

PUBLIC PROTECTION SUB COMMITTEE

6 MARCH 2024

Present: Councillor Michael (Chairperson)
Councillors Lancaster and Palmer

9 : 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.

10 : 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 if a driver remained a fit and proper person to continue to hold a Private Hire Driver's License following a mystery shopper operation which resulted in the driver failing to use the meter and charging more than the legal fare.

Addressing the Sub Committee, the driver stated that he wasn't able to recall the incident in question but was extremely sorry, and assured Members that it would never happen again.

Addressing the Sub Committee, the witness stated that he had taken part in a joint operation alongside the licensing department in his role as a special constable, operating in plain clothes alongside a police support volunteer. They had undertaken test purchases to check the compliance of private hire and hackney carriage vehicles throughout the evening. Late in the evening, they approached the cab in question as it was plying for hire on Albert Street and requested a journey to the Tramshed. The driver requested £10 up front, which they paid. The meter was not used at any point during the journey and the driver made no attempt to give them any change.

Responding to questions from the Sub Committee, the driver stated that he was not sure whether he had used the meter, but he understood that he was supposed to. It might have been broken but he didn't remember.

Members asked how often the driver asked for a fare up front. He responded that it depended on the customer and the

journey, but he would generally do it at the end.

RESOLVED – that the Private Hire driver’s licence be suspended for 7 days, and that the driver be required to undertake the relevant SQA qualification (Level 2 Certificate Introduction to the Role of the Professional Taxi and Private Hire Driver) at his own cost.

(2) Application 2

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 following a mystery shopper operation which resulted in the driver failing to use the meter and charging more than the legal fare.

Addressing the Sub Committee, the driver recalled that he had asked for payment up front before taking two passengers from near the castle to an address in Cathays. He had asked for this because it was common on a Saturday evening for passengers to do a runner. He also did not have a card reader in his cab and had had problems before with people who weren’t able to pay at the end of the journey.

Responding to questions from the Sub Committee, the driver stated that the meter had been running throughout the journey, and had calculated a fare of £7.10. He had tried to give the passengers their £2.90 change at the end but they left before he was able to.

Addressing the Sub Committee, the witness stated that he had taken part in a joint operation alongside the licensing department in his role as a special constable, operating in plain clothes alongside a police support volunteer. They had undertaken test purchases to check the compliance of private hire and hackney carriage vehicles throughout the evening. This particular journey was from Castle Street to the Blackweir Tavern, and the driver asked for £10 up front which they paid.

The witness added that he had an unobstructed view of the meter throughout the journey, and while it was switched on it was not recording a fare. Responding to questions from the Sub Committee, he confirmed that the driver had not said anything about it being broken, and neither he nor the other passenger had requested that it be switched on.

Members asked the driver if he regularly charged passengers up front. The driver responded that he did on the weekend, as this was when people doing a runner was most common. Members asked whether he had told the passenger up front that he would give him change at the end, which he confirmed

he did not.

Members asked the witness if he had noticed the driver trying to give him the £2.90 change. The witness responded that he had not noticed this, and added that they made sure within the test purchasing process to give the driver every opportunity to do this. It was not intended to trip drivers up, just to check compliance.

RESOLVED – that the Hackney Carriage/Private Hire driver’s licence be suspended for 14 days.

(3) Application 3

The Sub Committee were asked to consider if a driver remained a fit and proper person to continue to hold a Hackney Carriage/Private Hire Driver’s License following a complaint alleging rudeness and swearing at a passenger.

Addressing the Sub Committee, the driver stated that he had arrived at the main entrance of Heath Hospital to pick up a pre-booked fare. The passenger was in a wheelchair and had some difficulty getting into the car, so he helped her get in and folded up her wheelchair to put in the boot. She became stressed and shouted at him. It was a frustrating situation as cars were waiting behind them and being very impatient. The passenger said she was going to make a complaint because he had been rude to her. After paying the fare, she said that he wasn’t fit for the job and swore at him before leaving.

Responding to questions from the Sub Committee, the driver confirmed that he regularly picked up passengers from Heath Hospital, and many of them were disabled.

Addressing the Sub Committee, the witness disputed that she had sworn at the driver. She did not swear other than when she was giving her explanation of what had happened to Dragon Taxis. The driver insisted that he had not sworn at her either.

The witness added that she was very tired at the time and had needed more help than usual to get into the car. She understood that it was a stressful situation but emphasised that she did not raise her voice or shout. She got the impression that he didn’t want to help her despite taking the fare. He swore and complained constantly, so she told him he wasn’t fit to be a taxi driver. It was a horrible experience and she felt threatened as she was unable to leave the car with her wheelchair in the boot.

Responding to questions from the Sub Committee, the witness confirmed that she regularly used taxis, including Dragon ones.

She normally asked for a wheelchair accessible vehicle but they were few and far between, and her chair folder, so she often used regular ones.

The driver asserted that when he first opened the door for the passenger, she shouted at him to get her chair before he had a chance to do so, and that she argued and swore throughout the journey. The witness denied that she had used bad language.

RESOLVED – that the driver receive a written warning.

(4) Application 4

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 following a complaint alleging attempted overcharging.

Addressing the Sub Committee, the driver stated that he and other drivers regularly asked for money up front late at night at the weekend. He accepted that he had asked the passengers for money up front but stressed that he had turned the meter on and intended to give them their change at the end.

Addressing the Sub Committee, the witnesses stated that they approached the taxi on Castle Street in the early hours and asked to go to an address in Gabalfa and then on to Whitchurch. The driver asked them for £30 up front, which they felt was excessive. They asked him to put the meter on but he said it was broken.

The witnesses added that they did this journey regularly and the fare would normally be significantly less than £30, and they were aware that drivers were required to use the meter, so they challenged him on this. They did not get in the cab and instead went to the next driver, who agreed to take them on the meter straight away. Members queried how much they usually paid, which the witnesses estimated was between £12 and £14.

Responding to questions from the Sub Committee, the driver confirmed that he knew he should not be driving if his meter was broken. He added that his meter was not broken and disputed that he had told the passengers that it was. A licensing officer had checked his meter the next day and found it to be working.

Responding to questions from the Sub Committee, the driver stated that in his experience, all drivers asked for money up front after a certain time of night as this was the only way to stop passengers running off without paying. Members emphasised that his job was to take passengers with the meter

on, and that the council's regulations did not permit taxi drivers to charge up front for fares starting and ending within Cardiff.

The Licensing Officer clarified that drivers were allowed to ask for a reasonable deposit, but this should not be more than half of the total fare. The £30 allegedly requested up front in this case was far in excess of the value of the journey.

RESOLVED – that the Private Hire driver's licence be suspended for 14 days.

(5) Application 5

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 he had been convicted of 3 motoring offences amounting to 9 penalty points.

Addressing the Sub Committee, the driver highlighted that he had declared the 9 points at the earliest possible moment rather than waiting until the renewal date. He explained how each of the offences had occurred and stressed that he now drove much more carefully as a result.

RESOLVED – that the driver receive a written warning.

(6) Application 6

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 he had been convicted of an offence which resulted in a prison sentence.

The driver was not in attendance. Addressing the Sub Committee, the driver's solicitor stated that he was unable to attend as he was serving a custodial sentence. He was not able to advance any further information on behalf of the driver.

RESOLVED – that the Private Hire driver's licence be revoked.

(7) Application 7

The Sub Committee were asked to consider a driver's application for the grant of a Hackney Carriage and Private Hire Driver's Licence given that he had a conviction contrary to the guidance.

In the absence of the applicant, the item was deferred.

(8) Application 8

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. Following a committee hearing in January where the initial case was discussed, the driver was given a month's suspension in order to complete the new DBS process, and was told that failure to provide the certificate would result in the case being brought back to committee. The driver also failed to return his badges during the time period required.

The driver was not in attendance. The Licensing Officer explained that the driver had asked for more time to provide the DBS, and suggested that the committee extend the suspension imposed at the January meeting until he did so.

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