

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



15 May 2018 at 10.00 am

Members Present:-

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

Officers in Attendance:-

Ashley Clark (Legal Advisor), Carl Knights (Licensing Policy Advisor) and Norman Cornthwaite – Democratic Services, Alison Wright – Neighbourhood Enforcement Team, P C 4645 Patrick Quinton - Taxi Compliance Officer.

1. Apologies

None received.

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 12A to the Act, as amended.

6. Complaint against the holder of a Private Hire Driver's Licence - HS

HS was in attendance, accompanied by an Interpreter. The Complainant and her husband were also in attendance

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. She also drew attention to the statements from the Complainant, her husband and HS.

The Complainant confirmed what was in her statement. She had left Henbury Leisure Centre and was on her way to ASDA. As a new driver who only passed her test in September 2017, she is still cautious. All the words that she quoted in her statement are correct and were used. She had not slept well the previous night as she had been revisiting the incident.

Her husband confirmed that she had been anxious.

HS put the case and answered questions highlighting the following:

- He stood by everything in his statement
- He was in the Bus Lane when he had to brake hard to avoid a collision
- He denied using any foul language
- The Complainant was in the wrong lane
- He has worked as a taxi driver for 5 to 6 years; he was previously a delivery driver
- He has never got out of his car before and it was a mistake to do so on this occasion
- He did not use any the language that the Complainant has quoted; he only asked her why she had blown her horn and why she was recording on her 'phone (It was established that the Complainant was not recording only taking photos.)
- He had removed the taxi plates from his car as he was angry the Complainant was taking photos
- He did not consider the fact that the Complainant was a woman made any difference to his actions
- He summed up his case and apologised for getting out of his car

The Neighbourhood Enforcement Officer, HS, the Interpreter, the Complainant and her husband 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 had 2 versions of events to consider and found the Complainant to be more credible as she had nothing to gain by lying.

The Members felt that a taxi driver should have a higher level of self-control than other drivers and would not expect a taxi driver to behave in this way.

From what the Complainant had described, this was a common assault or section 4 Public Order Act offence.

The Members noted that their Policy on criminal offending stated that a licence would not normally be granted within 5 years of conviction for either offence.

HS was not able to convince the members that he was a fit and proper person to hold a Private Hire Driver's Licence. He was invited to seek assistance with his anger management issues.

Members agreed to suspend the Licence held by HS for a period 4 months.

Everyone returned to the room to hear the decision announced.

Resolved – that the Private Hire Driver's Licences held by HS be suspended for a period of 4 months.

7. Conduct of a Hackney Carriage Driver - ZS

ZS was in attendance, accompanied by an Interpreter.

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 Taxi Compliance Officer confirmed the details of the incident as stated in the report.

ZS put his case and answered questions highlighting the following:

- He apologised for the incident relating to the suspension
- The passenger had asked the cost of the journey, left and then returned, and asked to be taken
- He advised the passenger that he would be charged on the meter
- He did not want to refuse to take him in case he lodged a complaint
- He did not charge the passenger anything and was stopped by the Police at the start of the journey; he had not put the meter on as he had only just made the agreement with the passenger; he was not trying to overcharge him
- He had his badge with him but he was not wearing it
- He normally checks his vehicle every day, but not on that particular day



- This was the first time he had not used the meter; he confirmed that he knew he should have had the meter on
- He summed up his case

The Licensing Officer, ZS and the Interpreter 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 following:

- ZS is currently suspended for refusing to take a wheelchair passenger and this incident occurred during the appeal period
- He was not wearing his badge as required by his licence conditions
- He was not using his meter as required by byelaws made under the 1847 Act
- He had agreed a fare greater than the fare would have been if he had he used the meter which was an offence under the 1847 Act
- He was driving with light not working which was a matter of public safety

The options open to them were take no action, or suspend his licence for a further period, or revoke his licence.

Members were not convinced by any of the explanations put forward by ZS.

Noting that his licence was already suspended and the latest offences they decided that he was no longer a fit and proper person to hold such a licence and therefore revoked it.

Everyone returned to the room to hear the announcement of the decision.

Resolved – that the Hackney Carriage Driver’s Licence held by ZS be revoked as he is no longer a fit and proper person to hold such a licence.

8. Two Applications for the Grant of Street Trading Consent(s) at the paved area by the Fountains Outside City Hall

Neither of the applicants were in attendance so the applications were considered in their absence. The Licensing Officer introduced the report and summarised it for everyone. He advised that the Markets Team had requested the applications be refused as they were considering concessions for College Green.



There will be a tendering process for the concessions and these applicants may apply at the time. The Licensing Section also requested that the applications be refused.

Decision

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

The Members noted their Policy which permits them to consider the need for such a facility. They also noted that there are safety issues concerning the access to the site.

They therefore agreed to refuse the applications.

Resolved – that the applications for the two Street Trading Consents be refused.

9. Application for the Grant of a Hackney Carriage Driver's Licence - LKS

LKS was not in attendance. The application was therefore considered in his absence.

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

Decision

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

The Members noted their Policy.

They had not been presented with enough evidence to convince them to set aside their Policy so they decided to refuse the application.

Resolved - that the application for Hackney Carriage Driver's Licence made by LKS be refused.

10 Application for the Grant of a Hackney Carriage Driver's Licence - BB

BB was in attendance, accompanied by 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.

BB put his case and answered questions highlighting the following:



- Common Assault Case in 2014 – He was interviewed and accepted the Caution
- As a result of his Appeal in February he was required to pay the costs weekly but had to contact BCC in March to arrange for the payments to be made
- He felt that the interview was used against him as a false accusation was made against him
- He lost his licence because he did not stop the passengers, but this was because he was concerned about being beaten up by them
- He has no traffic convictions
- He considered that he had proved that something BCC stated in court was not true
- He has been 6 months free from conviction
- He did not stop the car as it was late at night, nobody was around, the passengers were drunk and he was concerned for his safety; he asked the passengers to sit down a number of times
- He considers that the report is not entirely factual
- He summed up his case

His wife explained the circumstances of the Common Assault Case – they had an argument, she threw a shoe at him and he left the house. She subsequently went to the Police.

The Licensing Officer, BB 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 Sub Committee considered the case at length.

The Members noted that BB has a Caution for Assault, had been filmed allowing passengers on the roof of his vehicle, taken money up front from passengers and not operated the meter, and misled the Court over when he was and was not working as a taxi driver.

Members noted that BB had no contrition about his errors and whilst the caution for common assault was being challenged it stood at that time and therefore had to be considered. There was evidence of dishonesty and dangerous driving and BB also admitted to failing to use his taximeter.

Members noted their policy on the relevance of criminal behaviour and considered there were insufficient grounds to depart from the policy.

Members therefore refused the application for a Hackney Carriage Driver's Licence as they did not consider BB to be a fit and proper person to hold such a licence.



Everyone returned to the room to hear the decision announced.

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

11 Application for the Grant of a Private Hire Licence seeking departure from BCC Policy and Exemption from the requirement to display vehicle licence plates - DD

Members inspected the vehicle prior to considering the application.

DD 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. The vehicle has a diesel engine but all ne Private Hire vehicles must ULEV vehicles.

BB put his case and answered questions highlighting the following:

- Before he bought the car he had ‘phoned the BCC MOT Centre at Sandy Park and had been told it would be a suitable vehicle
- It is a Euro 6 vehicle with low emissions
- He has another plated car and he intends to change the plates to this car
- He only intends to use this car for 2 to 3 years
- He works for Arrow Cars
- He summed up his case

The Licensing Officer advised that Arrow Cars have a base in Bristol. He also stated that the BCC MOT Centre at Sandy Park should not have given advice on Licensing Policy.

The Licensing Officer and DD 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 noted that diesel vehicles are banned, but that that there is discretion to licence diesel vehicles should there be no petrol alternative. However in this case there is a petrol alternative available.



Members noted that most other drivers had followed the Policy. They did not consider that they had heard enough evidence to persuade them to set aside the Policy in this case. They therefore agreed to refuse the application. (It was noted that by refusing the application for the licence for the vehicle, Members did not need to consider the application for an exemption from displaying the licence plates on the vehicle.)

Everyone returned to the room to hear the decision announced.

Resolved – that the application for Private Hire Licence applied for by DD be refused.

12 Application for the Grant of a Private Hire Driver's Licence - NS

NS was not in attendance. The application was therefore considered in his absence.

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

Decision

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

The Members noted their Policy.

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

Resolved – that the application for a Private Hire Driver's Licence made by NS be refused.

Meeting ended at 2.20 pm

CHAIR _____

