

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



**6 March 2018 at 10.00 am**

**Members Present:-**

**Councillors:** Fi Hance, Ruth Pickersgill and Lucy Whittle

**Officers in Attendance:-**

Ashley Clark (Legal Advisor) and Carl Knights (Licensing Policy Advisor) and Norman Cornthwaite (Democratic Services)

**1. Apologies**

Apologies were received from Councillor Chris Windows.

**2. Declaration of Interest**

None received.

**3. Public Forum**

None 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**

## **6. Application for the Renewal of a Hackney Carriage Driver's Licence - AA**

AA was in attendance accompanied by a Solicitor.

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

The Licensing Officer introduced the report and summarised it for everyone. It was noted that the recent offence relates to the Public Order Act.

The Solicitor put the case for AA highlighting the following:

- Members do have the discretion to make an exception to their Policy which is a guideline for Members
- Referring to the offence, AA had collected the passengers who asked for different drop off points
- He encountered difficulties with the passengers who were abusive and hostile to him, and had issues with the route he took
- A woman passenger had slammed the car door
- He admitted that he had used abusive language towards the passengers; this had been a response to racist abuse from one of them
- The Police were called
- He was convicted under the Public Order Act Section 4A relating to causing offence or stress
- He was under a lot of stress at the time of the offence – his wife was expecting their first child and he was experiencing financial difficulties
- References were tabled
- AA has been subjected to racism in the past and had reported incidents to the Police; SARI had investigated and supported him
- Referring to condition of the vehicle, he confirmed that the door was damaged and became detached from the rail; it was not however a danger to any passengers
- Referring to AA's failure to report his conviction to Licensing, he confirmed that it should have been reported but that AA thought it was spent – although it was not; he has never withheld other information from Licensing over a 12 year period
- AA is 35 years old, married and has a child; he works part time and is taking a banking diploma; he is genuinely remorseful for what he did and does not present a danger to the public

AA made a short statement explaining that he had experienced lots of racist incidents in the past; he just wants to work as a taxi driver



AA answered questions highlighting the following:

- If a similar incident occurred in the future he would not get involved
- He usually works only days, rather than nights, when there is less likelihood of conflict
- He is not a danger to the public; he has in the past gone above and beyond what is expected of him; although there is a level of frustration, in future he would 'phone the Police and manage the situation better
- He believes that he has changed in the last 3 years and would behave more reasonably

His Solicitor summed up AA's case.

The Licensing Officer, AA and Solicitor 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 their Policy which specified a period of 8 to 10 years free of conviction. The Members also noted that he had been charged with two offences and was found guilty of the more serious one. They had concerns about what happened especially as it involved passengers. They felt that AA needed to provide more evidence concerning anger management and associated behaviour.

Everyone returned to the room to hear the decision announced.

**Resolved – that the application for renewal of a Hackney Carriage Driver's Licence made by AA be refused as he has not convinced the Council that he is a fit and proper person to hold such a licence.**

## **7. Application for the Renewal of a Private Hire Driver's Licence - MR**

MR was in attendance, accompanied by a colleague.

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

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

MR put his case stating that he had been driving for 5 to 6 years and these were the only points that he had incurred.

MR summed up the case.



The Licensing Officer, MR 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 their Policy and agreed that no action was required.

Everyone returned to the room to hear the decision announced.

**Resolved – that Officers be authorised to renew Private Hire Driver’s Licence held by MR.**

### **8. Application for the Grant of a Private Hire Driver's Licence - RHR**

RHR was in attendance, accompanied by a Representative of Home James. The Chair explained the procedure that would be followed and everyone introduced themselves.

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

RHR put his case and answered questions highlighting the following:

- He had worked in the haulage industry for a number of years and knows Bristol well
- He now wants to work for Home James where most of the work will be out of Bristol – London, etc.

The Representative of Home James explained the back ground to the work that RHR would be doing – no ordinary private hire work; would be using a sat nav; he work probably work for 2 to 3 days per week for 2 to 3 years; no jobs will be Bristol to Bristol; all work will be out of town – London, Birmingham, etc.

RHR summed up his case.

The Licensing Officer, RHR and his 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 their Policy. The also noted the type of work that RHR would be carrying out.

They therefore agreed to grant the licence.

Everyone returned to the room to hear the decision announced.



**Resolved – that Officers be authorised to grant the Private Hire Driver’s Licence applied for by RHR.**

RHR was in attendance, accompanied by a Representative of Home James.

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

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

RHR put his case and answered questions highlighting the following:

- He had worked in the haulage industry for a number of years and knows Bristol well
- He now wants to work for Home James where most of the work will be out of Bristol – London, etc.

The Representative of Home James explained the back ground to the work that RHR would be doing – no ordinary private hire work; would be using a sat nav; he work probably work for 2 to 3 days per week for 2 to 3 years; no jobs will be Bristol to Bristol; all work will be out of town – London, Birmingham, etc.

RHR summed up his case.

The Licensing Officer, RHR and his 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 their Policy. The also noted the type of work that RHR would be carrying out.

They therefore agreed to grant the licence.

Everyone returned to the room to hear the decision announced.

**Resolved – that Officers be authorised to grant the Private Hire Driver’s Licence applied for by RHR.**

**9. Private Hire Driver dealt with by Out of Court Disposal - DL**

DL was in attendance.

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

The Taxi Compliance Officer introduced the report and summarised it for everyone.



DL put his case highlighting the following:

- He confirmed the circumstances of the offence
- The passenger had not wanted to take the Hackney Carriage that was in front
- He was having a bad night
- He had just spent a lot of money on his car and had not been able to work for 3 months due to a knee operation
- He had never done this before and would not do it again
- His badge was in his pocket and the other badge was on display in the vehicle

The Taxi Compliance Officer and DL 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 their Policy, which specifies a 6 months suspension of a licence.

Noting the mitigating circumstances of the case, Members agreed to set aside their Policy in this instance agreed to suspend the licence held by DL for a period of 2 months.

Everyone returned to the room to hear the decision announced.

**Resolved – that the Private Hire Driver’s Licence held by DL be suspended for a period of 2 months.**

### **10 Private Hire Driver dealt with by Out of Court Disposal - HS**

It was noted that a request for a deferment of this item had been received.

**Resolved – that consideration of this item be deferred until a future Meeting of the Committee.**

### **11 Private Hire Driver dealt with by Out of Court Disposal - AB**

AB was in attendance.

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

The Taxi Compliance Officer introduced the report and summarised it for everyone.



AB put his case and answered questions highlighting the following:

- He was approached by the passenger even though there were two taxis in front
- He drove only a very short distance
- He was stopped, asked for his badge and admitted the offence
- He had told the passenger that he must book the journey and had let him sit in the car while he made the 'phone call
- He had never plied illegally for hire in the whole time he has been a taxi driver; he is a very honest person; he has a wife and children
- He had parked where he was because of trouble with hackney carriage drivers when picking up passengers outside the Hippodrome

The Taxi Compliance Officer stated that he did not see the passenger on the 'phone and that the passenger confirmed that he had not made a booking.

AB summed up his case.

The Taxi Compliance Officer and AB 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 their Policy, which specifies a 6 months suspension of a licence.

Noting the mitigating circumstances of the case, Members agreed to set aside their Policy in this instance agreed to suspend the licence held by AB for a period of 3 months.

Everyone returned to the room to hear the decision announced.

**Resolved – that the Private Hire Driver's Licence held by AB be suspended for a period of 3 months.**

### **12 Private Hire Driver dealt with by Out of Court Disposal - KA**

KA was in attendance.

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

The Taxi Compliance Officer introduced the report and summarised it for everyone.



KA put his case and answered questions highlighting the following:

- He had just dropped a fare and was approached by another
- He agreed to take the fare without a pre-booking
- He has never done this before
- He summed up his case

The Taxi Compliance Officer and KA 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 their Policy, which specifies a 6 months suspension of a licence.

Noting the mitigating circumstances of the case, Members agreed to set aside their Policy in this instance agreed to suspend the licence held by KA for a period of 2 months.

Everyone returned to the room to hear the decision announced.

**Resolved – that the Private Hire Driver’s Licence held by KA be suspended for a period of 2 months.**

### **13 Private Hire Driver dealt with by Out of Court Disposal - VS**

VS was in attendance.

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

The Taxi Compliance Officer introduced the report and summarised it for everyone.

VS put his case and answered questions highlighting the following:

- He explained the circumstances of the offence
- He was aware of what he was doing and admitted the offence
- He was sorry for what he had done

The Taxi Compliance Officer and VS 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 their Policy, which specifies a 6 months suspension of a licence.

Noting the mitigating circumstances of the case, Members agreed to set aside their Policy in this instance agreed to suspend the licence held by VS for a period of 2 months.

Everyone returned to the room to hear the decision announced.

**Resolved – that the Private Hire Driver’s Licence held by VS be suspended for a period of 2 months.**

## 14 Private Hire Driver dealt with by Out of Court Disposal - ZI

ZI was in attendance, accompanied by his wife.

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

The Taxi Compliance Officer introduced the report and summarised it for everyone.

ZI put his case and answered questions assisted by his wife highlighting the following:

- He explained what had happened
- He accepted what he had done
- He had never done this before
- He was very sorry for committing the offence; it had impacted on his whole family

The Taxi Compliance Officer, ZI and his wife 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 their Policy, which specifies a 6 months suspension of a licence.

Noting the mitigating circumstances of the case, Members agreed to set aside their Policy in this instance agreed to suspend the licence held by ZI for a period of 2 months.

Everyone returned to the room to hear the decision announced.



**Resolved – that the Private Hire Driver’s Licence held by ZI be suspended for a period of 2 months.**

Meeting ended at 3.00 pm

Chair

Meeting ended at 3.00 pm

**CHAIR** \_\_\_\_\_

