

Public Safety and Protection Sub-Committee B



Agenda

Date: Tuesday, 26 November 2019

Time: 10.30 am

Venue: Committee Room - City Hall, College Green,
Bristol, BS1 5TR

Distribution:

Councillors: Richard Eddy (Chair), Chris Davies and Fi Hance

Issued by: Corrina Haskins, Democratic Services

City Hall, PO Box 3176, Bristol, BS3 9FS

Tel: 0117 935 76519

E-mail: democratic.services@bristol.gov.uk

Date: 18 November 2019



Agenda

1. Welcome and Safety Information

2. Apologies for Absence

3. Declarations of Interest

4. Minutes of the Previous Meeting - 24 September 2019

To confirm as a correct record for signing by the Chair.

(Pages 4 - 18)

5. Public Forum

Up to 30 minutes is allowed for this item.

Any member of the public or Councillor may participate in Public Forum. The detailed arrangements for so doing are set out in the Public Information Sheet at the back of this agenda. Public Forum items should be emailed to democratic.services@bristol.gov.uk and please note that the following deadlines will apply in relation to this meeting:-

Questions - Written questions must be received 3 clear working days prior to the meeting. For this meeting, this means that your question(s) must be received in this office at the latest by 5 pm on 21st November 2019.

Petitions and Statements - Petitions and statements must be received on the working day prior to the meeting. For this meeting this means that your submission must be received in this office at the latest by 12.00 noon on 25th November 2019.

Please note, your time allocated to speak may have to be strictly limited if there are a lot of submissions. This may be as short as one minute

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

Recommended – 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.



7. Exclusion of the Press and Public

Recommended – that under Section 11A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the ground that involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act, as amended.

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|---|-------------------------|
| 8. Application for the Grant of a Private Hire Driver Licence Seeking Exemption from Council Policy: JL | 10.00 am |
| | (Pages 19 - 23) |
| 9. Application for the Renewal of a Private Hire Driver Licence and Existing Private Hire Vehicle Licence:KU | |
| | (Pages 24 - 59) |
| 10. Application for the Grant of a Hackney Carriage Licence Seeking Departure from Council Policy: AV | |
| | (Pages 60 - 69) |
| 11. Application for the Renewal of a Private Hire Driver Licence and Existing Private Hire Vehicle Licence: RS | 1.00 pm |
| | (Pages 70 - 78) |
| 12. To seek consideration as to whether a current Licence Holder is fit and proper to hold an existing Private Hire Operator Licence: DT | |
| | (Pages 79 - 94) |
| 13. Report following on from a NET Investigation in regards of a Private Hire Vehicle Licence: WH | |
| | (Pages 95 - 103) |



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



24 September 2019 at 10.00 am

Members Present:- Councillors Chris Davies, Richard Eddy (Chair) and Fi Hance

Also in attendance:- Lynne Harvey (Legal Advisor), Corrina Haskins (Democratic Services), Abigail Holman (Licensing Officer for items 8, and Licensing Policy Advisor for items 9, 10, 11 & 12), Carl Knights (Licensing Officer for items 9, 10 and Licensing Policy Advisor for items 8) and Alison Wright (Neighbourhood Enforcement Officer) for items 11 & 12)

1. Welcome and Safety Information

The Chair drew attention to the safety information.

2. Apologies for Absence

There were no apologies for absence.

3. Declarations of Interest

There were no declarations of interest.

4. Public Forum

There were no public forum statements.

5. Minutes of Previous Meeting - Public Safety and Protection Sub-Committee B: 17 September 2019

RESOLVED – that the minutes of the meeting of 17th September 2019 be confirmed as a correct record and signed by the Chair.



6. 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.

7. Exclusion of the Press and Public

RESOLVED that under Section 11A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the ground that involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act, as amended.

8. Application for the Renewal of a Private Hire Driver Licence and Renewal of a Private Hire Vehicle Licence: GA

The Applicant was in attendance with his Legal Representative and Interpreter.

The Licensing Officer outlined the background to the application as follows:

- The application was for the renewal of a Private Hire Driver licence and Private Hire Vehicle licence;
- An initial disclosure from police had been revealed, following checks as part of the application process, about an alleged sexual assault incident;
- On receipt of this information, Licensing Officers made a data protection request to the Police, but the Police had refused to provide the requested information even though the Complainant had agreed that her statement could be distributed;
- PC Quinton, the police officer who deals with taxi licensing matters, had also tried to obtain further disclosure but without success;
- The Applicant had not declared the incident to the Licensing Officer at the time it had happened or on his renewal application;
- In accordance with Council policy, in the case of offences involving decency and serious sexual offences, an application would only be considered if there had been a period of 15 years free of conviction;
- The Committee's main concern was the safety of the public and Members needed to consider whether the applicant was a "fit and proper person";
- The Officers were recommending refusal in accordance with Council policy.

The Council's Legal Advisor confirmed that nothing has been proven in relation to the incident and so Members needed to make findings of fact on the complaint on the balance of probabilities and only if they found in favour of the Complainant should they consider taking any further action. In response to a question about the difference between criminal proceedings and the function of the



Committee, the Legal Advisor clarified that the criminal standard used in court was “beyond reasonable doubt” whereas as the civil standard of proof used by the Committee was “the balance of probabilities”, a lower standard of proof based on whose evidence the Committee believed to be the most credible.

The Applicant’s Legal Representative questioned the use of guidelines for criminal behaviour in considering the application when there had not been a Police conviction. The Licensing Officer confirmed that, in relation to the policy, the Council could take into account any issues of concern raised by a disclosure regardless of whether a conviction had taken place. The Policy stated that where offending behaviour was proved to the satisfaction of the Council, then any reference to conviction should be construed accordingly

The Applicant apologised for not informing the Licensing Office of the incident, and confirmed that this was not deliberate.

The Witness gave evidence via video link as follows:

- On the day of the incident she had called a taxi to take her to the shop;
- She had been drinking vodka before she got into the taxi so she was a bit merry;
- When the taxi arrived at the shop, she could see that it was closed and so she asked the driver to take her home;
- She asked the driver to open the window as she had a headache;
- She had put her head against the window;
- The taxi pulled over at the top of her road and as she was leaning out of the window he put his hand down her top and then down her trousers;
- She threw the money at him for the fare and got out of the taxi and ran back to her flat.

In response to questioning from the Committee, the Witness confirmed:

- She was wearing pyjamas with a bra underneath;
- The pyjama top was a T shirt style;
- She did not say anything to the driver after the incident, but she did report it to the police immediately;
- He touched her breast by putting his hand down her top and then put his hand down her trousers and put his finger inside her;
- Before the incident had taken place, she had been making conversation with the Driver, but he wasn’t really talking to her and there had not been any argument between them or dispute over the fare;

In response to questioning from the Legal Representative, the Witness replied:

- She was drinking a lot around the period when the incident had taken place, but as a result she had a high tolerance level for vodka;
- On the night of the incident she hadn’t started drinking until the evening and when she went in the taxi she had only had one or two drinks;



- She was drinking double vodkas, and she measured the vodka using the lid;
- Her friend had not bought vodka to her flat, they were drinking a bottle that she already had;
- The bottle was a standard size bottle 75cl, and was about half full when they started drinking, it was not empty but she decided to go to the shop and get some more before the shop closed;
- She did not get in the back of the taxi, she sat in the front, she would always sit in the front in taxis;
- She did not get in the back and then climb to the front seat, that did not happen;
- She did not get out of the taxi to see if the shop was shut as she could see the shutters were down; she didn't remember saying that she did get out of the taxi in her statement of 14 August;
- Her headache may have been caused by alcohol, but she was also not a good traveller and the car journey was making her feel unwell;
- She may have been a bit "merry" but she had not been drinking heavily that day;
- She denied that she had fallen on the driver while climbing through the back seats and that he had put his hands up to stop her falling on him, she had not been in the back seats and had not climbed into the front. She was leaning out of the window away from the driver with her head on her arm when he started touching her and put his hand inside her bra;
- Although she was drinking a lot during that period, she was aware of not losing control and putting herself in a vulnerable position; she was working as a dancer in a drinking environment and she knew the importance of keeping in control;
- Drinking had not affected her memory, she clearly remembered him touching her body;
- She denied slurring her words.

At this point in the questioning, the Committee asked the interview to be paused as they considered the Applicant's Legal Representative to be engaging in cross examination, especially in relation to the Complainant's drinking. Cross examination was discouraged by the Committee.

The Council's Legal Advisor confirmed that it was appropriate for the Legal Advisor to be able to thoroughly question the Complainant in view of the seriousness of the allegation, as long as the Complainant wasn't being badgered.

The Applicant's Representative apologised if she had come across as overbearing as this wasn't her intention. She confirmed that she was on her last question to the Complainant but had not heard her answer so the Committee enabled her to put the last question to the witness again.

The Applicant's Representative then asked the Applicant to explain what had happened on the night in question.

Through the interpreter, the Applicant gave an account of the incident as follows:

- He had received a call from the Operator with details of the pickup and drop off;



- He had electric doors in his taxi and he opened the back door for the Complainant to get in;
- The Complainant sat in the back behind the passenger seat and moved towards the centre during the journey;
- At a point in the journey she climbed over the back seats to the front and when he saw what she was doing, he applied the brakes and she fell on top of him and he put his hands up to stop her falling on him;
- The Complainant then moved herself away and sat in the front passenger seat;
- He spoke to her to ask her what she was doing and she said that she wanted to sit in the front;
- He had told her that she should have told him she wanted to move and he would have stopped the car;
- He also told her she needed to behave properly;
- He had taken her to the shop where she had wanted to go and she did not get out of the car when she saw that the shop was closed;
- He took her back to where he had picked her up;
- He denied touching her in the way she suggested.

In response to questioning from the Committee, he confirmed:

- His DNA must have been found inside her bra when he put his hands out to stop her falling on him;
- He didn't know how that happened, he was shocked about it and he could not confirm where his hands had touched her when he slammed on the brakes;
- He had raised his hands from the steering wheel to stop her falling on him;
- There were headrests on the passenger and driver seats that the Complainant climbed through;
- He did not know why the Complainant had given a different account of events, there had not been a dispute over the fare. He had been told by other drivers that women sometimes did this to blackmail drivers;
- The Complainant had not attempted to blackmail him.

In response to a question from the Committee, the Licensing Officer confirmed that there were no other records of complaint against the driver since getting his licence in 2016.

The Applicant's Legal Representative continued the case of the Applicant as follows:

- No further action had been taken by the Crime Prosecution Service;
- Although traces of the Applicant's DNA were found inside the Complainant's bra, there was no information about what part of the bra this was found on and this could make a material difference;
- The Applicant had been consistent in giving evidence and he had reported the incident to the controller immediately after it happened;



- The CPS Lawyer had said that there were inconsistencies in the Complainant's account but there was no further information about this;
- The Complainant accepted that she was a heavy drinker and this may influence her account of what happened;
- The case was reviewed by a Detective Inspector who agreed with the conclusions of the CPS;
- As no further information had been provided by the Police it was difficult for the Applicant to put forward his defence;
- The Complainant was frank about her drinking and getting a headache because she had stopped drinking. There was inconsistency in her evidence about whether or not she got out of the taxi when she reached the shop. She had an alcohol problem and her experience was coloured;
- A responsible driver would apply the brake if a passenger was climbing over the seats and the Driver was adamant that he did not intentionally touch her.

In summing up, the Legal Representative asked the Committee to favour the Applicant on the balance of probabilities as he was a man of good character.

At this point in the meeting, the Licensing Officer, Applicant, Legal Representative and Interpreter withdrew from the meeting while the committee considered the application. They returned to hear the decision.

RESOLVED –

- (1) that the application for a renewal of a private hire driver licence be REFUSED as the Committee were not satisfied that the Applicant was a fit and proper person to hold a Private Hire Driver's Licence and that there was reasonable cause under section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 to refuse to renew his licence;
- (2) that no action be taken in regard to the Vehicle Licence.

Reasons:

The Committee noted that the case was reviewed by specialist CPS lawyers who had the view that there were inconsistencies in the Complainant's account which made the prospect of a conviction less certain, and that the Applicant had given an account which could explain the presence of his DNA in her bra which could not be disproved on the criminal standard. This decision was queried and the case was reviewed by a Detective Inspector who agreed with the CPS, that the jury would not find the matter proved beyond reasonable doubt.

However, the essence of the alleged misconduct was akin to a criminal offence of sexual assault and the Committee were entitled to consider the evidence afresh on a balance of probabilities which meant a finding that something was more likely than not.



This had been a very difficult case given the lack of further disclosure from the Police which the Council's licensing officers made every effort to obtain as a result of a data protection request even though the Complainant had consented to her original statement being released. Unfortunately, there was documentation missing that would have been helpful to both the Applicant and the Committee.

However, notwithstanding this, the Police saw fit to disclose the substance of the allegations to the Council having balanced the Applicant's right to privacy and confidentiality against the public interest in protecting the public.

The nature of the allegation was so serious that the Council exercising its regulatory function of protecting the public could not ignore it and had to make findings of fact based on the evidence available to it.

The Committee heard from both the Complainant and Applicant. The Committee noted that the Complainant was frank about her alcohol consumption around that period and that she had been drinking on the date of the alleged incident. The Committee also noted an inconsistency in the Complainant's evidence about whether she got out of the car upon arrival at the shop. However, the Committee believed her account of what happened to be essentially truthful and it was more likely than not that the Applicant did sexually assault her in the manner alleged. A persuasive factor was that the Complainant had consented to her original statement being released and was still willing to give oral evidence three years after the event. The Committee did not believe that she fabricated the allegation.

The Committee were not persuaded by the Applicant's version of events.

Much was made of the Complainant having consumed alcohol on the night in question but the Committee believed that this made a lone female passenger more vulnerable and did not undermine the essentials of her testimony.

In accordance with Council policy, where offending conduct is proved to the satisfaction of the Council, any reference to conviction is construed accordingly. The Committee believed that the proven conduct was akin to an offence of sexual assault which was classed as a very serious sexual offence where a period of at least 15 years free of conviction was recommended under the policy.

The Committee could not therefore be satisfied that the Applicant was a fit and proper person to hold a Private Hire Driver's Licence and that there was reasonable cause to refuse to renew his licence.

9. Application for the Grant of a Private Hire Driver Licence: LS

The Applicant was in attendance.



The Licensing Officer outlined the background to the application as follows:

- The Application was for a Private Hire Driver licence;
- On applying for a licence, the Applicant had declared a caution for solicitation;
- The Applicant had previously held a Hackney Carriage Licence and on applying for this to be renewed, this had been refused by Committee and on appealing to the Magistrate's Court, the appeal was dismissed;
- Subsequent applications had also been refused by the Committee;
- The Applicant was also asking that, in the event of him being granted a licence, he be exempt from undertaking the Knowledge Test and Gold Standard training;
- The Council's Policy on serious sexual offences recommended a period of 5-15 years free of conviction before an application would be considered and in the case of the Applicant, the 5 year period would end in October 2019.

The Applicant presented his case as follows:

- He had worked as a taxi driver since 1981 during which time he had undertaken school runs and transported passengers to and from elderly people's homes and he used to run his own private hire company;
- Taxi driving had been his only career and he loved it;
- He was known to Licensing Officers and had no record of complaints from passengers;
- During the time of the offences he was having a marital crisis, the result of which he lost his home;
- He was sorry for the offences and after a period of not working he was ready to move on.

In response to questioning, the Applicant confirmed that the soliciting incidents were isolated during a time when he was having marital difficulties. The Licensing Officer confirmed that there was no record of any other offences.

In response to questioning as to why he was seeking exemption from the Knowledge Test and Gold Standard, the Applicant confirmed that he knew the job and the city of Bristol well and so he did not think that he needed to undertake the training and test. The Licensing Officer confirmed that it was standard for drivers who had not had a licence for more than a year to retake all the necessary checks and training, but the Committee could consider an exemption if this was considered appropriate.

In response to questioning, the Applicant confirmed that although he no longer lived in Bristol, he visited at least once a week to visit his daughters. He also confirmed that he was confident of being able to find employment due to his contacts in the trade.

The Council's Legal Adviser confirmed that the Council Policy stated that a driver should be free of conviction for a period of 5-15 years before an application was considered and if less than this time, the Committee would need to consider whether the Applicant could be treated as an exemption to the policy. In relation to the Gold Standard training, this was a bespoke training course including the use of wheelchairs and customer relations.



In summing up, the Applicant asked the Committee to consider granting his licence as he wanted to get back to the job he loved.

At this point in the meeting the Licensing Officer and the Applicant withdrew from the meeting while the Committee considered the application. They returned to the meeting to hear the decision.

RESOLVED – that Licensing Officers be given delegated authority to grant a Private Hire Driver’s Licence subject to the Applicant passing all other elements of the fit and proper person test in accordance with Council Policy.

Reasons:

The Committee was satisfied that the Applicant should be treated as an exception to the offending behaviour policy in that although the most recent offence was still less than 5 years old, the offences both occurred during a very difficult period in the Applicant’s life. The court imposed a modest fine in respect of the most recent offence which suggested that the offending conduct was considered to be at the less serious end of the scale. The Applicant had expressed remorse and the Committee was satisfied that he was rehabilitated. The Committee also noted that there were no records of any other complaints.

Consequently, the caution and the conviction would not debar the Applicant from having a Private Hire Driver’s Licence. However, the Committee were not prepared to grant the Applicant an exemption from taking the Gold Standard and Knowledge tests given the period of time he had been unlicensed.

10 Application for the Renewal of a Private Hire Vehicle Licence Seeking Exemption from Council Policy: MD

The Licensing Officer reported that he had received confirmation from the Director of Platinum Executive Travel to confirm that the Applicant would be working for him carrying out Executive work and in the light of that, he recommended that the application be granted. He confirmed that the other outstanding issues had been dealt with by Neighbourhood Enforcement Team.

RESOLVED – that the application for the renewal of a Private Hire Vehicle Licence seeking exemption from Council Policy be granted on the grounds that the Applicant would be undertaking work that was ‘executive’ in nature.

11 Consideration of whether the Driver is ‘Fit and Proper’ following an investigation by the Neighbourhood Enforcement Team: RI

The Applicant was in attendance with his Legal Representative.



PC Quinton, Taxi Compliance Officer, was also in attendance

The two Complainants were also in attendance.

The Neighbourhood Enforcement Officer outlined the background to the application as follows:

- The Committee was asked to consider whether the Applicant was a fit and proper person following an investigation by the Neighbourhood Enforcement Team arising from a complaint from two members of the public;
- The Driver held a licence which was due to expire in 2021;
- In July 2019, a complaint had been received that the driver had parked on double yellows in no waiting zone which had caused an obstruction and difficulty for other drivers, and on being challenged by the Complainant, the Driver verbally abused the Complainant and his wife;
- Neighbourhood Enforcement Officers had taken statements and visited the site to take photographs;
- As the Driver's solicitor had questioned whether the Driver was parked dangerously, further photographs had been taken and these were circulated to the Committee, Driver and his Legal Representative;
- It was the opinion of the Neighbourhood Enforcement Team that the Driver was causing an obstruction;
- A letter was written to the Driver and he was asked to attend the offices where he was interviewed under caution;
- At the interview, the Driver's Legal Representative was not present, but the Driver agreed to continue with the interview where he said that although it was not the best place to park, he was not causing an obstruction and denied being abusive. He claimed that he was a victim of racial abuse by a black van driver who was at the scene;
- The passenger could not be contacted as he had since returned to his native country;
- Officers spoke to the Manager of Shaw's Drapery who confirmed that she was aware that something had happened but she wasn't clear about what it was and so didn't want to give a statement;
- The Driver had previous history of complaints against him.

The first Complainant gave his account of the incident as follows:

- He was taking his dogs for a walk with his wife when he saw the taxi park and the Driver get out of his vehicle;
- He could see a bus struggling to get past the taxi and he witnessed an altercation between the bus driver and taxi driver but he was not close enough to hear what was said;
- He challenged the Taxi Driver saying he was an idiot to park where he had and the Driver had become verbally abusive and replied that he could park anywhere to pick up passengers;



- There was a queue of traffic as a result of the taxi driver parking where he had and the complainant took photos of the vehicle which he sent to the Neighbourhood Enforcement Team;
- He and his wife carried on walking and heard a further altercation between the Driver and a driver of a black van although he could not hear what was being said;
- He then heard a number of car horns as the Taxi Driver performed a U turn and drove past the Complainant again shouting further abuse which could be heard by women and children bystanders.

In response to questioning, the Complainant confirmed that the Driver did not move his taxi to allow the bus to pass, but the bus driver had managed to get past the parked vehicle with some difficulty.

The second Complainant confirmed the account of her husband and that she did not see why the taxi driver had parked where he did as he only needed to move the vehicle forward a few metres to park safely. She reported that she did not think he should have been abusive to her husband just because he had told him he had parked inappropriately. In response to questioning, she confirmed that she lived locally and that the Taxi Driver had shouted abuse at her husband at such a volume that members of the public and his passenger could hear.

In response to questioning from the Driver's Legal Representative, the Complainant confirmed:

- He understood that the taxi was parked on a double yellow line and on a restricted parking area and was causing an obstruction;
- The taxi was causing a tailback of traffic;
- He didn't see the Driver perform the U turn but he heard the car horns and saw the taxi drive past him with the window open when the Driver started shouting abuse at him;
- He did not hear the driver of the black van swear at the taxi driver although he was aware of an altercation between the two drivers and the altercation between the taxi driver and bus driver;
- The Taxi Driver may have had his window open before he shouted out of it as it was a hot day.

The Applicant outlined his case as follows:

- He had been a taxi driver since 2010 during which time he had worked with children and disabled people;
- He had an Uber rating of 4.9;
- He had a safety camera installed in his vehicle following an incident where he had been the victim of an assault and as a result of this he had a safety camera installed. If he had known about the complaint sooner, he could have provided video evidence;
- The restricted parking area was only in operation from Monday and Friday and the incident had taken place on a Saturday. He had left enough room for traffic to pass his vehicle;
- He had parked for approximately 1 minute and 20 seconds;
- He asked the Complainant why he was taking a photograph of his vehicle had told him that he was picking up a passenger;



- He denied being verbally abusive to the Complainant;
- He had been racially abused by the driver of the black van and nobody had reported that incident;
- He had called PC Quinton to report the incident.

PC Quinton confirmed that as his phone was turned off at the time of the incident and there was no message, he could neither confirm nor deny that the driver had contacted him at the time of the accident but he had contacted him some weeks later.

In response to questions of clarification, the Neighbourhood Enforcement Officer reported:

- If the incident just related to obstructive parking, the Driver would have been sent a warning letter, but the concern was the alleged abusive behaviour;
- The Driver had received two complaints from two separate incidents in 2012, from members of the public and officers working for the Licensing Office about the use of abusive language as well as a further complaint of an incident of verbal abuse in 2018, where the Complainant had decided not to pursue the issue further.

The Committee's Legal Advisor confirmed that the complaint against the Driver was currently unproven and Members needed to make findings of fact, based on the balance of probabilities, and only then consider whether to take any action.

In summing up, the Driver's Legal Representative:

- Asked the Committee to consider the Driver's good character;
- Reported that the previous complaints were allegations that had not been investigated;
- Suggested that the Complainant may have heard the abusive language come from another source such as the van driver or passenger rather than the driver.

At this point in the meeting the Neighbourhood Enforcement Officer, the Licence Holder, his legal representative and the Complainants withdrew from the meeting while the Committee considered whether to take any action as a result of the investigation. They returned to the meeting to hear the decision.

RESOLVED – that the Driver's Licence be revoked as the Committee could no longer be satisfied that the Driver was a fit and proper person to hold a Private Hire Driver's Licence and in accordance with section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 and there was reasonable cause to revoke the licence.

Reasons:

The Committee were looking at an incident that occurred on Saturday 27 July 2019 upon which it must make findings of fact on a balance of probabilities which meant a finding that something was more likely than not.



The Committee found the accounts given by the Complainants to be credible; that the Driver parked his vehicle on double yellow lines and in an obstructive manner preventing a bus from getting past and causing a tail back of traffic. The Committee also believed that the Driver performed a dangerous U-turn in the road due to the reaction from other road users.

However, the more serious part of the complaint related to the abusive conduct of the Driver. The Complainants witnessed the Driver engaged in an altercation with both the bus driver and the van driver but they did not hear what was said. The Committee believed the Complainants were subjected to verbal abuse from the Applicant which was directed towards them and which was wholly unacceptable conduct falling well below the standards the Council was entitled to expect from those whom it licensed.

The Committee was concerned that there had been a pattern of similar conduct over a period of time which demonstrated that the Driver had anger management issues. Under Council policy, a pattern of conduct over a period of time would give greater cause for concern.

The offence was akin to one under section 5 of the Public Order Act 1986 of using threatening or abusive words or behaviour, or disorderly behaviour within the hearing or sight of a person likely to be caused harassment, alarm or distress. Although that particular offence was not specified in the policy, the Committee considered that it should require a period of at least 5 years free of conviction. Where offending conduct is proved to the satisfaction of the Council reference to conviction shall be construed accordingly.

12 Consideration of the Ability of a Licensed Hackney Carriage Driver to be considered a "fit and proper person": TK

The Hackney Carriage Driver was in attendance with his Legal Representatives.

P C Quinton was also in attendance.

PC Quinton outlined the background to the case as follows:

- He had stopped the Driver and had established that he was not using his meter;
- The Driver confirmed he usually used a meter but the passenger had offered a price of £20 for the journey and he had agreed;
- The Driver had been polite and cooperative;
- There was also an issue with the plates, the front plate had expired and the Driver had explained this was due to the Council sending him the wrong plate;
- He had body camera evidence available, but did not think this was essential for the Committee to see as the Driver did not dispute what had happened.

The Neighbourhood Enforcement Officer reported:

- The Driver's Licence was due to expire in 2020;



- The Driver had held a licence since 2005 which had been revoked in September 2008 following an incident involving theft and the receipt of stolen goods;
- The Driver was re-licenced in 2013.

The Driver's Legal Representative outlined his case as follows:

- The Driver accepted the facts of the case and that his plates were not as they should have been;
- He knew he should have used his meter, but the passenger had requested the fixed fee of £20 and said this was the usual price and so he wasn't trying to overcharge her or be dishonest;
- He accepted he should not have done it, but he wanted to please the customer and not defraud her;
- He accepted the rules and knew they were there to protect vulnerable passengers;
- In relation to the display of plates, he was aware that there was a problem in his local area with thieves stealing taxi plates at night and so he was in the habit of removing his front plate at night. Unfortunately, on this occasion he forgot to put it back on;
- The plate had the wrong date on it and he said the Council had sent him the wrong one but he rectified the situation by asking the Council to send him the correct plate;
- He had made an error, but it was not intentional and the correct plate was displayed at the back of the vehicle;
- He was a good and safe driver with no points on his licence and was not a threat to the public;
- He was courteous and had a personal reference to say he worked hard and was a family man with two young children.

In summing up, the Driver's Legal Representative asked the Committee to consider him a fit and proper person to hold a licence and to issue him with a warning on this occasion rather than taking any further action.

The Driver confirmed that he knew it was a requirement of Bristol City Council to use the meter; he was sorry and had learnt from the experience.

At this point in the meeting the Licence Holder, his representatives and the Neighbourhood Enforcement Officer withdrew from the meeting while the Committee considered whether to take any action as a result of the investigation. They returned to the meeting to hear the decision.

RESOLVED – that the Driver be issued with a warning letter which would remain on his file and no further action be taken in relation to the incident.

Reason

The Driver knew he should have used the taxi meter for the fare in question but the Committee believed his version of events as to why it happened. In the circumstances the Committee did not consider that it would be proportionate to revoke or suspend his licence but that a warning should be issued on this occasion.



13 Application for the Grant of a Private Hire Driver Licence: JL

The Licensing Officer advised that the Applicant had requested an adjournment due to ill health.

RESOLVED – that the application be adjourned.

Meeting ended at 3.45 pm

CHAIR _____



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