

PUBLIC PROTECTION SUB COMMITTEE

15 MARCH 2023

Present: Councillor Michael(Chairperson)
Councillors Kaaba, Driscoll and Ferguson-Thorne

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

The Sub Committee was asked to consider a complaint received that a driver attempted to overcharge a passenger and refused to use the taxi meter.

The Sub Committee received representations from the complainant. The complainant detailed the events on the evening in question. Members were advised that the passenger provided the destination and the driver stated that the fare would be £10 because fuel prices were high. The passenger was uncomfortable and was aware that the taxi meter should be used for all journeys. He asked the driver to stop the vehicle at which point the driver started the meter. The complainant stated that he needed to be assertive and he was concerned that other passengers would be intimidated if they were put in the same position.

The driver stated that he had explained to the passenger that the fare would be approximately £10. He denied refusing to use the taxi meter and apologised for any misunderstanding.

Members questioned both parties in order to clarify the events on that evening.

RESOLVED – That the Hackney Carriage/Private Hire drivers licence be suspended for 10 days for not using the taxi meter.

(2) Case 2

Deferred for 1 month

(3) Case 3

Members were advised that a driver had received 6 penalty points for driving without insurance. The Sub Committee was asked to consider

whether any disciplinary action should be taken.

The driver's legal representative addressed the Sub Committee. Members were advised that the driver recognised that this was a serious offence. The driver was driving a private vehicle at the time of the offence. He was unaware that his insurance policy had been cancelled by email. The insurance company had continued to take payment for the policy. When he was made aware of the position he rectified it immediately.

RESOLVED – That the driver receives a written warning for a driving offence.

(4) Case 4

Members received representations from a driver who received 6 penalty points for careless driving.

The driver stated that he had arrived late to pick up a group of passengers. The passengers were impatient and were intoxicated. One person in the group also refused to wear a face mask. The group asked to be taken to the Depot in Butetown but the booking was for a drop off in Rhiwbina. The driver refused to take the fare and he suggested that they book another vehicle. The passengers then became angry so the driver offered to book the vehicle for them.

The driver described the group as excited and disrespectful. The group insisted he take them and were refusing to let him leave.

As he drove away one passenger was holding on to the passenger door. The driver stopped and the customer fell. The driver was subsequently summoned to appear in court. He plead not guilty and went to trial.

The driver stated that he had never had any complaint or problems with other passengers. He was unaware that he was required to declare the conviction at the time.

RESOLVED – That the Hackney Carriage/Private Hire drivers licence be suspended for 14 days for a driving offence and for not declaring the offence.

(5) Case 5

The Sub Committee received representations from a driver who had received 9 penalty points for speeding offences. The driver explained the circumstances leading to each of the convictions. The driver accepted that he was at fault and that he needed to declare the offences at the time. The driver stated that there were no passengers in the vehicle at the time of the offences.

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

(6) Case 6

The Sub Committee was asked to consider a complaint received from 2 Licensing Enforcement Officers. The officers reported that they had witnessed a private hire vehicle plying for hire in the city centre, in contravention of the conditions of its licence.

The driver stated that he had taken a friend to Penarth Road. He then went to Mill Lane to wait for a fare. He denied picking up any passengers there.

The Licensing Officers stated that they were working in Mill Lane. They witnessed a female approach the vehicle and overheard a conversation taking place. The Licensing Officers considered that the vehicle was plying for hire and it had not been pre-booked. The vehicle details were subsequently checked. The private hire operators confirmed that no bookings had been made for that vehicle that day. The driver was subsequently interviewed under caution.

Members of the Sub Committee questioned all parties. The Sub Committee established a number of inconsistencies between the drivers statement under caution and the answers they were being given at the meeting.

RESOLVED – that the Hackney Carriage/Private Hire drivers licence be suspended for 28 days for plying for hire without a licence.

(7) Case 7

Members were advised that a driver had received a custodial sentence for an offence of battery. The conviction was not declared at the time but was subsequently declared upon renewal of the licence. Members were asked to consider whether any disciplinary action should be taken.

The Sub Committee received representations from the driver's legal representative. Members were provided with background information leading up to the conviction.

Members were advised that an incident had occurred in 2019. The driver was separated from his wife and children and his estranged family live some distance away. The driver received reports that his son was not attending school and he was greatly concerned.

An argument had occurred which between the driver, his ex-wife and members of her extended family. The driver was arrested, charged and subsequently convicted.

The legal representative stated that the driver regretted his actions. He was shamed and he didn't want anybody to know. A false allegation was also made that the driver intended to return his daughter to Yemen which resulted in 2 restriction orders being placed upon him.

Members were advised that the driver had no problems related to his role as a taxi driver. He specialises in working with vulnerable people and concentrated on working outside of the city centre. A period of four years had elapsed since his conviction.

The driver accepted that he should have notified the Council earlier. It was recognised that the priority for Members is public safety and it was suggested that he had provide his trustworthiness.

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

The meeting terminated at 1.00 pm