PUBLIC PROTECTION SUB COMMITTEE

5 NOVEMBER 2019

Present: Councillor Mackie(Chairperson)
Councillors Asghar Ali and Lancaster

3 : 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.

4 : 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 a complaint regarding the behaviour of a driver. Members were advised that the driver had been asked to attend the Public Protection Sub Committee on 3 September 2019. It was alleged that the driver was involved in an altercation with two parking attendants in the County Hall car park. The witnesses attended the meeting. Each was asked to give their version of the events. Witness 1 stated that he had told the driver that the car park was full and there was no space available. The driver left only to return a short time later. The driver asked if he could park in the drop off area. The parking attendant advised him that it was not permitted. Witness 1 then claimed that the driver started swearing at him. Witness 2 stated that he saw his colleague was involved in an argument with the driver. He approached the vehicle and told the driver that the car park was full. The driver started to swear at Witness 2 also. Witness 2 said he left the area in order to diffuse the situation.

The driver also addressed the Sub Committee. Members were advised that the driver had tried to explain that he was late for an appointment with the Sub Committee that day. He asked the attendant if he could park temporarily in order to explain to officers and the Sub Committee why he was late. The driver alleged that the parking attendant swore, used racist language towards him and tried to intimidate him. The attendant denied using racist language.

The driver alleged that a third member of staff was present at the time. Both witnesses stated that there was nobody else present.

RESOLVED – That the driver receive a 10 day suspension for inappropriate conduct.

The Sub Committee was subsequently asked to consider the details of a second incident involving the same driver. Officers advised that correspondence was received from South Wales Police advising the authority that the driver was arrested and charged with 3 offences following an altercation with a motorist.

The driver provided a statement.

RESOLVED – That consideration of this matter be deferred until the conclusion of the criminal proceedings brought against the driver.

(2) Application 2

The Sub Committee were asked to consider the details of a complaint received regarding a driver who had allegedly refused to a fare. A witness advised Members that he had got into a taxi on a rank in Mill Lane following an evening socialising with friends. The witness asked the driver how much a journey to Whitchurch would approximately cost. The driver stated that it would cost in the region of £15. At the commencement of the journey the witness stated that he noticed that the meter was not turned on. He asked the driver to use the meter for the journey only to be told by the driver that he did not have to use the meter on a Bank Holiday. The witness then asked to be let out of the vehicle. The driver returned the passenger to a rank on St Mary Street.

The driver's representative addressed the Sub Committee. Members were advised that the passenger was unable to provide an exact destination and there was some confusion. It was alleged that the passenger became abusive and started to ask in appropriate questions regarding the driver's legal status. The driver told the passenger that he was not prepared to take him any further and returned him to a rank. The driver denied that the meter was not in use.

RESOLVED – That no further action be taken.

(3) Application 3

The Sub Committee received representations from a witness who stated that a driver had refused to take her home and he had acted inappropriately. Members were advised that the witness had booked a private hire vehicle through an app. The vehicle arrived at the pick-up point and the passenger got into the vehicle. The witness said that when she provided the destination to the driver he claimed that the witness had cancelled the fare. The witness said that she tried to explain that the fare had not been cancelled and she attempted to show the driver the app on her phone which indicated that the fare was still active. The witness alleged that the driver swore at her and asked her to get out of the vehicle. The witness considered that the driver left her in a vulnerable position as a single female in the City Centre at 0045 hours. The witness provided screenshots of her app taken at the time of the incident which indicated that

the fare had not been cancelled.

The driver stated that he was unable to cancel a fare; only the passenger or the despatch office can to that. He denied swearing at the customer. Members were advised that as he was operating a private hire vehicle he could only take fare that were pre-booked, and therefore he was unable to take the passenger unless she made another booking. The passenger stated that she was unable to rebook as she still had an active booking. The passenger exited the vehicle and the driver left the area. The passenger then telephoned the taxi operator to complain and it was at this point the fare was cancelled.

RESOLVED – That the driver's licence be suspended for 5 days for inappropriate behaviour towards a customer.

(4) Application 4

The driver received representations from a driver who had failed to declare a number of convictions on his licence renewal form. The driver was charged with a number of offences after being caught plying for hire without a licence during an enforcement operation. Members were advised that the driver had forgotten about the charges at the time the renewal form was completed.

RESOLVED – That the driver receive a written warning and be required to complete the BTEC Introduction to the Role of the Professional Taxi and Private Hire Driver within 3 months for committing the offences and for failing to declare the offences at the time of conviction.

(5) Application 5

The Sub Committee were asked to consider the case of a driver who had committed 3 offences relating to overcharging a customer, not using the taxi meter and not displaying the drivers identification badge. All 3 offences were committed at the same time and were committed during an enforcement operation.

RESOLVED – That the driver receive a written warning and be required to complete the BTEC Introduction to the Role of the Professional Taxi and Private Hire Driver within 3 months for committing the offences and for failing to declare the offences at the time of conviction.

(6) Application 6

The Sub Committee received representation from a driver who had received 6 penalty points on his driving licence for CU80 (using a mobile phone). The Sub Committee was advised that the driver had stopped at a traffic light when a Police Officer saw him pick up the phone. The driver stated that he was unaware that he is required to declare the offence at the time of conviction.

RESOLVED – That the driver receive a written warning for not declaring a driving offence.

(7) Application 7

The Sub Committee considered the case of a driver who had accepted a Police caution for Common Assault. The driver stated that the caution has arisen from a family dispute. The matter was now resolved. No members of the public were involved.

RESOLVED – That the driver receive a 3 day suspension for receiving a caution for common assault and for not declaring at the time of the conviction.

(8) Application 8

The Sub Committee received representations from a driver who was charged with being drunk in charge of a vehicle. The driver stated that he was being treated for depression as a result of a road traffic accident. The driver stated that he was taking medication for his depression. He was a Muslim and he would not normally drink alcohol. He went to a secluded place and consumed alcohol. He was breathalysed and arrested.

Members were advised that the driver was now taking different medication for his depression. He was working full time and he was feeling better. The driver needed his car to commute to his job. He did no plan to work as a taxi driver at the moment but he would like to retain his licence. The driver produced copies of psychological reports for the Sub Committee to receive.

RESOLVED – That the Hackney Carriage/Private Hire Drivers Licence be revoked.

(9) Application 9

The Sub Committee received representations from a driver who had committed two speeding offences. The driver apologised and stated that he took his responsibilities as a professional driver seriously. The first offence has occurred when he was travelling to a family funeral in Birmingham. The second offence was committed when he was travelling in his taxi with a passenger. The driver was unware that he is required to declare offences at the time of conviction.

RESOLVED – That the driver receive a written warning and be required to complete the BTEC Introduction to the Role of the Professional Taxi and Private Hire Driver within 3 months for committing the offences and for failing to declare the offences at the time of conviction.

(10) Application 10

Deferred for 1 month

(11) Application 11

Application for the grant of a Hackney Carriage / Private Hire Drivers licence be 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 Time Not Specified