

PUBLIC PROTECTION SUB COMMITTEE

17 JANUARY 2024

Present: Councillor Michael (Chairperson)
Councillors Ferguson-Thorne and Gunter

5 : 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.

6 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

(1) Application 1

The Sub Committee were asked to consider an application for the Grant of a Hackney Carriage and Private Hire Driver's Licence given that the applicant had been convicted of an offence of possession of a Class C Controlled Drug in 2019 and failing to surrender to bail in 2001.

Addressing the Sub Committee, the applicant stated that he had a conviction for driving while drunk and had been banned from driving twice around 20 years ago. After that, a good friend advised him to stop drinking entirely, which he did. He didn't mention this on the application because of the 10 year guidance, he didn't think it would be considered relevant.

He added that the second matter, concerning possession of a class C drug, happened after he went to a wedding where he and his friends took what before collecting what was left in a bag at the end and putting in his car. A few days later, the police searched the car, found the bag and gave him a caution for possession.

Responding to questions from the Sub Committee, the applicant stated that he hadn't declared his caution on his application because he didn't think he needed to, which was a mistake. The Sub Committee noted that the question on the application was very clear about the need to declare cautions.

The Sub Committee also sought to clarify that he understood it would not be acceptable to have drugs in the work environment even if someone else put them there. The applicant confirmed that he understood this.

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

(2) Application 2

The Sub Committee were asked to consider an application for the Grant of a Hackney Carriage and Private Hire Driver's Licence given that the applicant had been convicted of an offence for Common Assault on 15th January 2016 and also declared an IN10 giving 6 points on his DVLA Licence in May 2022.

Addressing the Sub Committee, the applicant stated that his conviction for common assault was due to poor judgement as a young man, when he had reacted badly to a difficult situation. As for the six points, he was using his father’s car while working as a food delivery driver and his father told him he was on his insurance, but this was not true. He did have food delivery insurance but this had not been accepted as a replacement. He was sorry for his mistakes and emphasised that it would not happen again.

The applicant’s friend spoke on his behalf, explaining that they were from the same city and had been friends since they were children. He had never known him to react like that in any situation before or since. He used to employ the applicant as a driver at his company and found him to be a model worker who never had any complaints.

Responding to questions from the Sub Committee, the applicant clarified that he had assaulted his partner. They had been together for more than ten years now and had two children. He confirmed that he had not used any support services such as counselling since his conviction.

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

(3) Application 3

The Sub Committee were asked to consider if a driver remained a fit and proper person to continue to hold a Private Hire Driver’s License given that upon renewal of his licence there was an issue with the DBS process.

In the absence of the driver, the Licensing Officer clarified that this hearing was solely about the lack of a DBS certificate rather than what might be on it. He had just spoken to the driver, who confirmed that he had received the DBS, but as the licensing authority they had not yet received it.

The Committee suggested suspending the driver until he produced the DBS. The Legal Officer clarified that they had to specify a time period after which it could come back to committee, rather than leaving it open-ended.

The Committee agreed that a month's suspension was appropriate. The Legal Officer added that the suspension could be lifted early if the driver provided a clear DBS before this time had elapsed.

RESOLVED – that the Hackney Carriage/Private Hire driver's licence be suspended for one month.

(4) Application 4

The Sub Committee were asked to determine if a driver remained a fit and proper person to continue to hold a Private Hire Driver's Licence given that a common law notification from South Wales Police was submitted in relation to an incident which stated that the driver was arrested for assaulting a person in 2023, thereby occasioning them actual bodily harm.

The driver's wife addressed the Sub Committee, stating that she was the person he had been arrested for assaulting. She explained that the time leading up to the incident had been very stressful as they were moving house and had an autistic son, who that morning had nearly been hit by a car. She and her husband had to drive to the recycling centre with her following, but she got lost and became frustrated when he wouldn't reply to her calls. When they got to the centre, they argued and he swore at her, then she hit him and he hit her back.

Someone else saw this and reported her husband for assault. She had tried to explain that she was fine to this person but suggested that the report may have been racially motivated because they were Muslim. She and her husband had been married for 18 years and known each other for 22, and had three children together, and he had never done anything like that before or since. Her husband apologised to her straight away but the police came around that night anyway because it had been reported as an assault.

The Sub Committee noted that driving a taxi could be a stressful job, and asked how he would deal with situations where passengers were impolite, drunk or angry. The driver responded that he would just ignore them, as he was an experienced driver who had been licenced in London before as well and had experienced violent passengers in the past.

Responding to questions from the Sub Committee, the driver's wife confirmed that they had not complained to the police about what they felt could have been a racially motivated report by the

witness. The driver also confirmed that after the incident took place, the police took him to the station, gave him a caution and then released him.

RESOLVED – that the driver receive a written warning.

(5) Application 5

The Sub Committee were asked to consider an application for the Grant of a Hackney Carriage and Private Hire Driver's Licence given that the applicant had been convicted of an offence of possession with intent to supply class A in 2018.

Addressing the Sub Committee, the applicant stated that he was truly remorseful about his previous behaviour, and there were no excuses for having been stupid and naïve. He was now aged 27 and had truly grown up and rehabilitated. Life had been difficult, and it had been hard to find decent and sustainable work. He had never been in any trouble before 2018 but fell in with people who exploited his naivety.

Since his conviction, he had had no further trouble with the legal system and tried to be the best possible citizen. He regularly attended his local mosque and had completed his SQA level 2. He wanted to show that he was a changed man who was committed to being a taxi driver. He posed no danger to the public and could conduct his duties in a professional manner. He had made a horrendous error in the past but did not want to be punished forever for the behaviour of someone who no longer existed.

Responding to questions from the Sub Committee, the driver clarified that the 6 points on his licence were from speeding offences in the last couple of years while working in Magor, and he wouldn't do anything like that now.

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

(6) Application 6

The Sub Committee were asked to consider an application for the Grant of a Hackney Carriage and Private Hire Driver's Licence given that the applicant had convictions on his DBS.

Addressing the Sub Committee, the applicant stated that he had done everything possible to show that he could be trusted to drive a taxi, and understood the responsibilities of the role.

In response to questions from the Sub Committee, the driver accepted he had been to prison but believed he was innocent of the offences listed on his DBS, which included the possession of a

class B drug and improperly obtaining another's identity. He stated that he was not that type of person, and had not declared them on his application because they were a very long time ago. The Sub Committee noted that the most recent offence was in 2015.

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

The meeting terminated at 1.15 pm.