

## PUBLIC PROTECTION SUB COMMITTEE

4 DECEMBER 2018

Present: Councillor Mackie(Chairperson)  
Councillors Robson and Wood

### 7 : EXCLUSION OF THE PUBLIC

Item 2 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 Schedule 12A of the Local Government Act 1972. The public may be excluded from a meeting by resolution of the Committee pursuant to Section 100A (4) of the Local Government Act 1972 during discussion of this item.

RESOLVED: That the public be excluded for item 2.

### 8 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

#### (1) Disciplinary Hearing 1

The driver requested an adjournment as he said he had not received the other witness statements. Officers had provided the statements to the driver and his representative and they were allowed time to consider these, an adjournment of the meeting was not granted.

The witness explained that she had wanted to take her mother in the taxi in her electric wheelchair, the driver had refused the fare as he said that the wheelchair would break his ramp, the lady said she would report him as he was refusing a fare. The lady claimed the driver became aggressive towards her.

A further witness was another driver in the rank, he stated that the lady approached him asking to take her and her mother in the wheelchair, he asked why she hadn't taken the first taxi and she explained the situation to him. He then approached the first driver to say he shouldn't refuse a fare and he would get into trouble, the first driver became aggressive so the second driver took the fare.

The driver then gave his version of events and stated that he was approached to take a fare, he got out of the cab and when he saw the wheelchair, he thought it was one that was driven on the road, it was one he hadn't seen before and he was unsure if he could safely take it in his cab, he stated that safety of the passenger was paramount, he also stated that he had been driving from 20 years and never been before the Sub - Committee previously.

The Sub Committee carefully considered all of the information provided and noted that the driver had not completed the BTech, and that his Disability

Awareness Training had been undertaken over 15 years ago, they considered it was his duty to keep up to date with his training on wheelchairs and safety and that he had refused a fare.

Decision: 14 days suspension of licence and driver instructed to attend the BTech course within 3 months.

(2) Disciplinary Hearing 2  
Application postponed.

(3) Disciplinary Hearing 3

Sub-committee heard the statement from the driver with his recount of events, as provided in the paperwork.

Sub-Committee questioned the driver as to why he hadn't been concerned about the passenger's behaviour earlier on in the situation, and that he could have informed the police or the taxi office. The driver stated that when he told the passenger to stop the behaviour it had stopped until he was driving on the Link Road where he then had nowhere to stop.

Sub-Committee were concerned that the driver didn't slow down or stop on the link road and the driver stated that he did slow down and that the wanted to get the passenger home safely.

The driver's representative explained the situation following the arrest to the Sub-Committee and also stated that the driver fully cooperated with the police, answered all questions and was released without charge following the bail period. He added that the driver had not had any previous complaints. He had informed the taxi office when he returned home and had explained the events to his wife.

Sub-Committee discussed all the information received and considered that the driver had failed to heed the warning signs at the beginning of the journey and there had been a serious error of judgement.

Decision: Revocation of licence due to driving without due care and attention and allowing sexual activity to take place in a licensed vehicle whilst driving.

(4) Disciplinary Hearing 4  
Adjourned for 1 month – driver did not attend.

(5) Application 1

Sub Committee considered all the evidence before them. The applicant explained that all endorsements were now spent and that in relation to the information on the DBS check, these were all when he was very young, he was now married and settled and lives a very different life now.

Decision: Application for the Grant of a Hackney Carriage/Private Hire

Driver's Licence approved.

The meeting terminated at 1.10 pm

This page is intentionally left blank