

**AGENDA ITEM NO. 5 F**

**BRISTOL CITY COUNCIL**

**MINUTES OF A MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A  
HELD ON 29<sup>th</sup> FEBRUARY 2012 AT 9.30 AM (RECONVENED  
FROM 13<sup>th</sup> DECEMBER 2011)**

- P Councillor Fi Hance
- P Councillor Alf Havvock
- A Councillor Brenda Hugill
- A Councillor Jay Jethwa
- A Councillor Mike Langley (for Cllr Hugill)
- P Councillor David Morris (for Cllr Jethwa) (in the Chair)

**PSP**

**166.02/12 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillor Langley.

**PSP**

**167.02/12 DECLARATIONS OF INTEREST**

No further declarations of interest were received.

**PSP**

**168.02/12 PUBLIC FORUM**

Nothing was received.

**PSP**

**169.02/12 CONSIDERATION OF THE SUSPENSION OF  
COMMITTEE PROCEDURE RULES (CMR 10 AND  
11) RELATING TO THE MOVING OF MOTIONS AN  
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**

**170.02/12 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**

**171.02/12 REPORT OF MISCONDUCT OF HOLDER OF A HACKNEY CARRIAGE DRIVER'S LICENCE - JHB**  
(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) seeking consideration of whether any action is required as a result of the finding of fact made at the Meeting 13<sup>th</sup> December 2011.

JHB was in attendance, accompanied by AG (his solicitor) and two supporters.

Also in attendance was Witness SS.

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

AG then put the case for mitigation on behalf of JHB highlighting the following:

- The finding from 13<sup>th</sup> December 2011 is accepted

- He confirmed that a copy of the Policy has been provided
- JHB accepts that this was a serious allegation
- He referred to Paragraph 4 of the Policy - "Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances."
- This was an isolated incident and there were mitigating circumstances
- The Policy covers a lot of serious offences but this is not a serious offence; it is an offence under the 1847 Act and the 1976 L G Act
- JHB is normally a mild mannered man who is a church goer and has no previous offences; something had triggered him to abandon his passenger
- JHB has been a hackney carriage driver since 1982 and has had no accidents or committed any offences; this incident was out of character for him
- JHB often carries passengers free of charge and delivers lunches to OAPs
- He urged the Committee not to suspend his licence as he relies on driving for a living and he rents his car and flat; a suspension of his licence would deprive him of his livelihood and force him to claim benefits; suspension of his licence would be a swingeing penalty
- JHB has never received a verbal or written warning and one of these should be considered as a suitable punishment, or a financial penalty; a suspension is greater penalty than JHB deserves
- JHB has again apologised for the incident and has promised it will never happen again

JHB stated that he has never abandoned a passenger before and will never do it again.

The Representative of the Service Director, Legal Services advised everyone that the Committee has a regulatory role and whilst it could consider a warning to JHB, it could not impose a financial penalty on JHB. It does have the right to suspend his licence. She also reminded Members of their Policy.

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 - that the Hackney Carriage Driver's Licence held by JHB be suspended for a period of three months under Section 61 (1) (a) (ii) of the 1976 Local Government (Miscellaneous Provisions) Act.**

(Meeting ended at 10.30 am.)

CHAIR

**BRISTOL CITY COUNCIL**

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**PSP 171.02/12**

**Agenda Item**

**Agenda title**

**REPORT OF MISCONDUCT OF HOLDER OF A HACKNEY  
CARRIAGE DRIVER'S LICENCE - JHB**

**Finding of Facts**

The allegations of misconduct were made out at the Committee Meeting on 13<sup>th</sup> December 2011.

**Decision**

That the Hackney Carriage Driver's Licence held by JHB be suspended for a period of three months under Section 61 (1) (a) (ii) of the 1976 Local Government (Miscellaneous Provisions) Act.

**Reasons for Decision**

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

Although JHB was not prosecuted Members considered that this was a serious offence. JHB had put one of his passengers - a lone woman - in danger. Noting Paragraph 4 of their Policy and in particular "A particularly serious view may be taken where the victim of the offence is especially vulnerable". Members therefore decided that they had no choice but to impose a suspension. They felt that a clear message needs to go to JHB and anyone else who may consider doing the same thing. Taxis have to be a safe and reliable form of transport for everyone at all times of day or night, especially for vulnerable passengers.

However noting the previous good character of JHB, that he had admitted abandoning his passenger and that he had apologised for the incident, Members decided that they would make an exception to their Policy in his case and that the Hackney Carriage Driver's Licence held by JHB should be suspended for a period of only three months.

**Chair's Signature**