

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



18 September 2018 at 10.31 am

Members Present:-

Councillors: Fi Hance, Carole Johnson and Ruth Pickersgill (Chair)

Officers in Attendance:-

Claudette Campbell (Democratic Services Officer)

1. Apologies

Apologies were received from Cllr Steve Jones

2. Declaration of Interest

None were received

3. Public Forum

None

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. To consider if a Hackney Carriage Driver is a fit and proper person to hold a licence - AD

AA was in attendance with his representative.

The Neighbourhood Officer presented the report to Committee detailing the 3 complaints made by passengers against the appellant.

Committee questioned the lack of witnesses and was advised that they were unable to attend.

AA with his representative was given an opportunity to put his case and answer the allegations raised.

The following was noted from the discussion and questions posed by Committee.

- AA believed that if CCTV footage was available it would show the demeanour of the passengers and the behaviour that contributed to the incidents.
- AA did use the phrase 'I am not your slave' and was surprised that it was noted as 'hate crime' incident.
- That he did ask passengers not to put luggage on his leather seats because of the damage that the wheels could cause. He also asked passengers not to eat in the taxi.
- The first incident the customer refused to pay the fare; the second allegation is refuted; the third incident he was not using a mobile phone.
- AA representative challenged the Officers putting the case against the appellant on the grounds that no work done had been done to establish the credibility of each of the complainant and further they were not in attendance to support the allegations made.
- AA believed that he received complaints from passengers because he response to aggressive Customers.
- AA representative shared information on his customer rating with Committee.

The Neighbourhood Enforcement Officer and the Appellant with his representatives and witness left the room to allow Committee to make its decision.

Decision

The Legal Advisor informed Committee of policy guidelines in respect of the allegations.

The Appellant's licence was due to expire on the 20th October 2018. Committee consider whether further training in respect of customer service would be appropriate in the circumstances. The requirement to complete the Gold Standard would be of benefit to the appellant and such training should be a requirement before his licence is reissued. Members hoped that the training would assist the appellant to development customer service skills.



The appellant and his representative returned to the room to hear the decision of the Committee.

7. To seek consideration if a Licensed Hackney Carriage Driver is a fit and proper person SS

SS was present with his legal Representative, his witness and trade representative.

The Chair welcome those present and outlined the process and procedure.

The Neighbourhood Enforcement officer (NEO) presented the revised report to Committee explaining that an incident had been reported on the 5th September 2018.

The incident involved a cyclist and was witnessed. Statements had been made by the cyclist and the witness but SS had not been interviewed about it.

Committee questioned why witnesses were not called with regards the cyclist incident. The NEO explained that they were not available to attend due to their work schedule, the complainants were a Doctor and a Nurse with set work duties.

Committee agreed that NEO could outline the case against SS including the recent incident.

PC Quinton's body camera footage of his operation on the 5th August 2018 was shared. It showed the passengers in the taxi who had agreed a fixed fare, to travel within the City boundary.

NEO asked Committee to determine whether SS was a fit and proper person to hold both licences.

SS Hackney Carriage Licence and his Private Hire Licence were both due to expire on the 12th October 2018.

SS Representative was given the opportunity to answer the allegations and to take questions from Committee.

- In respect of the incident with the cyclist SS denied the claim of erratic driving
- SS did overtake but the distance between him and the cyclist was at least 3 meters.
- That the cyclist was rude and aggressive to him in front of his wife and child, who were passengers in the car at the time.
- Mobile records were produced that substantiated that at the time of the incident, SS was not on his mobile phone whilst driving.
- The appellant called the police at the time of the incident and made contact with the licensing office to report the incident.



- That he did complete a handwritten statement, whilst in the licencing office, adding the request for a camera at the bottom of the statement, following SS's discussion with staff on duty in customer services.
- The statement was shared.
- He now discovered that his statement was not lodged as a complaint but a request for a CCTV camera.
- Mr S's wife was present and confirmed that she saw no reason why the cyclist became abusive to her husband and whilst she was in the vehicle with her child. She was only aware of the cyclist when they starting banging on the side of the car.
- The issue about SS's mental wellbeing is not substantiated by any evidence.
- SS emotional outburst was due to the fact that earlier in the year he had lost his son and brother. SS accepts that the comment made in conversation with Officers were inappropriate but not a true reflection of his intention to harm himself.
- Committee were asked to note that these incidents happened at a time of extreme stress for the appellant.
- The situation with the passengers and the fixed fare; the passengers insisted on the fixed sum; after the officer had stopped him the passengers apologised for putting in a position where he had a case to answer.
- The Appellant believed in error that he could, within the city centre boundary, take a fare for a fixed sum.
- The Appellant apologised to Committee for these incidents and was extremely remorseful.

The Neighbourhood Enforcement Officer and the Appellant with his representatives and witness left the room to allow Committee to make its decision.

Decision

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

The legal Advisor outlined policy in respect of the allegations and that the sanction for breach was to impose a period of suspension on the licences or to revoke. The Appellant's licence was due to expire on the 12th October 2018. Members gave further consideration to imposing sanctions on a licence due to expire and the impact on the reapplication process & procedure.

Members considered that it was reasonable to consider both incidents and that the sanctions imposed would reflect this. Members were satisfied that an incident did occur with the cyclist; that SS had been under some emotional stress due to recent family bereavements and that had caused the emotional outburst with Officers; that a fixed sum was agreed with passengers but that the sum actually charged was similar to the meter charge; that he cooperated fully with the Officer when he was pulled over. That they would impose a sanction but at the end of the sanction SS would not be required to undertake any



additional training.

Resolved: That SS's Hackney Carriage Driver Licence and Private Hire Driver Licence be revoked for 2 months

8. To seek consideration of an application for the grant of a Private Hire Driver Licence WA

Committee agreed to the withdrawal of this application.

9. To seek consideration of an application for the grant of a Hackney Carriage Drivers Licence AA

The Licensing Officer presented the report to Committee.

The Appellant was requesting that the committee depart from its policy and grant permission for the re-issuing of a HCD licence. The circumstances surrounding the unreported convictions attached to AA was considered at Committee in March 2018. The minutes of that meeting was shared with members. At that hearing the appellants request was refused. In summing up his position it was suggested at that hearing that AA undertaken Anger Management course.

AA was present with his representative and presented evidence to committee that he had taken an Anger Management Course.

The following was noted from the AA presentation and from questioning.

- AA's conviction had arisen because of the emotional stresses arising from his wife's difficult pregnancy and his parent's divorce proceedings.
- Proper notifications had not been received by the Licensing office of the convictions.
- AA was remorseful of the incidents that happened in 2007 and 2015.
- AA had been incorrectly advised by his lawyer that there was no need to advise of the convictions.
- AA submitted evidence of the course undertaken together with supporting statements from his local community Mosque.
- The Course was taken over a day, 9-5 and allowed AA to reflect on his behaviour.
- AA was struggling financially and had a family to support and after many years working as a taxi driver he was now finding it difficult to change professions.

The Licensing Officer, AA and representative left the room to allow Committee to make its decision.

Decision

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



The Legal Advisor reminded committee of policy and requirements set out relating to the requirements for licensing holders to notify the appropriate office following the receipt of a conviction.

- AA had only been suspended for 6 months
- Policy sanctioned that such offences required a period of 8 years without conviction.
- The confusion lay with the differing requirements in respect of Private Hire and Hackney Carriage Driving licences.
- Noted the references and the action taken to go on an anger management course.
- Committee found no circumstances of the case that would allow them to deviate from Policy or the decision made from committee in March of this year.

The appellant and his representative return to the room to receive the decision of Committee.

1C To seek consideration of an application for the grant of a Private Hire Driver Licence AFA

AA was in attendance without any representation.

The Licensing Officer presented the report to committee about criminal investigations that were undertaken against the appellant and the outcome of the case.

AA made the following presentation to Committee:

- AA was very distraught about the situation he found himself in.
- AA admitted picking up passengers who flagged him down and had not booked via the company
- The criminal allegation against him took 2 years to come to court
- The outcome was that he was acquitted but in the meantime he was unable to use his licence
- AA explained the impact of the loss of income on his life and the difficulties he had with his landlord
- AA's Licence expired 7th December 2016 and a DBS check revealed the ongoing criminal prosecution, that concluded with an acquittal in May 2018.
- AA advised that he had previously undertaken training with a company based in Easton but had no certificate to confirm his participation.
- AA and members were informed by the Licensing Officer that the Easton course did not have all the elements of the Gold Standard test and were no longer accredited to conduct the training.
- AA said he would be prepared to undertake all parts of the application process including undergoing a medical evaluation.

The appellant and Licensing Officer left room for members to consider the appellants case.

Decision



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

Committee considered the following;

- They expressed concern over his mental wellbeing as he was very emotional and distraught when presenting the circumstances of his case. It was very difficult to follow his conversation.
- AA had been off the road for 2 years and was now required to complete all aspects of the application process; DBS; medical; Gold standard training.
- Committee was split 2/1 but agreed what was required from AA to start the process to have a licence issued to him.
- By undertaking the application process it would establish whether he was fit & proper person.

AA returned to the room for the decision.

Resolved: That AA had been in breach of policy and following the acquittal of the court case he can proceed to make an application for the reissue of his licence and complete all conditions of the application process to enabling licensing officers to make a determination on the 'fit & proper' test.

11 Urgent - To seek consideration if KH is a fit and proper person

Officers asked committee to adjourn this application until another date.

Resolved: The application be heard on the 25th September 2018 @ 10am.

12 Urgent - To seek consideration of the renewal of a HCD and conduct of a PHD - OAE

Committee that this matter would be withdrawn from the agenda

Committee heard the matter of WA instead.

MA was present with his representative.

The Neighbourhood officer presented the report to Committee and shared the footage from the Officers body camera.

The Chair invited MA and his representative to present their case;

- MA explained that the passenger was swearing and demanded to be taken for a fixed fare
- That he would not have taken him but for the aggressive behaviour and that he did not want to refuse to take a passenger.



- MA representative explained the difficult circumstances that lone drivers found themselves when working at night often facing threats of non-payment and other threats.
- MA said it was his first official complaint.

MA with his representative left the room together with the Neighbourhood Officer.

Decision

The Legal Advisor highlighted the appropriate policy guidelines in respect of the allegations.

The appellant's licence expired on 7th February 2019. Committee considered whether MA was fit & proper to continue to operate with a licence. Committee desired to be consist it its approach to such breaches to policy therefore considered 2 months suspension period should be applied.

The parties returned to the room to receive the decision.

Meeting ended at 16:30

CHAIR _____

