

PUBLIC PROTECTION SUB COMMITTEE

5 OCTOBER 2022

Present: Councillor Michael(Chairperson)
Councillors Driscoll and Ferguson-Thorne

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 asked to consider whether a driver was a fit and proper person to hold a licence. It was revealed on renewal of his licence that he had failed previously to disclose a conviction which occurred while he was licensed.

On renewal of his licence the driver declared a conviction under the Fraud Act. A Disclosure Barring Service check revealed a conviction dated 11 November 2021 relating to a failure to declare a change of circumstances for Council Tax purposes.

The driver was asked to explain the circumstances. The driver's representative stated that the driver had a friend who had recently become homeless. He came to stay temporarily with the driver, then the stay was extended to become a longer one intermittently between trips to Somalia.

The driver was not aware at the time that the arrangement was becoming a permanent one. When he became aware that he was in breach of Council Tax rules he pleaded guilty. He is currently repaying the Council Tax owed and relies on his job to pay.

As soon as he became aware that he should have notified the Local Authority of his conviction the driver sent an email detailing his guilty plea. This was confirmed by the Authority.

When questioned by members of the Sub Committee the driver explained that the homeless person he had accommodated was a single person, a taxi driver, and he stayed with the driver for around 10 months intermittently.

RESOLVED – That no further action be taken.

Councillor Driscoll declared an interest in the following item as a person was known to him. Cllr Driscoll withdrew from the meeting and took no part in the decision.

(2) Case 2

The Sub Committee was asked to consider whether a driver was a fit and proper person to hold a licence after a complaint was received that he entered and travelled in the wrong direction down a one-way street and gestured at a Cardiff Council Road Safety Officer using his middle finger. The incident was observed by a member of the public, the head teacher of a primary school who was welcoming children being delivered to the school by parents.

The Sub Committee received representations from the complainant. The complainant described how he was cycling to his work as a Road Safety Officer when he saw the driver in his taxi approaching the wrong way down a one-way street. He dismounted and captured a video image of the taxi turning round and returning back up the lane. As he passed him the driver made a rude gesture with his middle finger and told him to 'Get a life'. The member of the public had come over to where the Officer was and witnessed these events.

The driver was asked to present his account of the incident. He claimed that at the time of the incident in March there were no 'No Entry' signs at the beginning of the lane. As he drove down the lane he realised something was not right, so he drove slowly past the Road Safety Officer. A member of the public informed him he was travelling the wrong way down a one-way street. He carried out a 3-point turn in the road and returned in the opposite direction. As the weather was hot he wound down his window. The Road Safety Officer was running along beside his car. He could see the Officer had something in his hands but could not see it was a mobile phone. He thought he was under attack.

The driver stated that he was not dropping off a passenger but was passing through the area. He knew the area and had used the route before over the previous 12 years. He had recently come off a contract with Bad Wolf studios and had carried celebrities and High Court judges.

The driver denied having been sent emails and stated that they had been sent to the wrong address.

RESOLVED – That the driver be issued with a written warning regarding his conduct and reminded of his duties as a driver.

(3) Case 3

The Sub Committee was asked to consider whether a driver was a fit and proper person to hold a licence. On renewal of his licence the driver declared a motoring conviction for driving without due care and attention. The offence occurred in 2020, however the driver did not notify the Authority at the time instead waiting for renewal.

The driver was asked to explain the circumstances. The driver's representative stated that on the day of the offence the driver was approaching Coryton interchange at 1.30am in heavy rain. There were

roadworks and the driver accidentally drove the wrong way into a diversion. Realising his mistake, he attempted to turn around and return the way he had come but was stopped by Police. The offence was uncontested, he paid a fine and had 5 points placed on his licence.

The driver admitted that he had not declared the conviction at the time it occurred but had declared it on renewal of his licence. He stated that he was now aware of what was required of him in terms of notification of convictions but had not been aware at the time. He had held a licence for 30 years and not previously been convicted of any motoring offences. He had been a licenced driver for 6 years and had not appeared before the Committee previously.

RESOLVED – To issue the driver with a written warning regarding his conduct.

(4) Case 4

The Sub Committee was asked to consider whether a driver was a fit and proper person to hold a licence. On renewal of his licence it became apparent that a conviction was present for driving or allowing someone to use a vehicle uninsured for third party risk.

The driver was asked to explain the circumstances. The driver stated that he had not been driving a taxi or private hire vehicle at the time of the offence. He was working as a driver for a food delivery service and had previously been named on the company's insurance as a driver of the vehicle. The ownership of the company had changed and the new owner had stopped the insurance for the van. The driver was unaware of this and only discovered it when he was stopped.

It was revealed in the course of questioning that there was an error in the papers before the Sub Committee and that the correct date of the offence was 9 May 2022.

RESOLVED – To issue the driver with a written warning.

(5) Application 5

The Sub Committee was asked to consider an application in principle for the grant of private hire operator's licence. The driver had previously held a licence which had subsequently been revoked.

The Sub Committee was presented with a report summarising the driver's previous appearances before it and the circumstances surrounding them. These included a 6-month ban for 'totting up', a conviction for fraud against Cardiff City Council for claiming for transport services that were never carried out, and a conviction for plying for hire without a licence or insurance. They also included repeated refusals of applications for a Hackney carriage/private hire driver's licence. The driver accepted that the facts contained in the report were accurate.

The driver was asked to explain the circumstances. The driver stated that he had made several applications for a licence but they had all been refused. He had waited patiently for the necessary period to

elapse before applying again. He had studied and was fully cognisant with all the necessary information especially the law. He accepted in full his responsibility for his previous non-compliance. His offences were his fault and he offered no excuses for them. He assured the Sub Committee they would not be repeated

The driver stated that since losing his licence he had never been in trouble and had not been involved in any legal problems. He had been of good character for the past 7 years.

The driver stated that he had completed the necessary training for understanding and knowledge. The incident had been a lesson for him and had not been repeated. He was a better-informed person and posed no danger to the public. He had learnt a lot over the past 7 years.

The driver was questioned by members of the Sub Committee. He stated that at the time of his offences he was doing his job and did not focus. He had never had any such problems and never had any complaints from customers. He had already been punished for his offences.

The driver stated that at the time of his conviction for fraud he knew many drivers who did the same. He took responsibility for his actions.

The driver explained the circumstances behind his conviction for working without insurance. He had rented a car whose owner did not know the insurance had expired. He himself did not know the car was not insured.

The driver explained the circumstances behind his conviction for fraud. He had been contracted by the Council to transport children to and from school. He had given the job to one of his drivers and was unaware that they were not carrying out the work. When he was apprised of the situation he took responsibility.

The driver was challenged that the alleged job did not exist and that he had defrauded the Council out of a substantial sum. He had also hired a car without a licence. It was put to the driver that this demonstrated a wilful disregard for the law.

The driver responded that he was now aware of the law. It was put to him that he ought to have known the law from the start and that he had been twice caught acting as a taxi driver without a licence.

In response to further questions the driver confirmed that he had been running a taxi firm at the time of the fraud and stated that he had given the school jobs to other drivers employed by the firm. He confirmed that he had been disqualified for 6 months for speeding as a taxi driver. He stated that his licence had now been clean for 7 years.

RESOLVED – That the application for a private hire operator's licence be refused.

The meeting terminated at 12.00 pm

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