

PUBLIC PROTECTION SUB COMMITTEE

10 MAY 2023

Present: Councillor Michael(Chairperson)
Councillors Bridgeman and Gunter

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) Case 1

Members considered complaint received from a Member of the public that a driver had refused a fare.

Members were advised that a private hire booking was made in order to transport a vulnerable passenger with learning disabilities from the Millennium Centre to their home address. The passenger had participated in a performance at the Millennium Centre and he appeared in stage make up and a 'drag' costume. The complainant stated that the driver refused to take the passenger and said that they would need to book another vehicle. The passenger was not intoxicated, though their speech is affected by their disability.

The driver stated that he refused the fare because the passenger was intoxicated and travelling alone. He was concerned that the passenger may become sick during the journey so he cancelled the booking.

The complainant stated that at no point did the driver raise concerns about the passenger being intoxicated. The complaint stated that he would have challenged the driver at the time if that was the case.

Responding to questions from the Sub Committee the driver stated that he often worked on Friday and Saturday evenings and he regularly took fares from customers who were intoxicated.

RESOLVED – That the Hackney Carriage / Private Hire licence be suspended for 7 days and the driver be required to complete the SQA professional driver qualification within 3 months.

(2) Case 2

Members were asked to consider a complaint received from a

member of the public regarding a drivers conduct.

The complainant stated that whilst out jogging she came across a taxi parked on double yellow lines and partially blocking the pavement. She decided to take a photograph and report the matter to the private hire operator. The driver of the vehicle then exited the vehicle and an exchange occurred. It was alleged that the driver then followed the complainant and a further more heated altercation occurred. The complainant stated that she was concerned by the driver's behaviour and for her safety.

The driver accepted that he was parked on double yellow lines. However, he was collecting a passenger with Downs Syndrome from a nearby premises. The driver explained that the fare was a regular booking and he always parked in that place because passengers with Downs Syndrome need consistency. The driver stated that noticed the complainant taking photographs of his vehicle. He attempted to explain the situation to the complainant. He denied following the complainant or that a further altercation occurred.

Members questioned both parties in order to clarify the sequence of events.

RESOLVED – That no further action be taken.

(3) Case 3

The Sub Committee considered a complaint from a passenger who alleged that a driver had dismissed her instructions regarding which directions to take. The driver had also driven dangerously, in excess of the speed limit and had attempted to overcharge for the journey.

The driver addressed the Sub Committee. He advised that he was working on the rank in Mill Lane. A customer approached the vehicle and asked if he used the taxi meter. Two passengers entered the vehicle. The first drop-off was in Canton and the second in Rhiwbina. The driver entered the postcodes into his satnav. After dropping the first passenger in Canton the driver stated that when travelling along Western Avenue he missed the turn off at Gabalfa. The remaining passenger became agitated, she was upset and shouting.

The driver denied that he was travelling in excess of the speed limit. He apologised for missing the turn off.

The complainant stated that after dropping her friend in Canton the vehicle was travelling along Western Avenue. She instructed the driver to take the Gabalfa turn off as they were approaching it. The drivers satnav was also instructing him to take the exit. The driver at first sat in silence and then shrugged his shoulders as they passed the exit saying 'too late now'

The complainant immediately telephoned her husband. She stated that she was panicking and concerned for her safety. She asked her husband to track her phone using an app installed on the device. The driver took the next available exit. He was driving erratically. He attempted to re-join Western Avenue in the wrong direction and needed

to perform an emergency stop. The driver then travelled in excess of the speed limit and continued to refused to take instructions. The complainant provided evidence of the route taken by the vehicle and the speeds at which the vehicle was travelling downloaded from the app on her phone.

Responding to questions the complainant stated that she was in a similar position during visit to London. The driver on that occasion took her to the wrong hotel. However, that driver was extremely reassuring, courteous and apologetic. This driver did nothing to reassure her which only increased her anxiety.

At the end of the journey the driver asked for £35 fare. The complainant stated that she has taken the exact same journey on numerous occasions and the fare should be approximately £21.

The Sub Committee asked questions. Members attempted to clarify how an experienced taxi driver would ignore the instructions from a passenger and their own satnav. The driver stated that he did not know why he missed the exit and accepted that he had made a mistake.

RESOLVED – That the Hackney Carriage / Private Hire Drivers licence be suspended for 28 days for conduct and attempting to overcharge a passenger.

(4) Case 4

The Sub Committee were asked to determine whether a driver was a fit and proper person to hold a hackney carriage / private hire drivers licence. Members were advised that due to an administrative error a driver was granted a licence application on 2 May 2023. The application should have been listed for the Committee's consideration as the driver had previously had a licence revoked. The decision to revoke was challenged and subsequently upheld in the Magistrates Court.

Members were advised that in October 2018 South Wales Police informed the Licensing Authority that the driver had been arrested on suspicion of the rape of a 16-year old female passenger. The driver submitted an email detailing his version of events. All charges against the driver were eventually dropped and the driver remains free of conviction. However, the Public Protection Sub Committee resolved to revoke the licence. An application was made in January 2022 and the Public Protection Sub Committee resolved to refused the application.

Members questioned the driver regarding the events that took place on the evening in question. The driver's representative raised concerns that the Sub Committee were effectively rehearing the original complaint. There were no questions put to the driver regarding his conduct since the revocation of his licence in 2018.

The Chairperson stated that the Members present were not present in 2018 and they were entitled to ascertain what had occurred that resulted in the revocation and the subsequent appeal being upheld by the Magistrates Court. The Chairperson reminded all parties of the fit and proper person test that is applied when determining these matters.

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

(5)

Case 5

RESOLVED – That a hackney carriage / private hire drivers licence be granted.

The meeting terminated at 1.30 pm