

## PUBLIC PROTECTION SUB COMMITTEE

3 SEPTEMBER 2019

Present: Councillor Mackie(Chairperson)  
Councillors Robson and Wood

1 : EXCLUSION OF THE PUBLIC

2 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

(1) Application 1

The Sub Committee considered a complaint received from a member of the public. Members were advised that four passengers caught a taxi from Duke Street and asked to be taken to Rhyd-y-Penau Road via Pentwyn Drive. The passengers wished to pick up a meal from a Chinese take-away on route. The driver stated that the journey would cost 'at least £25'. The complaint stated that she advised the driver she would pay whatever the fare was at the destination but that it wouldn't normally cost that much. The driver had started the journey at the point.

The complainant gave the driver directions and noted that the driver had not started the meter and requested him to do so. The driver refused and stated that he had already said the fare would be £25. The complainant disputed this and repeatedly asked the driver to start the meter. The driver refused saying 'No I've already driven half a mile' and 'love, love, I've got a headache, I'm not taking you, you can get out'. The driver pulled in at the Welsh Colleague of Music and Drama. As the passengers were about to get out the driver aggressively said 'no no I will return you to where you came from. The complainant stated that the driver then u-turned on North Road and drove very fast and in an aggressive manner.

During the return journey the complainant asked the driver for his badge number. He pointed to the windscreen. The driver stopped outside Burger King on Castle Street. The complainant took photographs of the vehicle.

The complainant stated that the passengers were not intoxicated and they had been civil at all times. Responding to questions from the drivers representative the complainant denied that the party had been abusive towards the driver. It was also disputed that the meter was on and partly obscured.

The driver stated that he picked up 3 women and 1 man. They asked to be taken to pick up a Chinese meal, then onto Aldi in Pentwyn and finally Pontprennau. The driver advised them that it would be around £25. The driver stated that the meter was started and he did not ask the passengers for payment upfront. The driver also denied refusing to provide his badge number and denied being aggressive. The complainant stated that the

party were 4 women. They were a group of primary school and they were all staying at her house.

The driver stated that he refused the fare because the passengers were intoxicated and he did not want any trouble. He advised that he always uses the meter.

Members of the Committee asked the driver to explain the sequence of events. The driver stated that the passengers got out of the vehicle on North Road at the Welsh Colleague of Music and Drama. He was unable to explain how the complainant had taken a photograph of his vehicle on Castle Street.

Both parties were asked to sum up. The complainant stated that she considered it was important to bring the matter to the authority's attention because some else, perhaps someone more vulnerable, could be exploited. It was also important that passengers were treated safely at all times. The complainant stated that driver's representations were 'completely fabricated'.

The driver's representative stated that the passengers had direct abuse towards the driver. The meter had been used and no payment upfront was asked for. The driver was recently suspended for another disciplinary matter. However, that matter had been dealt with by way of a suspension. Both incident has happened around the same time. This complaint was not received after the driver had served his suspension.

RESOLVED – That the hackney carriage/private drivers licence be revoked for refusal of a fare, refusing to use the meter and for aggressive behaviour and conduct. The Sub Committee considered the witness statements to be credible and the driver's version of events to be inconsistent and unreliable.

(2) Application 2

The Sub Committee received representations from a driver who did not advise the Licensing Authority that he had received a caution for battery.

Members were advised that his daughter had helped him completed his licence renewal form and that neither of them had fully understood the question. The caution related to a domestic incident that occurred in 2016. The driver also stated that he was unaware that he was required to advise the authority at the time he received the caution.

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

(3) Application 3

Members received representation from a driver had received a caution for battery. The driver explained the circumstances relating to the incident for which he was cautioned. Responding to a question from the Sub Committee, the driver stated that he was not aware he was required to

advise the authority that he was issued with a caution but he was now aware.

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

(4) Application 4

The Committee received representation from a driver who had received 6 penalty points for a driving offence. The driver had appeared before the Sub Committee previously and at that time he had no recollection of the offence.

Members were advised that the driver had been out of the country on holiday. Notification of a speeding offence was received during that time. The driver's wife put the letter away and did not remember to tell him upon his return. The driver received 6 points for not providing the identity of the driver.

No further action.

(5) Application 5

Members were advised that a driver had received 6 penalty points for using a vehicle that was uninsured. The driver stated that the offence related to the use of a motorcycle. The driver using the motorcycle for leisure purposes. He was stopped by Police on a routine stop. The driver was unaware that the motorcycle was untaxed.

No further action.

(6) Application 6

The Sub Committee were asked to consider a driver who had received 9 penalty points for driving without due care and attention.

Members were advised that the penalty points had been issued as a result of an accident that had occurred when the driver was carrying passengers in his vehicle. The driver's representative stated that at the time of the accident the driver's wife was terminally ill. With hindsight the driver realised that he perhaps should not have been working at the time. Since the incident the driver had completed a medical and had an eyetest. He has changed his working pattern and now works only evenings.

Members were advised that the driver had previously been working at a taxi driver for 28 years without incident. Any further driving offences would result in him being disqualified from driving for totting up.

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

(7) Application 7

The Sub Committee received representations from a driver who had received 6 penalty points for 2 speeding offences. The driver explained the circumstances for each offence. The driver was not on duty at the time of the offences and previously he had 30 years without any offences.

No further action.

(8) Application 8

Application for grant of a hackney carriage/private hire drivers licence approved.

(9) Application 9

Application for the grant of a hackney carriage/private hire drivers licence refused as the Sub Committee did not considered the applicant to be a fit and proper person to hold a licence.

(10) Application 10

Application for the grant of a hackney carriage/private hire drivers licence refused as the Sub Committee did not considered the applicant to be a fit and proper person to hold a licence.

The meeting terminated at 1.30 pm