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## AGENDA

Committee	PUBLIC PROTECTION COMMITTEE
Date and Time of Meeting	TUESDAY, 3 SEPTEMBER 2019, 10.30 AM
Venue	COMMITTEE ROOM 1 - COUNTY HALL
Membership	Councillor Mackie (Chair) Councillors Sattar, Asghar Ali, Dilwar Ali, Derbyshire, Goddard, Jacobsen, Lancaster, Robson and Wood

### 1 Apologies for Absence

To receive apologies for absence.

### 2 Declarations of Interest

To be made at the commencement of the agenda item in question, in accordance with the Members' Code of Conduct.

### 3 Minutes (*Pages 3 - 20*)

To approve as a correct record the minutes of the previous meetings:

Public Protection Committee – 2 and 23 July 2019

Public Protection Sub Committee – 7 May, 4 June, 2 July and 6 August 2019.

### 4 Prestige Vehicle application - VW Jetta (*Pages 21 - 22*)

### 5 Urgent Items (if any)

### 6 Date of Next Meeting

The next scheduled meeting of the Public Protection Committee is on Tuesday 1 October 2019 at 10.30 am

**Davina Fiore**

**Director Governance & Legal Services**

Date: Wednesday, 28 August 2019

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PUBLIC PROTECTION COMMITTEE

2 JULY 2019

Present: Councillor Mackie(Chairperson)  
Councillors Sattar, Dilwar Ali, Jacobsen, Lancaster, Robson and  
Wood

39 : APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Susan Goddard.

40 : DECLARATIONS OF INTEREST

No declarations of interest were received in accordance with the Members' Code of Conduct.

41 : MINUTES

The minutes of the meetings held on 9 April 2019 were approved by the Committee as a correct record and were signed by the Chairperson.

42 : PRESTIGE VEHICLE APPLICATION - VW JETTA

RESOLVED : That the application for the grant of prestige status in respect of VW Jetta GF64 YWO be refused.

43 : APPLICATION FOR THE USE OF ELECTRIC RICKSHAWS AS PRIVATE  
HIRE VEHICLES

Application deferred.

44 : URGENT ITEMS (IF ANY)

No urgent items were tabled.

The meeting terminated at 10.40 am

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## PUBLIC PROTECTION COMMITTEE

23 JULY 2019

Present: Councillor Mackie(Chairperson)  
Councillors Derbyshire, Jacobsen, Lancaster, Robson and Wood

### 1 : APOLOGIES FOR ABSENCE

Apologies were received from Councillors Dilwar Ali and Susan Goddard.

### 2 : DECLARATIONS OF INTEREST

No declarations of interest were received.

### 3 : APPLICATION FOR THE USE OF ELECTRIC RICKSHAWS AS PRIVATE HIRE VEHICLES

The Licensing authority received an application from the private hire operator Ola to have electric rickshaws approved as private hire vehicles for general use. Members were advised that the vehicles were similar to the electric 'Tuk Tuk' vehicles approved previously by the Committee. Electric rickshaws, however, are smaller and can only carry two passengers.

Ola intends to offer the rickshaws as an option for general private hire use through their booking app, rather than for sightseeing tours on the pre-planned routes previously agreed by the Committee. These vehicles would operate in a zone restricted to the City Centre and Cardiff Bay.

If the Committee was minded to grant the application then the licensing conditions would need to be amended. The changes were set out in Appendix C of the report. The report also provided an overview of the vehicles in terms of passenger safety, passenger comfort and vehicle accessibility.

The Chairperson welcomed Ben Legg, Managing Director, Ola UK and Tros Erlich, Project Manager to the meeting. Ben Legg presented the application.

Members were advised that Ola is introducing electric vehicles in India as all 3 wheel vehicles must be electric within the next 3 years. Ola consider that electric rickshaws could also work in the UK as most cities are seeking improve air quality and lower emissions. The vehicles are designed by a former Volvo engineer and meet all EU directives in terms of safety. These vehicles have been operating in Stockholm for the past 18 months and Ola has chosen Cardiff to launch its UK pilot.

Responding to a question from the Committee, Tros Erlich provided further details of the safety features in the vehicle. The vehicles are fitted with a roll cage, 3 point seat-belts, hydraulic disk brakes and wheels that a suitable for all types of weather. There a many similar vehicles on the market but Ola ruled out the other options for safety reasons. These vehicles stood out from their competitors in terms of safety.

The applicants stated that the vehicles have an average range of 30 miles on one charge. Ola are planning to operate a storage/charging facility adjacent to the operating zone. Vehicles will never be more than 3 miles away from their charging facility. Longer term Ola would assess the viability of swapping batteries so that vehicles are not kept out of service whilst charging.

A Member asked whether any lessons have been learned during the time Ola were operating in Stockholm. Tros Erlich stated that it was apparent that electric rickshaws operate differently to conventional taxis. Rides are generally shorter. Popular uses include partnerships with businesses, short journeys in bad weather, young people and sightseeing.

A Member noted that the restricted zone was an area of high pedestrian footfall. The Member asked whether any testing has been done in terms of collisions with pedestrians and how these vehicles compare to cars. Members were advised that all vehicles will be driven by professional licensed drivers. They are lighter and slower than conventional vehicles. There have been no major incidents in Stockholm involving collisions with pedestrians.

The Committee further discussed the protection the vehicles offer from the weather, how the restricted area would operate, MOT requirements and age restrictions. The applicants confirmed that consideration would be given to converting some vehicles to allow disabled access, if there was an opportunity to expand the fleet in the future.

Members were asked to note that if they were minded to grant the application condition 5 in the existing conditions relating to maximum number of passengers would also apply to the proposed amended conditions listed in appendix C. The condition had been left out of Part 2 of the list of amended conditions due to an administrative error.

RESOLVED – That:

- (1) The ZBee Rickshaw be approved as suitable to be licensed as a private hire vehicle;
- (2) The amendments to the Rickshaw specific private hire vehicle conditions detailed in Appendix C be approved.

4 : URGENT ITEMS (IF ANY)

No urgent items were received.

The meeting terminated at 10.45 am

## PUBLIC PROTECTION SUB COMMITTEE

7 MAY 2019

Present: Councillor Mackie(Chairperson)  
Councillors Dilwar Ali and Jacobsen

### 17 : EXCLUSION OF THE PUBLIC

The following item is confidential and exempt from publication as it contains exempt information of the description contained in paragraph 12 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 the item.

RESOLVED – That the public be excluded.

### 18 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

#### DISCIPLINARY HEARINGS

##### (1) Hearing 1

The Sub Committee considered a complaint received from a member of the public that a hackney carriage driver refused a fare and drove off in an unsafe manner. The witness stated that she opened the nearside sliding door of the taxi, and on doing so was asked where she was going. On explaining that she wanted to go to Ely the driver stated that he was not going there and started to drive off with the witness's foot still inside the vehicle. The witness was able to provide the badge number.

The driver stated that he knew nothing of the incident, he had dropped a fare at the Marriot Hotel at 11.36 and produced records to confirm that information. He then drove another fare to Penarth.

RESOLVED – That the driver receive a 10 day suspension for refusing a fare.

##### (2) Hearing 2

Members were advised that a complaint was received from a member of the public that a driver had used a mobile phone whilst driving with a passenger. The complainant alleges that he had booked a taxi to take him and a friend home from a 12 hour shift and that whilst he was sat in the back of the vehicle he could see a mobile phone in a vent mounted holder displaying a video and that the driver was watching the video. It was not a sat nav device, or being used as a sat nav and the audio was not in English. The

complainant denied being drunk having just finished a 12 hour shift working with vulnerable adults.

The driver stated that he had used the sat nav on the phone, but as he turned it on a game that his children play on his phone started to play as it is an app that runs in the background. The driver maintained that the complainant did not see a video playing, there was no other language used and the complainant was intoxicated, smelling strongly of alcohol was unable to carry his bags – the driver put the bags into the vehicle.

RESOLVED – That the driver receive a 7 day suspension for using a mobile phone whilst driving with a passenger.

(3) Hearing 3

Members were advised that a complaint was received from a member of the public that a driver had refused a fare. The complainant did not attend the hearing.

RESOLVED: That no further action be taken.

APPLICATIONS

(4) Application 1

RESOLVED – That the application for a Hackney Carriage/Private Hire drivers licence be granted.

(5) Application 2

RESOLVED – That the application for a Hackney Carriage/Private Hire drivers licence be granted.

The meeting terminated at 1.15 pm



## PUBLIC PROTECTION SUB COMMITTEE

4 JUNE 2019

Present: Councillor Mackie(Chairperson)  
Councillors Goddard and Lancaster

19 : EXCLUSION OF THE PUBLIC

20 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

(1) Application 1

The Sub Committee received representations from 3 witnesses who claimed that a driver had refused to take them home from the City Centre. Members were advised that after providing the driver with details of their destination the driver refused to take the customers home and stated that the journey was 'too short'. The driver then closed his window and refused to speak to the customers. The driver claimed that the fare had been refused as the customers were carrying food with them. The witnesses denied that they were carrying food or that they were impaired by drink. They had initially intended walking home but when it started to rain heavily they decided to get a taxi. The driver stated that if they were not carrying food then he must have refused to take them for another reason, first suggesting the passengers may have been inebriated and then suggesting that he may have also have had another passenger in the car.

Members considered the statements and representations made by the witnesses to be credible and that the driver had acted unreasonably by refusing the fare.

RESOLVED – That the driver's Hackney Carriage/Private Hire Drivers licence be suspended for 10 days and the driver be required to complete the BTEC Level 2 Introduction to the Role of the Professional Taxi and Hackney Carriage Driver qualification within 3 months for refusal of the fare.

(2) Application 2

The Sub Committee considered a complaint from a customer who said that a driver had refused to take her home from the taxi rank at Central Railway Station. The complainant stated that she had finished work at 2330 and she had attempted to get a taxi. A number of taxis refused to take her. The driver's representative stated that the rank was self-regulated by drivers. The driver was not the first car in the queue and he had tried assist the customer by attempting to explain the queuing system.

The Sub Committee considered that on the balance of probability they could not be satisfied that the driver refused the fare.

RESOLVED – That no further action be taken.

(3) Application 3

The Sub Committee considered a second complaint from a customer who said that a driver had refused to take her home from the taxi rank at Central Railway Station. The second complaint related to the same incident. The complainant stated that she had attempted to get a taxi. A number of taxis refused to take her. The rank was self-regulated by drivers. Again, the driver stated that he was not the first car in the queue. The customer seemed confused and he had tried assist the customer by attempting to explain the queuing system.

The Sub Committee considered that on the balance of probability they could not be satisfied that the driver refused the fare.

RESOLVED – That no further action be taken.

(4) Application 4

The Sub Committee heard a complaint from a member of the public. It was alleged that on the day of a rugby international the customer hailed a taxi in Greyfriars Road. The customer told the driver that he wanted to go to Thornhill. The driver then said '£45'. The customer then said 'no way' to which the driver responded '£25'. The customer again refused and instructed the driver to use the meter. The driver closed his windows and turned off his roof light. The customer took a photograph of the taxi. The then caught another cab to Thornhill and the charge on the meter was £11.40. The driver denied that the conversation took place. He alleged that the customer had instructed him to go to Rhiwbina and the driver then advised him to go to the first vehicle in the rank. The complainant stated that there were no other vehicles on the rank. The cab was driving down Greyfriars Road with its roof sign illuminated.

The Sub Committee considered the witness testimony to be credible and accepted the representations made by the complainant. The Sub Committee agreed that the customer had been overcharged and the fare had been refused.

RESOLVED – That the driver's Hackney Carriage/Private Hire drivers licence be suspended for 12 days and the driver be required to complete the BTEC Level 2 Introduction to the Role of the Professional Taxi and Hackney Carriage Driver qualification within 3 months for overcharging and refusal of a fare.

(5) Application 5

The Sub Committee received representations from two witness who alleged that a taxi driver has attempted to overcharge them for a journey home from the City Centre. Members were advised that 2 females attempted to get a taxi from a rank on Westgate Street. They approached

the taxi and provided details of their intended destination. The driver stated that the journey would cost £20. The passengers considered this to be too much. The fare was described as 'extortionate' and as regular taxi users they queried the charge. The driver was said to have kept repeating that the journey would cost £20. Members were advised that the taxi marshals could see that the conversation was occurring and that the passengers has not left the rank. Upon seeing the marshals approaching the driver agreed to use the meter but as soon as the marshals turned he reiterated that the charge would be £20. The passenger refused to take the taxi and they were then assisted by the marshals to find another taxi and were advised to make a complaint about the incident. The complainants expressed concerns about the behaviour of the driver and they considered that he was putting their safety at risk and that is why they chose to bring the complaint. The driver claimed that the passengers were carrying food and he refused the fare on those grounds. The driver denied charging £20 for the fare and said that he only uses the meter. The complainants denied having food with them.

The Sub Committee considered the witnesses to be credible and that the driver had attempted to overcharge the passengers.

RESOLVED – That the driver's licence be suspended for 10 days and the driver be required to complete the BTEC Level 2 Introduction to the Role of the Professional Taxi and Hackney Carriage Driver qualification within 3 months for overcharging and refusing to use the meter.

(6) Application 6

The Sub Committee was asked to consider a disciplinary matter relating to an existing driver. The driver was charged with breaching a restraining order. Members were advised that the restraining order related to a civic matter. The driver was to had no contact with a former girlfriend. However on the day in question the girlfriend pulled alongside him at a set of traffic lights. The driver was subsequently charge and found guilty of breaching a restraining order. The drivers representative stated that the order prevented the driver from going within 50 metres of another individual. The judge removed that condition from the restraining order as it was deemed unreasonable.

Members were also advised that the driver had committed two speeding offences.

RESOLVED – That no further action be taken in respect of the breach of the restraining order and that the driver receive a written warning for driving offences.

(7) Application 7

RESOLVED – That the application for a hackney carriage/private hire drivers licence be refused as the Sub Committee did not consider the applicant to be a fit and proper person to hold a licence.

The meeting terminated at Time Not Specified

## PUBLIC PROTECTION SUB COMMITTEE

2 JULY 2019

Present: Councillor Mackie(Chairperson)  
Councillors Jacobsen and Derbyshire

### 3 : EXCLUSION OF THE PUBLIC

RESOLVED: To exclude the public from the meeting in respect of the following item in accordance with Section 100A (4) of the Local Government Act 1972 (as amended) as the item contains exempt information of the description contained in paragraphs 14 and 21 of Part(s) 4 and 5 of Schedule 12A Local Authority Government Act 1972 (as amended).

### 4 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

#### (1) Disciplinary Hearing

The Sub Committee considered a complaint from a member of the public alleged that a driver had refused a fare. It was alleged that the complainant and her daughter approached the driver to ask if he was available. After they had entered the vehicle the driver was provided with the destination. The complainant was told that it was a very short distance, was provided with directions and told that the road was blocked off.

The driver stated that he was given the destination, he did say that it was a short distance and he did provide directions. He further stated that the complainant and her daughter then got out of the car. As the complainant opened the door the wind took the door and caused damage to the door and therefore he was unable to take the complainant to her destination.

Members were shown a copy of the CCTV footage showing the incident.

RESOLVED: That the driver receive a 10 suspension for refusing the fare.

#### (2) Disciplinary Hearing

The Sub Committee considered a complaint from a member of the public alleged that a driver had refused a fare. It was alleged that the complainant and his friend approached the driver and asked whether he was booked. The driver replied by asking where he was going and was told the train station. The driver explained that it was a short trip and that it could be walked whereupon the complainant indicated that he had a bad knee. The driver then said that the fare would be £25 and it was a fixed fare. The driver was told that pictures would be taken at which point he swore at the complainant.

The driver explained that he did not refuse a fare, he had collected a fare

from the Hilton Hotel, he had been asked to stop on Castle Street and was waiting for his fare to return having gone to purchase food at Subway. He advised the Committee that his light was not on and he explained that he was booked.

The driver agreed that he had initially told the authorities that he was not working at the time of the alleged refusal of fare, and advised that when he attended for interview he could not remember the specific date but later found out the details of the fare.

Members were shown a copy of the CCTV footage showing the incident.

RESOLVED: That the driver receive a 10 suspension for refusing the fare.

(3) Application

RESOLVED: That the application for the renewal of a Hackney Carriage/Private Hire drivers licence be granted.

(4) Application

RESOLVED: That the application for the renewal of a Hackney Carriage/Private Hire drivers licence be granted.

(5) Application

RESOLVED: That the application for the renewal of a Hackney Carriage/Private Hire drivers licence be granted.

(6) Application

RESOLVED: That the application for the renewal of a Hackney Carriage/Private Hire drivers licence be granted.

(7) Application

RESOLVED: That the application for a Hackney Carriage/Private Hire drivers licence be granted.

(8) Application

RESOLVED: That the application for a Hackney Carriage/Private Hire drivers licence be granted.

(9) Application

RESOLVED: That the application for a Hackney Carriage/Private Hire drivers licence be granted.

The meeting terminated at 2.00 pm

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## PUBLIC PROTECTION SUB COMMITTEE

6 AUGUST 2019

Present: Councillor Mackie(Chairperson)  
Councillors Wood and Jacobsen

### 5 : EXCLUSION OF THE PUBLIC

RESOLVED - That Members of the public be excluded from the meeting in respect of the following item in accordance with Section 100A (4) of the Local Government Act 1972 (as amended) as the item contains exempt information of the description contained in paragraphs 14 and 21 of Part(s) 4 and 5 of Schedule 12A Local Authority Government Act 1972 (as amended).

### 6 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

#### (1) Application 1

The Sub Committee received representation from a driver who had been received a Police caution for battery. Members were advised that the caution resulted from a civil matter following an argument between the driver's partner and daughter. The driver stated that his partners daughter has mental health issues. He intervened to prevent her assaulting his partner by restraining her until the police arrived. The Police received a complaint and he was subsequently arrested and cautioned. The driver stated that he was fully compliant and he was not restrained by the police. There were no convictions or complaints regarding his duties as a taxi driver.

The driver did not disclose that he received a caution because he was unaware that there was a requirement to do so. The caution was declared upon his renewal application. He was now fully aware of his responsibilities in the regard.

RESOLVED – That the driver receive a written warning for non-disclosure of the caution for battery.

#### (2) Application 2

The Sub Committee received a complaint from two members of the public regarding the behaviour of a taxi driver. Members were advised that the complainants left the Pulse bar in Churchill Way and approach a taxi that was parked at the front of the taxi rank. Witness 1 asked if the driver was free to take Witness 2 home. The driver asked for the destination and he was advised that the destination was Penylan.

Witness 2 stated that once inside the vehicle the driver asked her to pay £10. Witness 2 said that she was aware that the driver was not permitted

to ask for payment in advance. She not prepared to pay £10 up front and she requested that the driver use the meter. The driver started shouting and continued to shout at her demanding a £10 payment. Witness 2 stated that at this point she felt frightened and she asked the driver to stop the vehicle so that she could get out. She asked the driver for his badge number and she was told to get out of the vehicle. Upon exiting Witness 2 took a photograph of the rear of the vehicle.

Witness 2 stated that she has since learned that the taxi was a private hire vehicle and it was not a hackney carriage. The vehicle can only be pre-booked and driver was not permitted to pick up a fare. The driver would not be insured to take passengers under these circumstances.

Witness 1 stated that the driver was parked at the front of the taxi rank. When approached he stated that he was free for hire, he unlocked his doors and permitted Witness 2 to get in. Witness 1 saw the vehicle pull away and she was surprised when Witness 2 returned shortly afterward and was clearly distressed.

The driver stated that he was waiting for a booking outside Tesco on Churchill Way but the customer did not turn up. The driver stated that he asked Witness 2 her name and she stated that she wanted to go to City Road or Splott. He advised her that he was unable to take her as he was a private hire vehicle.

The driver claimed that Witness 2 stated that the driver did not want to take her because it was a short fare. Witness 2 did not get into his vehicle. He also denied asking her for £10 payment in advance.

When questioned by Members of the Sub Committee, the driver stated that the conversation Witness 1 had occurred outside Tesco on Churchill Way. He was unable to explain how Witness 2 was able to take a photograph from the rear of his vehicle in North Edward Road. The driver then stated that the conversation has taken place at the corner of Churchill Way and North Edward Road and Witness 2 had followed him. The driver reiterated that the passenger was not in his vehicle at any point. The driver asked the Sub Committee to refer to the evidence of other fares he had that evening.

The Sub Committee found that the evidence from the witnesses was credible and Members rejected the drivers version of event.

RESOLVED – That the hackney carriage/private hire driver licence be revoked as the driver was not a fit and proper person to hold a licence. The Sub Committee found that the driver had acted in a manner that resulted in illegal plying for hire, driving with a passenger when uninsured to do so, inappropriate behaviour towards a passenger that caused distress and the making false statements. Members also took into consideration the drivers previous written warning for parking on a taxi rank.

(3) Application 3

Deferred for 1 month.

(4) Application 4

The Sub Committee received representations from a driver who had accumulated 14 DVLA penalty points for driving offences. The driver advised that he had received 8 points as a result for driving without insurance, 3 points for a speeding offence and 3 points for a traffic signal offence. Members asked the driver to explain the circumstances for each offence.

RESOLVED – That the driver receive a written warning for driving offences.

(5) Application 5

Adjourned sine die

(6) Application 6

Adjourned sine die

The meeting terminated at 1.00 pm

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CARDIFF COUNCIL  
CYNGOR CAERDYDD

**PUBLIC PROTECTION COMMITTEE: 6<sup>th</sup> August 2019**

REPORT OF THE HEAD OF SHARED REGULATORY SERVICES

**HACKNEY CARRIAGE/PRIVATE HIRE APPLICATIONS**

The Committee is requested to determine the following application:-

**1. Mr Munshur Ali – VW Jetta GF64 YWO**

Application to have the Volkswagen Jetta to be approved as a prestige vehicle with a ten year age restriction.

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