

Public Safety and Protection Sub-Committee A Agenda



Date: Tuesday, 2 April 2024

Time: 10.00 am

Venue: 1P05: Beira Room - City Hall, College Green,
Bristol, BS1 5TR

Distribution:

Councillors: Amal Ali (Chair), Richard Eddy, Sarah Classick and Heather Mack

Issued by: Jeremy Livitt, Democratic Services

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Agenda

1. Welcome and Safety Information

(Pages 4 - 6)

2. Apologies for Absence

3. Declarations of Interest

a) Minutes - 6th February 2024

(Pages 7 - 17)

To confirm the minutes of the above meeting as a correct record for signing by the Chair.

b) Minutes - 13th February 2024

(Pages 18 - 24)

To confirm the minutes of the above meeting as a correct record for signing by the Chair.

5. Public Forum

Up to 30 minutes is allowed for this item

Any member of the public or Councillor may participate in Public Forum. The detailed arrangements for so doing are set out in the Public Information Sheet at the back of this agenda. Public Forum items should be emailed to democratic.services@bristol.gov.uk and please note that the following deadlines will apply in relation to this meeting:-

Questions - Written questions must be received 3 clear working days prior to the meeting. For this meeting, this means that your question(s) must be received in this office at the latest **by 5pm on Monday 25th March 2024.**

Petitions and Statements - Petitions and statements must be received on the working day prior to the meeting. For this meeting this means that your submission must be received in this office at the latest **by 12 Noon on Thursday 28th March 2024.**

Please note, your time allocated to speak may have to be strictly limited if there are a lot of submissions. This may be as short as one minute.

Members of the press and public who plan to attend a public meeting at City Hall are advised that you will be **required to sign in** when you arrive and you will be



issued with a visitor pass which you will **need to display at all times**.

6. Suspension of Committee Procedure Rules CMR10 and CMR11 Relating to the Moving of Motions and Rules of Debate

Recommended – that having regard to the quasi-judicial nature of the business on the Agenda, those Committee Procedure Rules relating to the moving of motions and the rules of debate (CMR10 and 11) be suspended for the duration of the meeting.

7. Exclusion of Press and Public

Recommended – that under Section 11A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the ground that involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act, as amended.

- | | |
|-----------------------------------------------------------------------------------------------------------------------|------------------------|
| 8. Report to determine whether action should be taken against the holder of a Private Hire Driver License - MC | 10.00 am |
| | (Pages 25 - 38) |
| 9. Application for the grant of a Private Hire Vehicle Licence seeking departure from BCC Policy - MH | 11.30 am |
| | (Pages 39 - 44) |
| 10. Report of an application for the grant of a Private Hire Driver Licence - SaA | 1.00 pm |
| | (Pages 45 - 84) |
| 11. Application for the grant of a Private Hire Driver Licence - HAK | 2.30 pm |
| | (Pages 85 - 90) |



Public Information Sheet

Inspection of Papers - Local Government (Access to Information) Act 1985

You can find papers for all our meetings on our website at www.bristol.gov.uk.

Attendance at Public meetings

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Please be advised that you may be asked to watch the meeting on a screen in another room should the numbers attending exceed the maximum occupancy of the meeting venue.

COVID-19 Safety Measures

We request that no one attends a Council Meeting if they:

- are suffering from symptoms of COVID-19 or
- have tested positive for COVID-19

Other formats and languages and assistance for those with hearing impairment

You can get committee papers in other formats (e.g. large print, audio tape, braille etc) or in community languages by contacting the Democratic Services Officer. Please give as much notice as possible. We cannot guarantee re-formatting or translation of papers before the date of a particular meeting.

Committee rooms are fitted with induction loops to assist people with hearing impairment. If you require any assistance with this please speak to the Democratic Services Officer.

Public Forum

Members of the public may make a written statement ask a question or present a petition to most meetings. Your statement or question will be sent to the Committee Members and will be published on the Council's website before the meeting. Please send it to democratic.services@bristol.gov.uk.

The following requirements apply:



- The statement is received no later than **12.00 noon on the working day before the meeting** and is about a matter which is the responsibility of the committee concerned.
- The question is received no later than **5pm three clear working days before the meeting.**

Any statement submitted should be no longer than one side of A4 paper. If the statement is longer than this, then for reasons of cost, it may be that only the first sheet will be copied and made available at the meeting. For copyright reasons, we are unable to reproduce or publish newspaper or magazine articles that may be attached to statements.

By participating in public forum business, we will assume that you have consented to your name and the details of your submission being recorded and circulated to the Committee and published within the minutes. Your statement or question will also be made available to the public via publication on the Council's website and may be provided upon request in response to Freedom of Information Act requests in the future.

We will try to remove personal and identifiable information. However, because of time constraints we cannot guarantee this, and you may therefore wish to consider if your statement contains information that you would prefer not to be in the public domain. Other committee papers may be placed on the council's website and information within them may be searchable on the internet.

During the meeting:

- Public Forum is normally one of the first items on the agenda, although statements and petitions that relate to specific items on the agenda may be taken just before the item concerned.
- There will be no debate on statements or petitions.
- The Chair will call each submission in turn. When you are invited to speak, please make sure that your presentation focuses on the key issues that you would like Members to consider. This will have the greatest impact.
- Your time allocation may have to be strictly limited if there are a lot of submissions. **This may be as short as one minute.**
- If there are a large number of submissions on one matter a representative may be requested to speak on the groups behalf.
- If you do not attend or speak at the meeting at which your public forum submission is being taken your statement will be noted by Members.
- Under our security arrangements, please note that members of the public (and bags) may be searched. This may apply in the interests of helping to ensure a safe meeting environment for all attending.
- As part of the drive to reduce single-use plastics in council-owned buildings, please bring your own water bottle in order to fill up from the water dispenser.

For further information about procedure rules please refer to our Constitution

<https://www.bristol.gov.uk/how-council-decisions-are-made/constitution>



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Members of the public attending meetings or taking part in Public forum are advised that all Full Council and Cabinet meetings and some other committee meetings are now filmed for live or subsequent broadcast via the council's [webcasting pages](#). The whole of the meeting is filmed (except where there are confidential or exempt items). If you ask a question or make a representation, then you are likely to be filmed and will be deemed to have given your consent to this. If you do not wish to be filmed you need to make yourself known to the webcasting staff. However, the Openness of Local Government Bodies Regulations 2014 now means that persons attending meetings may take photographs, film and audio record the proceedings and report on the meeting (Oral commentary is not permitted during the meeting as it would be disruptive). Members of the public should therefore be aware that they may be filmed by others attending and that is not within the council's control.

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Bristol City Council Minutes of the Public Safety and Protection Sub- Committee A



6th February 2024 at 10.00 am

Members Present:

Councillors Amal Ali (Chair), Sarah Classick and Heather Mack

Officers in Attendance:

Lynne Harvey (Legal Services), Hannah Pring (Legal Services), Dakota Ferrara (Licensing Team) (Presenting Officer Items 10 and 12), Carl Knights (Licensing Team) (Policy Officer), Wayne Jones (Neighborhood Enforcement Team - NET) (Presenting Officer Items 8 and 9) and Norman Cornthwaite (Democratic Services)

Also in attendance:

P C Patrick Quinton (Bristol and South Gloucestershire Taxi Compliance Officer)

1. Welcome and Safety Information

The Chair welcomed everyone to the meeting and drew attention to the safety information.

2. Apologies for Absence

Apologies were received from Cllr Richard Eddy.

3. Declarations of Interest

Nothing was declared.

4. Minutes of Previous Meeting

The Minutes of the previous Meeting were not available.

5. Public Forum



Nothing was received.

6. Suspension of Committee Procedure Rules CMR10 and CMR11 Relating to the Moving of Motions and Rules of Debate

Resolved – that Committee procedure rules CMR10 and CMR11 be suspended relating to the moving of motions and rules of debate.

7. Exclusion of the Press and Public

Resolved – that that the press and public be excluded from the following items of business to allow consideration of items containing exempt information under Paragraph 1 of Part 1 of Schedule 12(A) of the Local Government Act 1972.

8. To determine whether action should be taken against the holder of a Private Hire Driver Licence and to determine an application for a Private Vehicle Licence (Agenda Item No. 8)

The Licensee was in attendance, accompanied by his partner and legal representative.

The Neighbourhood Enforcement Team (NET) Officer introduced the report and summarised it for everyone.

The Licensee's legal representative put the case for the Licensee highlighting the following:

- The Committee has to decide on the balance of probabilities
- He has had a recent kidney transplant, which is not guaranteed to be successful
- He has been a taxi driver since 2017
- His work is the main source of income for his family
- There have been no complaints against him by members of the public
- References were supplied which reflect his good character
- He has transported thousands of passengers of all ages
- In May 2023 his vehicle was written off as result of an accident involving an uninsured driver and he has been unable to work since; the Police are still investigating the incident
- On 17th June 2023 there was an argument between the Licensee and his partner which escalated resulting in the Police being involved and the Licensee accepting a Caution having admitted what happened
- His partner provided a statement of support which was read out
- They have been together for a number of years
- She did not support the prosecution
- They have had community mediation
- He provides a good service for his customers
- This was an isolated incident and he has no history of any other incidents
- He was not working as a taxi driver at the time and he is not a danger to the public
- He had been pre-occupied with other things at the time
- He is working hard to improve his relationship with his partner



The Licensee's partner gave her version of the domestic argument highlighting the following:

- This was the first time an incident of this nature had occurred
- She had just had a baby
- The Licensee threatened to take the baby
- She became emotional
- It was an isolated domestic incident which was not violent
- She wants him to get his job back
- She would not be with the Licensee if he was a violent man

The Licensee confirmed his partner's version of events. He had only intended to take the baby outside the house. She was in the kitchen and he had grabbed her arm. They lived apart for 7 months following the incident.

The Licensee, his partner, legal representative and the NET Officer left the room whilst the Committee made its decision and returned later to hear the decision.

Decision and Reasons

The Committee considered very carefully all the written and verbal evidence that it had received.

The Members noted their Policy.

Decision

- 1) No action be taken in respect of the Private Hire Driver (PHD)'s Licence held by the Licensee but he is instead issued with a warning as to his future conduct.
- 2) The Licensee's application for a Private Hire Vehicle (PHV) licence to be granted.

Reasons

The Committee were asked to consider whether any action be taken against the Private Hire Driver (PHD) licence following on from notification of a caution by the driver and to determine whether the application for a Private Hire Vehicle (PHV) licence should be granted.

The Committee were informed that on 25 August 2023, the Licensee notified the Licensing Office on a contact form that his previous Private Hire Vehicle had been written off in a hit and run road traffic accident that occurred on 20 May 2023, and that the Police were still investigating the matter. He also stated that he had received a caution from the Police in regard to an argument with his partner.

A DBS certificate has been provided and the details are as follows:

**Caution received on 5 July 2023, Police Force Avon and Somerset
Offence: Battery on 17 June 2023, Criminal Justice Act 1988 s39**

The Licensee asserts within their contact form that *'it was domestic, and I was not taken to court or convicted.'* The Committee heard from both the Licensee and his partner who has provided a statement detailing the events which led to the caution. The Licensee and his partner are both in agreement that they had not long had a baby and disagreed as to whether the Licensee should take the child out. The Licensee took the child from his partner, she in turn took the child back, the Licensee attempted to take the child back and grabbed his partner's arm. She contacted the Police as she was fearful he would take her child. They are both in



agreement that this was an isolated incident. The Licensee has undertaken two courses as a result of this incident, and they have had mediation.

Licensee Self Reporting

Licence holders are required to notify the Council in writing by close of business on the following working day of the happening of any of the following events:

1. Receiving a simple or conditional caution or being convicted of any criminal offence
2. Being arrested, interviewed, charged, reported for summons or receiving a postal requisition in connection with any motoring or criminal offence.
3. Receiving any out of court disposal including formal warnings, community resolutions, restorative justice education and awareness courses, community protection warnings and notices or fixed penalty notices.

The Licensee via his legal representative confirmed that he notified BCC at the point he did not notify BCC as per the reporting obligations however he did so once he was aware of the caution being issued. He confirmed that he was not actively working at the time given the incident in which his vehicle was written off. He had no access to a PHV.

As far as the offence itself was concerned Council policy which is consistent with National Standards states:

“Offences involving violence against the person/property

As hackney carriage and private hire drivers have close contact with the public, in general where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted, in general, until at least 10 years have elapsed since the completion of any sentence imposed.

This will include...

...Common Assault...

...This is not intended to be an exhaustive list...”

Notwithstanding the suggestion from the Licensee and his partner that this was an isolated domestic incident, the Committee were not entitled to go behind a conviction. The Council is entitled to expect high standards from those whom it licences.

The Committee took into account the Licensee’s previous unblemished record and character references including the statements of both the Licensee and his partner. The Committee was satisfied he had discharged the burden of proving that he should be treated as an exception to Council policy or the Statutory National Standards without undermining it or the reasons that underlie it. The Committee therefore decided that on this occasion, no action would be taken in respect of the Licensee’s Private Hire Driver’s Licence but he should be issued with a warning as to his future conduct. There is no objection to the granting of the Private Hire Vehicle Licence.

Resolved – that no action be taken in respect of the Private Hire Driver (PHD) Licence held by the Licensee but he is instead issued with a warning as to his future conduct and that the Licensee’s application for a Private Hire Vehicle (PHV) Licence to be granted.

9. To determine whether action should be taken against the holder of a Private Hire Driver Licence and a Private Hire vehicle Licence (Agenda Item No. 9)



The Licensee was in attendance accompanied by his legal representative.

PC Quinton was in attendance to help the Committee where needed.

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

The Licensee's legal representative put the case for the Licensee highlighting the following:

- He is very apologetic for breaching the rules
- The question is whether breaching the rules in question is serious enough to result in a loss of his livelihood
- He is a responsible person who is looking after his father, partner and baby
- His mind was distracted by IVF treatment
- The 2006 incident was not investigated and there are no further details; it could have been a mischievous complaint; it falls outside the timescales for being taken into consideration
- In relation to the Speeding Offence, he was only driving a few mph above the speed limit
- In relation to the vehicle registration plate being partially obscured, he remedied that at the time by moving his taxi plate into its correct position
- In relation to using his mobile phone whilst driving, he denied this and stated that the mobile phone was on his leg but he was not using it; the statement from the PCSO confirms that the phone was not illuminated; (It was noted that the CU80 relates to Breach of requirements as to control of a vehicle, mobile phone, etc. CU80 is therefore the correct code for the offence for which the Licensee was convicted. The Committee cannot go behind the conviction.)
- Although the Licensee has 6 points on his licence, he has a previously unblemished record
- He is a fit and proper person and has had no complaints in 20 years

The Licensee and his legal representative answered questions highlighting the following:

- The reason the Licensee's vehicle had moved across the road was because something had moved on the dashboard and he had reached across to catch it, taking his eyes off the road
- He did not have the phone in his hand
- As he pleaded guilty in court the PCSO statement was not challenged and had to be accepted
- He has taken the incident seriously; had he not taken it seriously he would not have pleaded guilty
- Something may have been happening in his life at the time of the incident
- Although the convictions are serious, they are not as serious as some convictions
- The Committee can use its discretion to make an exception to its policy

The Licensee, legal representative and the NET Officer left the room whilst the Committee made its decision and returned later to hear the decision.

Decision and Reasons

The Committee considered very carefully all the written and verbal evidence that it had received.

The Members noted their Policy.

Decision



1. That the Private Hire Driver (“PHD”) Licence held by the Licensee be suspended for a period of three months on the ground contained in section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 namely “any other reasonable cause”.
2. That no action be taken in respect of the Licensee’s Private Hire Vehicle (“PHV”) Licence

Reasons

The Committee were asked to consider whether action should be taken against the Licensee in respect of his PHD and PHV licences as a result of a recent motoring conviction.

The Licensee submitted a contact form on 6 November 2023 to the Licensing Office stating that he had received an “*Endorsement of 3 additional penalty points*” with a screen shot showing a CU80 offence, 3 points and £146 fine.

A search on his DVLA licence was carried out on 8 January 2024 revealed the following information:

Offences: 2

Points: 6

Date of Offence 11 October 2022

Date of Conviction Unknown

Offence SP30 – Exceeding statutory speed limit on a public road

Date of Offence 31 January 2023

Date of Conviction 26 September 2023

Offence CU80 -- Breach of requirements as to control of the vehicle, mobile telephone etc

The Licensee commented via email on 9 January 2024:

“..It was NOT for mobile phone use or any other device. They stated I didn’t have proper control of my vehicle and this was due to the road being narrow but we agreed to disagree and I pleaded guilty.

What I was pursuing with the court was that the cu80 charge refers to mobile phone according to DVLA but the court has confirmed that cu80 is a standard charge for not being in proper control, mobile phone, etc are examples of how a person may or may not be in proper control of the vehicle but that doesn’t mean that applies to my charge.

Therefore, i am not taking the matter further as everything should be clear from my charge sheet and court information....”

The Courts stated in an email to the Licensee that the code for the offence was a CU80 so the endorsement on his licence was correct.

However, the statement from the PCSO that was used in the criminal proceedings was at odds with the Licensee’s explanation as it stated as follows:

“.....As I was driving along, I noticed a vehicle beginning to slowly drift across the road. This particular part of the road is wide enough for two



vehicles to pass each other without having to give way to one another. I can identify this vehicle registration as, which is people carrier. I began to slow down but the vehicle was still drifting across the road, heading directly for my vehicle. I pressed my vehicle's horn for a short 2 second blast to get the driver's attention, where the driver's head shot up from looking down at his lap at something. The driver then steered the vehicle to the correct side of the road narrowly avoiding my own vehicle. As the vehicle passed me, I looked out of my closed driver's side window and down into his own closed driver's side window where I saw his mobile phone was in his right hand resting on his right leg. I do not believe the mobile phone was unlocked as the phone screen was dark...."

The Licensee was represented at the Committee hearing and continued to deny that he was holding his mobile phone whilst driving although his legal representative conceded that he had to accept the PCSO's statement as this evidence was not challenged during the criminal proceedings. The Committee was also aware that they could not "go behind" a conviction in the criminal courts and therefore the evidence of the PCSO was accepted in its' entirety.

The Committee were concerned that the Licensee had committed two motoring offences resulting in his licence being endorsed with 6 penalty points.

It was considered that the more recent offence resulting in a CU80 endorsement was serious in that the Licensee did not have his eyes on the road and lost control of his PHV which resulted in him almost colliding with another vehicle.

Although it was not clear whether the Licensee was actually "using" his mobile phone whilst driving in accordance with the relevant regulations, it was clear from the PCSO's evidence that he was holding it and looking down which resulted in him losing control of his vehicle. The Licensee also contended that the road was narrow which is why he had to drive onto the other side of the road but this was also inconsistent with the PCSO's evidence in which it was stated that the road was wide enough for two vehicles to pass each other without having to give way to one another.

The Committee was of the view that as the offence was akin to using a hand held device whilst driving, the Council's policy on offending behaviour applies whereby a period of 5 years "off the road" is the starting point.

Usually the Committee would be looking at a revocation in these circumstances but having taken into account the Licensee's previous history as a PHD, it was considered that a complete ban would be disproportionate. However, the Licensee's driving standards had fallen well below those the Council is entitled to expect from those whom it licences. The Committee was also unimpressed by the Licensee's attitude towards the PCSO when he was pulled over for the offence which gave the impression that he did not take his responsibilities as a driver seriously. It was therefore decided that there was "reasonable cause" to suspend the Licensee's PHD licence for a period of three months.

No action will be taken in respect of the Licensee's PHV licence.

Resolved - that the Private Hire Driver ("PHD") Licence held by the Licensee be suspended for a period of three months on the ground contained in section 61(1)(b) of the Local Government (Miscellaneous



Provisions) Act 1976 namely “any other reasonable cause” and that no action be taken in respect of the Licensee’s Private Hire Vehicle (“PHV”) Licence.

10. Application for the Grant of a Private Hire Vehicle Licence seeking departure from BCC Policy (Agenda Item No. 10)

The Applicant was in attendance.

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

The Applicant put his case and answered questions highlighting the following:

- He had submitted a complaint to BCC concerning the delays in issuing his Private Hire Driver Licence which in turn lead to delay in his vehicle passing its MOT and his Private Hire Vehicle Licence not being issued
- He has been a taxi driver since 2011 and did not know what was going on

The Licensing Officer explained that there had been a delay by the Applicant in providing the required documents for his Private Hire Driver Licence to be renewed. He had been sent a number of reminders concerning outstanding documents preventing BCC from issuing him with a Private Hire Driver Licence. In any event it would still have been possible for the MOT test to be carried out on his vehicle during this period. Applicants have 3 months to renew their Private Hire Vehicle Licence. After that time it becomes a new application.

The Applicant and the Licensing Officer left the room whilst the Committee made its decision and returned later to hear the decision.

Decision and reasons

The Committee considered very carefully all the written and verbal evidence that it had received.

The Members noted their Policy.

Decision

1. That the Applicant’s application for the grant of a Private Hire Vehicle (PHV) licence seeking departure from Council policy be granted.

Reasons

The Applicant’s PHV has been previously licensed as a PHV from 15th April 2015 to 14th September 2016 prior to being transferred into the Applicant’s name and licensed up to 15th April 2023. It is fitted with a diesel engine.

The Council’s Private Hire Vehicle Policy states:

“Vehicles will not generally be accepted for private hire licensing unless they comply with the following specification;

1. *Vehicles presented for licensing on the first occasion shall be petrol, petrol hybrid or an Ultra-Low Emission*



*Vehicle (ULEV, excluding diesel ULEV vehicles) and less than three and a half years old from the date of registration or, in respect of vehicles that have been imported other than as new into the United Kingdom, less than three and a half years old from the date of manufacture (In the remainder of this policy reference to date of first registration with regard to vehicles which are imported should be construed as date of manufacture)...
...2. Any licence granted shall be renewed annually until the vehicle has reached eight years provided that the vehicle remains continuously licensed in that period. A vehicle will be deemed to have been continuously licensing notwithstanding a delay in renewal following expiry provided that;
a. Any late renewal is made within 3 months of expiry and,
b. An additional fee levied by the Council has been paid."*

The Applicant failed to relicence the vehicle upon expiry in April 2023 until 8th November 2023. The Committee heard from the Applicant how he could not apply for the renewal of his PHV within the three month expiry window due to delays in issuing his PHD licence. This prevented the Applicant from obtaining a sufficient MOT of the vehicle.

The Committee heard that the Applicant applied for his PHD licence on 29th March 2023. Bristol City Council Licensing Team subsequently emailed the Applicant on 2nd April 2023, 4th May 2023 and 4th August 2023 advising the Applicant of documents outstanding preventing them from issuing a licence. The Committee agreed that this was sufficient communication and no delays had been caused unnecessarily by the Bristol City Council Licensing Team.

The Applicant acknowledged the emails in question however noted to the Committee that he is not always able to check emails. This was acknowledged however it was noted that on the complaint provided to the Committee, the Applicant had highlighted that email was his preferred method of contact.

The Committee agreed that in the individual circumstances of the Applicant's cases he could be granted a Private Hire Vehicle (PHV) licence with departure from Council policy. This licence has been granted for the period of six months with the condition that the Applicant presents the vehicle for a further MOT prior to licensing given the number of advisories detailed on the last few MOT provided. The Committee has issued a warning that while consideration has been provided to the difficulties the Applicant may have incurred with the administration process of applying for his PHV and PHD, it is his obligation under the policy to be on top of the application process and his email correspondence. He should seek assistance in future if needed to ensure his renewals are entered on time.

Resolved - that the Applicant's application for the grant of a Private Hire Vehicle (PHV) licence seeking departure from Council policy be granted.

11. Application for the Renewal of a Private Hire Driver Licence (Agenda Item No. 11)

It was noted that a request had been received from the Licensee to defer consideration of this item until a future Meeting of the Committee.

12. Application for the Renewal of a Private Hire Driver Licence (Agenda Item No. 12)

The Licensee was in attendance, along with his wife.

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



The Licensee's wife apologised and stated that they did not know that there were still points on his licence when the form was completed. It was an error.

The Licensee added that he had misunderstood what was said by the insurers. He had an accident which went to court last week and the other party received points on their licence.

It was noted that the offence should have been declared at the time as well as at the time of renewal.

It was noted that the Licensee's PHD Licence was suspended by Committee for 3 months in 2020 for the failure to declare an offence.

The speeding offence occurred on a Sunday morning.

The Licensee, his wife and the Licensing Officer left the room whilst the Committee made its decision and returned later to hear the decision.

Decision and reasons

The Committee considered very carefully all the written and verbal evidence that it had received.

The Members noted their Policy.

Decision

That the Licensee's application for the renewal of his Private Hire Driver (PHD) Licence be refused on the ground contained in section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 namely any other reasonable cause.

Reasons

The Licensee submitted an application to renew his PHD licence on 3 November 2023. His previous licence ran from 13 December 2021 to 10 December 2023. The Licensee has held a PHD licence since at least 3 November 2004.

The Licensee had a previous PHD licence suspended for a period of 3 months by the committee on 3 March 2020 for a failure to declare a major traffic offence (CD10). The Licensee was made aware on 3 March 2020 of his obligation to self-report as per the policy.

A search on DVLA records confirmed that the Licensee incurred 3 penalty points for an SP30 offence on 27th February 2022. The Licensee failed to notify Bristol City Council of this endorsement at the time it occurred and failed to declare this upon renewal of his licence.

The Committee heard apologies from the Licensee and his wife for failing to declare the points on renewal. The Licensee's wife explained that they had spoken with the insurance company when completing the renewal and were advised that there were no current penalty points on the licence and they relied upon this statement. They acknowledge that it is their obligation to check and they misunderstood. The Licensee confirmed that he understood the onus is on him to ensure that the information provided on the application form is accurate and complete before putting his signature to it.

The Committee brought to the Licensee's attention that the renewal form does not request details



surrounding penalty points in isolation but in respect of any offences being investigated, charged or summoned for.

The Committee enquired as to why the SP30 offence was not declared at the point at which the Licensee became aware of the offence as per the Policy requirements and his previous warning in March 2020 regarding his obligation to declare alongside a 3 month suspension. The Licensee and his wife confirmed they believed this was only required upon renewal however it was made plain to him in March 2020 that it was his responsibility to ensure that he discloses all relevant information to the licensing authority in accordance with the conditions attached to his licence and Council policy.

With regard to Licensee self-reporting the Council's guidelines on the relevance of criminal behaviour state that Licence holders are required to notify the Council in writing by close of business on the following working day of the happening of various events including being convicted of any criminal offence, receiving a postal requisition in connection with any motoring or criminal offence or endorsements.

Any failure to notify the Council of the happening of any of the above events may result in a review by the Council as to whether the licence holder is a fit and proper person. Importantly, a failure by a licence holder to disclose any relevant events that the Council is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder.

The Committee considered that the question on the application form relating to convictions was straightforward and unambiguous. Given the Licensee's previous history of failing to disclose motoring convictions to the Council, his excuse to fail to disclose on this occasion was a poor one.

Consequently, having taken into account all of the circumstances of this application, the Committee could not be satisfied that, at this time, the Licensee was a fit and proper person to hold a PHD Licence.

Resolved – that the Licensee's application for the renewal of his Private Hire Driver (PHD) Licence be refused on the ground contained in section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 namely any other reasonable cause.

The meeting ended at 2.45 pm.

Chair _____



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Bristol City Council Minutes of the Public Safety and Protection Sub- Committee A



13th February 2024 at 10.00 am

Members Present:

Councillors Amal Ali (Chair), Richard Eddy, Sarah Classick, Heather Mack

Officers in Attendance:

Lynne Harvey - Legal Advisor, Carl Knights – Policy Advisor, Alison Wright - Neighbourhood Enforcement Team and Allison Taylor - Democratic Services Officer.

1. Welcome and Safety Information

The Chair welcomed everyone to the meeting and drew attention to the safety information.

2. Apologies for Absence

None.

3. Declarations of Interest

None.

4. Public Forum

Nothing was received.

6. Suspension of Committee Procedure Rules CMR10 and CMR11 Relating to the Moving of Motions and Rules of Debate

Resolved – that Committee procedure rules CMR10 and CMR11 be suspended relating to the moving of motions and rules of debate.



7. Exclusion of the Press and Public

Resolved – that that the press and public be excluded from the following items of business to allow consideration of items containing exempt information under Paragraph 1 of Part 1 of Schedule 12(A) of the Local Government Act 1972.

8. Application for the renewal of a Private Hire Driver Licence and whether action should be taken on a Private Hire vehicle Licence.

The Licensee was in attendance, accompanied by his legal representative.

The Neighbourhood Enforcement Team (NET) Officer introduced the report and summarised it for everyone.

The Driver's legal representative reported that he had not seen Witness 3's Statement and it was noted that he was the Witness 3's legal advisor in other matters. It was agreed that the Statement be made available to the legal representative and it would be for him to determine whether he was conflicted out of questioning the witness.

The Committee then heard from 3 witnesses in turn who were attending remotely to make their statements and the following points arose from questions from the Committee and IA's legal representative:-

Witness 1. (OG)

1. OG regretted the use of the middle finger but the witness believed IA had put him & CB's safety at risk and he had done nothing else that would have warranted the driver getting out of the taxi and coming right up to their faces;
2. OG categorically denied using racist language;
3. The sun was shining through the van and to the best of his knowledge there was nobody else in it;
4. When he & CB had stepped out into the road, facing towards Stapleton Road, they could see for 50m and there were no vehicles on the road and then a horn was suddenly heard. They had needed to jog across the rest of the crossing to avoid a collision. IA had then passed them until stopping 2/3m away;
5. They were not in arms reach of the van in order to have touched it;
6. IA had not touched them;
7. If there were blinds in the van they were not drawn down as they could not be seen;
8. IA had come up to them and said, 'why are you swearing at me fucking cunts?'. OG had not said at any point in the altercation 'you bloody Paki';
9. OG had not claimed that IA was following them but he was unsure of IA's intentions when they saw the van again so was not sure if IA was innocently going on his way or following them;
10. He and CB were apprehensive after what had happened to them.

Witness 2 – (CB)

1. CB & OG had looked right and there were no cars so and then the van came suddenly and beeped so she could only assume that that IA was speeding;
2. OG's showing the middle finger was the only reaction they had made and it did not warrant IA's reaction and she did not agree with any of IA's account after that;
3. There was no racist language and it was not in her vocabulary to use such language. She was studying to be in the Police force and using such language would have a terrible impact on her future career;



4. CB had had her full attention on IA when he was up close to them and she had then looked at the car. It was a very sunny day and she could see through the car and there were no shadows or movement to suggest that there was anybody else in the van;
5. It was her understanding that it was permitted to cross on a designated crossing area if it was clear even if the light was red;
6. IA had not touched either of them but she had needed to put her arm between IA and OG which demonstrated how close IA had got. It lasted 15/20 seconds but it was not a minor incident;
7. OG & CB had decided not to pursue the incident through the Police but instead to report it to the Licensing Authority so that there was a record of it;
8. CB disagreed that IA's wife, brother and 2 children were in the van. The sun was shining through and it was very clear that there was no movement, shadows or faces and that the backseats were visible. It was not her perception as she had video and picture proof.

At this point the Committee viewed the video footage of the van. IA's legal representative then left the meeting due to his conflict with Witness 3 and IA remained to hear the statement and to question as necessary. Witness 3 was contacted in advance to inform him of the identity of IA's legal representative but that he would not be in attendance.

Witness 3 – (AH)

1. IA's brother was with him when he was attacked and had blocked his right of way;
2. AH had no other evidence above the assault that IA was not a fit and proper person for PHD licensing purposes;
3. IA's dad ran the shop AH had worked in and there had not been an issue with him;
4. AH had no need to poach customers from this shop to his own as he had his Facebook page to attract business;
5. AH confirmed that he had not developed good relationships with IA's dad's customers, that he had not started to poach customers from his dad and that he had not concocted stories. He confirmed that he had opened a shop two doors down from IA's dad's shop;
6. AH confirmed that he had reported the incident to the Police but it had not been progressed due to insufficient evidence;
7. AH confirmed that since he had been assaulted, he had developed depression and not been able to think properly;
8. AH stated that he had every right to open a shop near IA's dad's shop.

IA's legal representative put the case for the Licensee highlighting the following:

1. IA had no involvement in anything AH had said took place. It had all been made up by AH;
2. IA had gone to the Police voluntarily and he had not been asked to account for his time on the day of the incident. He had never had any issues with the Police;
3. On 29 May 2023 IA had been driving with his family in the van and as he turned the bend a couple were crossing on green lights and as they crossed OG showed the middle finger and started swearing and he heard a bang on his vehicle so he got out to take a look. OG & CB then gave more abuse and said it was a 20mph speed limit and IA replied it was a 30mph speed limit;
4. There was some debate as to whether crossing on a pedestrian crossing when the lights were green was an offence;
5. IA confirmed that he had brought the vehicle to a stop and blew his horn to let OG & CB cross and the Committee noted that this did not correspond with IA's previous account which stated that he



had stopped after they crossed;

6. The Committee were told that IA had learned his lesson and in the future he would stop and let pedestrians pass. It was the spur of the moment and an act of road rage. He would also ignore racist comments despite the fact that he dealt with racist comments all the time with taxi customers;
7. IA had driven taxis for 15 years without incident and there had been no incident since May 23;
8. Taxi drivers worked all hours and served the community and it was the only job available to IA.

Decision and Reasons

The Committee considered very carefully all the written and verbal evidence that it had received.

The Members noted their Policy.

Decision

- That IA's application for a Private Hire Driver ("PHD") Licence be refused on the ground contained in section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, namely "any other reasonable cause" in that IA could no longer satisfy the Council that he was a "fit and proper person" to hold a PHD Licence
- That no action be taken in respect of IA's Private Hire Vehicle ("PHV") Licence.

Reasons

This hearing was deferred from 17 October 2023 when the Committee was asked to consider IA's applications to renew both his PHD and PHV licences. The applications had been placed before the committee for determination because IA had been the subject of two separate unrelated complaints concerning incidents that allegedly occurred on 29 and 30 May 2023.

IA attended the first meeting and put forward his version of events but as none of the complainants were able to attend and IA had made serious allegations of racial abuse against the first complainants, the Committee did not feel able to make findings of fact without all parties being given the opportunity to present oral evidence which would be subject to scrutiny.

First Complaint – 29 May 2023

The basis of the first complaint was that on Monday **29 May 2023** on Fishponds Road, the two complainants were using a pedestrian crossing. Although the lights were red, they considered it safe to cross. As they were close to the pavement, they stated that IA had driven around the corner at speed and blew his horn at the couple as they crossed the road. The complainant motioned to IA to slow down and her boyfriend gave IA the middle finger.

It was then alleged that IA stopped his vehicle in the middle of the road to alight the vehicle and approach the couple in an abusive and confrontational manner. They said they felt like they were preventing a physical altercation from ensuing when IA got up close to them, repeatedly called them 'cunts' and 'fucking idiots'. IA then got back into his vehicle and drove off down Stapleton Road. When the complainants got to the Tesco superstore roundabout near Muller Road they saw IA again in his vehicle whereby he must have turned back on Stapleton Road. They were concerned he was following them but he drove back off in the opposite direction.



It was reported that IA attended the council offices on 23 August 2023 for an informal Interview which was not under caution as there was no intention to prosecute. However, the interview was recorded.

IA's version of events differed significantly from that of the complainants. He said that he was driving down Fishponds Road with his family in the vehicle. As he came around the bend, the lights were green but there was a couple crossing the road so he had to slam on his brakes and sound his horn to make them aware. He then contended that he got out of the vehicle to check it as he thought the complainants had thrown something at it. He then alleged that he was subjected to a torrent of racial abuse. He said his brother, wife and two children were in the vehicle and the brother has provided a statement to support IA's version of events. The wife had not provided a statement despite being requested to do so by the Neighbourhood Enforcement Team ("NET"), but on the eve of today's hearing, a further statement in support of IA's version of events, which was purported to have been written by his wife, was produced by IA's legal representative.

At interview, IA denied swearing and calling names, but when showed the video clip of him calling the complainant's 'cunts', he admitted it but said it was in response to the alleged racial abuse.

IA's version of events was fed back to the complainants, who were horrified at the racial allegations made by IA and were also adamant that no one else had been present in the vehicle with IA at the time of the incident.

The two complainant's, OG and CB gave oral evidence individually via a video link and were questioned by both the committee and IA's legal representative. Their evidence was consistent with their written statements and they both confirmed that no racist language was used towards IA. It was admitted that OG had shown the finger to IA when he beeped his horn at them and failed to slow down, but this did not justify the aggressive response from IA who did not have to stop his car in the road, get out of his vehicle and persistently use abusive language towards them. IA had come up so close to the complainant's that CB put her arm between IA and her boyfriend because they were both fearful that a physical altercation might ensue. They both confirmed that they said nothing further to IA other than to ask him to get back in his car and question how fast he was going. The only rude gesture that was used was to show the middle finger but there were definitely no racist words used. Both complainant's were also certain that there were no passengers in IA's vehicle at the material time. They were both consistent in their evidence that it was a lovely sunny day and they could see into the vehicle and the back of the head rests. There were no heads, shadows, movement or signs of anyone else in the vehicle. CB said that her main focus was on IA during the altercation as she was trying to protect herself and her boyfriend, but as soon as IA returned to his car, which was about 10 feet from them, she then got her phone out to obtain IA's details as the intention was to report the incident, at which point her main focus was on IA's vehicle.

IA then gave his version of events which was largely consistent with what he had put forward to the NET. He admitted he had used bad language and regretted this, but this was only in response to the racial abuse he had received. He contended that his family was in the vehicle with him, although they did not get out, and that the videos and stills taken did not prove that no one else was in the vehicle due to the tinted windows. He only beeped his horn to let the complainant's know he was there and he slowed down to allow them to cross the road. He thought he was being polite but was subjected to racial abuse. He then explained that racial abuse was something he was subjected to on a regular basis and it was part of the job.

The Committee considered the evidence from the two complainants and IA's version of events which were so far apart from each other that someone was not being truthful.



On a balance of probabilities, the Committee unanimously upheld the complaint against IA as the evidence of the two complainants was considered to be essentially truthful and credible. Both of them accepted that the middle finger was shown to IA which was an offensive thing to do. However, it was considered that the way in which IA conducted himself thereafter was akin to an assault in that he had stopped his vehicle in the middle of the road, got out of it, used abusive language towards them and caused them to be fearful for their safety. The Committee did not believe that the complainant's used any racist language towards IA and nor were they persuaded that there were any other passengers in IA's vehicle. The Committee did not therefore accept IA's version of events and attached no weight to the evidence of his wife and brother. The statement from IA's wife had been produced at the eleventh hour and was written in both the first and second person. There were also extracts from the submissions put forward by IA's legal representative that appeared to have been "cut and pasted" into IA's wife's statement. The Committee were therefore doubtful that the statement was in the witness's own words.

Second Complaint – 30 May 2023

AH gave oral evidence via live video link and explained that he used to work for IA's family in a Halal butchers shop. He left to work as a taxi driver but a few months later he had opened his own shop which was only a few doors away from his previous employer. IA's family were not happy about this and on the day in question IA and his brothers had cornered him and attacked him. He was beaten up and IA had punched him in the face causing him to bleed and resulting in a bruised eye. IA and his brothers fled the scene after the attack. He called police and rang for an ambulance. The Police arrested IA's brother and an investigation started.

No further action was taken by the Police due to there being no independent witnesses but after the attack AH was fearful of IA and every time they saw each other on the road, IA would always swear at him and use the "F" word.

IA said he made it clear to the police that he was not involved in the assault. He denied that he had even seen AH on the day in question and knew nothing about it. He only found out from his brothers that AH had put his name into the allegation.

He was interviewed by the Police but had not been arrested. It was a voluntary interview. He did not realise he had to tell the Council about the interview as he went to the Police station on a voluntary basis but apologised for this oversight.

The Committee decided that based on the incident that had happened only the day before and the friction between the alleged victim, IA and his family, it was more probable than not that IA was involved in an assault on AH. AH had plainly suffered a facial injury and had reported the assault to the police. Although there were no witnesses to the assault resulting in the Police taking no further action, the committee was entitled to look at the evidence on a lower standard of proof. AH's version of events was considered credible.

IA also breached the conditions of his PHD licence by failing to promptly notify the Council that he was interviewed in respect of an offence. Although the Committee did not consider that IA had attempted to deliberately conceal this information, he should be aware of the conditions attached to his licence and could have been more forthcoming with the NET when they questioned him about the incident. The NET only discovered that IA had been interviewed in respect of the allegation via the Police.

In accordance with the Statutory National standards and the Council's own policy on offending behaviour,



offences (which includes offending behaviour to the satisfaction of the Council) involving violence a licence will not generally be granted until at least 10 years have elapsed.

As a result of these two incidents involving threatening behaviour and violence the Committee could no longer be satisfied that IA was a fit and proper person to hold a PHD licence. IA's application to renew his PHD licence was therefore refused. However, the Committee decided to take no action in respect of IA's PHV licence which would enable him to hire his vehicle to a duly licensed PHD.

The meeting ended at 2.20 pm.

Chair _____



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