

Bristol City Council

Minutes of the Public Safety and Protection

Sub-Committee B

25 September 2018 at 10.00 am



Present: Councillor Fi Hance, Councillor Steve Jones, Councillor Mike Langley (for Cllr Davies)

Councillor Ruth Pickersgill (Chair)

Also in attendance: Lynne Harvey – Legal Services, Shreena Parmar – Legal Services (Observing), Carl Knights – Licensing Section, Wayne Jones – Neighbourhood Enforcement Team (NET) and Norman Cornthwaite – Democratic Services

1. Apologies and substitutions

Apologies were received were received from Cllr Davies, substitute Cllr Langley.

2. Declarations of Interest

None were received.

3. Public Forum

Nothing was received.

4. 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).

5. 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.

6. To consider if a Hackney carriage Driver is a fit and proper following an alleged complaint from a member of the public – KH (Agenda Item No. 6)

KH was in attendance, accompanied by two legal representatives.

Two witnesses from V Cars were also in attendance.

The complainant/witness was in attendance via a video link.

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 complainant/witness confirmed her written statement and described the incident in detail. In summary she stated that:

- She had worked a double shift and was sober when the taxi picked her up
- Her boss had an account with V Cars and often ordered taxis for staff when they finished during the early hours to ensure that they were transported home safely
- A text was received saying the taxi was outside
- The driver asked her to sit in the front seat which she thought unusual
- She therefore sat in the front and to start with the driver was very chatty and friendly. The first few minutes of the journey seemed normal
- Then he asked her about work and she replied she was very tired
- He started to talk about foot massages saying her boyfriend should give her a foot massage
- He then talked about his girlfriend or ex-girlfriend and how a foot massage would lead to sex. She started to feel uncomfortable at this point
- As they approached her house he said how lucky her boyfriend was and how good looking she was. He said that if he was her boyfriend he would give her a foot massage
- As she got out of the taxi he said that if he was her boyfriend he would fuck her twice every night



- She was so shocked at this and was initially hesitant to go inside her house because the driver would know where she lived and she didn't want him to know exactly which house she lived in – but then realised he had her address anyway
- Her boyfriend let her into the house and she noticed the driver was lingering around
- She followed this up with a complaint to V Cars
- She had decided to complain to protect others from this sort of incident
- When she told her boyfriend she realised as she was saying it out loud how horrendous it was and inappropriate. It was almost as if the driver was testing the waters to see what he could get away with
- She was sober but as it was late at night he could potentially be picking up drunken women who are more vulnerable than her

She answered questions from Members of the Committee highlighting the following:

- The journey had taken about 10 minutes
- She had not initially reported the incident as she had not told her boyfriend about it when arrived home; the next day she had feelings of guilt, discussed the incident with her boyfriend and decided to report it as she realised she was not to blame at all. She wanted to ensure this didn't happen to anyone else

She then answered questions from KH's solicitor highlighting the following:

- She had reported the incident to the Police and it had been logged; she was waiting to hear the outcome of this complaint process before deciding whether or not to make a witness statement and take the matter further with the Police

KH's solicitor stated that as there was a possible Police investigation pending, this process should be adjourned.

In response, the Legal Advisor to the Committee advised that the function of the Committee is a regulatory one, the primary concern being public safety and protection. It does not have to await the conclusion of any criminal investigations and it is not the role of the Committee to try to second guess what would happen in a criminal case or the outcome of any criminal investigation. The standard of proof was also different. The Committee could therefore proceed with hearing the complaint and making a determination.

In response to a question from KH's solicitor concerning the level of discomfort she suffered, the complainant/witness stated that at first KH seemed friendly, but when he started discussing his girlfriends and his sex life she became very uncomfortable. She just



wanted to get home and out of the taxi as soon as possible. His comment at the end of the journey commencing “If you was my girlfriend.....” caused her great distress and she just wanted to get into her house as soon as possible.

The witness from V Cars confirmed her written statement. KH had admitted to making comments concerning his girlfriend and sex life to the complainant/witness but denied he made the alleged comment at the end of the journey.

The witness from V Cars answered questions from KH’s solicitor highlighting the following:

- KH admitted inappropriate comments concerning massages and sex
- KH made general comments about brothels

Notes of the interview were tabled by the NET Officer.

KH made a statement highlighting his version of events:

- He spoke to the complainant/witness and asked her about her day
- He suggested that she would benefit from a massage and soaking her feet; he also suggested that her boyfriend should massage her feet
- When she initially approached his car he had asked her if she wanted to sit in the front or back of the car and she had sat in the front
- When they got to her house she said that her boyfriend may have locked out; he waited after she got out the car; her boyfriend opened the door and went inside; he then left the scene

KH the answered questions from Members highlighting the following:

- The conversation concerning a foot massage was the only one they had; there was no reference to sex, brothels or girlfriends – he is married
- He agreed that he had spoken about massages but denied all the other allegations
- He disagreed with statements made by the complainant/witness and the V Cars’ representative
- He denied making the statement about massaging leading to sex
- He could not explain why the statements made by the complainant/witness and the V Cars’ representative differed from his version of events
- He is now working as a Hackney Carriage Driver
- He had been to the V Cars’ office to hand over the V Cars’ system



The V Cars representative confirmed that KH is suspended pending the outcome of this investigation by BCC

KH's solicitor made a statement on behalf and highlighted the following:

- KH does not dispute the conversation about foot massages; he did not however raise the issues about brothels or sex
- He was not aware that complainant/witness was uncomfortable; he did not make any mention of her looks
- He does not agree with the statement from V Cars
- He has no convictions and has not had any complaints from members of the public
- Since the complaint he has carried on driving and there have been no other complaints
- He has been driving for 15 years and never had a complaint made against him
- He is married and prides himself on his customer service
- KH disputes the allegations made against him
- He should not be suspended or have his Licence revoked
- He is the only person working in his family and has a lot of people to support

The NET Officer, KH, legal representatives and witnesses left the room whilst the Committee made its decision. The video link was also paused.

Decision

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

They noted their Policy.

They decided unanimously to uphold the complaint. On a balance of probabilities, they decided that KH did make inappropriate comments of a sexual nature towards the complainant. They believed the complainant's version of events in its entirety. She gave her evidence clearly and articulately, and presented herself as very credible. Elements of her version of events were also supported by the evidence of V Cars.

In consequence, the Committee could no longer consider KH to be a fit and proper person to hold a Hackney Carriage Driver's Licence. The Committee therefore decided to revoke the licence and as the Committee considered the complaint to be of such a serious nature,



the Members determined that in the interests of public safety, the revocation should have immediate effect.

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

Resolved – that the Hackney Carriage Driver’s Licence held KH be revoked on the ground contained in section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 namely “any other reasonable cause” and that in accordance with section 61(2B) of the same Act it is in the interests of public safety that the revocation shall have immediate effect. The Council can no longer be satisfied that KH is a fit and proper person to hold such a Licence.

Meeting ended at 11.55 am

Chair

