

Bristol City Council
Minutes of the Public Safety and Protection
Committee



3 April 2018 at 10.00 am

Members Present:-

Councillors: Nicola Bowden-Jones, Chris Davies, Richard Eddy, Fi Hance, Carole Johnson and Mike Langley.

Officers in Attendance:- Michael Bonnick – Legal Advisor, Carl Knights – Senior Licensing Officer, Andy Lyle – Licensing Enforcement Officer, Norman Cornthwaite – Democratic Services
P C 4645 Patrick Quinton - Taxi Compliance Officer

1. Apologies

There were none.

2. Declaration of Interest

None received.

3. Public Forum

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. Conviction of a Hackney Carriage and Private Hire Driver - AW

AW was in attendance, accompanied by a Solicitor.

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.

The Solicitor stated that he had requested that the hearing be deferred as AW denies the incident occurred and intends to appeal to the Crown Court, although no date for the appeal has been set.

The Neighbourhood Enforcement Officer stated that they had received advice from Legal Services which in summary stated that the case should proceed, as the Committee's function is regulatory and its purpose is to protect the public. It is not for the Committee to decide whether or not someone may or may not be found guilty by the Courts. The Licensee has been found guilty of a serious assault. The Committee needs to apply the Council's Policy on the offending behaviour unless the Licensee or Representative can convince the Committee to make an exception in this case.

The Solicitor advised that AW had pleaded not guilty at his trial. However it was noted that this was contrary to what was stated in the papers and no documentary evidence of this plea could be produced.

The Committee adjourned to decide if it would accede to the request for a deferment. Following a discussion and legal advice the Committee decided to refuse the request for a deferment and that the case would be heard.

The Solicitor put the case for AW highlighting the following:

- AW is 36 years old, has a wife and children
- He is the only earner in the family and they live in rented accommodation
- To put the incident in context, it was a minor incident – a low level assault
- AW has no pattern of bad behaviour and was not working at the time
- There was a confrontation
- There were no passengers involved as he was not acting as a taxi driver at the time
- He has been a taxi driver for a number of years and there have no other incidents or issues
- He is not a danger to the public
- AW is an upstanding member of the community
- The Solicitor read out a character reference for AW



AW explained that he was dropping his child at school and had to wait for the child to be collected by the teacher. He returned to his car to find a parking ticket on it. He was upset and raised his voice, but did not swear at anyone or touch anyone.

The Solicitor summed up AW's case.

The Neighbourhood Enforcement Officer, AW 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.

The Members noted the statements made by the Parking Services Officers and that AW had been found guilty by the courts.

They considered that AW was no longer a fit and proper person to hold a Private Hire or a Hackney Carriage Driver's Licence and therefore decided to revoke both licences.

Everyone returned to the room to hear the decision announced.

Resolved – that the Private Hire and Hackney Carriage Driver's Licences held by AW be revoked as he is no longer a fit and proper person to hold the licences.

7. Application for the Renewal of a Hackney Carriage Driver's Licence - HS

HS 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.

HS put his case stating that he had been a taxi driver for 10 years and has a good record. Several other drivers were also caught speeding by the camera at this location. He was taking 4 boys to Yate at the time and who were boisterous, and distracted him.

HS summed up the case.

The Licensing Officer and HS 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 and the previous good record of HS. They agreed that no action was required and that the Licence could be renewed.

Everyone returned to the room to hear the decision announced.

Resolved – that Officers be authorised to renew the Hackney Carriage Driver’s Licence held by HS.

8. Application for the Renewal of a Private hire Driver's Licence - AJM

AJM 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.

AJM put his case and answered questions highlighting the following:

- He had applied in October of last year, but had not read the whole of the application form and had wrongly ticked the No box
- He works for Home James and drives 75,000 miles per year
- None of the offences were committed in Bristol; they were all committed in other areas while working as a Private Hire Driver
- He is a safe and cautious driver with no complaints from passengers
- He summed up his case

The Licensing Officer and AJM 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 Members discussed the case in detail but there was no agreement on whether or not action should be taken against licence held by AJM.

On being put to the vote (3 for, 3 against with the Chair using his Casting Vote) it was decided that no action be taken and that the licence could be renewed. The Members who voted against taking action on the Licence noted his otherwise good record as a taxi driver. They also noted that should he be caught speeding again he would be in danger of losing his DVLA Licence.



Everyone returned to the room to hear the decision announced.

Resolved – that Officers be authorised to renew the Private Hire Driver’s Licence applied for by AJM.

9. Application for Renewal of a Hackney Carriage Licence Seeking Departure from BCC Policy - NJ

NJ was in attendance, accompanied by his son.

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

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

NJ put his case highlighting the following:

- He will be 76 years old during the following month
- He does not want to spend a great deal of money on a new car
- He only wants the licence renewed until December (2018) when he is intending to retire
- He only works part time
- He summed up his case

The Licensing Officer, NJ and son 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 Members considered that NJ had had long enough time to acquire a compliant vehicle and did not consider that they had heard enough evidence to persuade them to set aside their Policy in this case.

The application was therefore refused.

Everyone returned to the room to hear the decision announced.

Resolved – that the application by NJ for the renewal of a Hackney Carriage Licence be refused.

10 Conviction of a Private Hire Driver - MA



MA was in attendance, accompanied by a BCC Interpreter and his wife.

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

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

MA put his case highlighting the following:

- He was approached by a woman who asked if he could take her to Southmead
- He agreed a fare with her
- The woman kept looking behind and said that her husband would be joining her
- He was then advised by the Police Officer that he was illegally plying for hire
- He did not drive the car
- He would have asked the couple to 'phone the company to make a booking

The Taxi Compliance Officer reminded Members that a journey does not have to have taken place for an offence to be committed. MA had admitted the offence. He also stated that he was not aware that he was required to wear his badge.

MA stated that he did not understand a lot of what was said in court. He summed up his case and stated that he had a mistake by not requiring the woman to book the journey.

His wife stated that she had been ill and was not working at present. MA is therefore the only person working in the household.

The Licensing Officer, Taxi Compliance Officer, MA, Interpreter 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.

The Members noted MA had admitted the offence in court, along with the other mitigating circumstances.

They therefore agreed to set aside their Policy in this case and impose only a 4 months suspension of the Private Hire Driver's Licence held by MA.

Everyone returned to the room to hear the decision announced.



Resolved – that the Private Hire Driver’s Licence held by MA be suspended for a period of 4 months.

11 Conviction of a Private Hire and Hackney Carriage Driver - NH

NH 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.

The Solicitor put the case for NH highlighting the following:

- NH accepted the evidence put forward by the Taxi Compliance Officer
- He accepted that he should not have done what he did
- He was waiting for a friend and was approached twice by the passenger
- When his friend did not show up he accepted the fare
- This was an isolated incident
- He has never done anything like this before
- When he was stopped he panicked and lied to the Officer
- He has a wife and child, and also has significant debt
- He is very remorseful
- He was under great pressure on the day of the offence; his father is ill and he cares for him
- He has accepted that he misled the Officer and did not report the offence to Licensing
- He summed up the case

The letters from NH and his employer were noted by the Committee.

NH stated that he had never done anything like this before and would not do it again. He made a mistake and he has learnt from it. He is very sorry. Although he applied to renew his Licenses the day after the offence, he had intended to apply earlier.

The Taxi Compliance Officer confirmed the circumstances of the offence presented in the report and advised that NH had been co-operative.

The Licensing Officer, Taxi Compliance Officer, NH 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 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 and to suspend the licence held by NH 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 NH be suspended for a period of 3 months.

12 Application for the Grant of a Private Hire Licence Seeking Exemption from BCC Policy - SZ

Prior to the Hearing Members of the Committee inspected the vehicle.

SZ was in attendance, accompanied by Councillor Shah.

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

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

SZ put his case and answered questions highlighting the following:

- He bought the vehicle on finance
- The finance company will not allow him to respray the vehicle; the cooling off period relating to the finance agreement has passed
- The registration document states that the vehicle is blue - even though it is not a traditional shade of blue
- He confirmed that he was aware of the BCC Policy concerning the colour of licensed vehicles
- He summed up his case

The Licensing Officer advised that there are 8 shades of blue approved. The public are advised that Hackney Carriage vehicles are blue.

Councillor Shah commented that this is a dark blue.

The Licensing Officer, SZ and Councillor Shah 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.

They did not consider that they had heard enough evidence to persuade them to set aside their Policy in this case and therefore decided to refuse the application.

Everyone returned to the room to hear the decision announced.

Resolved – that the application for a Private Hire Licence made by SZ be refused.

13 Conduct of a Hackney Carriage Driver - ZS

14 Renewal of a Hackney Carriage Licence Seeking Departure from BCC Policy - AYJ

AYJ 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.

AYJ put his case and answered questions highlighting the following:

- The car is in good condition
- He had to change his previous car for health reasons
- He was asked the age of the vehicle by Licensing when it was bought
- He wanted to change the car in 2015 but was not offered enough money for it
- He lives in Cardiff but cannot work there
- He cannot afford to buy a new car at this stage
- He summed up his case

The Licensing Officer and AYJ 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.

They did not consider that they had heard enough evidence to persuade them to set aside their Policy in this case and therefore decided to refuse the application.



Everyone returned to the room to hear the decision announced.

Resolved – that the application for a Hackney Carriage Licence made by AYJ be refused.

Meeting ended at 3.15 pm

CHAIR _____

