

**BRISTOL CITY COUNCIL**

**MINUTES OF A MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B  
HELD ON 6<sup>TH</sup> MARCH 2012 AT 10.00 A.M.**

P Councillor Chris Davies  
P Councillor Mike Langley  
A Councillor Tim Leaman  
P Councillor David Morris (in the Chair)

**PSP**

**172.3/12 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillor Leaman.

**PSP**

**173.3/12 DECLARATIONS OF INTEREST**

There were no further declarations of interest.

**PSP**

**174.3/12 PUBLIC FORUM**

Nothing was received.

**PSP**

**175.3/12 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**

## **176.3/12 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**

## **177.3/12 REPORT OF OFFENDING CONDUCT - PRIVATE HIRE DRIVER'S LICENCE - CNT**

(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 whether action is necessary in respect of the private hire driver's licence held by CNT.

CNT was in attendance, accompanied by his wife.

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

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

The Representative of the Service Director, Legal Services advised Members that she had briefly spoken to CNT prior to the meeting and he did not dispute any of the facts in the witness statements. She also reminded Members that the usual starting point under the Council's Policy on offending conduct in respect of plying for hire offences was a period of 6 months suspension. Each case had to be considered on its own merits but the burden of proof was on the individual applicant to persuade the Committee that he should be treated as an exception to the policy.

CNT then confirmed that he fully accepted the facts as set out in the witness statements. He had a slight issue about being entrapped but conceded that he had responded to being flagged down by the Council officers and they had not forced their way into

the vehicle. CNT then made representations to the committee and answered questions highlighting the following:

- He accepted that he had done wrong
- He gave up driving taxis 5 years ago to start a business; he had borrowed £50,000 but the business had not been successful and it had ceased trading on 29<sup>th</sup> February 2012 and he still has a lot of unsold stock. He had been struggling financially
- As a result he has begun driving taxis again. He had been involved in the trade for some 20 years and this was the first time he had done anything wrong
- He was very stressed out at the time of the incident and had picked up the women at 1.30 am so that they could get home safely
- There had been no other complaints or problems in all the time he had been a taxi driver
- He apologised for his behaviour and assured the Committee he will never do this again
- He has sold his own taxi and now works for a taxi company
- He summed up his case

Referring to paragraph 2 of the report, it was confirmed that the licence held by CNT actually expired on 16<sup>th</sup> March 2012.

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 hear the decision of the Committee.

**RESOLVED - (i) that the Private Hire Driver's Licence held**

by CNT be revoked on the grounds contained in section 61(1)(a)(ii) and section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 in that he had failed to comply with the provisions of the Town Police Clauses Act 1847 and “any other reasonable cause”; and

(ii) that should CNT make an application for a Private Hire Driver’s Licence (or a Hackney Driver’s Licence) within two months of the date of revocation, the application be referred to the Committee for a decision.

**PSP**

**178.3/12 REPORT OF OFFENDING CONDUCT - PRIVATE HIRE DRIVER’S LICENCE - EY**

(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 in respect of the private hire driver’s licence held by EY.

EY was in attendance.

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

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

The Representative of the Service Director, Legal Services advised Members that she had briefly spoken to EY prior to the meeting and he did not dispute any of the facts contained in the witness statements. She also reminded Members that the usual starting point under the Council’s Policy on offending conduct recommended a period of up to 6 months suspension in respect of offences of plying for hire..

EY stated that he did not have his DVLA Licence with him. The Enforcement Officer stated that the copy on file was dated 7<sup>th</sup>

September 2011 and EY stated that he had committed no further offences since that date. He had lost his licence in 2008 for totting up offences.

EY then made representations to the Committee and answered questions highlighting the following:

- He confirmed that he did not dispute any of the facts in the witness statements
- He had done something wrong but does not know why; he has never done it before and will never do it again
- He does not usually work during the nights, only days
- His taxi licence is very important to him as it allows him to work flexibly enabling him to look after his parents
- He has been a taxi driver on and off since 1988 and it funded his university course
- However things have gone wrong for him since his second divorce and he lost his licence on totting up
- He has worked for a taxi company since 23<sup>rd</sup> September 2010
- His nephew was a police officer so he did not belong to a family that broke the law

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 2.

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

**RESOLVED - that the Private Hire driver's Licence held by EY be suspended for a period 3 three months**

on the grounds contained in section 61(1)(a)(ii) and section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 in that he had failed to comply with the Town Police Clauses Act 1847 and “any other reasonable cause”.

**PSP**

**179.3/12 REPORT OF OFFENDING CONDUCT - PRIVATE HIRE DRIVER'S LICENCE - KMM**

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

It was noted that this driver is now to be prosecuted at the Magistrate's Court.

**PSP**

**180.3/12 REPORT OF OFFENDING CONDUCTION - MH**

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

It was noted that this driver is now to be prosecuted at the Magistrate's Court.

**PSP**

**181.3/12 REPORT OF OFFENDING CONDUCTION - PAG**

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

It was noted that this driver is now to be prosecuted at the Magistrate's Court.

**PSP**

**182.3/12 REPORT OF OFFENDING CONDUCT - AS**

(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. 11) considering whether any action is required in respect of the private hire driver's licence held by AS.

AS was in attendance, accompanied by SP, the manager of the

company he works for. AS confirmed that he disputed the facts in that he did not accept that he had plied for hire at the material time. He also disputed the location of the pick up. It was therefore necessary for the Committee to first make findings of fact before determining what action, if any, to take in respect of AS's private hire driver's licence.

Also in attendance was the witness SM.

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

The Enforcement Officer introduced the report and summarised the allegations against AS that the Committee were invited to consider.

SM confirmed that her written statement was a correct record of the events that had occurred at the material time.

In response to AS who disputed her version of events and that of her colleague, she confirmed that her statement was a correct record. She also later confirmed that they had "flagged" AS down and had first asked him "Are you available to take us to The Tunnels?". Neither of them got into his car until he had confirmed his availability to take them to their requested destination. They had been on the Market side of the road when they flagged him down. The driver's vehicle was not stationary at the time. He stopped for the officers in response to them flagging him down.

SP then made a statement on behalf of AS highlighting the following:

- He had known AS for 23 years who was a hard working individual. This was the first time he had supported one of his driver's at a committee hearing but he felt strongly about this case as he disagreed with the method used by officers to entrap drivers
- His company does not tolerate drivers who illegally ply for hire. Any drivers who are caught plying for hire are dismissed. It was extremely sad that AS had been accused of this
- All calls at his company are recorded

- AS had a pre-arranged pick up at the Marriott Hotel; his company has a contract with the hotel but hackney carriages are always parked out the front of it, blocking the front entrance
- AS had picked up two women from the Marriott Hotel who had asked to go to the cash point.
- Whilst the first two women were at the cash point, two other women had jumped into his car and asked to be taken to Temple Meads; AS did not notice that these were two different women
- SP considered the flagging down of drivers to be entrapment and his drivers often pick up women late at night for reasons of safety. SP was astonished to hear that Council Officers would stand at the side of the road and flag down drivers
- If two women are putting their hands up – drivers will often stop for women who are in distress

The Representative of the Service Director, Legal Services advised Members that it was entirely proper to hear from SP concerning the character of AS and how any contract work or pre-booked fares were allocated to him via the office of Yellow Cabs. SP could also support AS during the course of the hearing. However, only those present at the incident - AS and the two witnesses - could give a direct account of what actually happened concerning the method of the pick up and where it occurred. Members would have to be cautious as to how much weight could be attached to hearsay evidence from SP concerning what actually happened during the pick up as he was not present and was obviously repeating what AS had told him. She also clarified that entrapment does not afford a suspect a defence in English law. In accordance with relevant case law, evidence obtained by means of an undercover operation will generally be admissible as long as the person accused had not been incited, coerced, persuaded, pressurised or wheedled into committing an offence. It is recognised that law enforcement agencies have a general duty to the public to enforce the law and it has been regarded as unobjectionable if a law enforcement officer gives the accused an opportunity to break the law of which the accused freely takes advantage, in circumstances where it appears that the accused would have behaved in the same way if the



opportunity had been offered by anyone else.

AS then made a statement and answered questions highlighting the following:

- He had picked up a pre-booked fare from the Marriott Hotel having been provided with a ticket number. It was a contract job.
- The two women had asked to go to the cash point
- He had stopped by the cash point and reversed when two women who he assumed to be the same ones jumped into the car and asked to go to Temple Meads; he maintained that he did not notice that they were two different women; he later had to return to the cash point to pick up the original women who were stranded there
- SP said that the two women who were stranded had telephoned the taxi booking office to ask where their cab had gone. He could provide proof of this.

AS then continued: -

- He does not illegally ply for hire and was mugged 4 years ago leading to him having a heart attack
- He has never had any other problems in 24 years of being a taxi driver and does not want to lose his licence. He could not afford to lose his badge
- He summed up his case. He denied that he was flagged down by the two women, contending that he had been stationary when they had jumped into his car. He assumed they were his pre-booked fare and did not question why they wanted to go to another destination. He disputed where the pick up had occurred. AS said that he recalled the journey and the pick up had occurred at the corner of Wine Street and Broad Street. He said that SM was lying.

The Enforcement Officer explained that Officers are always briefed before operations and never coerce or put pressure on taxi drivers to take them; they always use carefully chosen words.

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 hear the decision of the Committee.

- RESOLVED -**
- (i) that, on a balance of probabilities, AS had illegally plied for hire and in so doing had failed to comply with the provisions of the Town Police Clauses Act 1847; and**
  - (ii) that the Private Hire Driver's Licence held by AS be suspended for a period of six months on the grounds contained in sections 61(1)(a)(ii) and 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 in that he had failed to comply with the Town Police Clauses Act 1847 and "any other reasonable cause".**

(Meeting ended at 2.00 pm.)

CHAIR

## BRISTOL CITY COUNCIL

**MINUTES OF A MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B  
HELD ON 6<sup>th</sup> MARCH 2012 AT 10.00 AM**

PSP 177.03/12

Agenda Item No. 6

**Agenda title**

**REPORT OF OFFENDING CONDUCT - PRIVATE HIRE DRIVER'S LICENCE - CNT**

**Finding of Facts**

The Committee found that CNT had unlawfully plyed for hire at the material time and in doing so had failed to comply with the Town Police Clauses Act 1847. There was reasonable cause to take action in respect of CNT's private hire driver's licence..

**Decision**

That the Private Hire Driver's Licence held by CNT be revoked on the grounds contained in sections 61(1)(a)(ii) and 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 in that he had failed to comply with the Town Police Clauses Act 1847 and "any other reasonable cause".  
That should CNT make an application for a Private Hire Driver's Licence (or a Hackney Carriage Driver's Licence) within two months of the date of revocation, the application 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.

CNT made full admissions to the Committee that he had unlawfully plyed for hire at the material time. Although he had been caught plying for hire during the course of an undercover operation, it was clear that he had been presented with an opportunity to break the law to which he had responded without any persuasion or pressure.

Under the Council's policy on offending conduct the usual starting point would be to suspend a licensee for a period of up to 6 months where he/she had unlawfully plyed for hire. Such a response is generally considered to be proportionate as plying for hire is a widespread problem in the Bristol area. The Committee take a dim view when licensee's break the law in this way because it not only amounts to a breach of the licensee's conditions but it is also a practice

that places the public at risk.

The Committee noted that CNT had been very honest in that he had made full and frank admissions to the Council. He would be given credit for this. CNT was very apologetic, had a previous good record as a licensee and produced written references of his good character. In the circumstances of this particular case, the Members decided that a period of 2 months “off the road” would be a proportionate response. However, as CNT’s licence was due to expire on 16 March 2012, the licence would have to be revoked. As long as CNT did not commit any further transgressions during the two month period following the revocation taking effect, his licence could be restored to him at officer level once he re-applied at the end of that period. If he re-applied before expiry of the two month period, then the matter would have to be placed before the Committee for determination.

**Chair’s Signature**

## BRISTOL CITY COUNCIL

**MINUTES OF A MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B  
HELD ON 6<sup>th</sup> MARCH 2012 AT 10.00 AM**

PSP 178.03/12

Agenda Item No. 7

**Agenda title****REPORT OF OFFENDING CONDUCT - PRIVATE HIRE DRIVER'S LICENCE - EY****Finding of Facts**

The Committee found that EY had unlawfully plyed for hire at the material time and in so doing had failed to comply with the Town Police Clauses Act 1947. There was reasonable cause to suspend EY's private hire driver's licence.

**Decision**

That the Private Hire Driver's Licence held by EY be suspended for a period three months on the grounds contained in sections 61(1)(a)(ii) and 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 in that he had failed to comply with the Town Police Clauses Act 1847 and "any other reasonable cause".

**Reasons for Decision**

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

CNT made full admissions to the Committee that he had unlawfully plyed for hire at the material time. Although he had been caught plying for hire during the course of an undercover operation, it was clear that he had been presented with an opportunity to break the law to which he had responded without any persuasion or pressure.

Under the Council's policy on offending conduct the usual starting point would be to suspend a licensee for a period of up to 6 months where he/she had unlawfully plyed for hire. Such a response is generally considered to be proportionate as plying for hire is a widespread problem in the Bristol area. The Committee take a dim view when licensee's break the law in this way because it not only amounts to a breach of the licensee's conditions but it is also a practice that places the public at risk.

CNT had been very honest in that he had made full and frank admissions to the

Council. He would be given credit for this. CNT was very apologetic and remorseful about his conduct and represented that he had a previous unblemished record as a licensee. He also had a current clean driving licence.

In the circumstances of EY's case, the Committee resolved that there was reasonable cause to take some action in respect of his private hire driver's licence but that a reduced period of 3 months suspension would be a proportionate response. Ey would hopefully use this period of time in order to reflect upon his conduct and ensure that there was no repeat of the same.

**Chair's Signature**

## BRISTOL CITY COUNCIL

MINUTES OF A MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B  
HELD ON 6<sup>th</sup> MARCH 2012 AT 10.00 AM

PSP 182.03/12

Agenda Item No. 11

**Agenda title****REPORT OF OFFENDING CONDUCT - PRIVATE HIRE DRIVER'S LICENCE - AS****Finding of Facts**

That, on a balance of probabilities, AS had illegally plyed for hire. As such he had failed to comply with the provisions of the Town Police Clauses Act 1847 and there was reasonable cause to suspend his private hire driver's licence.

**Decision**

That the Private Hire Driver's Licence held by AS be suspended for a period of six months on the grounds contained in sections 61(1)(a)(ii) and 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 in that he had failed to comply with the Town Police Clauses Act 1847 and "any other reasonable cause".

## **Reasons for Decision**

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

Members first had to arrive at a decision on the facts because there was considerable dispute between the version of events put forward by SM and her colleague and the explanation given by AS.

On a balance of probabilities, the Committee unanimously concluded that AS had been plying for hire at the material time and in so doing the likelihood was that he had invalidated his insurance, thus placing the public at risk.

The Members considered SM to be a truthful and credible witness. Her version of events were also corroborated by her colleague, who was with her on the night in question. The Committee believed that AS had been flagged down by the undercover Officers and that his vehicle was not stationary at the time. Members did not believe AS's explanation that the Officers had jumped into his vehicle. They concluded that he was asked if he was available using very specific language, he responded that he was and that the officers did not get into his vehicle until he confirmed that he was available to transport him.

Members did not find AS's explanation that he had made an honest mistake to be a credible one: that he thought the two Council officers were the same two women who had just got out of his vehicle. It was also somewhat strange that he did not question why the two women wanted to be taken to a different destination if he genuinely believed them to be his pre-booked fare. If it was a contract job – why would AS accept a cash payment from the passengers?

It did not escape the notice of the Members that AS had not provided any explanation to the enforcement officers at the scene concerning a pre-booked fare. In fact, AS had been uncooperative with the enforcement officers.

The Members were unimpressed with AS's behaviour before the Committee today. His attitude and demeanour was considered to be wholly inappropriate. The Committee Members were somewhat taken aback by AS's seemingly aggressive attitude from the very start of the hearing, which was directed towards not only the Officers in attendance at Committee but also towards them. The Chair had to constantly remind AS not to raise his voice at officers and the Committee but he seemed unable to compose himself.

Under the Council's policy on offending conduct the usual starting point would be to suspend a licensee for a period of up to 6 months where he/she had unlawfully plied for hire. Such a response is generally considered to be



proportionate as plying for hire is a widespread problem in the Bristol area. The Council takes a dim view when licensee's break the law in this way because it not only amounts to a breach of the licensee's conditions but it is also a practice that places the public at risk.

The Members concluded that they had not heard anything from AS to persuade them that he should be treated as an exception to the Council's policy on offending behaviour. Consequently, it was resolved to suspend his Private Hire Driver's Licence for a period of 6 months.

**Chair's Signature**