

PUBLIC PROTECTION SUB COMMITTEE

5 JANUARY 2021

Present: Councillor Mackie(Chairperson)
Councillors Goddard and Dianne Rees

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. RESOLVED – That the public 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) Case 1

The Sub Committee received representations from a driver's legal representative. The driver did not attend the hearing.

Members were advised that the driver had been given 8 driving penalty point in court for driving a vehicle without valid insurance. The penalty points were declared upon renewal of the driver's licence.

The representative outlined the circumstances which resulted in the offence being committed. The driver had dropped off a fare at the coach station in Sophia Gardens. After he dropped off his passengers, as a favour to another driver he had agreed to take a family to the airport because they had missed their bus. The driver did not expect to be paid but the family had reimbursed him £160 to cover the cost of fuel and his expenses. The representative stated that the driver acknowledged that he has committed an offence, he did not intend to ply for unlawful fares. The representative stated that the driver did have insurance for his vehicle, it was only as a result of the offence that his insurance was invalid. He was aware of his responsibilities in terms of the law and the conditions of his licence and he adhered to these at all times.

The Sub Committee asked why the driver was not present at the hearing. The representative stated that the driver was advised by the Licensing Office he was not obliged to attend and therefore he decided not to. Members considered that, in these circumstances, it would have been beneficial for the driver to have been present in order to give his version of events, to provide clarification and answer questions from the Sub Committee.

A Member of the Sub-Committee asked the representative which airport that the driver had taken on this journey that was not pre-booked. The

representative replied that he took the passengers to Heathrow Airport. A Member of the sub-committee commented that she felt that this was a serious breach and had there been an accident during this journey, the passengers would not have been insured.

RESOLVED – That the driver's Hackney Carriage/Private Hire drivers licence be revoked for receiving convictions for plying for hire without a licence under the Town Police Clauses Act 1847 and for having no insurance under the Road Traffic Act 1988. The decision was made in accordance with paragraphs 5.39 and 5.40 of the Council's Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades.

(2) Application 2

Members were advised that a complaint had been received from a Cardiff resident regarding the conduct of a driver. The complaint alleged that a driver had parked his car outside a resident's home and had urinated in the lane at the side of the house. The resident had noted the vehicle registration number and provided photographic evidence of the incident.

The Sub Committee received representations from a driver regarding this incident. The driver accepted that the vehicle was his and that no other drivers use the vehicle. The driver also confirmed that he was working at the time of the incident. He had checked with his employer and he had dropped a fare off in the locality at around the time this incident was alleged to occur. The driver also said that he had checked the vehicle's internal CCTV system but any footage from the date in question had been overwritten. The driver denied urinating in public. He stated that he would normally go home, go to a mosque or use another public convenience if he needed to use the toilet whilst on duty.

RESOLVED – That the hackney carriage / private hire drivers licence be suspended for 2 days for unacceptable conduct.

The meeting terminated at 11.30 am