

## PUBLIC PROTECTION SUB COMMITTEE

9 APRIL 2019

Present: Councillor Mackie(Chairperson)  
Councillors Robson and Lancaster

### 15 : 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 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.

### 16 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

(1) Application 1

Deferred for 1 month.

(2) Application 2

The Sub Committee considered a complaint from a member of the public. It was alleged that during a journey from Heath Hospital to a day care centre in Ely the complainant's elderly mother, who is wheelchair bound, was not safety secured in the vehicle in the correct position and in accordance with the vehicle manufacturer's instructions.

Members were advised that the wheelchair was side facing throughout the journey and the wheelchair tipped when the driver turned a sharp bend too quickly. The driver stated that he stopped the vehicle and checked that the passengers were okay. This witness refuted that statement. The complainant refused to pay the fare at the end of the journey as she considered that the level of service received was not acceptable. The driver was alleged to have reacted angrily and a heated discussion followed. The argument was witnessed by third parties. The complainant stated that the incident made her feel anxious and vulnerable.

The driver stated that he often secured wheelchairs in the vehicle in a sideward facing position as many customers prefer it. Although since this incident he has ceased this practice. Responding to questions from the Sub Committee the driver stated that he was not in possession of the manufacturers handbook for the vehicle. He received verbal instruction on how to secure wheelchair from the previous owner of the vehicle. The complainant stated that she regularly uses wheelchair accessible vehicles and she has never seen the side-on positioning of the wheelchair used

previously.

RESOLVED – That the driver receive a 12 day suspension for failure to secure the wheelchair safely and the admission that other wheelchairs users have not secured in accordance with the manufacturer’s instructions. The Sub Committee considered that the driver did not sufficiently investigate how to safely secure wheelchairs safely in his vehicle.

(3) Application 3

Deferred for 1 month

(4) Application 4

Members were advised that a complaint was received from a member of the public that a driver had refused a fare. The complainant alleged that he approached the driver and provided a the destination, the driver then laughed and said that the complainant was not speaking in his ‘real voice’ and then refused the fare saying ‘I’m not taking you anywhere’. The complainant also alleged that the driver removed his identification badge from the windscreen.

The driver stated that he was embarrassed by his actions and he wished to apologise to the complainant. The driver accepted that he has acted unprofessionally and he did not intend any harm to the complainant. The driver said that he thought it was ‘banter’ that had escalated and ‘got out of hand’. The complainant accepted the driver’s apology.

Members were advised that a second complaint was received that the driver refused a second fare on the same evening by different member of the public. The complainant was unable to attend the meeting.

RESOLVED – That the driver complete the BTEC course within 3 months and a 10 day suspension for refusal of a fare, not displaying the driver’s identification badge and for inappropriate behaviour.

(5) Application 5

Deferred for 1 month

(6) Application 6

The Sub Committee received representations from a driver who received 9 penalty points on his DVLA drivers licence for 3 separate driving offences – 2 speeding offences and 1 failure to stop at a red light. The driver stated that the offences occurred when he was rushing to pick up passengers. There were was no other passengers in the vehicle at the time. The driver notified his insurance company at the time of the offences but he was unaware that he was also required to inform the Licensing Department.

RESOLVED – That the driver receive a written warning for driving offences.

The driver was reminded of his obligation to advise the authority of any convictions.

(7) Application 7

The Sub Committee received representations from a driver who received 9 penalty points on his DLVA drivers licence – 6 points for failure to have insurance and 3 points for a speeding offence. Members were advised that the driver was licenced for private hire only. The 6 penalty points were imposed after the driver was prosecuted for ‘flimping’ – or illegally picking up a fare on the street when not licensed to do so. The driver admitted the offence. He stated that he has stopped to pick up two females on City Road and took them to Churchill Way. The driver said that he took pity on the passengers as it was December, it was cold and there was little financial incentive, as it was a short journey. The speeding offence occurred on North Road. The driver indicated that he did not declare the convictions as he assumed that the Council would be aware of the major offence due to the prosecution. An undertaking was given that any further convictions will be declared immediately.

RESOLVED – That no further action be taken.

(8) Application 8

Adjourned sine die.

(9) Application 9

Application for the grant of a hackney carriage/private hire drivers licence refused as the Sub Committee did not consider the applicant to be a fit and proper person to hold a licence.

The meeting terminated at 2.30 pm

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