# Bristol City Council

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

# 3rd March 2020 at 10.00 am

**Members Present:-** Councillors Chris Davies, Richard Eddy (Chair) and Fi Hance.

**Also in attendance:-** Ashley Clark (Legal Advisor), Abigail Holman (Senior Licensing Officer – Policy Advisor), Norman Cornthwaite (Democratic Services), Alison Wright (Neighbourhood Enforcement Team - Presenting Officer for Agenda Items 7 and 9), Wayne Jones (Neighbourhood Enforcement Team - Presenting Officer for Agenda Items 8, 10 and 12).

1. **Welcome and Safety Information**

   The Chair drew attention to the safety information.

2. **Apologies for Absence**

   Apologies were received from Councillor Carole Johnson

3. **Declaration of Interest**

   There were no declarations of interest.

4. **Public Forum**

   There were no public forum statements.

5. **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.**

6. **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.**

7. **To consider whether the driver is 'fit and proper' following on from an investigation by the Neighbourhood Enforcement Team, as a result of the driver allegedly refusing to take a wheelchair passenger: MA (Agenda Item No.7)**

MA had previously advised that he would not be attending and requested that his case be heard in his absence. This was agreed.

The Neighbourhood Enforcement Officer introduced the report and summarised it for everyone. She advised that the witness was unable to attend

It was noted that the proprietor stated MA usually reported any problems with the vehicle promptly but had not reported anything in this instance.

The Neighbourhood Enforcement Officer left the room whilst the Committee made its decision.

**Decision**

The Legal Advisor provided legal advice for the Committee. Not taking a wheelchair user is an offence and the Members need to consider the version of events provided by MA.

The Committee noted all of the written and verbal evidence put before it.

The Members had great concerns that MA had not transported a wheelchair user and also noted the inconsistencies in the version of events provided by MA.

The Members found the statements of the complainants to be credible and that for whatever reason Mr Ahmed had refused to take a wheelchair user. This was in contravention of both s.53 Town Police Clause Act 1847 and s.165 Equalities Act 2010. Members were not convinced by Mr Ahmed's various versions of events and found that he was not a fit and proper person and refused to renew his licence under s. 61 (1)(a)(ii) and s.61(1)(b) LGMPA 76.

Everyone returned to hear the decision.

**Resolved – (voting 3 for, 0 against) that the statements of the complainants were found to be credible and that for whatever reason MA had refused to take a wheelchair user. This was in contravention of both s.53 Town Police Clause Act 1847 and s.165 Equalities Act 2010. Members were not convinced by MA's various**

**versions of events and found that he was not a fit and proper person and refused to renew his licence under s. 61 (1)(a)(ii) and s.61(1)(b) LGMPA 76.**

**8. To consider whether any action is required as a result of a Neighbourhood Enforcement investigation: PA (Agenda Item No. 8)**

PA had previously requested that his case be considered in his absence and this was agreed.

The Police Taxi Compliance Officer was in attendance.

The Neighbourhood Enforcement Officer introduced the report and summarised it for everyone. There were no other complaints on file.

The Police Taxi Compliance Officer confirmed that PA had been remorseful and co-operative.

The Neighbourhood Enforcement Officer and Police Taxi Compliance Officer left the room whilst the Committee made its decision.

**Decision**

The Legal Advisor provided legal advice to the Committee.

The Committee noted all of the written and verbal evidence put before it.

The Members found the condition of the tyres on the licensed vehicle to be a serious safety issue. They were of the view that a professional driver should keep tyres under proper review. They noted PC Quinton's comments regarding the location of the wear being on the inside shoulder of the tyres and therefore less obvious. They noted that Mr Abraham had not received any complaints although there was one minor traffic offence in 2017.

Although the matter had been dealt with by a penalty notice resulting in 3 points being endorsed, members considered the condition of the vehicle to be dangerous and felt it proportionate to suspend the licence for 3 months under s.61(1)(b)

Everyone returned to hear the decision.

**Resolved – (voting 3 for, 0 against) that the condition of the tyres on the licensed vehicle to be a serious safety issue. The Members were of the view that a**

**professional driver should keep tyres under proper review. They noted the Police Taxi Compliance Officer's comments regarding the location of the wear being on the inside shoulder of the tyres and therefore less obvious. They noted that PA had not received any complaints although there was one minor traffic offence in 2017.**

**Although the matter had been dealt with by a penalty notice resulting in 3 points being endorsed, Members considered the condition of the vehicle to be dangerous and felt it proportionate to suspend the licence for 3 months under s.61(1)(b).**

**9. To consider of whether the driver is 'fit and proper' following on from an investigation by the Neighbourhood Enforcement Team: SB (Agenda Item No. 9)**

SB was in attendance, accompanied by a colleague.

The complainant was also in attendance.

The Neighbourhood Enforcement Officer introduced the report and summarised it for everyone. She advised that that there is no record of other complaints against SB.

The complainant confirmed his statement. He has been attending the hospital for about 12 years and has never encountered problems with any other taxi driver. He denied that he had slammed the door of the taxi.

SB put his case highlighting the following:

- The complainant appeared to be in a rush; he got into the car, slammed the door and asked to be taken to St Michael's Hospital
- SB confirmed that he had responded by saying "I suppose I will have to"
- The complainant then got out of the car and slammed the door
- He then returned to car and asked for SB's name and badge number
- He did not abuse the complainant; he did not go from calm to abusive
- The complainant did not have to wait 10 minutes for another taxi; a number of others were immediately available
- He has applied for a job with BCC as an Enforcement Officer would not have endangered his application by behaving in the manner claimed by the complainant
- The complainant was not in the car when asked SB's name and badge number; he had tried to reach the badge from outside the car

In response the complainant stated that he had not been in a rush; could not see the badge so asked to see it when he was in the car; it was raining on the day in question so no other taxis were available and he had to wait 10 minutes for one; when he left SB's car he did not return to it.

SB stated that has had plates removed from his car before and has seen other drivers have badges taken by passengers; BCC charge for replacements.

SB's colleague made a statement in support of him – he has had a badge taken and did not say anything at the time as he had feared for his safety; SB has been very helpful to him concerning the taxi trade; every week passengers damage taxi doors by slamming them.

SB stated that he felt the description given of him at the PACE Interview was not accurate, although he did not dispute that he was the taxi driver involved in the incident with the complainant. The Neighbourhood Enforcement Officer advised that the statement was taken from the complainant 2 weeks after the incident.

The Neighbourhood Enforcement Officer, SB and colleague left the room whilst the Committee made its decision.

**Decision**

The Legal Advisor provided the Committee with legal advice. The Members need to consider which version of events they believe.

The Committee considered all of the written and verbal evidence presented to it.

The Members found that there were differing versions of events neither of which was supported by independent evidence. By SB's own admission he had fallen short of the expected standard in respect of lack of courtesy towards his passenger and his refusal to give his licence details. It was therefore deemed appropriate for SB to receive a written warning in this regard.

Everyone returned to hear the decision.

**Resolved – (voting 3 for, 0 against) that there were differing versions of events neither of which was supported by independent evidence. By SB's own admission he had fallen short of the expected standard in respect of lack of courtesy towards his passenger and his refusal to give his licence details. It was therefore deemed appropriate for SB to receive a written warning in this regard.**

**10. Notification of Court Appearance in Reference to A Section 3 Road Traffic Act 1988 Offence: MS (Agenda Item No. 10)**

MS was in attendance, accompanied by a colleague.

The Neighbourhood Enforcement Officer introduced the report and summarised it for everyone.

His colleague put the case for MS highlighting the following:

- He had picked up some passengers and was driving on Whiteladies Road
- The car in front was travelling slowly and prompted by his passengers he overtook the car; he was then pulled over by the Police
- The language barrier may have contributed to his decision to overtake the car by the prompting of his passengers
- He is a fit and proper person
- He is treasurer of his Sikh Temple
- He understands the seriousness of the incident and now drives more carefully
- He realises that he should not been so influenced by the views of his passengers on how he should drive

It was noted that the offence was brought to the attention of the Licensing Office by the Police rather than the driver which is what is supposed to happen.

The Neighbourhood Enforcement Officer, MS and his colleague left the room while the committee made its decision.

**Decision**

The Legal Advisor provided legal advice to the Committee. The driving offence is a Policy Major Offence. He also failed to notify the Licensing Office of the offence. He has not committed any offences since 2004.

The Committee considered all of the written and verbal evidence put before it.

The Members considered driving without due care and attention with passengers on board as a serious issue. They noted that he had pleaded guilty to the offence and appeared remorseful but had still received a high number of penalty points. They also noted that he had no previous complaints or offences on his file. Members noted that their policy required a period of 6 months free of conviction before a licence could be issued however they were convinced by his previous good behaviour and resolved to suspend his licence for 3 months under s.61(1)(b)

Everyone returned to hear the decision.

**Resolved – (voting 3 for, 0 against) that driving without due care and attention with passengers on board as a serious issue. The Members noted that he had pleaded guilty to the offence and appeared remorseful but had still received a high number of penalty points. They also noted that he had no previous complaints or offences on his file. Members noted that their policy required a period of 6 months free of conviction before a licence could be issued however they were convinced**

**by his previous good behaviour and resolved to suspend his licence for 3 months under s.61(1)(b).**

**11. To consider the ability of a licensed Hackney Carriage Driver (HCD) to be considered a fit and proper person to hold a licence: AA (Agenda Item No. 11)**

It was noted that AA had requested that his case be deferred until a future Meeting of the Committee and this was agreed.

**Resolved – (voting 3 for, 0 against) that consideration of this case be deferred until a future Meeting of the Committee.**

**12. To determine the renewal application, taking into account his recent vehicle check and to consider whether any action be taken on his private hire vehicle licence – SA (Agenda Item No. 12)**

SA was in attendance.

The Police Taxi Compliance Officer was also in attendance.

The Neighbourhood Enforcement Officer introduced the report and summarised it for everyone. He also drew attention to e-mails circulated to Members of the Committee.

The Police Taxi Compliance Officer confirmed the evidence that he had provided.

SA put his case highlighting the following:

- He usually checks his tyres on a regular basis and should have seen the condition that they were in
- He had them changed although he was advised that one was on the legal limit
- He has never had problems with his tyres in the past
- He has had plates stolen from his car in the past
- He responded to the allegations made in 2010 at the time
- He put the plates in the car to prevent them being stolen
- His badge was in the car but he was not wearing a badge; he usually wears a badge
- He had made mistakes and is sorry for them but these would not happen again
- He had sold the vehicle as private car

The Senior Licensing Officer confirmed that his intention was to surrender the Private Hire Vehicle Licence and advised that she would amend the relevant record and he should return the plates from the car to the Licensing Office as soon as possible.

The Neighbourhood Enforcement Officer, the Police Taxi Compliance Officer and SA left the room while the committee made its decision.

**Decision**

The Legal Advisor provided legal advice for the Committee and summarised the offences committed, and complaints made against him.

The Committee considered all of the written and verbal evidence put before it.

The Members found that the condition of the tyres on the licensed vehicle demonstrated that SA was prepared to put his passengers in jeopardy. They also noted that he had been a driver since 2006 but had ignored the conditions requiring the display of badges and plates. This was not an isolated example as SA had admitted to failing to correctly display plates on a number of other occasions. Members therefore decided that he was not a fit and proper person and resolved to refuse the application under s.51(1)(a)(i)

With regard to the vehicle licence, SA surrendered this during the course of the hearing and therefore there was no licence to consider.

Everyone returned to hear the decision.

**Resolved – (voting 3 for, 0 against) that the condition of the tyres on the licensed vehicle demonstrated that SA was prepared to put his passengers in jeopardy. The Members also noted that he had been a driver since 2006 but had ignored the conditions requiring the display of badges and plates. This was not an isolated example as SA had admitted to failing to correctly display plates on a number of other occasions. Members therefore decided that he was not a fit and proper person and resolved to refuse the application under s.51(1)(a)(i).**

The meeting ended at 2.15 pm.

**Chair**