

Bristol City Council

Minutes of the Public Safety and Protection Sub-Committee A



17 October 2017 at 10.00 am

Members Present:-

Councillors: Nicola Bowden-Jones, Chris Davies, Richard Eddy, Carole Johnson, Mike Langley and Paula O'Rourke

Officers in Attendance:- Wayne Jones – Neighbourhood Enforcement, Alison Wright – Neighbourhood Enforcement, Abigail Holman – Licensing Section, Michael Bonnick – Legal Services and Norman Cornthwaite – Democratic Services

1. Apologies

There were none.

2. Declaration of Interest

None were received.

3. Public Forum

Nothing was received.

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

Resolved – 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).

5. Exclusion of the Press and Public



Resolved – that under Section 11A (4) of the Local Government Act 1972, the press and public be excluded for the following item of business on the ground that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act, as amended.

6. SA - Application to renew Hackney Carriage Driver Licence.

SA was in attendance accompanied by a Solicitor, BS and an Interpreter.

The Complainant, LT was in attendance accompanied by a colleague, GF.

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

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

BS put the case for SA highlighting the following:

- He has had an unblemished character for 20 years
- This is the first complaint against him
- The Complainant and her Colleague are both retired Police Officers who had been drinking in the pub and kissing each other
- LT's colleague did not accompany her to her house
- She concealed the fact that she was smoking
- SA had objected to her smoking
- She was using an electronic cigarette in the car
- She was not stable when she got out of the car and was unsteady on her feet
- She was drunk
- SA is disabled
- He has a wife and daughter and is the only person in his house who works
- The Complainant's husband was in the house when she arrived home
- No CCTV footage was provided
- It is requested that the Committee grants SA a Licence

The Neighbourhood Enforcement Officer stated that it was normal practice to interview taxi drivers who had been complained about under caution.

The Neighbourhood Enforcement Officer advised that a complaint had been made against SA on 9th August 2016 and that the allegations had been dealt with at the time. A letter had been sent to SA concerning the complaint. The Neighbourhood Enforcement Officer also confirmed that e-cigarettes are not forbidden under legislation.

SA asked Members to take account of his age and condition. He was not guilty of doing anything wrong



but offered an apology if anyone had been offended by his behaviour.

The Neighbourhood Enforcement Officer confirmed that the fare for the journey would have been £12 and that a drop off in Gloucester Road would not have made any difference to the amount. The incident had taken place on 17th May 2017. The complaint had been received the day after the incident on 18th May 2017. (It was noted the statement concerning the complaint was taken on 31st May 2017.) No CCTV footage was not available as the relevant cameras are not situated close enough to identify anyone.

The Complainant, LT put her case highlighting the following:

- She does not smoke
- She has MS, having been diagnosed 4 years ago; she finds walking challenging
- She had consumed a few drinks but was not drunk or in the state alleged by SA
- She was able to provide a detailed description of SA, confirming that she was not drunk
- The fare was £12, not £16 as alleged by SA
- She had been for a meal but did not feel well enough to get a bus home
- GF had accompanied her to the taxi, but did not get into the taxi
- She had thought that she would be safe with an older man but SA had made her feel vulnerable and unsafe
- She felt very insulted by SA's allegations that she had been drunk and kissing in the back of the taxi
- When they arrived at her house she had been unable to exit the taxi until SA opened the door; she could not pass SA; she gave him a £20 note; he asked her for a kiss, she refused; she had to duck under his arm to get away from him and get to her house; she had not waited for the change from the £20 note but had not intended this as a tip of £8 on a £12 fare
- She had not lodged the complaint to ruin SA's life; she did however, not want the same thing to happen to anyone else; she does not want to feel frightened to get into a taxi again

GF made a statement highlighting the following:

- He confirmed what LT had said
- He helped her to the taxi and asked the driver to get her home safely
- He did not get into the taxi as he lives the other side of the City
- He did not kiss her
- They are long time colleagues
- He has a partner

LT stated that she is on medication and is able to drink. SA would not have known how much she had to drink on the evening in question. She clarified the e-cigarette device (a vape) which she has which had gone down the back of the seat in taxi when she opened her handbag. She showed the Committee the device. Her fiancé is disabled and has a heart problem. He is her registered carer. He had wanted to attend the Meeting as he is angry about what had happened to her, but had been unable to as he is not



well. He was not asked to make a statement.

SA stated that LT gave him the money inside the car and had refused any change. She had asked him to find her device down the back of the seat in the taxi.

LT stated again that she would not have given him an £8 tip on a £12 fare. She felt vulnerable because of his actions and just wanted to get to the safety of her house.

Neighbourhood Enforcement Officer stated that SA had originally stated that the complaint was racially motivated. BS stated that there was no racial element to the complaint.

BS summed up the case for SA.

The Neighbourhood Enforcement Officers, the Applicant, Solicitor, Interpreter, Complainant and Colleague left the room whilst the Committee made its decision.

Decision

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

The Members noted that the two versions of events differed significantly. They felt that there were a number of inconsistencies and unanswered questions which prevented them from being able to decide which was the correct version of events. They therefore decided that they were unable to uphold the complaint and to take no action against the Licence held by SA.

Everyone returned to the room to hear the decision – which 1 Member voted against - announced.

Resolved – (1) that the Complaint was not upheld; and

(2) that Officers be authorised to renew the Hackney Carriage Driver’s Licence held by SA.

7. AA - Neighbourhood Enforcement Investigation.

AA was in attendance.

The Complainant, SJ was in attendance.

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

The Neighbourhood Enforcement introduced the report and summarised it for everyone. The Committee was shown relevant video footage recorded by a dash cam in SJ’s vehicle.

AA put his case and answered questions highlighting the following:



- He had been on his way to dropping his children, who are 14 and 15, off at Temple Meads Station as he had done for the past 3 years
- SJ had cut him up and put his brakes on
- At the next set of lights he had got out of his car to speak to SJ who claimed he was aggressive and abusive; he felt insulted when SJ said he was not fit to be a taxi driver
- He later went into a gap in the traffic but had to change lanes again due to the presence of a bus which was stopped in the lane he wanted to use
- He has never had a issue since he has been a taxi driver
- He was not aggressive or abusive towards SJ
- He accepted that he should not have got out of the car to confront SJ
- He does not usually behave this

The Neighbourhood Enforcement Officer advised that AA has a clean DVLA Licence. He also summarised previous history relating to AA including noting that in 2011 the PSP Committee had revoked his Licence.

SJ stated that the way AA behaved would have resulted in disciplinary procedure at the organisation he works for. AA had not shown any remorse and he was not happy with what had happened.

SJ summed up stating that he was sorry for what had happened.

The Neighbourhood Enforcement Officers, AA and Complainant left the room whilst the Committee made its decision.

Decision

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

The Legal Adviser stated that Members should take care with the evidence as the dash cam footage only showed one side of the incident.

Members were noted this incident and AA's previous history. They had concerns about his past and present behaviour. They noted the revocation of his Licence in 2011. They decided that they were no longer convinced he was a fit and proper person to hold a Private Hire Driver's Licence and decided to revoke the Licence.

Everyone returned to the room to hear the decision announced.

Resolved – that the Private Hire Driver's Licence held by AA be revoked as he is no longer a fit and proper person to hold such a Licence.



8. Block Listing

9. AJ - Report of an application for renewal of a Hackney Carriage Driver Licence

AJ 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. AJ has not been able to satisfy the Group 2 Requirement. He is required to pass a physical exercise test.

AJ put his case and answered questions highlighting the following:

- He has had a By-Pass Operation and circulated evidence confirming this
- He had been told that he needs to pass the other parts of the fit and proper test; the Licensing Officer confirmed that this is not the case and that he is now only required to pass the physical exercise test
- He was initially diagnosed with a heart problem in 2012 but his records were subsequently lost by the hospital

The Licensing Officer and AJ left the room whilst the Committee made its decision.

Decision

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

They noted that there appeared to be a misunderstanding between AJ and the Licensing Office about what he was expected to pass to renew his Licence.

The Members therefore confirmed that AJ should pass the required physical exercise test prior to his Licence being renewed.

Everyone returned to the room to hear the decision announced.

Resolved – that AJ must pass the required physical exercise test prior to his Hackney Carriage Driver's Licence being renewed.

10 SA - Report of an application for the grant of a Private Hire Driver Licence.

SA 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.

SA put his case and answered questions highlighting the following:

- He tabled a letter and some character references
- He explained that the incidents were out of character and that he is paying the price
- He is now trying to make amends
- The recent incidents happened when his mother and father were dying in October 2016 and 2017 respectively
- He would like another chance as he has struggled to find work
- He has put his previous life behind him
- If he is granted a Licence he would like an exemption from doing the Knowledge Test as he passed it in 2007 and has sufficient knowledge of Bristol
- He had 4 points on his DVLA Licence which were cleared in January 2017
- The criminal damage related to when he was cut up by another driver, stopped, argued with the other driver and damaged his car
- He summed up his case

The Licensing Officer and Applicant left the room whilst the Committee made its decision.

Decision

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

They noted their policy.

They also noted the series of convictions.

They did not consider that they had heard sufficient evidence to convince them to set aside their policy in this case. They therefore decided to refuse the application.

Everyone returned to the room to hear the decision announced.

Resolved – that the application for a Private Hire Driver’s Licence made by SA be refused as he has not convinced the Council that he is a fit and proper person to hold such a Licence.

Meeting ended at 3.00 pm.



CHAIR _____

