

Bristol City Council

Minutes of the Public Safety and Protection

Sub-Committee A

11 September 2018 at 10.00 am



Members Present:- Councillor Richard Eddy (Chair), Councillor Estelle Tincknell, Councillor Mike Langley and Councillor Fi Hance (substituting for Councillor Davies)

Also in attendance:- Ashley Clark – Legal Advisor, Carl Knights – Senior Licensing Officer, Wayne Jones – Neighbourhood Enforcement Team (NET) (part), P C Patrick Quinton – Taxi Compliance Officer (part), Allison Taylor – Democratic Services

27. Apologies and substitutions

Apologies were received were received from Cllr Davies with Councillor Hance as substitute.

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. To consider if a Hackney Carriage Driver (HCD) is a fit and proper person to hold a licence – MA.

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

The Neighbourhood Enforcement Officer introduced the report and the following points arose from discussion:-

1. MN had been a HCD since 2010 and had submitted an application for renewal of his badge which was due to expire on 28 September;
2. On 14 July at 02.22 hours PC Quinton, Taxi Compliance Officer, stopped MA in his vehicle and noted the meter was not on. MA stated this was because he had agreed with the passengers that he would charge £10 which was likely to be less than the meter charge. A male passenger tried to support the driver. He also stated that a male passenger had turned the meter off when he got in the vehicle. On interviewing the passenger, he confirmed that he had not turned the meter off;
3. The Committee was reminded of the Byelaw relating to Hackney Carriages for the taximeter and the 'For Hire' sign;
4. The Committee then viewed the bodycam footage from this encounter;
5. It was confirmed that MA had no record of previous issues;
6. MA confirmed that the passenger had turned the meter off and that the meter had previously been faulty so he had taken it to be fixed. He had thought the meter was on when the PC had approached the vehicle.;
7. The Committee was asked to determine if MA was a fit and proper person to hold a licence;

The parties withdrew for the Committee to deliberate and it was:-

Resolved –

- 1. That MA was not a fit and proper person due to the breach of Hackney Carriages Byelaw 8 requiring the taximeter to be on as soon as the carriage was hired;**
- 2. That MA's current application for renewal be refused and he be suspended from operating a Hackney Carriage Driver's Licence for a period of one month.**

Summary of Reasons.

1. The Committee found that MA did turn his meter off on purpose and was not convinced by his claim that the meter was faulty. However, there was no evidence that he took payment and there was no previous history of breaches;



2. The use of the taximeter was a key requirement of a fit and proper person and it was considered that a one month suspension was an appropriate sanction in the circumstances of this case;

3. The Committee recommended MA to reacquaint himself with his Hackney Carriage Licence responsibilities so that he did not come before a Committee in the future and reminded him he would need to resubmit his application for renewal of his licence.

33. To consider if a Hackney Carriage Driver is a fit and proper person to hold such a licence – LC.

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

The Neighbourhood Enforcement Officer introduced the report and the following points arose from discussion:-

1. LC had held a licence since May 2003 and his current licence expired in January 2019;
2. LC had been involved in a previous alleged assault and received a written warning for this;
3. On 3 June 2018 PC Quinton, Taxi Compliance Officer, stopped LC in his vehicle and noted that the taximeter was not on. The Committee viewed the bodycam footage of the encounter;
4. LC stated he was only charging the passenger £5 as he was a friend and that he had forgot to put the meter on;
5. The passenger confirmed that he was not a friend and had assumed it would be on the meter;
6. LC stated that the passenger had approached him while he was watching a film and he had forgotten to put the meter on taking the hire. He had decided to charge the passenger £5 but had not told him;
7. A colleague from the Taxi Association was in attendance to support LC. He stated that he had known him for 10 years and he was helpful and friendly. He had not fixed a price for the destination and no money was exchanged and asked that the Committee be sympathetic;
8. LC confirmed that this was the first occasion he had not switched his meter on and he would not fail to do so again;
9. The Committee was asked to determine if LC was a fit and proper person.

The parties withdrew for the Committee to deliberate and it was:-

Resolved -

- 1. That LC was not a fit and proper person due to the breach of Hackney Carriages Byelaw 8 requiring the taximeter to be on as soon as the carriage was hired;**
- 2. That LC be suspended from operating a Hackney Carriage Driver Licence for a period of six weeks.**



Summary of Reasons:-

1. The use of the taximeter was a key requirement of a fit and proper person and LC had accepted he had not turned it on;
- 2 It was considered that a six week suspension was an appropriate sanction in the circumstances of this case;
3. The Committee noted the representative of the Taxi Association and his support of LC as a Hackney Carriage Driver.

34. To consider if a Hackney Carriage Driver is a fit and proper person to hold a licence – MN.

It was noted that MN was unable to attend so the report would be considered in his absence.

The Neighbourhood Enforcement Officer introduced the report and the following points arose from discussion:-

1. MN had held a licence since May 2008 and his licence expired May 2019;
2. On 10 June 2018 PC Quinton, Taxi Compliance Officer, stopped MN and found the meter not on whilst carrying passengers. The passengers confirmed £10 had been agreed with the driver;
3. MN explained that the meter was not on as he had agreed £10 and he thought the meter price would be higher adding that he 'just flipped out from my mind';
4. The Committee viewed the bodycam footage of the encounter;
5. The Committee was asked to determine if MN was a fit and proper person to hold a licence;
6. The Committee were unable to question MN in his absence but had regard to the contents of the report and the comments from the Neighbourhood Enforcement Officer and PC Quinton when making their determination and it was:-

Resolved –

- 1. That MN was not a fit and proper person due to the breach of Hackney Carriages Byelaw 8 requiring the taximeter to be on as soon as the carriage was hired;**
- 2. That MN be suspended from operating a Hackney Carriage Driver Licence for a period of one month.**

Summary of Reasons.



1. The use of the taximeter was a key requirement of a fit and proper person to hold a licence;
2. There was no previous history of breaches and no attempt to hide the fact that the meter was not turned on and there did not appear to be an attempt to overcharge;
3. It was considered that a one month suspension was an appropriate sanction in the circumstances of this case;

35. Application for the grant of a Private Hire Driver's Licence (PHD's) – JDW.

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

The Senior Licensing Officer introduced the report and the following points arose from discussion:-

1. The application before the Committee sought exemption from the Gold Standard and Knowledge Test which were City Council policy standards for PHD's;
2. The letters of support for the application were acknowledged;
3. It was for the Committee to determine whether the case merited departure from the policy standards;
4. The applicant stated that he had previously worked in London with very high end clients as an executive chauffeur driver and had moved to Bristol to work for Bristol Executive Cabs in the same line of work. He was very experienced and did not be operating remotely similar to a 'normal' PHV driver;
5. The representative of Bristol Executive Cabs, in attendance to support the applicant, stated that his business operated with a minimum 4 hour advance booking to a pre-arranged destination anywhere in the country and currently had four drivers working for him all driving £47,000 Mercedes. The applicant would be an asset to his business.

The parties withdrew for the Committee to deliberate and it was:-

Resolved – That JDW was a fit and proper person to hold a PHD Licence and was exempted from the Gold Standard and Knowledge Test.

Summary of Reasons.

1. The applicant had demonstrated that the type of executive, high standard service to pre-booked trips anywhere in the country warranted an exemption from the Gold Standard;
2. The applicant would not be doing trips around Bristol and would therefore have no need to meet the Knowledge Test standard;



3. There would need to be an undertaking from the applicant that the exemption would be withdrawn should he leave this employment.

Meeting ended at 1.15 pm

Chair

