

Bristol City Council

Minutes of the Public Safety and Protection

Sub-Committee A

4 December 2018 at 10.00 am



Members Present:- Councillor Fi Hance (Chair), Councillor Steve Jones and Councillor Mike Langley (for Cllr Pickersgill)

Officers in attendance:- Ashley Clark – Legal Services, Carl Knights – Licensing Section Holly Woodrow – Licensing Section (Observing), Alison Wright – Neighbourhood Enforcement Team (part) and Norman Cornthwaite – Democratic Services

1. Apologies and substitutions

Apologies were received from Councillor Johnson and Councillor Pickersgill, substitute Councillor Langley.

2. Declarations of Interest

There were none.

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 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.

6 Application for the Renewal of a Private Hire Driver Licence – AH (Agenda Item No. 6)

AH was in attendance accompanied by a solicitor.

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

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

AH put his case highlighting the following:

- He tabled some references
- Referring to the Caution he accepted he provided the details
- He had been waiting to collect a chicken takeaway when he was approached by a woman; she asked for 60 pence towards the cost of cigarettes; he gave her the 60 pence and she got into his car; he drove her to Lockleaze where he was stopped by the Police; he was interviewed the following day and accepted a Caution

AH then answered questions from his solicitor highlighting the following:

- He went on a Police Course costing £200 and learnt a lot from it
- He did not realise the seriousness of accepting a Caution
- Referring to the speeding offences he stated that he was not aware that he was required to report them to BCC
- He had not previously applied for online and had always visited the Licensing Office
- The public would be safe if he was granted a licence
- He has been a taxi driver since 1997

His solicitor stated that he has been on a Police Course to understand the issues relating to soliciting. He is not a danger to the public and he understands that he must be careful.

The Licensing Officer, applicant and solicitor left the room while 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 that a period of at least 5 years for the soliciting offence should elapse before a licence may be granted.

Members noted that he has been on the Police Course at his own expense.

They considered that although 5 years may be excessive in this case, they did not consider that a sufficient period of time has elapsed from the date of the offence to persuade them to set aside their Policy and grant a licence at this time. Whilst noting that they could make no commitment for another Committee, they were prepared to suggest to AH that he may wish to re-apply in April 2019.

In the meantime they therefore agreed to refuse the application.

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

Resolved – that the application for a Private Hire Driver’s Licence made by AH be refused as he has not convinced the Council that he is a fit and proper person to hold such a licence.

(It was suggested to AH that he may wish to re-apply in April 2019, however it was emphasised to him that this Committee could make no commitment for another Committee which may consider a future application from him.)

6. Application for the Renewal of a Hackney Carriage Driver Licence – MB (Agenda Item No. 7)

MB was in attendance accompanied by a solicitor.

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

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

MB then put his case highlighting the following:

- Referring to the spitting incident, two Hackney Carriage Drivers were arguing outside the Hippodrome and he was called over to intervene; a third Hackney Carriage



became involved and spoke Urdu to one of the other Hackney Carriage Drivers; he (MB) became involved in an argument with the third driver during which bad language was used; he was asked to write a letter to him which he did

- Referring to the ramp issue, this related to a car he was driving which was not his; the ramp was rusty and would not operate
- Referring to the speeding offences, the one in July 2018 occurred when his wife was seven months pregnant; the 2017 offences occurred when he was not working
- He has been a taxi driver for twenty years and never been in trouble
- He is not a danger to anyone
- He will not speed again

His solicitor stated that MB is well aware of his situation. He works in the boxing business where he is subject to a number of checks.

MB denied that the incident involving the cyclist took place.

The Licensing Officer, applicant and solicitor left the room while 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 that a period of six months free from conviction should elapse following a speeding offence before a licence may be granted.

Members considered that a period of six months may be excessive in this case. They agreed to set aside their Policy in this case. Noting his licence has now expired, they considered that a period of six weeks off the road would be appropriate.

They therefore agreed to authorise Officers to issue a licence once a period of six weeks has elapsed from the date his last licence expired.

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

Resolved – that the application for a Hackney Carriage Driver’s Licence made by MB may be granted by Officers once a period of six weeks has elapsed from the date his last licence expired.



7. To consider if a Licence Holder is a Fit and Proper Person following a Motoring Conviction – HD (Agenda Item No. 8)

HD was in attendance accompanied by his wife.

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

The Licensing Officer introduced the report and summarised it for everyone. He explained that the case should have been brought before Members previously but had not been due to an oversight.

HD then put his case highlighting the following:

- He had been on Colston Avenue when he performed a u turn in his taxi and accidentally collided with a bus
- He has been a taxi driver for 10 years and never had any previous accidents or complaints against him
- His wife tabled a written statement in his support

The Licensing Officer, HD and his wife left the room while 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 he has been a taxi driver for 10 years and there have been no other issues relating to him. They also noted that he admitted causing the accident. They further noted that he had received only 6 penalty points on his DVLA Licence for causing the accident; the maximum for the offence is 9 penalty points.

They therefore agreed to take no action against him and authorised the renewal of his licence.

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

Resolved – that the application made by HD for the renewal of a Hackney Carriage Driver’s Licence be agreed.



8. To consider the ability of a licensed Private Hire Driver (PHD) to be considered a fit and proper person to hold a licence following on from an allegation of abusive and poor behaviour – SG (Agenda Item No. 9)

SG was in attendance.

The complainant was also in attendance (accompanied by a personal assistant).

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

The Licensing Officer introduced the report and summarised it for everyone. He explained that SG is the holder of a Private Hire Driver's Licence (not a Hackney Carriage Driver's Licence).

The complainant confirmed her statement concerning the allegation against SG.

SG then put his case highlighting the following:

- He had not attended an interview as he was out of the country and had lost his passport; when he returned from Pakistan he was not contacted by BCC; he then moved to London
- He has been a taxi driver for 10 years and has received no other complaints
- He has worked with blind people before; however it is no always clear if customers need help
- He stated that most of the complaint is untrue; he feels that the complainant is trying to punish him; it is emotional blackmail
- He had not had time to plan his route before picking up the customers; he had just asked for some landmarks, not directions
- The alleged incident was nearly 2 years ago so he cannot remember what was said
- He did not get on with the complainant; he thought she was insulting; he did not know the customers were blind or partially sighted; had he known they were blind/partially sighted he would have referred to his map for directions
- He never shouted at the complainant
- He summed up his case

The complainant stated that she only takes a taxi about once a month since the alleged incident.

The complainant summed up her case; all 3 of them had white canes.



The Licensing Officer, SG and the complainant left the room while 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 there were two different versions of events and that the complainant had lodged her version straight after the alleged incident. They also noted that although SG stated that most of the complainant's version of events was not true, he admitted that as the alleged incident took place nearly 2 years ago he could not remember what was said.

They Members considered that SG should spend a period of 1 month off the road. They therefore decided to revoke his present licence and that a new licence should not be issued until a period of 1 month has elapsed from the date of revocation of his old (present) licence.

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

Resolved – that the Private Hire Driver's Licence held by SG be revoked and that a new licence should not be issued until a period of 1 month has elapsed from the date of revocation of his old (present) licence.

9. Private Hire Driver dealt with by an Out Of Court Disposal – AM (Agenda Item No. 10)

The Neighbourhood Enforcement Team Officer stated that she had received a request from AM for an adjournment of his case to enable to engage a solicitor.

This was agreed.

Resolved – that this case be adjourned until a future Meeting of the Committee.

10. To consider the ability of a licensed Private Hire Driver (PHD) to be considered a fit and proper person to hold a licence following on from a report of plying for hire – MR (Agenda Item No. 11)



It was reported that MR had requested an adjournment of his case.

This was agreed.

Resolved – that this case be adjourned until a future Meeting of the Committee.

11. Application for the Renewal of a Hackney Carriage Driver’s Licence – SA (Agenda Item No. 12)

SA 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.

SA stated that he had sent in a request for an interpreter to be provided for him. The Licensing Officer stated that he had no record of such a request being received.

The Legal Advisor stated that the case should be adjourned until a future Meeting to enable an interpreter to be provided for SA.

This was agreed.

Resolved – that this case be adjourned until a future Meeting of the Committee to enable an interpreter to be provided for SA.

Meeting ended at 3.50 pm.

Chair

