

PUBLIC PROTECTION SUB COMMITTEE

8 NOVEMBER 2023

Present: Councillor Michael(Chairperson)
Councillors Driscoll and Gunter

1 : EXCLUSION OF THE PUBLIC

RESOLVED – That this 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 is 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 were asked to consider a complaint received from a member of the public that alleged a driver refused to take him and his disabled wife from Heath Hospital to Llandaff North, and also told them he would not take a fare for less than £10. It was further alleged that the driver had used abusive language towards another driver who challenged him about not taking them.

The driver addressed the Sub Committee, stating that he had not refused the fare and had instead sought to give it to the next driver in the rank because he was aware that that driver was soon leaving the rank to attend to a school run. He did not recall using any abusive language and suggested that the other driver involved had a personal problem with him.

The complainant addressed the Sub Committee, reiterating the sequence of events outlined in his witness statement. The driver had refused to take him and his wife to Llandaff North, saying that he was waiting for somebody and then saying he did not take fares less than £10.

The complainant approached the second taxi on the rank. He explained what had occurred to the driver but was still within earshot of the first driver. The second driver asked his colleague why he had refused the fare. The first driver told him to 'fuck off and mind your own business', followed by 'fuck off' again. The complainant stated that it was at this point the first driver accepted another fare and left the rank.

The complainant stated that the driver of the second vehicle was

unhappy and he himself was upset. He asked the driver for information on how to lodge a complaint and was provided with the relevant details.

The Sub Committee discussed the two versions of events and agreed that the witness provided more credible evidence. Members asked why the driver now had a full recollection of the incident, in contrast to the written statement he provided where he indicated he could not recall any details of the incident.

RESOLVED – That the Hackney Carriage/Private Hire driver's licence be suspended for 28 days for refusal of a fare and unacceptable conduct.

(2) Case 2

The Sub Committee were asked to consider a complaint received from Dragon Taxis regarding an incident that had been recorded on video by a member of the public and subsequently provided to them. The Licensing Manager stated that they had also received a video of the incident by a friend of the driver.

Members viewed three video clips of the incident, and were advised that the videos showed an altercation involving the driver of a licence vehicle displaying Dragon Taxis livery and a number of other individuals. However, the vehicle was not a Dragon taxi and the driver was not employed by them. The Committee clarified the identities of those involved.

The Sub Committee asked how the incident had started. The driver stated that a car was blocking a junction causing traffic to back up. He asked the driver of the vehicle to move. The other driver got out of his car, approached him and used abusive language. The driver stated that he felt threatened, so he pretended to get a weapon from the boot of his vehicle in order to scare his assailant off, but it was actually a hat in his hand.

Members discussed the incident and agreed that the driver may well have been frustrated by the road being blocked, but had lost his temper and escalated the situation.

The Committee was not convinced by the driver's suggestion that he had only been holding a hat, as the video appeared to show a sharp object in his hand. The witness also described the driver as 'holding a sharp object threatening to stab somebody' during the commentary on the video. Members felt that he had clearly made a threatening gesture, regardless of what the object was.

Members also noted that the driver had a Dragon Taxis logo on his car despite not working for them, which could be considered

fraudulent or misrepresentation.

The driver left the hearing and the hearing proceeded in his absence.

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

(3) Case 3

The Sub Committee were asked to determine whether a taxi driver remained a fit and proper person to continue to hold a Private Hire Driver's License given that a motoring conviction for IN10 (using an uninsured vehicle) was returned on his DVLA check as part of his licence renewal.

The driver stated that his conviction had nothing to do with his role as a taxi driver. He had purchased a private vehicle and was driving that at the time of the offence. Members were advised that the vehicle was purchased with a number of mechanical faults. He took the vehicle to a garage using temporary insurance cover for 1 hour. He had not realised that the cover had expired when the mechanic recommended that he drive the car further than was necessary on his homeward journey in order to ensure the car was in good working order. He was stopped by the police who found the car was uninsured. However, his was unable to use his phone to demonstrate that the car had been insured earlier that day. He had received 6 points on his licence and a fine.

Responding to questions from the Sub Committee, the driver clarified that he had first applied for a taxi licence in 2020, and the incident had happened in January 2023. He had no points on his licence other than the six he had received for this offence.

RESOLVED – that the driver receive a written warning for a driving offence.

(4) Application 4

The Sub Committee was asked to consider an application for the grant of a Hackney Carriage and Private Hire Driver's Licence. Members were advised that that the applicant had been convicted of the offence of battery in 2017.

The driver's representative stated that the driver had not intended to deceive anyone by not declaring his conviction. There was some confusion because the website used to complete the application contained out of date or misleading information.

The driver's representative stated that the conviction was the result of a domestic incident in October 2017. The applicant was extremely remorseful. The applicant and his wife were still together and happily married after 35 years. They had run a shop together for many years, during which time he obtained a personal licence to sell alcohol, demonstrating that he was a responsible individual.

In response to questions from the Sub Committee, he explained that in 2017 he and his wife had a heated argument that involved extended family in India on a mobile phone. The wife took the phone and asked to speak with them. When attempting to retrieve the phone from his wife, this caused her to hit her head on a wall. The police were called. His wife was present and stated to the Sub Committee that nothing had occurred since this incident. The family worked together very well. The driver added that he was confident he could handle the stresses of the job in the future.

RESOLVED – that the application for the grant of a Hackney Carriage/Private Hire driver's licence be approved.

(5) Application 5

The Sub Committee was asked to consider an application for the grant of a Hackney Carriage and Private Hire Driver's Licence. Members were advised that the applicant had a relevant conviction on his DBS relating to an offence from 1994.

The driver stated that he was reapplying for a licence, having previously held one until 2008. Since then he had worked full time as a coach driver for National Express and Cardiff Bus. He was experienced in working with the general public, including vulnerable adults and children, and had never once had a problem in all that time. The conviction was from about 30 years ago when he was young and foolish, and he accepted that he had made a mistake which he had been punished for.

RESOLVED – that the application for the grant of a Hackney Carriage/Private Hire driver's licence be approved.

(6) Case 6

The Sub Committee was asked to consider a complaint received from a member of the public that the driver attempted to charge £6 to take an assistance dog and had discriminated against the complainant.

The Sub Committee viewed a video of the incident which had been submitted by the complainant.

Addressing the Sub Committee, the driver stated that he was not notified on the booking that there would be a dog. He arrived at the pickup location and the dog was a few metres away and not wearing any high-vis, so he explained to the passengers that he would have to start the meter at £6.

The passenger asked whether the driver understood what the high-vis harness the dog was wearing was. The driver responded that he did. He had no problem with dogs, only that it wasn't mentioned on the booking.

The complainants stated that they called the office to clarify that there should be no charge for an assistance dog. By then they felt uncomfortable, so they left the taxi and got into another one. The complainant described the incident as an unnecessary and embarrassing experience.

Members sought to clarify whether the driver was aware of the operators policies on assistance dogs and pets. The driver stated that for a pet dog the meter will start at £6. For assistance dogs there is no additional charge. Members asked why it would matter whether there was notification that a dog was mentioned at the time of the booking. The driver stated that he didn't see the assistance dog at first because of the poor visibility he was therefore surprised.

Members asked why the driver had insisted on a £6 fee after being told it was a guide dog. The driver stated that he was unaware and his English language skills are not the best. The video highlighted that there was a language barrier.

The complainants reminded Members that that the driver initially claimed to be allergic to dogs but he could not provide an exemption certificate when asked.

The complainant stated that in his experience incidents like this are a regular occurrence with taxi drivers in Cardiff. The complainant considered that the matter should be before Magistrates. The language barrier was not considered to be a major factor in the incident as the driver kept saying that he understood. Blind people should not be left out in the street.

Committee in agreement that the video clearly showed that it was not just a misunderstanding, and the driver was trying to charge and additional fee. It was confirmed that all drivers have assistance dog training as part of their SQA qualification. The Sub Committee acknowledged that the driver had no history of offences, but refusing a fare to someone because of a protected characteristic was unacceptable.

RESOLVED – that the Hackney Carriage/Private Hire driver's licence be suspended for 7 days for refusal of a fare and attempting to overcharge.

(7) Case 7

The Sub Committee was asked to determine whether a driver remained a fit and proper person to continue to hold a Hackney Carriage/Private Hire Driver's License after a complaint was received stating that he refused to take an assistance dog and claimed he had a medical condition.

Addressing the Sub Committee, the driver stated that as he picked the complainants up from their house they were recording him on a mobile phone, which had confused him. He was sneezing and dizzy at the time, but he took them to their destination.

Members asked whether the driver had an allergy and an exemption certificate. The driver confirmed that he did not have an exemption certificate and had not seen a doctor about getting one since the incident. He was not allergic to dogs.

The complainant addressed the Sub Committee, emphasising the driver would have known he was visually impaired because his guide dog's harness was clearly labelled. He and his partner had to spend 10 minutes explaining to the driver why he had to take them and the dog, which they shouldn't have had to do. They had missed a train because of the delay which affected their work.

The complainant's partner added that he had started filming because he saw the driver looking at them while they approached the car and suspected he would refuse to let the dog in.

RESOLVED – that the Hackney Carriage/Private Hire driver's licence be suspended for 7 days for unacceptable conduct.