

# Bristol City Council

## Minutes of the Public Safety and Protection Sub-Committee B

17 July 2018 at 10.00 am



**Members Present:-** Councillor Steve Jones, Councillor Mike Langley and Councillor Ruth Pickersgill

**Also in attendance:** Ashley Clark – Legal Services, Shreena Parmar – Legal Services (Observing), Sarah Flower – Licensing Section, Wayne Jones – Neighbourhood Enforcement Team (NET) (part), P C Patrick Quinton – Taxi Compliance Officer (part) and Norman Cornthwaite – Democratic Services

### 25. Election of Chair

**Resolved – that Councillor Ruth Pickersgill be elected Chair of the Sub Committee for the 2018/19 Municipal Year.**

### 26. Election of Vice-Chair

**Resolved – that Councillor Fi Hance be elected Vice-Chair of the Sub Committee for the 2018/19 Municipal Year.**

### 27. Apologies and substitutions

Apologies were received were received from Cllrs Hance and Johnson, substitute Cllr Langley.

### 28. Declarations of Interest

None were received.

### 29. Public Forum

Nothing was received.



**30. Consideration of the Suspension of Committee Procedure Rules CMR10 and CMR11 Relating to the Moving of Motions and Rules of Debate for the Duration of the Meeting**

**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).**

**31. Exclusion of 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.**

**32. Application for the Renewal of a Private Hire Driver’s Licence – HS (Agenda Item No. 8)**

HS was in attendance, accompanied by his wife.

A witness was also in attendance for part of the hearing.

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

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

The witness confirmed his written statement and briefly described the incident.

HS put his version of events highlighting the following:

- He had been called a “Paki” by the other driver and wanted an apology
- He had pulled over and asked the other driver why he had called him that name
- The other driver had called the Police
- He did not consider that he was aggressive or threatening, although he may have raised his voice
- He accepts that he should not have got out of the car

Referring to the incident involving the cyclist, HS explained that the cyclist had nearly been knocked off his bike by another car; the cyclist was banging on the window of the car and he had intervened. He cyclist had sworn at him and then cycled slowly to prevent him overtaking the cyclist before cycling away. He had been behind the cyclist. His wife confirmed his version of events.



Referring to the third incident which happened on Gloucester Road, HS stated that he did realise he had hit the other car until he reached his destination and noticed the damage to his own car (although the CCTV footage showed him getting out to check his vehicle for damage). He reported the incident to the Police at Trinity Road. He reported the incident to BCC “a couple of weeks later”.

The NET Officer reminded everyone that any such incidents must be reported to BCC by the end of the next business day. (The incident took place on 12<sup>th</sup> May 2018 and HS did not contact BCC until 26<sup>th</sup> June 2018.)

The NET Officer played everyone CCTV footage of the incident.

HS agreed that it was not a safe manoeuvre but that he did not think that he had hit the other car.

In response to questions from Members about the incidents HS highlighted the following:

- He works for Uber
- He might have sworn but does not normally use bad language
- He does not have anger management issues
- He should have been more professional
- He has not worked for the best part of a month
- He thinks that the other driver may have hit the cyclist
- He does not consider himself to be an intimidating person

He tabled character references to support his case.

His wife made a statement in his support – he does a lot of charity work, he is not an aggressive person and they did previously lose a baby.

The NET Officer, HS and 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.

They noted their Policy.



They noted that accidents must be reported to BCC by the end of the following business day. It is a Condition of the Licence and HS had not complied with this.

They also noted that in relation to all 3 incidents, HS had provided a different version to the others involved. An independent witness had corroborated the van driver's version of events.

On each occasion he had got out of his car and acted aggressively towards the other parties, having even gone out of his way to follow the van driver.

Members had concerns about HS's temper and thought that he should consider taking an anger management course to help address the issue.

Members noted the legal definition of Common Assault – Causing fear of intimidation – and considered that the actions by HS could be construed as meeting this definition.

They also noted his pattern of poor driving – overtaking the cyclist at speed and then stopping to get out of his car to confront him; exiting the roundabout in front of the van driver without signalling; and attempting to turn around on Gloucester Road without warning and causing an accident.

Taking account of the above Members decided to refuse his application for a Licence as they no longer consider him to be a fit and proper person to hold such a Licence.

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

**Resolved – that the application for the renewal of a Private Hire Driver's Licence made by HS be refused as he is no longer a fit and proper person to hold such a Licence.**

### **33. Application for the Grant of a Hackney Carriage Driver's Licence seeking departure from BCC Policy – AM (Agenda Item No. 9)**

AM was in attendance, accompanied by 2 colleagues.

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

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

In response to a question concerning the exercise test, AM explained that he had asked his GP to make an appointment for him but had not yet had a date for the test.



AM the put his case explaining that he was fully fit and that his GP had given him the all clear to go back to work. He also stated that the stroke he suffered had been a mild one, he had not suffered physical symptoms was soon released from hospital.

The NET Officer, AM colleagues 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 legal advice that they could not depart from their Policy and that any driver who suffers a stroke must not drive a taxi for a minimum of a year.

It was therefore suggested that Officers be delegated to grant a Licence to AM on 24<sup>th</sup> December 2018 provided that he has passed the exercise test and that there are no other issues that become apparent by that date. This was agreed.

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

**Resolved – that the Officers be delegated to grant a Hackney Carriage Licence to AM on 24<sup>th</sup> December 2018 provided that he has passed the exercise test and that there are no other issues that become apparent by that date.**

### **34. Whether a Hackney Carriage Driver remains a fit and proper person following an investigation by the NET – DP (Agenda Item No.10)**

DP was in attendance, accompanied by a solicitor.

A witness was also in attendance.

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

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

The witness confirmed her written statement which provided her version of events.



DP put his version of events highlighting the following:

- He was waiting for a fare at Ashton Gate when he was approached by 7 people to go to Clifton Village; he suggested they call V Cars but when his fare did not appear agreed to take them for £20; he did not turn on the meter
- He stopped at Tesco then did a drop off at the Paragon; he accepted £20; then one of the men then said they had lost a bag and asked to be taken back to Ashton Gate; he agreed to do this free of charge as he was returning there anyway; the meter was not on; he accepted another £20 to return to Clifton Village
- After returning to Ashton Gate He waited for 30 minutes for them to return and drove them back to Clifton Village
- The complaint was made on 9<sup>th</sup> April 2018 but he was not advised about it until 17<sup>th</sup> May 2018 by which time the CCTV footage in his car – which he claimed would have confirmed his version of events – had been wiped (It was later clarified that a delay had happened as the complainants had gone on holiday.)
- Had there been an Uber driver parked on Marsh Street at the time in question he would have passed him, but he did not move; he later did the same journey with the meter on – it would have cost £23

During questioning by the solicitor, the witness confirmed her statement – that she got out at Tesco, went to cashpoint, took out money, got back in the taxi and give the driver £40. She also confirmed that she had only spent a short time in Ashton Gate retrieving her bag.

DP could not confirm that the couple he took back to Clifton were the same couple he had brought from Clifton.

Character references for DP were tabled.

DP then made a statement to the Committee – he was given the £20, but accepts that he should have used the meter. He did not charge for the return journey to Ashton Gate. He asked that Members take note of the character references.

The solicitor stated that on this occasion this could have just been a misunderstanding.

The NET Officer, DP and solicitor left the room while the Committee made its decision.

## **Decision**

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



The Members noted their Policy.

They noted that drivers are required to use their meters and cannot just accept cash from customers. They noted that not using the meter was a breach of the Bye-Laws and that overcharging was a breach of Section 58 of the 1847 Act.

They noted the versions of events put forward by DP and the witness varied a great deal. They noted however that the statement put forward by the Uber driver supported the version of events put forward by the witness – that the couple had been very upset and angry about another taxi driver (DP) driving off with their money. The timings of the withdrawal of the cash in Clifton and the Uber pick up also support the version of events put forward by the witness.

Taking account of the above evidence and noting that DP has held a Licence since 2003, this was a one off incident and the character references submitted, Members agreed to set aside their Policy in this case and suspend his Licence for a period of 6 months.

Everybody returned to the room to hear the decision.

**Resolved – that the Hackney Carriage Driver’s Licence held by DP be suspended for a period of 6 months.**

**35. Application for the Renewal of a Private Hire Driver’s Licence – IA (Agenda Item No. 11)**

IA 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. It was noted that the TIA took place in 2016 and not 2017 as stated in the report. It was also noted that his G P has confirmed his fitness to drive but that he has not taken the exercise test.

IA put his case highlighting the following:

- He is a playing cricket again confirming his return to fitness
- The first speeding offence related to when he had a new car and was not aware of how fast it was going
- The second speeding offence occurred on the motorway
- He notified BCC of the offences when he completed the form; he was not aware that he should have done so previously
- He summed up his case



The Licensing Officer and IA left the room while the Committee made its decision.

### **Decision**

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

The Members noted their Policy.

They noted the medical evidence. They also noted that the speeding offences are not a reason to not grant a licence.

They therefore agreed to grant the application.

Everybody returned to the room to hear the decision.

**Resolved – that the application by IA to renew his Private Hire Driver’s Licence be granted.**

### **36. Application for the Renewal of a Private Hire Driver’s Licence – OC (Agenda Item No. 12)**

OC 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.

OC put his case highlighting the following:

- He made a mistake; he did not read the form properly
- The offences relate to speeding on the M32 and in Herford on a road he was not familiar with, and stopping on zig zags at Bristol Airport
- He summed up the case

The Licensing Officer and OC 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 OC had been honest and they accepted his explanations.

Members therefore agreed to grant a licence.

Everyone returned to the room to hear the decision announced.

**Resolved – that the application made by OC for the renewal a Private Hire Driver’s Licence be granted.**

Meeting ended at 14.30

Chair

