

PUBLIC PROTECTION SUB COMMITTEE

7 FEBRUARY 2024

Present: Councillor Michael (Chairperson)
Councillors Driscoll and Shimmin

7 : 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.

8 : 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 Private Hire Operator's License given that one of the directors had been prosecuted by the local authority for his involvement in a case that resulted in an unlicensed driver undertaking a journey in a private hire vehicle for a school transport service.

Addressing the Sub Committee, the applicant stated that his former business partner had given a vehicle to an unlicensed driver without consulting him and stopped paying insurance, and this was what led to the prosecution. He highlighted that he held a clean operator's licence in the Vale of Glamorgan and had driven taxis for more than 20 years without any issues.

Responding to questions from the Sub Committee, the applicant confirmed that he had an operator's licence in the Vale of Glamorgan and was seeking a Cardiff one too so he could seek contracts for school and airport runs in the city. At the moment the company could only use drivers licensed in the Vale.

The Sub Committee asked how he would ensure that the previous issue with the unlicensed driver would not happen again. The applicant assured them that he would have a safeguarding system in place, with each vehicle and driver registered internally. He owned the vehicles himself and would be responsible for insuring them.

RESOLVED – application refused

(2) Application 2

The Sub Committee were asked to determine if a driver remained a fit and proper person to continue to hold a Hackney Carriage/Private Hire Driver's License following a complaint received alleging the refusal of a fare and questioning driver conduct.

Addressing the Sub Committee, the driver stated that he did not recognise the details in the witnesses' statements, as he only ever drove with a meter. He did not recall the incident in question and did not recognise the witnesses.

Responding to questions from the Sub Committee, the driver confirmed that he would have been working in his taxi at the time of the incident and that the badge number the witnesses had reported was his. Nobody else had access to his vehicle or badge, so the wrong number might have been written down.

The Sub Committee queried a previous complaint against the driver alleging refusal of a fare. The driver recalled that he only ever refused a fare when the passenger was particularly drunk or aggressive.

The witnesses addressed the Sub Committee, stating that they were going to a show at the Millennium Centre and got into a taxi on St Mary's Street, which normally cost £8-£9, but the driver asked them for £16.50. They settled on £10 which was still above the usual fare for this journey. The witnesses noted down the badge number and contacted the local authority. They were certain that it was the same driver.

The witnesses did not recall seeing a meter in the vehicle but had not queried this at the time. They suggested that if the fare had been legitimate and the meter running, the driver would have just shown it to them when they challenged the fare. The Sub Committee discussed where the meter would normally be in a taxi, and heard that in Cardiff it was generally attached to the dashboard above the radio but could also be attached to the rear-view mirror. The driver confirmed that his meter was attached to the rear-view mirror, and added that if a passenger ever asked where the meter was then he was obligated to show it to them.

In response to questions from the driver's representative, the witnesses stated that they had made a note of the badge number as the taxi was driving off. They added that the vehicle was a black and white Prius, and the driver confirmed that he drove one of these. The driver's representative suggested that

this was a common vehicle for taxis in Cardiff, and the witnesses may have confused it with another one with a similar badge number.

RESOLVED – suspended for 7 days

(3) Application 3

The Sub Committee were asked to determine if a driver remained a fit and proper person to continue to hold a Hackney Carriage/Private Hire Driver's License following a complaint received alleging dangerous driving and aggressive behaviour, including making rude and abusive hand gestures.

Addressing the Sub Committee, the driver highlighted his clean record. He had driven taxis for many years and conducted school transport for special needs children for 14 years. He did not recall the incident itself but strongly refuted the allegation that he had made offensive gestures.

The driver added that he was unaware that the complainants had followed him into the car park afterwards, and suggested that this indicated they were hoping to have an altercation. As a taxi driver he understood that he had to negotiate a number of potentially stressful situations every day and maintain professionalism. He suggested that the complainants were not qualified to judge what constituted good driving.

Addressing the Sub Committee, the witnesses stated that the taxi had cut across them on Cogan Spur without indicating and nearly caused an accident, before braking hard without warning. The sudden stop caused one of the witnesses' back pain to get worse. The witnesses contested the driver's claim that he did not make any gestures towards them, and emphasised that they were not following him around the car park, but rather looking for a disabled bay which could be difficult to find when it was busy.

The witnesses stressed that taxi drivers were meant to set an example, as they were representing Cardiff Council and had the logo on the back of their vehicle. One of the witnesses added that he was a former driving instructor qualified to Grade 6 and also a former Special Constable, so he understood the definition of dangerous driving. He had known the driver personally for many years and would not have made this complaint unless he felt that it was very serious. The incident had been entirely unnecessary and put people in danger.

RESOLVED – written warning

(4) Application 4

The Sub Committee were asked to determine if a driver remained a fit and proper person to continue to hold a Hackney Carriage/Private Hire Driver's License following a complaint received alleging the refusal of a fare and questioning driver conduct.

Addressing the Sub Committee, the driver stated that a customer had entered his taxi upon leaving the Motorpoint Arena at about 11pm and asked to go to an address in Gwaelod Y Garth. He put in the wrong postcode by mistake and thought the destination was outside Cardiff, so he suggested a fare of £50. He then realised his error and tried to let the customer know but they had already left and got into another taxi.

Responding to questions from the Sub Committee, the driver confirmed that he had misheard the address as CF35 when he asked the passenger where they wanted to go. The actual postcode in Gwaelod Y Garth was CF15. The CF35 address was 24 miles away so he estimated that this would cost about £50, going by his usual £2 per mile price for trips out of Cardiff.

The Licensing Officer confirmed that while any in-district fare had to be calculated using the meter, there was no standard procedure for calculating fares outside of Cardiff as long as the fare was agreed with the customer before the journey began.

RESOLVED – written warning

(5) Application 5

The Sub Committee were asked to determine if a driver remained a fit and proper person to continue to hold a Hackney Carriage/Private Hire Driver's License given that upon renewal of his licence his DBS returned a recent conviction from August 2022.

Addressing the Sub Committee, the driver acknowledged that he had been convicted of domestic violence in 2022 and had since undertaken all of the community service and rehabilitation programs required by the court. He had been a taxi driver for more than a decade and had a very high Uber rating. He hoped he could prove to the Sub Committee that he was a professional and reliable individual who could be trusted to drive a taxi. He was trying to be a positive role model for his son and had learned a lot from the rehabilitation program.

The driver's representative added that the driver had intended to appeal the conviction but had been unable to do so for financial reasons. He had been licensed in Cardiff for 15 years

with an exemplary record, had participated in a rehabilitation course and had declared his conviction to the licensing authority at the earliest opportunity. He had no other source of income and was a single parent, so he depended on his license for his livelihood.

RESOLVED – license revoked

Application 6

The Sub Committee were asked to determine if a driver remained a fit and proper person to continue to hold a Hackney Carriage/Private Hire Driver's License given that he disclosed a conviction for plying for hire without a licence to do so, and received 8 points on his licence for driving without insurance.

Addressing the Sub Committee, the driver stated that he had been driving taxis for 23 years and otherwise had a clean record. He had always driven a hackney carriage but had taken it to the garage the day before and was driving a private hire vehicle instead. While driving along Mill Lane, he saw two young women who did not seem to be getting picked up by anyone else, and he didn't want to leave them on their own.

As they got in, he realised that he was in the wrong vehicle, but he took them to their destination anyway. He accepted that this was an error and apologised to the Sub Committee. This was the first mistake he had made in a long career and it would not happen again.

In response to questions from the Sub Committee, he accepted that he took them to their destination despite knowing that he shouldn't. He suggested that he thought they might cause trouble if he asked them to leave. He confirmed that he understood the consequences of taking them as he did not have the correct insurance for a trip that wasn't pre-booked.

The Licensing Officer clarified that licensed drivers in Cardiff were dual-badge, meaning that they could drive both hackney carriages and private hire vehicles, and it was the vehicles themselves where the insurance varied. The insurance depended on the trip being pre-booked, and if it wasn't pre-booked then it wasn't insured. It was an offence to ply for hire without the required insurance.

The driver's representative addressed the Sub Committee, asking the panel to consider the driver's length of service and his spotless record. He had been a fit and proper person to drive a taxi for many years and this was a serious lapse of judgement which would never happen again. The representative added that the driver had already been

punished for the offence with fines and points on his license.

RESOLVED – 28 day suspension.

The meeting terminated at 2.20 pm.