

Minutes of Public Safety and Protection Sub-Committee

27 February 2018 at 10.00 am



Members Present:-

Councillors: Nicola Bowden-Jones, Chris Davies, Richard Eddy (Vice-Chair), Fi Hance, Carole Johnson and Mike Langley

Officers in Attendance:-

Lynne Harvey (Legal Advisor), Sarah Flower (Licensing Policy Advisor), Andrew Lyle (Licensing Enforcement Officer) and Claudette Campbell (Democratic Services Officer)

1. Apologies

Cllr Eddy took the Chair until mid-afternoon and all agreed that Cllr Hance would Chair from that point onwards.

Chair welcomed those present and led introductions.

2. Declaration of Interest

None

3. Public Forum

None

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. M32/Napier Road - 3 No. Street Trading Applications AW, HO, RA



The Chair welcomed those present and led introductions.

There were 3 applications received seeking consent for street trading.

The Officer introduced the report that had been adjourned from 17th December 2017 to allow for a site visit to take place. Committee members had visited the location on the 23rd February 2018.

Committee invited the first applicant RA to address the committee.

- RA explained that he wanted to trade in the area because it was a good location to sell vegetables and clothes to those passing.
- There are no cyclists in that area or anyone else who uses that space
- The location is prone to litter and broken bottles but RH proposed to take responsibility for the clearing the site including removing his own rubbish.
- When questioned, RA provided assurances that the boxes and any rubbish arising would be removed to RH's vehicle during the course of the day. All rubbish would then be taken off site for disposal at the end of the trading day.

Committee invited the second applicant HO to address the committee

- HO addressed the committee with assistance from a relative.
- HO's business was concerned with selling kitchen goods, clothes and other household items.
- That the business had been very popular for the last two years.
- HO referenced the rubbish left by others in the vicinity of Ikea that was unrelated to HO's business.

The 3rd applicant AW failed to attend.

Decision

The Members considered very carefully all of the written and verbal evidence presented together with their observations from the site visit.

Members considered the letter received from a local business and noted the concern about rubbish. They also noted the reference to a possible future cycle path enhancement.

Members were satisfied that with conditions applied to manage any rubbish arising from any street trading activity, that granting Street Trading Consents to RA and HO at this location would not cause any problems. They further considered that granting these consents would benefit the area and minimise unregulated activities.



Cllr Davies abstained because he did not attend the site visit together with Cllr Bowden-Jones. The vote was 4/6 in favour of granting the consents.

Chair invited all parties back before committee for the decisions.

Resolved:

1. That the application for a Street Trading Consent for under the M32 on the footpath near Stapleton road made by HO be granted subject to the standard conditions and Condition 8 being made more robust by having the following wording added to it:
 - a. In particular when the consent holder vacates the site, the consent holder shall ensure that any rubbish, empty boxes, bags or any items associated with their trade are not left there.
2. That the application for a Street Trading Consent for under the M32 on the footpath near Stapleton road made by RA be granted subject to the standard conditions and Condition 8 being made more robust by having the following wording added to it:
 - a. In particular when the consent holder vacates the site, the consent holder shall ensure that any rubbish, empty boxes, bags or any items associated with their trade are not left there.
3. The application by AW for the Street Trading consent for under the M32 was considered in AW's absence. Committee resolving not to grant consent to AW in view of the fact that there was no opportunity to hear further evidence from him as to the nature of his application or for the Committee to put questions to him about it.

6. Exclusion of the Press and Public

Resolved – that under Section 11A (4) of the Local Government Act 1072, the 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.

7. Grant of Hackney Carriage Licence departure from Council Policy - CSC

Representative from Car Solutions was present.

The Chair welcomed those present and led introductions.

The licensing Officer invited members to view the vehicle that was subject to the application.

Members left the meeting room for a short time to view the vehicle and then returned.

The Licensing Officer presented the report, recommending refusal, drawing member's attention to the change in policy on emission that had given rise to this application. The applicant sought an exemption from policy before proceeding to commit resources on further work on adaptations and applications for the



vehicle. The new policy came into force February 2017 on emissions that all vehicles that are presented for licensing on the first occasion must adhere to Euro 6 levels.

The following was noted from the company's representative presentation.

- The vehicle was purchased in 2015 but had a number of underlining faults that had taken some time to resolve because the mechanics had difficulty finding these faults. The vehicle was now in good working order.
- That they had no knowledge of the change in policy on emission that now impacted on this vehicle.

The parties left the room to allow for the decision.

Decision:

Members carefully considered the written report and the vehicle inspection and verbal presentation.

Cllr Eddy abstained from the discussion on the basis that he had voted against the addition of Euro 6 into Council policy.

Members considered whether they were able to depart from council policy and treat the vehicle as an exception.

Resolved:

- That the applicant had not discharged the burden of proving that the vehicle could be an exception to very recently adopted Council Policy without undermining the objectives of the policy or the reasons that underlie it.
- The application was therefore refused.

The parties returned to the room for the decision.

8. Exempt from requirement to display Vehicle Identification plates and Install Tinted Windows - MA

MA was in attendance.

The Chair welcomed those present and led introductions.

The Licensing Officer presented the report drawing out highlights for Committee's attention.

The Chair invited MA to put his case and the following was noted from the discussion that arose:

- MA had bought the vehicle with the intention of undertaking executive work.



- MA had been instructed to remove the tinted windows by Officers which had been done at considerable expense to MA
- MA request was for the return of the tinted windows and exempt of plates to allow MA to undertake executive work.
- MA had attended the Licencing Office and alleges that information had not be provided to resolve the issue.
- MA was losing income because MA could not operate as an executive Chauffeur and had purchased the vehicle for that express purpose
- MA believed that all requested information had been supplied
- MA was unable to confirm that 75% of the work undertaken was in this line of business and MA would not pick up this work until the required exemption and tinted windows were applied to the vehicle.
- MA was advised that information from the previous owner as to the use of the vehicle would be acceptable evidence

The parties left the room to allow Committee to make a decision.

Decision

Members carefully considered the report, all additional evidence with the verbal evidence presented.

Members were concerned that the exact details of what was required had not been adequately conveyed to MA. The Chair directed that the licencing officer deal directly with MA to support MA's understanding of the steps to be taken to obtain the necessary evidence.

Resolved:

- That this matter be adjourned until a later day to allow the applicant to obtain the information required to support the application and it was recommended that the Licensing Officers support MA's understanding of what is required.

The parties returned to the room for the decision.

9. To consider whether the driver is fit and proper - MJH

MH, was in attendance with his Solicitor ML together with the complainant KT & SP.

The Chair welcomed and led introductions.



The Enforcement Officer presented the report and summarised the complaint received alleging that MH, hackney carriage driver, had refused or neglected to take a child wheelchair passenger in the company of her mother and her carer from Temple Meads (TM) Station, Bristol on the 29th November 2017.

All those present with Committee viewed CCTV footage of events.

Highlights from the officer report:

- That drivers are expected to make themselves proficient in using equipment in their vehicle that allows a wheelchair to be carried
- That the Gold Standard test provides general information but because of the different makes and models of vehicles the onus is on the driver to identify the mechanisms in their particular vehicle to complete the training.
- That Bristol is one of the few LA's in the country that requires all Hackney Cabs to be wheelchair compliant. 100% of the hackney cab fleet are wheelchair accessible.
- Officers determined from the interview under caution that MH had limited knowledge on the mechanism to adapt his vehicle to take the wheelchair.

The Committee put questions for clarification to the Enforcement Officer and MH's Solicitor was invited to do the same.

The complainant KT & SP were invited to present their complaint to Committee.

- KT mother and SP the carer of child had travelled from Wiltshire by train to attend a performance at the Hippodrome. On arriving at TM station they went to the front of the queue of taxis and requested to be taken to the Hippodrome. They approach MH who said that he could not take them as he did not have a ramp and that his vehicle was too big. They then went to other drivers looking for assistance because they assumed, as was the case in Wiltshire that not all Taxis were accessible. KT removed her daughter from the scene whilst these conversations were happening until eventually a driver further down the rank agreed to assist. MH assisted this driver make the necessary adaptations to the taxi to take the wheelchair. On leaving TM the driver who transported the complainants pointed out that all taxis carried the accessibility sign and that they should not refuse to carry a wheelchair. At this point they were upset, cold and late for the performance at the Hippodrome.

The Chair invited the committee to put questions for clarity to the complainants.

The Chair then invited MH's solicitor to address the complaint that MH refused or neglected to take the fare without reasonable excuse.

- MH did not refuse to take the fare but understood the request to be for a London type hackney carriage to fit the wheelchair.
- MH had made every effort to assist the family by sourcing an alternative vehicle



- That the CCTV evidenced the assistance provided to the family by MH
- That MH believed that he provided assistance and had reasonable excuse based on the request for specific type of vehicle therefore not a refusal.

The Chair invited all parties to withdraw to allow for Committee to consider the complaint and make a decision.

Decision:

The Members considered very carefully all the written and verbal evidence presented together with the CCTV footage.

They noted their Policy and the offence committed by MH.

Following a lengthy debate on whether MH actions constituted a breach of section 53 TPCA 1847 it was concluded that on a balance of probabilities MH had neglected to take the fare and that he did not have a reasonable excuse to refuse the fare.

The committee resolved that MH neglected to take the fare without reasonable excuse which was akin to an offence under section 53 TPCA 1847.

The parties returned to the room and the decision was shared.

The Committee invited MH to present mitigation before consideration was given to what action, if any, should be taken in respect of MH's HC driver's licence.

MH's Solicitor made a mitigation statement

- Extending apologies to the complainant
- That MH did assist the complainant find a taxi
- That MH was married with a family and supported them from the income as a taxi driver
- That MH would benefit from further training
- That MH sanctions should be one that conditions but not revoke his licence

The parties left the room to allow Committee to deliberate on the appropriate sanction.

Resolved:

- i. That MH's HC Driver's licence be suspended for a period of 4 months on the grounds contained in section 61(1)(i)(a) of the Local Government (Miscellaneous Provisions) Act 1976 in that there had been a failure to comply with the provisions of the Act of 1847 and section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 namely "any other reasonable cause"



Reasons for Decision:

- I. That the Council was entitled to expect high standards from those whom it licenced and the conduct of MH fell well below those standards thereby bringing the Council into disrepute.
- II. The conduct was akin to an offence of neglect to take a fare contrary to section 53 TPCA 1847 and the starting point under the Council's policy on offending behaviour was to impose a period of suspension of 6 months
- III. The Council had regard to its' public sector equality duties under section 149 of the Equality Act 2010 and therefore the neglect to transport a child in a wheelchair was an aggravating feature
- IV. All taxis bear the logo that they are fully accessible although MH clearly lacked the knowledge on how to load a wheelchair passenger and was not familiar with the mechanism in his vehicle to facilitate wheelchair access
- V. MH did however seek to facility the journey which was a mitigating factor in his favour.
- VI. That at the time MH did not know how to perform the adaptations to take a wheelchair passenger. The Committee therefore accepted that the conduct arose out of ignorance rather than a deliberate refusal to take the fare. However, it is the responsibility of all licensees to ensure that their vehicles are suitably equipped and that they are fully aware as to how to load and secure a wheelchair. It is part of their Gold Standard training. MH's lack of knowledge to load the wheelchair was therefore unacceptable.
- VII. It was recommended that MH undertake additional training on the Equalities Duty and how to deal with passengers with protected characteristics.

The parties returned to the room and the decision was shared.

10 To seek consideration of whether the driver is 'fit and proper' - NS

Note: This agenda item was the last heard on the day the following Committee Members were present:
Cllr Davis, Cllr Hance (Chair), Cllr Langley

Cllr Eddy, Cllr Johnson and Cllr Bowden-Jones had left the meeting at his point.



NS was in attendance and the Complainants KT & SP

The Chair, welcome those present and led introductions apologising for the delay in starting proceedings.

The Enforcement Officer presented the report and summarised the complaint received alleging that NS, hackney carriage driver, had refused or neglected to take a child wheel chair passenger in the company of her mother and her carer from outside the Hippodrome, City Centre, Bristol on the 29th November 2017.

Highlights from the officer report:

- That officer's discovered that NS did not have the required equipment to load a wheelchair passenger into the vehicle.
- NS had use of the vehicle for 1 year and not carried a wheelchair passenger in that time.

The Committee put questions for clarification to the Enforcement Officer.

The complainant KT & SP were invited to present their complaint to Committee

- KT & SP had exited the Hippodrome via the disabled exit and approached the line of taxis. NS was at the front of the line. NS refused to engage with them stating that he was not the driver first in line and that they should speak to the drivers behind. They were faced with drivers refusing to take them to TM station. They were unable to get numbers of any other plates as it became very busy with other patrons leaving the Hippodrome and getting into taxis. NS drove off but they were able to take a photo of his vehicle.

The Chair invited Committee to put questions for clarification to the complainants.

The Chair then invited NS to address the complaint that he had refused or neglected to take the fare without reasonable excuse.

- NS explained that he had driven down from Park Street because it was quiet and because there was no room to join at the rear of the line, he had pulled his vehicle in front. There were approx 6 vehicles ahead of his on the rank.
- NS contended that it was the code of practice amongst drivers that they proceed in order even though they may be parked out of sequence.
- The managing authority does not accept the principle of 'rules of the rank' in this location.
- NS stated that he was at the non-operational bus stop and although had seen the complainant was not aware that the request included a wheelchair.
- NS advised the complainant to go the taxi behind his.
- NS advised that he was aware that the complainant was in conversation with another driver.
- NS took a passenger and drove off.



- NS shared that he was only aware that an issue arose when his number plate was put out on social media.
- NS had driven taxi's for 9 years and only taken 2 possibly 3 wheelchair passengers.
- Confirmed that he had the vehicle for 1 year.
- The complainant confirmed when re-questioned that NS was the person they dealt with on the evening in question.
- NS advised that he had undertaken work covering School Runs but that work did not involve wheelchair users.

The Chair invited all parties to withdraw to allow for Committee to consider the complaint and make a decision.

Decision:

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

They noted the policy and legislation relevant to the allegation made against NS.

Following a lengthy debate on whether NS actions constituted a breach of the section 53 TPCA 1847 it was concluded on balance of probabilities NS had neglected to take the fare and that he did not have a reasonable excuse to do so.

The Committee Resolved: that NS had refused or neglected to take the fare without reasonable excuse which was akin to an offence under section 53 TPCA 1847.

The parties returned to the room and the decision was shared.

Resolved:

- i. That NS's HC Driver's licence be suspended for a period of 6 months on the grounds contained in section 61(1)(i)(a) of the Local Government (Miscellaneous Provisions) Act 1976 in that there had been failure to comply with the provisions of the Act of 1847 and section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 namely "any other reasonable cause"

Reason for Decision

- ii. That the Council was entitled to expect high standards from those whom it licenced and the conduct of NS fell well below those standards thereby bringing the Council into disrepute.
- iii. The conduct was akin to an offence of neglect to take a fare contrary to section 53 TPCA 1847 and the starting point under the Council's policy on offending behaviour was to impose a period of suspension of 6 months. NS had presented no evidence or mitigation to persuade the committee that he should be treated as an exception to Council policy



- iv. The Council had regard to its' public sector equality duties under section 149 of the Equality Act 2010 and therefore the neglect to transport a child in a wheelchair was an aggravating feature
- v. All taxis bear the logo that they are fully accessible although NS vehicle was missing a vital component to secure a wheelchair passenger that was not viewed as a reasonable excuse. However, it is the responsibility of all licensees to ensure that their vehicles are suitably equipped and that they are fully aware as to how to load and secure a wheelchair. It is part of their Gold Standard training. NS was required to ensure that this equipment was in working order.
- vi. It was recommended that NS undertake additional training on the Equalities Duty and how to deal with passengers with protected characteristics.

11 To Seek consideration of whether the driver is 'fit and proper' - ZS

Note: This item was taken out of sequence Cllr Eddy had to leave the meeting, Cllr Hance took the Chair.

ZS was in attendance with his Solicitors ML together with the complainant KT & SP.

ZS had requested an interpreter and they were present in the room.

The Chair welcomed those present and led introductions.

The Enforcement Officer presented the report and summarised the complaint received alleging that ZS, hackney carriage driver, had refused or neglected to take a child wheel chair passenger in the company of her mother and her carer from Temple Meads (TM) Station, Bristol on the 29th November 2017.

All those present with Committee had previously viewed the CCTV footage of events and agreed that matters would proceed without a further viewing.

A note for the records that the Interpreter and ZS agreed that as ZS listening skills and understanding of English were adequate there was no need to interpret at every point but ZS would be permitted to consult on any issues of clarity if one arose. This was agreed with ZS legal representative who advised that the Report had been gone through prior to the hearing. ZS therefore understood what the report was about.

Highlights from the Officer report:

- That drivers are expected to make themselves proficient in using equipment in their vehicle that allows a wheelchair to be carried



- That the Gold Standard test provides general information but because of the different makes and models of vehicles the onus is on the driver to identify the mechanisms in their particular vehicle to complete the training.
- That Bristol is one of the few LA's in the country that requires all Hackney Cabs to be wheelchair compliant. 100% of the hackney cab fleet are wheelchair accessible.
- Officers determined from the interview under caution that ZS was not aware that his vehicle could be adapted to take a wheelchair and two passengers.

The Committee put questions for clarification to the Enforcement Officer and ZS's Solicitor was invited to do the same and the complainant.

The Complaint KT & SP were invited to present their complaint to Committee:

- KT mother and SP of carer of child had travelled from Wiltshire by train to attend a performance at the Hippodrome. On arriving at TM station they went to the front of the taxi line requesting assistance. The first driver was unable to assist, neither the next and they approached ZS with the same request and were told by ZS, who was next in line, that he was unable to take 2 passengers with a wheelchair.

The Chair invited the committee to put questions for Clarification to the complainant.

The Chair then invited ZS solicitor to address the complaint that ZS refused or neglected to take the fare without reasonable excuse.

- ZS laboured under the misunderstanding that his vehicle was only able to carry 1 passenger with a wheelchair.
- ZS informed Officers during the course of the interview that was his understanding and that was the reason for refusal.
- ZS had previously only carried one other wheelchair bound passenger.
- ZS through his solicitors extended a further apology to the complainants.

The Chair invited questions to be put to ZS.

The Chair invited all parties to withdraw to allow the Committee to consider the complaint and make a decision.

Decision:

The Members considered very carefully all the written and verbal evidence presented together with the CCTV footage.

They noted their Policy and the complaint made against ZS, which if made out, was akin to an offence of refusing or neglecting to take a fare contrary to section 53 TPCA 1847.



Following a lengthy debate on whether ZS actions constituted a breach of section 53 TPCA 1847 it was concluded that on balance of probabilities ZS had neglected to take the fare and that he did not have a reasonable excuse to refuse the fare.

The committee resolved that ZS neglected to take the fare without reasonable excuse which was akin to an offence under section 53 TPCS 1847.

The parties returned to the room and the decision was shared.

The Chair invited ZS to present mitigation before consideration was given to what action, if any should be taken in respect of ZS HC driver's licence.

ZS Solicitor made a mitigation statement

- Extended a further apology to the complainant
- That ZS was married with 4 children
- That in the four years ZS had held his HC licence there had been no complaints
- That ZS was labouring under a genuine misunderstanding about the adaptability of his vehicle
- That ZS licence should not be suspended but further training should be imposed

The parties left the room to allow Committee to deliberate on the appropriate course of action.

Decision:

- i. That ZS's HC Driver's licence be suspended for a period of 4 months on the grounds contained in section 61(1)(i)(a) of the Local Government (Miscellaneous Provisions) Act 1976 in that there had been a failure to comply with the provisions of the Act of 1847 and section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 namely "any other reasonable cause"

Reasons for Decision:

- I. That the Council was entitled to expect high standards from those whom it licensed and the conduct of MH fell well below those standards thereby bringing the Council into disrepute.
- II. The conduct was akin to an offence of neglect to take a fare contrary to section 53 TPCA 1847 and the starting point under the Council's policy on offending behaviour was to impose a period of suspension of 6 months
- III. The Council had regard to its' public sector equality duties under section 149 of the Equality Act 2010 and therefore the neglect to transport a child in a wheelchair was an aggravating feature



- IV. All taxis bear the logo that they are fully accessible although ZH laboured under the misunderstanding that his vehicle could only take 1 passenger when a wheelchair passenger was on board.
- V. The Committee therefore accepted that the conduct arose out of ignorance rather than a deliberate refusal to take the fare. Consequently, this mitigation justified a shorter period of suspension of 4 months. However, it is the responsibility of all licensees to ensure that their vehicles are suitably equipped and that they are fully aware as to how to load and secure a wheelchair. It is part of their Gold Standard training. ZS lack of knowledge on the capabilities of his vehicle to carry 2 passengers with a wheelchair was therefore unacceptable.
- VI. It was recommended that ZS undertake additional training on the Equalities Duty and how to deal with passengers with protected characteristics.

The parties returned to the room and the decision was shared.

12 To seek consideration of whether the driver is 'fit and proper' person - SHA

Cllr Eddy left the meeting and Cllr Hance Chaired

SA, was in attendance with his Solicitor ML together with the complainant KT & SP.

The Chair Cllr Fi Hance welcomed and led introductions and acknowledged that Cllr Eddy had to leave proceedings.

The Enforcement Officer presented the report and summarised the complaint received alleging that SA, hackney carriage driver, had refused or neglected to take a child wheelchair passenger in the company of her mother and her carer from Temple Meads (TM) Station, Bristol on the 29th November 2017.

All those present with Committee noted CCTV footage of events previously viewed.

Also viewed by SA when interviewed under caution.

Highlights from Officer Report:

- SA was the second car in the rank, behind the point car.
- That SA denied, when interviewed under caution, that he refused to take the fair.
- The CCTV showed that SA remained in his vehicle throughout the incident up until after he was approach by driver of the point car when shortly afterwards SA drove off the rank without taking a fare.
- SA contended that the only conversation he could recall centred around change with another driver and that he could not recall any other conversation



- SA contended he left the rank to attend prayer at his mosque in St Pauls

The Chair invited questions of clarity from committee and parties present but none were posed.

The Complainant was invited to address the Committee.

KT explained the events surrounding her visit to Bristol to attend a performance at the Hippodrome with her daughter and her Carer. They lived in Wiltshire and not all taxis there could take a wheelchair so initially they thought nothing of it until they realised that no one wanted to take them from temple meads to the Hippodrome. Only SP approached the drivers, KT stayed back withdrawing her daughter from the scene. The second taxi driver left the rank and they took his number. They were eventually assisted by taxi driver plate no.11 who also provided his business card and advised them that all Bristol Hackney Cabs were accessible as shown by the sign on the back. It was at this point they realised that the other drivers should have been able to transport the wheelchair.

SP recalls going to the first taxi driver and then being told to go to the taxis behind.

The Chair invited questions of clarity from committee and parties present but none were posed.

The Chair invited AS to present his case:

- AS shared that he had 20-years experience of driving taxis first as private hire and now with hackney licence
- That he was aware of disability issues
- He denied that either of the ladies approached him or spoke to him
- That he did not refuse to take the complainant because no one came to him to request a ride
- Common practice is for the driver to sit in the car and wait for a customer to approach. It is protocol to wait if there is a taxi in front in the rank
- The CCTV shows that the complainant did not approach his vehicle
- He recalled a conversation with the driver first in the rank about change but not about taking any passengers
- ML drew attention to the disputed facts about the request and further added that it would be appropriate for directions to be given to customers indicating that they should go to the front of the rank.
- AS reaffirmed that he was not approached by the complainants.
- AS said he did not leave the rank to avoid detection but because he had to go to prayers.

The Chair invited all parties to withdraw to allow the Committee to consider the complaint and make a decision.

Members considered very carefully all the written and verbal evidence presented together with CCTV footage.



Members viewed the CCTV footage again to see if the complainants approached his vehicle.

- Noted that the person approaching his vehicle and having a conversation was not the complainants.
- Noted that the driver in front approached SA vehicle and had a brief conversation before moving along the rank
- Noted that SA left the rank without a passenger.

Members then revisited the terms of the legislation before making the final decision.

Resolved:

That on a balance of probabilities, the complaint had not been made out and therefore in would not be appropriate to take any action in respect of SA's licence.

Reasons:

The Committee considered that the complainants had presented their evidence truthfully but given that there were several drivers that were subject to similar allegations, there might have been some confusion as to what was said or otherwise to this particular driver. The CCTV footage appeared to corroborate SA's version of events that he was not approached by the complainants and crucially, the evidence of the independent witness, the taxi driver who eventually transported the complainants, did not support there being any conversation between SA and the complainants. The independent witness stated that he did not see the driver – he just drove off. Although the committee had some doubts about the credibility of SA's version of events, there was insufficient evidence against him to uphold the complaint.

The parties returned to the room and were advised of the decision.

**13 To seek consideration of whether any action is required as a result of a court conviction -
KU**

This item was taken at the start of the afternoon session when all Committee Members were present and Cllr Eddy was in the Chair.

KU was in attendance with friends in support.

The Chair welcomed those present and led introductions.

The Licensing Officer presented the report and highlighted the following:

- That KU was convicted in September 2017 of driving at excessive speed receiving a fine and a 56 day driving licence suspension.



- That KU notified the services of the loss of the licence in December and not immediately as required by the terms of operation.

KU was invited to address the committee.

- KU read a statement apologising and drawing members to the circumstances of the case.
- KU advised that a lapse of concentration led to the offence.
- KU had left late to collect passengers in Manchester because the Carer, for KU relative was late arriving.
- KU had held a licence since 1988 and had been a careful driver and this was the first disqualification during this time.
- KU sincerely apologised for the matter coming to committee and expressed embarrassment and dismay at having being in this position

All parties left the room to allow Committee to make a Decision.

Resolved:

- That no action be taken in respect of KU's Private Hire Driver's Licence (PHDL) in that he had satisfied the Committee that he was still a fit and proper person to hold a PHDL

The parties returned to the room and the above shared.

Reasons for Decision:

Members carefully considered the written report and the statements received on the day together with the verbal presentation.

Whilst the speeding conviction was classed as a major traffic offence which under the Council's policy required a period of 2 years free of conviction following restoration of the DVLA licence, the Members were satisfied, on a balance of probabilities, that KU had discharged the burden of proving he could be treated as an exception to the policy without undermining it.

KU had taken full responsibility of his actions and was very remorseful and embarrassed about what had occurred.

Prior to this incident KU had an exemplary driving record and the circumstances that gave rise to the momentary lapse of concentration amounted to strong mitigation in his favour. The Members therefore had no concerns that he would pose a risk to the public if no further action were taken on his licence.



Meeting ended at 6.20 pm

CHAIR _____

