

## PUBLIC PROTECTION SUB COMMITTEE

6 AUGUST 2019

Present: Councillor Mackie(Chairperson)  
Councillors Wood and Jacobsen

### 5 : EXCLUSION OF THE PUBLIC

RESOLVED - That Members of the public be excluded from the meeting in respect of the following item in accordance with Section 100A (4) of the Local Government Act 1972 (as amended) as the item contains exempt information of the description contained in paragraphs 14 and 21 of Part(s) 4 and 5 of Schedule 12A Local Authority Government Act 1972 (as amended).

### 6 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

#### (1) Application 1

The Sub Committee received representation from a driver who had been received a Police caution for battery. Members were advised that the caution resulted from a civil matter following an argument between the driver's partner and daughter. The driver stated that his partners daughter has mental health issues. He intervened to prevent her assaulting his partner by restraining her until the police arrived. The Police received a complaint and he was subsequently arrested and cautioned. The driver stated that he was fully compliant and he was not restrained by the police. There were no convictions or complaints regarding his duties as a taxi driver.

The driver did not disclose that he received a caution because he was unaware that there was a requirement to do so. The caution was declared upon his renewal application. He was now fully aware of his responsibilities in the regard.

RESOLVED – That the driver receive a written warning for non-disclosure of the caution for battery.

#### (2) Application 2

The Sub Committee received a complaint from two members of the public regarding the behaviour of a taxi driver. Members were advised that the complainants left the Pulse bar in Churchill Way and approach a taxi that was parked at the front of the taxi rank. Witness 1 asked if the driver was free to take Witness 2 home. The driver asked for the destination and he was advised that the destination was Penylan.

Witness 2 stated that once inside the vehicle the driver asked her to pay £10. Witness 2 said that she was aware that the driver was not permitted

to ask for payment in advance. She not prepared to pay £10 up front and she requested that the driver use the meter. The driver started shouting and continued to shout at her demanding a £10 payment. Witness 2 stated that at this point she felt frightened and she asked the driver to stop the vehicle so that she could get out. She asked the driver for his badge number and she was told to get out of the vehicle. Upon exiting Witness 2 took a photograph of the rear of the vehicle.

Witness 2 stated that she has since learned that the taxi was a private hire vehicle and it was not a hackney carriage. The vehicle can only be pre-booked and driver was not permitted to pick up a fare. The driver would not be insured to take passengers under these circumstances.

Witness 1 stated that the driver was parked at the front of the taxi rank. When approached he stated that he was free for hire, he unlocked his doors and permitted Witness 2 to get in. Witness 1 saw the vehicle pull away and she was surprised when Witness 2 returned shortly afterward and was clearly distressed.

The driver stated that he was waiting for a booking outside Tesco on Churchill Way but the customer did not turn up. The driver stated that he asked Witness 2 her name and she stated that she wanted to go to City Road or Splott. He advised her that he was unable to take her as he was a private hire vehicle.

The driver claimed that Witness 2 stated that the driver did not want to take her because it was a short fare. Witness 2 did not get into his vehicle. He also denied asking her for £10 payment in advance.

When questioned by Members of the Sub Committee, the driver stated that the conversation Witness 1 had occurred outside Tesco on Churchill Way. He was unable to explain how Witness 2 was able to take a photograph from the rear of his vehicle in North Edward Road. The driver then stated that the conversation has taken place at the corner of Churchill Way and North Edward Road and Witness 2 had followed him. The driver reiterated that the passenger was not in his vehicle at any point. The driver asked the Sub Committee to refer to the evidence of other fares he had that evening.

The Sub Committee found that the evidence from the witnesses was credible and Members rejected the drivers version of event.

RESOLVED – That the hackney carriage/private hire driver licence be revoked as the driver was not a fit and proper person to hold a licence. The Sub Committee found that the driver had acted in a manner that resulted in illegal plying for hire, driving with a passenger when uninsured to do so, inappropriate behaviour towards a passenger that caused distress and the making false statements. Members also took into consideration the drivers previous written warning for parking on a taxi rank.

(3) Application 3

Deferred for 1 month.

(4) Application 4

The Sub Committee received representations from a driver who had accumulated 14 DVLA penalty points for driving offences. The driver advised that he had received 8 points as a result for driving without insurance, 3 points for a speeding offence and 3 points for a traffic signal offence. Members asked the driver to explain the circumstances for each offence.

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

(5) Application 5

Adjourned sine die

(6) Application 6

Adjourned sine die

The meeting terminated at 1.00 pm

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