

PUBLIC PROTECTION SUB COMMITTEE

3 MARCH 2020

Present: Councillor Mackie(Chairperson)
Councillors Lancaster and Wood

1 : 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.

2 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

(1) Application 1

The Sub Committee was asked to consider a complaint made against a Hackney Carriage / Private Hire Driver. Members were advised that a complaint was received from a member of the public who had witnessed an altercation between the driver and another party on a garage forecourt.

The Sub Committee viewed CCTV footage of the incident. The CCTV showed the driver returning to his car. He put his shopping into his vehicle and got in. Shortly afterwards he got out of the vehicle and went to the car parked behind it. The driver proceeded to open the vehicle door and lean into the vehicle. The driver repeated this several times. The driver then stood at the rear of the vehicle and appeared to be preventing the vehicle from leaving.

The Sub Committee received representations from the complainant. The complainant stated that on the day in question he became aware of a commotion taking place – raised voices and lots of swearing. His attention was drawn to the incident by members of the public in the queue at the petrol station. Staff at the petrol station advised the driver that his action were being recorded by CCTV cameras.

The witness considered that the driver's behaviour was unnecessary and that he had 'lost control'. The witness stated that the driver, as a licensed driver, has a responsibility to act in a certain manner. His actions fell well short of expectations.

The matter was reported to the Council, to the taxi company and to the operators of the petrol station. The statement provided was an honest account of the incident to the best of the witnesses knowledge, as it was provided a few weeks after the incident occurred.

Responding to questions from the Committee the witness stated that he was unsure about the driver's intentions but he recalled that he was leaning into the other party's vehicle and was shaking him. There was physical contact but no punches were thrown. He was unable to tell whether the driver or the other party had opened the vehicle door. The witness did not see the vehicle reverse into the driver.

The driver was invited to address the Sub Committee. The driver highlighted a number of inconsistencies between the witnesses statement and details provided at the hearing. The driver stated that he did not swear at the petrol station attendant. He admitted swearing at the other party.

The driver referred to his statement. He stated that he returned to his car with his shopping when the other party started to shout and swear at him. The driver stated that he was embarrassed and angry as he was bullied about his weight in school. He went to the other vehicle to remonstrate. The driver stated that he was very angry at this point and he had 'lost it' momentarily.

Responding to a question, the driver stated that he has never acted in such a way with passengers in his vehicle. This included occasion when transporting school children who were abusive and making comments about his weight. The driver stated that he did not plan for the incident to happen. He was asking the other party to get out of his vehicle to repeat what he had said. At the time he was continually being told 'fuck off you fat cunt'.

The Sub Committee viewed the CCTV footage a second time.

Members asked the driver what would have happened if the other party had got out of his vehicle. The driver stated that he didn't know what would have happened. He denied touching the other party. He did not accept that it was reasonable for the other party to assume that he would have resorted to violence.

The Sub Committee considered that the driver's conduct was unacceptable and there were no mitigating circumstances. Members were not reassured that the driver wouldn't repeat those actions in similar circumstances.

RESOLVED – That the Hackney Carriage / Private Hire Drivers licence be revoked for unacceptable behaviour.

(2) Application 2

Deferred for 1 month

(3) Application 3

Withdrawn

(4) Application 4

Deferred for 1 month

*Councillor Lancaster joined the meeting at this point

(5) Application 5

RESOLVED – That the application for a Hackney Carriage / Private Hire Drivers licence be refused.

(6) Application 6

RESOLVED – That the application for a Hackney Carriage / Private Hire Drivers licence be refused.

The meeting terminated at 12.30 pm