

**BRISTOL CITY COUNCIL**

**MINUTES OF A MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B  
HELD ON 29<sup>TH</sup> NOVEMBER 2011 AT 10.00 A.M.**

- P Councillor Chris Davies (in the Chair)
- P Councillor Fi Hance (for Cllr Leaman)
- P Councillor Brenda Hugill (for Cllr Langley)
- P Councillor Jay Jethwa (for Cllr Morris)
- A Councillor David Morris
- A Councillor Mike Langley
- A Councillor Tim Leaman

**PSP**

**108.11/11 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillor Morris, substitute Councillor Jethwa; Councillor Langley, substitute Councillor Hugill; and Councillor Leaman, substitute Councillor Hance.

**PSP**

**109.11/11 DECLARATIONS OF INTEREST**

**PSP**

**110.11/11 PUBLIC FORUM**

The following Public Forum Statements were received and taken into account by the Members when they made their decisions:

<b>Name</b>	<b>Subject</b>	<b>Comments</b>
Councillor Steve Comer	Agenda Item No. 10 - RA	Written statement
Councillor Faruk Choudhury	Agenda Item No. 10 - RA	Written statement

A copy of each of the statements is contained in the Minute Book.

**PSP**

**111.11/11 CONSIDERATION OF THE SUSPENSION OF COMMITTEE  
PROCEDURE RULES (CMR 10 AND 11) RELATING TO THE  
MOVING OF MOTIONS AND RULES OF DEBATE FOR THE  
DURATION OF THE MEETING**

**RESOLVED –** that having regard to the quasi judicial nature of the business on the agenda, those Committee Rules relating to the moving of motions and the rules of debate (CMR 10 and 11) be suspended for the duration of the meeting.

**PSP**

**112.11/11 EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED -** that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended.

**PSP**

**113.11/11 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - GT**

(Exempt paragraph 3 - Information relating to a person's financial or business affairs)

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (Agenda Item No. 6) considering an application for the grant of a private hire driver's licence.

GT was in attendance.

The Chair explained the procedure that would be followed and everyone introduced themselves.

The Licensing Officer introduced the report and summarised it for everyone.

The Representative of the Service Director, Legal Services advised members were not well placed to deal with the allegation of sexual assault as without a statement from the alleged victim and/or her presence at the Meeting, the applicant would not have the opportunity to challenge the allegation and Members would be unable to make an informed finding of fact on the balance of probabilities as to whether the incident had taken place. She advised that attempts should be made to contact the alleged victim and that she should be invited to submit a statement and/or attend a future Meeting of the Committee. In the meantime further

consideration of the application should be deferred until a future Meeting of the Committee. The legal advisor also stated that the Applicant himself could provide the statements relating to the criminal matter as the matter had proceeded to Bristol Crown Court. Should the Applicant not retain copies, he could obtain them from his solicitors and/or give permission for his solicitors to release the information to Bristol City Council upon request.

Members noted that although North Somerset had suspended his license at the time of the allegation, the license has since be re-instated and does not expire until 2014.

All parties and the representatives of the Director of Neighbourhoods and City Development left the room.

Details of the Committee's findings and reasons for the decision are set out in Appendix 1.

All parties and the representatives of the Director of Neighbourhoods and City Development returned to the room to the decision of the Committee.

**RESOLVED - (i) that further consideration of this application be deferred until a future Meeting of the Committee;**

**(ii) that in the meantime Officers be requested to contact the alleged victim and that she should be invited to submit a statement and/or attend a future Meeting of the Committee; and**

**(iii) that Officers be requested to make enquiries with the Applicant's solicitor as to the statements relating to the allegation itself.**

Following the announcement of the decision and in response to a request, GT stated that he would telephone his solicitors that day, and authorise the release of a copy of the alleged victim's statement to Bristol City Council.

**PSP**

**114.11/11 CONTRAVENTION OF BYELAWS RELATING TO HACKNEY CARRIAGES – SAA**

(Exempt paragraph 3 - Information relating to a person's financial or business affairs)

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (Agenda Item No. 7) considering whether action is necessary against the holder of a hackney carriage driver's licence.

SAA was in attendance, accompanied by PJ.

Witnesses RC and RJ were also in attendance.

The Chair explained the procedure that would be followed and everyone introduced themselves.

It was noted that SAA had not brought his DVLA License with him and that the copy on file was taken on 10<sup>th</sup> January 2011. He stated that there were no further offences on the license since that date.

The Enforcement Officer introduced the report and summarised it for everyone.

RC summarised her witness statement and confirmed that she had noted the number of the taxi. She also stated that it was a journey she had done on a number of occasions previously and the fare was always around £18. RC stated she did not recognise the Applicant and pointed out that at the time of the incident it had been dark and the taxi was dimly light on the inside.

RJ summarised her witness statement and confirmed that she had taken a photograph of the number of the taxi. She also stated that it was a journey she had done on a number of occasions previously and the fare was always around £15 - £16.

Both witnesses confirmed that the manner of SAA was blunt and that he was not open to negotiation. He was definite although not aggressive.

SAA the put his version of events and answered questions highlighting the following:

- He does not recall the first incident
- In relation to the second incident, two women had approached him and asked him a number of times what the fare would be to go to Brentry and Filton; he had replied that it would be an estimated £20 - £25 but they would be charged the actual fare calculated by the meter; he did not refuse to use the meter as he always uses it.

- It was a busy night and he was at the front of the queue.
- The meter is inside his car and it records all his fares
- He always ensures that passengers take the first taxi on the rank

PJ then made a statement on behalf of SAA - the taxi trade is very concerned about overcharging; however proof is needed - BCC should not just accept complaints from passengers and assume the driver is lying; SAA has a very strong accent and there may have been a misunderstanding with the women; he does not recall the first incident but drivers seldom remember the fares they do not take; any price quoted would only be an estimate as he always uses the meter; the £18 fare cannot be accurate as the night rate would be applicable; the women had become aggressive and rude. It is the opinion of PJ that Byelaw 9 was not breached, as the taxi was not hired. SAA feels he did not breach Byelaw 2.

The Representative of the Service Director, Legal Services advised that evidence of a complaint has been presented to the Committee via the two witnesses. She advised it was up to the Members to decide on the balance of probabilities whether the complaint was made out or proved based on the evidence presented to them.

SAA confirmed the allegations made in his statement that the women were drunk and had become aggressive, and rude. Witness RC had said "Bollocks" and told him to "Fuck Off". SAA stated RC was unsteady on her feet and he could tell she was drunk from the way she was speaking to him.

In response RC stated that she was not drunk - she does not drink much alcohol and had only had two alcoholic drinks at about 7 pm that evening. She had not become aggressive or rude; she did not use the language that she is alleged to have used. SAA's taxi was not at front of the queue and it was not a very busy night.

All parties and the representatives of the Director of Neighbourhoods and City Development left the room.

Details of the Committee's findings and reasons for the decision are set out in Appendix 2.

All parties and the representatives of the Director of Neighbourhoods and City Development returned to the room to the

decision of the Committee.

**RESOLVED - (i) that the Hackney Carriage Driver's License held by SAA be revoked; and**

**(ii) that any application for a new license received within three months of the date of revocation be referred to the Committee for a decision.**

## **PSP**

### **115.11/11 COMPLAINT OF OFFENDING CONDUCT - HOLDER OF PRIVATE HIRE DRIVER'S LICENCE - DAO**

(Exempt paragraph 3 - Information relating to a person's financial or business affairs)

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (Agenda Item No. 8) considering whether action is necessary in respect of the private hire driver's licence held by DAO.

DAO was in attendance, accompanied by an interpreter.

The Chair explained the procedure that would be followed and everyone introduced themselves.

The Enforcement Officer introduced the report and summarised it for everyone. This location is one of the "hot spots" in the City where there are a lot of allegations of illegal plying for hire. It was noted that DAO has not been prosecuted for the alleged offences.

DAO then put his case and answered questions highlighting the following:

- He confirmed that he was now aware that he is not insured to ply for hire
- He had picked up the people by mistake; it was a very busy evening and most of fares started in the central area
- He was a new driver - he had only started driving on 1<sup>st</sup> September 2011 - and had not been provided with the information concerning the different regulations governing hackney carriage and private hire
- Since the date of the incident he had started a training course

- He had thought that it was permitted to pick up passengers off the highway
- He was waiting for a job and playing with his phone when he was approached; he did not understand the people properly and thought that they were a pre-booked fare
- He does not know any other taxi drivers; he was previously working in a restaurant when the owner suggested he become a taxi driver; he had been charged a total of £1,850 for training but the course provider had not explained the different regulations governing hackney carriage and private hire
- He summed up his case

The Licensing Officer explained that the conditions relating to private hire are on the back of the license. There would also be an expectation that private hire operators ensure that all of their drivers are aware of the conditions and the regulations governing hackney carriage and private hire. She also explained that the fit and proper tests are computerised and if anyone was known to have difficulties in reading English they would be given extra time for the tests.

DAO stated he could not read English well and had not read the conditions when he was granted the licence. He reiterated his previous belief that he could pick up passengers from the street as long as he was not flagged down on the highway. At the time he was sitting in a private car park and thought he was allowed to pick up the passengers even though he believed these particular passengers were a pre-booked fare. He now has a better understanding of what he is actually permitted to do.

All parties and the representatives of the Director of Neighbourhoods and City Development left the room.

Details of the Committee's findings and reasons for the decision are set out in Appendix 3.

All parties and the representatives of the Director of Neighbourhoods and City Development returned to the room to the decision of the Committee.

**RESOLVED - (i) that the complaint is made out; and**

**(ii) that the Private Hire Driver's License held by DAO be suspended for a period two months.**

**PSP**

**116.11/11 REPORT OF MISCONDUCT OF HOLDER OF A HACKNEY CARRIAGE DRIVER'S LICENCE - JB**

(Exempt paragraph 3 - Information relating to a person's financial or business affairs)

The Licensing Officer advised Members that they had received a request for a deferment of this report.

It was therefore

**RESOLVED - that consideration of this report be deferred until a future Meeting of the Committee.**

**PSP**

**117.11/11 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - RA**

(Exempt paragraph 3 - Information relating to a person's financial or business affairs)

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (Agenda Item No. 10) considering an application for the grant of a private hire driver's licence.

RA was in attendance accompanied by Councillor Comer.

The Chair explained the procedure that would be followed and everyone introduced themselves.

The Licensing Officer introduced the report and summarised it for everyone. She advised Members that RA had still not paid the costs awarded to BCC relating to his unsuccessful appeal to the Magistrates Court. RA has been contacted on a number of occasions but has not responded with any proposals to pay the debt.

RA then put his case and answered questions highlighting the following:

- He made a mistake and did not intend to cause any problems
- He has learned from the mistake, has not been able to find any work since - although he is not claiming benefits - and wants to work
- He will not get into trouble again



- He is aware that he has not paid BCC the costs of his appeal, but is not working and has a family to support - he does intend to pay the costs
- He went to Pakistan after the court case and may not have received some of the correspondence
- He was assaulted in his house on 29<sup>th</sup> December 2009 and the damage was done in January 2010; the wheel brace came from one of the cars and they only went to obtain a registration number (upon advice from the Police)
- It is now nearly two years since the incident
- He has had no problems since and has been promised work if he can get a license

Councillor Comer made a statement supporting RA - the dispute was between drivers and a taxi company over money; RA was assaulted and when he went to Trinity Road Police Station he was advised to obtain the registration number of the vehicle in question; they had not gone to the taxi company for a confrontation although one had ensued; he supports RA and had looked in detail at the case; this was the first time he had supported a constituent in relation to an application; RA has lodged a complaint with the CPS; he has looked at the report and Policy, and requests that the Committee make an exception for RA and grant him a license.

RA summed up his case. He confirmed that a friend had draft his references and got other people to sign them.

All parties and the representatives of the Director of Neighbourhoods and City Development left the room.

Details of the Committee's findings and reasons for the decision are set out in Appendix 4.

All parties and the representatives of the Director of Neighbourhoods and City Development returned to the room to the decision of the Committee.

**RESOLVED - that the application for a Private Hire Driver's License by RA be refused as he has not convinced the Council that he is a fit and proper person to hold such a license.**

**PSP**

**118.11/11 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - AH**

(Exempt paragraph 3 - Information relating to a person's financial or business affairs)

The Licensing Officer advised Members that they had received a request for a deferment of this report.

It was therefore

**RESOLVED - that consideration of this report be deferred until a future Meeting of the Committee.**

**PSP**

**119.11/11 APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE: BRISTOL CABOT TAXIS EXPIRED LICENCE**

(Exempt paragraph 3 - Information relating to a person's financial or business affairs)

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (Agenda Item No. 12) considering an application for the renewal of a private hire vehicle licence.

AO, the manager of the company was in attendance.

The Chair explained the procedure that would be followed and everyone introduced themselves.

The Licensing Officer introduced the report and summarised it for everyone. She also explained that there was a three-month discretionary period after expiry if the Department had been notified of a Road Traffic Accident of the need for a mechanical repair. The explanations provided for the delay did not warrant the 3-month extension period to apply. It was a common misconception that the 3-month period applied in all cases.

AO then put his case and answered questions highlighting the following:

- He had made two attempts to renew the license, although he missed the second appointment for personal reasons
- He had thought that he had three months to renew the license after the expiry date

- All of the company's vehicles are well maintained including the vehicle in question; the average annual mileage is between 25,000 and 30,000
- He summed up his case

All parties and the representatives of the Director of Neighbourhoods and City Development left the room.

Details of the Committee's findings and reasons for the decision are set out in Appendix 5.

All parties and the representatives of the Director of Neighbourhoods and City Development returned to the room to the decision of the Committee.

**RESOLVED - (i) that the Private Hire Vehicle License be renewed;**

**(ii) that a note be attached to the files for this and other Cabot Taxi vehicles confirming that that they are now aware of the renewal regulations relating to the three months period.**

## **INFORMATION ITEM**

**PSP**

**120.11/11 DATE OF NEXT MEETING**

**RESOLVED - that the next meeting will be held on Tuesday 13<sup>th</sup> December 2011 at 10.00 a.m. and is likely to be a meeting of Sub-Committee A.**

(The meeting ended at 3.35 pm.)

CHAIR

**BRISTOL CITY COUNCIL****MINUTES OF MEETING  
OF THE PUBLIC SAFETY AND PROTECTION  
SUB-COMMITTEE A  
HELD ON 29<sup>th</sup> NOVEMBER 2011 AT 10.00 AM.****PSP 113.11/11****Agenda Item No. 6****Agenda title****APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE  
- GT****Finding of Facts**

See Reasons for Decision.

**Decision**

That further consideration of this application be deferred until a future Meeting of the Committee.

That in the meantime Officers be requested to contact the alleged victim and that she should be invited to submit a statement and attend a future Meeting of the Committee.

That Officers make enquiries with the Applicant's solicitors and request the release of the statements relating to the allegation.

**Reasons for Decision**

Members considered very carefully all of the written and verbal evidence presented to them.

On the advice of the Representative of the Service Director, Legal Services they agreed that they were not in a position to come to any conclusions regarding the allegation of sexual assault. Without a statement from the alleged victim and/or her presence at the Meeting and the opportunity for the applicant to challenge the allegation, they could not decide whether on the balance of probabilities the alleged sexual assault had taken place. They agreed that attempts should be made to contact the alleged victim and that she should be invited to submit a statement and attend a future Meeting of the Committee. In the meantime further consideration of the application should be deferred until a future Meeting of the Committee.

They also noted the promise by GT to telephone his solicitors that day and authorise the release of a copy of the alleged victim's statement to Bristol City Council.

**Chair's Signature**

**BRISTOL CITY COUNCIL**

**MINUTES OF MEETING  
OF THE PUBLIC SAFETY AND PROTECTION  
SUB-COMMITTEE A  
HELD ON 8<sup>th</sup> NOVEMBER 2011 AT 10.00 AM.**

**PSP 114.11/11**

**Agenda Item No. 7**

**Agenda title**

**CONTRAVENTION OF BYELAWS RELATING TO HACKNEY CARRIAGES -  
SAA**

**Finding of Facts**

Members decided that on the balance of probabilities that the version of events put forward by the witnesses was more credible than the version put forward by SAA and that SAA had therefore contravened the Byelaws Relating to Hackney Carriages.

**Decision**

That the Hackney Carriage Driver's License held by SAA be revoked under the grounds contained in section 61 (1) (a) (ii) of the Local Government (Miscellaneous Provisions) Act 1976 namely, for failing to comply with the provisions of the Town Police Clauses Act 1847 as he no longer satisfied the Council he was a fit and proper person to hold such a license.

That any application for a new license received within three months of the date of revocation be referred to the Committee for a decision.

**Reasons for Decision**

Members considered very carefully all of the written and verbal evidence presented to them.

Members noted the statements made by witnesses RC and RJ and that these were unrelated incidents. Members decided that on the balance of probabilities that the version of events put forward by the witnesses was more credible than the version put forward by SAA and that SAA had therefore contravened the Byelaws Relating to Hackney Carriages.

Noting the previous good record of SAA, Members decided that they would make an exception to their Policy in his case and that SAA should only be prevented from driving a taxi for a period of three months. Noting that his license expires on license expires on 9<sup>th</sup> January 2012 it was agreed Hackney Carriage Driver's License held by SAA be revoked and that any application for a new license received within three months of the date of revocation be referred to the Committee for a decision.

**Chair's Signature**

**BRISTOL CITY COUNCIL****MINUTES OF MEETING  
OF THE PUBLIC SAFETY AND PROTECTION  
SUB-COMMITTEE A  
HELD ON 8<sup>th</sup> NOVEMBER 2011 AT 10.00 AM.**

PSP 115.11/11

Agenda Item No. 8

**Agenda title****COMPLAINT OF OFFENDING CONDUCT - HOLDER OF PRIVATE HIRE  
DRIVER'S LICENCE - DAO****Finding of Facts**

That the complaint is made out (indeed it was not denied) and that DAO did illegally ply for hire without holding the appropriate license or insurance.

**Decision**

That the complaint is made out.

That the Hackney Carriage Driver's License held by SAA be suspended for two months under the grounds contained in section 61 (1) (a) (ii) of the Local Government (Miscellaneous Provisions) Act 1976 namely, for failing to comply with the provisions of the Town Police Clauses Act 1847 and section 61 (1) (b) of the Act namely, any other reasonable cause, as he no longer satisfied the Council he was a fit and proper person to hold such a license.

**Reasons for Decision**

Members considered very carefully all of the written and verbal evidence presented to them.

Members noted that DAO had admitted illegally picking up the passengers whilst not having the correct license or insurance.

They noted however that he has not been prosecuted for the offences, is a new and inexperienced driver, that he admitted the offences, is now taking a training course and now knows the difference between the regulations governing hackney carriage and private hire.

Members therefore decided to make an exception to their Policy and only suspend the license held by DAO for a period of two months.

**Chair's Signature**

**BRISTOL CITY COUNCIL****MINUTES OF MEETING  
OF THE PUBLIC SAFETY AND PROTECTION  
SUB-COMMITTEE A  
HELD ON 8<sup>th</sup> NOVEMBER 2011 AT 10.00 AM.****PSP 117.11/11****Agenda Item No. 10****Agenda title****APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE  
- RA****Finding of Facts**

RA was found guilty of damage to property at Bristol Magistrates on 4<sup>th</sup> August 2010.

**Decision**

That the application for a Private Hire Driver's License by RA be refused on the grounds contained in section 51 of the Local Government (Miscellaneous Provisions) Act 1976 as he has failed to satisfy the Council that he is a fit and proper person to hold such a license.

**Reasons for Decision**

Members considered very carefully all of the written and verbal evidence presented to them.

Members noted that the conviction was only just over one year ago and that their Policy stipulates a minimum of five years conviction free for this type of offence. Members did not consider that RA had provided much new evidence to support his application since he appeared before the Committee on 20<sup>th</sup> October 2010. Members did not consider that they had heard enough evidence to convince them that RA is fit and proper person to hold a Private Hire Driver's License and that they should make an exception to their Policy in his case. The application was therefore refused.

**Chair's Signature**



**BRISTOL CITY COUNCIL****MINUTES OF MEETING  
OF THE PUBLIC SAFETY AND PROTECTION  
SUB-COMMITTEE A  
HELD ON 8<sup>th</sup> NOVEMBER 2011 AT 10.00 AM.****PSP 119.11/11****Agenda Item No. 12****Agenda title****APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE VEHICLE  
LICENCE: BRISTOL CABOT TAXIS EXPIRED LICENCE****Finding of Facts**

See Reasons for Decision

**Decision**

That the Private Hire Vehicle License be renewed.

That a note be attached to the files for this and other Cabot Taxi vehicles confirming that that they are now aware of the renewal regulations relating to the three months period.

**Reasons for Decision**

Members considered very carefully all of the written and verbal evidence presented to them.

Members accepted AO's version of events that he was working under the common misapprehension that there is an automatic period of three months following expiry to renew vehicle licenses. He is now aware that this is not the case. They therefore agreed that the vehicle could have its license renewed but that a note be attached to the files for this and other Cabot Taxi vehicles confirming that that they are now aware of the renewal regulations relating to the three months period.

**Chair's Signature**