (use of a mobile device while driving).

Addressing the Sub Committee, the driver stated he was sitting in stationary traffic with the handbrake on when he took a moment to plug the charging cable into his phone. He didn't realise that there was a policeman next to him who informed him that he had committed an offence. He had been driving for more than 20 years and never had a single point on his licence before this, and had learnt his lesson and would be much more careful in the future.

Responding to questions from the Sub Committee, the

driver stated that he hadn't appealed the penalty because he accepted that he had touched his phone. He didn't see the point in taking it to court because he had done what he was accused of, and he declared the offence to the council as soon as possible. He added that he had already been punished further for his actions in addition to the initial fine, because his insurance had gone up significantly.

The driver's representative added that while the offence of using a mobile device while driving was a serious one, his vehicle was stationary at the time and he didn't have any passengers, meaning that he wasn't actually causing any risk to other road users. However, it was an offence, and he had accepted his punishment. The representative suggested that the driver had been punished enough already, and that his spotless prior record and clear remorse should be taken into account. He was an honest and reliable driver who would never make a mistake like this again.

RESOLVED – that the driver receive a written warning.

(3) Application 3

The Sub Committee were asked to determine if a driver remained a fit and proper person to continue to hold a Private Hire Driver's License given that the driver reported to the licensing office that he had his DVLA licence revoked due to accumulating speeding points over a short duration of time, and that his licence was within 2 years from first grant. It was disposed of that he would need to reapply and complete his theory and practical tests again, which he had done.

Addressing the Sub Committee, the driver's representative stated that he had received 3 points on three consecutive days in July 2023 at the exact same place on Western Avenue. He hadn't realised that the speed limit had changed from 40 to 30, and the clocked speeds (37mph, 38mph and 38mph) indicated that he genuinely believed he was under the limit. He was a very good and reliable driver who had never had any issues before or since.

The representative added that the driver had lived a difficult life and had to work very hard to get where he was today, and his income was vital to his family and to get both of his children through university. He was certainly a fit and proper person to drive a taxi, and he just wanted to support himself and his family. He accepted that having 9 points on his licence was a serious thing, and would be particularly observant of speed limit changes in the future.

RESOLVED – that no further action be taken.

(4) Application 4

The Sub Committee were asked to consider an application for the Grant of a Hackney Carriage and Private Hire Driver's Licence given that the applicant had a conviction contrary to the guidance.

The driver was not in attendance so the application was deferred.

(5) Application 5

The Sub Committee were asked to consider an application for the Grant of a Hackney Carriage and Private Hire Driver's Licence given that the driver previously held a licence with the authority but was convicted of causing injury whilst dangerous driving. The driver had not held a relevant licence with the authority since this application.

Addressing the Sub Committee, the driver stated that he was convicted for dangerous driving in 2013, after an accident which he deeply regretted. He had never had an accident before this and he hadn't since. He went to jail for it and served his time but still lived with it today.

Addressing the Sub Committee, the driver's colleague gave a character reference. He explained that the driver had been associated with the taxi industry for a very long time, and a long time had passed since his offence. He had seen how he behaved with other drivers, passing on knowledge and experience to students coming through, and transporting children as a contractor for the local authority. He had proved he was a fit and proper person, and there was no value in continually punishing people for the same thing. He was not the same person he was 11 years ago, he now had a family and wanted to get his licence back.

The Sub Committee queried a recent offence on the driver's DVLA licence history, where he had received 6 penalty points for failing to give information as to the identity of the driver. The driver clarified that at this time he was renting out more than 400 cars, and this particular one was being driven in Hampshire. His business was in difficulty at the time and he wasn't able to access the building where the letters arrived regarding this offence. He wasn't the driver of the vehicle but as the director of the company he was responsible for it.

RESOLVED – that the application be refused.

(6) Application 6

The Sub Committee were asked to consider an application for the Grant of a Hackney Carriage and Private Hire Driver's Licence given that a motoring conviction had been declared on the application. The offence was IN10, using a vehicle uninsured against third party risks.

Addressing the Sub Committee, the driver stated that the offence happened in November 2022. Immediately prior to that, he had been out of the country due to a family emergency. There weren't enough funds in his account for the direct debit for his insurance to go through so it was cancelled, but he didn't receive any notification of this. He was then pulled over by police (in his own car rather than in a private hire vehicle), fined £400 and given seven points on his licence. He added that he was currently licensed by Newport City Council, who were aware of the offence and had recently renewed his licence.

RESOLVED – that the application be granted.

The meeting terminated at 11.55 am.