

I'VE PUBLIC PROTECTION SUB COMMITTEE

7 JULY 2022

Present: Councillor Michael(Chairperson)
Councillors Lancaster and Wood

1 : 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.

2 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

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

(1) Case 1

The Sub Committee was advised that complaints were received from two members of the public regarding the conduct of a driver. The complaints related to an incident when the driver was alleged to have refused to use the taxi meter.

Members received representations from the complainants. Members were advised that a lone female customer entered the vehicle in Castle Street. The passenger wanted to go to Fairwater. The driver asked for the postcode of the customer and, once the journey had started, requested payment in advance. The customer stated that she was not prepared to pay in advance and asked the driver to use the taxi meter, as required by regulation. The passenger stated that at that point she felt unsafe and anxious. She asked the driver to stop the vehicle so that she could get out. The driver slowed down but didn't stop. She got out of the vehicle whilst it was still moving.

Members also received representations from a witness to the incident. The witness was a friend of the passenger. They had enjoyed a night socialising in the city centre. The pair approached a taxi on Castle Street and the passenger asked to be taken to Fairwater. They checked in advance that the fare would be on the meter. The witness then took a photograph of the rear of the taxi and got into the taxi behind it with her partner. The witness realised that something was wrong when she saw her friend exit the vehicle whilst it was still moving.

Responding to questions from the Sub Committee, the passenger and the witness denied that they were carrying food at the time of the incident. The fare would normally cost between

£11 and £12 and the driver was asking for £15 in advance. The passenger knew that this was contrary to the regulations and she became worried that she would not get home safely.

The driver claimed that both the complainant and the witness were lying. They were carrying food and large fizzy drinks from McDonalds. When the passenger was asked not to eat food in the vehicle she became aggressive.

Members asked why the driver had not mentioned McDonalds food or food of any description in the extensive statement he had provided. The driver stated that he subsequently recalled the incident. The driver denied asking for payment in advance.

When questioned by Members of the Sub Committee, the driver stated that his first statement and his second statement were completely different because he was having to deal with some personal issues at the time.

In closing the complainant categorically denied carrying food and a drink at the time of the incident. Members were advised that she doesn't eat McDonalds food as she is lactose intolerant.

RESOLVED – That the driver be suspended for 14 days for refusing to use the taxi meter.

(2) Application 2

The Sub Committee was advised that a driver had received 6 penalty points for a driving offence.

The drivers representative stated the driver received 6 penalty points for using a mobile phone. The phone had fallen from its holder in the vehicle and the driver handled the phone when he picked it up. The driver accepts that this was a serious error of judgement and he regretted his actions.

The driver was unaware that he was required to report that he had received 6 penalty points to the Licensing authority.

Responding to questions from the Sub Committee, the driver confirmed that he was driving his taxi but there were no passengers in the vehicle at the time.

RESOLVED – That the driver receives a written warning for a driving offence.

(3) Application 3

The Committee was asked to consider an application for a new driver. During the renewal application the driver advised the

Licensing authority that he received 6 penalty points for using his vehicle without insurance.

The driver was asked to explain the circumstances. Members were advised that the driver, his friend and his young son were shopping in a supermarket. The driver asked his friend to drive the vehicle from the car park to the adjacent petrol station because he young son was crying and he was trying to settle him.

A customer was said to have complained to the police that child was unrestrained in the vehicle whilst it was moving. Police arrived at the petrol station and questioned the driver and his friend. It was subsequently established that the friend was uninsured to drive the vehicle and the driver was charged.

The driver apologised for his mistake and accepted that he was responsible for checking that anyone driving his vehicle is insured to do so.

RESOLVED – That the renewal application for a hackney carriage / private hire drivers licence be granted.

(4) Application 4

The Sub Committee was asked to consider whether a driver was a fit and proper person to hold a licence after he received a criminal conviction whilst licenced. The driver was asked to explain the circumstances.

The driver made a statement. The driver advised the Licensing authority of his conviction by email on 22 May 2020 and he had been waiting to be asked to appear before the Sub Committee since. He was honest and upfront and accepted that he had made a big mistake. However, the customer at the time was aggressive and after 39 years as a taxi driver he was acting in self-defence.

The driver's representative described the incident. The driver had picked up a fare on Churchill Way and had taken the passenger to Cardiff Bay. He had difficulty obtaining payment for the journey. An argument ensued and the driver thought that things could escalate. So, in self-defence, he pushed the customer away causing him to fall. He also took the customer's mobile phone and left the vicinity. He subsequently threw the phone into some bushes nearby.

The driver was interviewed by the police and charged. The customer had chipped a bone in his elbow.

The driver was remorseful. During 39 years of driving he had

completed over 250,000 journeys and he had never reacted in this manner previously, despite provocation. He accepted his actions were wrong and he could have handled the situation better. However, his actions were an isolated incident and there was no pattern of behaviour.

The driver was not a violent person and was always professional. As a result of this incident he no longer works nights.

RESOLVED – That the driver receives a written warning regarding his conduct and be required to complete the SQA qualification within 3 months.

The meeting terminated at 12.30 pm