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# Bristol City Council Minutes of the Public Safety and Protection Sub-Committee A



28th February 2023 at 10.00 am

### Members Present:

Councillors Amal Ali (Chair) (part), Marley Bennett and Richard Eddy.

### Officers in Attendance:

Ronald Sempebwa (Legal Services), Carl Knights (Licensing Team) (Policy Officer Agenda Items Nos. 8, 9 and 10; Presenting Officer Agenda Items Nos. 11, 12, 13 and 14), Wayne Jones (Neighbourhood Enforcement Team) (Presenting Officer Agenda Items Nos. 8 and 9), Alison Wright (Neighbourhood Enforcement Team) (Presenting Officer Agenda Item No. 10) and Norman Cornthwaite (Democratic Services)

### Also in attendance:

P C Patrick Quinton (Avon and Somerset Police) (Agenda Item No. 9 – Witness)

### 1. Welcome and Safety Information

The Chair welcomed everyone to the meeting and drew attention to the safety information.

### 2. Apologies for Absence

Apologies were received from Councillors Sarah Classick and Heather Mack.

### 3. Declarations of Interest

Nothing was declared.

### 4. Minutes of the Previous Meeting held on 20<sup>th</sup> December 2022

**Resolved – that the Minutes agreed as a correct record of the Meeting.**



## 5. Public Forum

Nothing was received.

## 6. Suspension of Committee Procedure Rules CMR10 and CMR11 Relating to the Moving of Motions and Rules of Debate

**Resolved – that Committee procedure rules CMR10 and CMR11 be suspended relating to the moving of motions and rules of debate.**

## 7. Exclusion of the Press and Public

**Resolved – that that the press and public be excluded from the following items of business to allow consideration of items containing exempt information under Paragraph 1 of Part 1 of Schedule 12(A) of the Local Government Act 1972.**

## 8. To consider whether action needs to be taken with regards to a Private Hire Driver's Licence – MS

MS was in attendance.

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

In response to a question concerning the DBS process, the Licensing Officer explained that it normally takes 6 to 8 weeks.

MS put his case highlighting the following:

- The issue was triggered by an incident outside his house; a third party made false allegations to the Police; the Police came to his house but he refused to provide a specimen; he made a statement; he was charged; appeared in court on 7<sup>th</sup> February; pleaded not guilty; the case was dismissed; he did not receive a copy of the court papers relating to the case
- He was not aware that he is required to report any such incidents to BCC
- He has attended a verification appointment for a new DBS but only provided two ID documents rather than the three documents required; he has yet to book another appointment
- He has been a taxi driver for more than 11 years

The Licensing Officer reminded everyone that self reporting of all incidents is required by all licensed drivers. MS had failed to do this. Had BCC been made aware of the incident described by MS, they would have sought further information; the Police would have let DBS know of any incidents or charges.

MS and the Neighbourhood Enforcement Officer left the room whilst the Committee made its decision and later returned to hear the decision announced.

## Decision and reasons

The Committee considered very carefully all the written and verbal evidence that it had received.

The Committee noted their Policy in relation to this case.



The Committee noted that MS had failed to provide a specimen as required by the Police and had failed to self report the incident to BCC even though it is a requirement of his licence. It was also noted that he had failed to provide all three of the required ID documents at his DBS verification appointment.

In view of the above, the Committee decided that the Private Hire Driver's Licence held by him should be revoked as he can no longer be considered a fit and proper person to hold such a licence.

**Resolved (unanimously) – that the Private Hire Driver's Licence held by MS be revoked as he can no longer be considered a fit and proper person to hold such a licence.**

## **9. Application for the Renewal of a Private Hire Driver's Licence – MJ**

MJ was in attendance, accompanied by his solicitor.

The solicitor representing MJ advised everyone that he has pleaded guilty to the offence of Perverting the Course of Justice.

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

The Licensing Officer reminded everyone that the Policy states that a driver found guilty of Perverting the Course of Justice would not normally be granted a licence for 7 years, however it had to be noted that this case has not yet gone to court.

P C Quinton stated that the previous day (27<sup>th</sup> February 2023) in relation to the speeding offence, he had received photographic evidence confirming MJ as the driver of the vehicle. The penalty points for the offence have been added to MJ's DVLA Licence. The investigation of the offence of Perverting the Course of Justice continues and he would be interviewing MJ later that day. The file would then be passed to the CPS. There are no other incidents relating to MJ.

The solicitor put the case for MJ highlighting the following:

- He has pleaded guilty to the offence in question
- He has five children and a mortgage
- He was concerned that had he admitted the speeding offence and taken the points he would have lost his DVLA Licence
- Without his DVLA Licence he would not have been able to work as a taxi driver and this is his livelihood
- Not being allowed a taxi licence for 7 years for Perverting the Course of Justice is a severe punishment
- He is just a taxi driver providing for his family
- He has admitted his guilt and asks for leniency

MJ, his solicitor and the Neighbourhood Enforcement Officer left the room whilst the Committee made its decision and later returned to hear the decision announced.

## **Decision and reasons**



The Committee considered very carefully all the written and verbal evidence that it had received.

The Committee noted their Policy in relation to this case.

It was noted that MJ has admitted the offence but the case has not yet come before a court. Members noted that the offence relates to the honesty of the driver.

The Committee noted that MJ can apply again for a licence at any time.

The Committee therefore decided to refuse the application by MJ for the renewal of his Private Hire Driver's Licence as he can no longer be considered a fit and proper person to hold such a licence.

**Resolved (unanimously) – that the application for the renewal of the Private Hire Driver's Licence held by MJ be refused as he can no longer be considered a fit and proper person to hold such a licence.**

## **10. Application for the Renewal of Hackney Carriage Driver's Licence and whether action should be taken against the holder of a Hackney Carriage Vehicle Licence - MH**

MH was in attendance.

The complainant and her father were also in attendance.

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

In response to a question, the Neighbourhood Enforcement Officer stated that there was no evidence to suggest that MH knew the man she stopped for; he appeared to be drunk but did not fall over.

The complainant confirmed her statement and summarised it for everyone. In response to a question, she stated that she was disappointed that a female taxi driver was not more aware of her feelings and concerns when she stopped the taxi.

MH confirmed her statement. She also answered questions highlighting the following:

- Her passenger may have been uncomfortable when she stopped the taxi
- She did not know the man
- He was drunk and she was concerned about him
- She did not intend to let him in the taxi
- He was on the floor when she returned from dropping off the complainant
- She could not recall the fare that was showing on the meter

MH, the complainant and her father left the room whilst the Committee made its decision and later returned to hear the decision announced.

### **Decision and reasons**

The Committee considered very carefully all the written and verbal evidence that it had received.

The Members noted their Policy.



The Members noted that there were different versions of the events, that MH had stopped her vehicle when she already had a passenger and ignored the wishes and concerns of the passenger (the complainant) who asked her not to stop as she had great concerns about her safety, and that MH had been non-compliant in the use of her meter.

The Members therefore decided that the application made by MH for the renewal of a Hackney Carriage Driver's Licence should be refused as she is no longer a fit and proper person to hold such a licence and that the Hackney Carriage Vehicle Licence held by MH be revoked.

**Resolved (unanimously) – that the application made by MH for the renewal of a Hackney Carriage Driver's Licence be refused as she is no longer a fit and proper person to hold such a licence and that the Hackney Carriage Vehicle Licence held by MH be revoked.**

### **11. Application for the Grant of a Private Hire Driver's Licence – SE**

SE was in attendance, accompanied a representative of Bristol Executive Cars.

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

The Bristol Executive Cars representative explained how the company operates and reasons for wanting an exemption from the Knowledge Test. All journeys are pre-booked 24 hours before allowing drivers to research the journey; although customers originate in Bristol, the journeys involve travel outside the city, a number are long distance; many customers are regular users of their services; all the cars are high quality vehicles.

SE summarised his background.

SE and the Bristol Executive Cars representative left the room whilst the Committee made its decision and later returned to hear the decision announced.

### **Decision and reasons**

The Committee considered very carefully all the written and verbal evidence that it had received.

The Members noted their Policy.

The Members decided to make an exception to their Policy in this case in view of the type of work that SE would be undertaking for Bristol Executive Cars.

**Resolved (unanimously) – that the application made by SE for a Private Hire Driver's Licence be granted subject to him passing all parts of the Fit and Proper Person Test, except for the Knowledge Test from which he is granted an exemption.**

### **12. Application for the Grant of a Private Hire Driver's Licence – DG**

DG was in attendance, accompanied a representative of Bristol Executive Cars.

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



The Bristol Executive Cars representative explained how the company operates and reasons for wanting an exemption from the Knowledge Test. All journeys are pre-booked 24 hours before allowing drivers to research the journey; although customers originate in Bristol, the journeys involve travel outside the city, a number are long distance; many customers are regular users of their services; all the cars are high quality vehicles.

DG summarised his background.

DG and the Bristol Executive Cars representative left the room whilst the Committee made its decision and later returned to hear the decision announced.

### **Decision and reasons**

The Committee considered very carefully all the written and verbal evidence that it had received.

The Members noted their Policy.

The Members decided to make an exception to their Policy in this case in view of the type of work that DG would be undertaking for Bristol Executive Cars.

**Resolved (unanimously) – that the application made by DG for a Private Hire Driver’s Licence be granted subject to him passing all parts of the Fit and Proper Person Test, except for the Knowledge Test from which he is granted an exemption.**

### **13. Application for the Grant of a Private Hire Driver’s Licence – CB**

CB was in attendance, accompanied a representative of Bristol Executive Cars.

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

The Bristol Executive Cars representative explained how the company operates and reasons for wanting an exemption from the Knowledge Test. All journeys are pre-booked 24 hours before allowing drivers to research the journey; although customers originate in Bristol, the journeys involve travel outside the city, a number are long distance; many customers are regular users of their services; all the cars are high quality vehicles.

CB summarised his background.

CB and Bristol Executive Cars representative left the room whilst the Committee made its decision and later returned to hear the decision announced.

### **Decision and reasons**

The Committee considered very carefully all the written and verbal evidence that it had received.

The Members noted their Policy.

The Members decided to make an exception to their Policy in this case in view of the type of work that



CB would be undertaking for Bristol Executive Cars.

**Resolved (unanimously) – that the application made by CB for a Private Hire Driver’s Licence be granted subject to him passing all parts of the Fit and Proper Person Test, except for the Knowledge Test from which he is granted an exemption.**

(Cllr Ali left the Meeting and Cllr Eddy took the Chair.)

#### **14. Application for the Renewal of a Private Hire Driver’s Licence and if any action should be taken on a Private Hire Vehicle Licence – SS**

SS was in attendance, accompanied by his solicitor.

The Licensing Officer introduced the report and summarised it for everyone. He confirmed that there have been no previous complaints against SS and the information supplied by the Police was included in the report.

SS’s solicitor put his case and answered questions highlighting the following:

- It can take 6 to 12 months after arrest for a decision on a rape case
- SS was arrested on 3<sup>rd</sup> February 2023 and advised BCC on 7<sup>th</sup> February 2023; he apologised for not advising on the Monday
- He was shocked at the malicious allegations; he has never been in trouble before
- His ex-partner has a history of alcohol, mental illness and violence
- He had allowed her to return to his house after she left
- Some alleged incidents go back to 2017, but were not reported at the time
- Character references have been supplied
- His ex-partner continued to contact him after the alleged incident
- The alleged incident has nothing to do with his work as a taxi driver
- He has no blemish on his record as a taxi driver
- Allegations can be made at any time without evidence but have to be investigated
- The alleged rape took place on 22<sup>nd</sup> October 2022, was reported in January (2023) and SS was arrested on 3<sup>rd</sup> February 2023
- The couple met in August 2016, her husband was ill, he got better and she went back with him, they got together at a later date
- She lost her flat during Covid and moved in with him
- He asked her to leave in October (2022); she left and came back
- They had sex in October 2022 but it was consensual
- He denies the allegations
- There is no evidence that SS is not a fit and proper person

SS and his solicitor left the room whilst the Committee made its decision and later returned to hear the decision announced.

#### **Decision and reasons**

The Committee considered very carefully all the written and verbal evidence that it had received.



The Members noted their Policy.

The Members noted that their overriding responsibility is the safety of the public, they have only heard one version of events and at this stage it is only an allegation.

Given the seriousness of the allegation, the Members considered that SS could no longer be deemed a fit and person and that the application has made for the renewal of his Private Hire Driver's Licence should be refused.

**Resolved (unanimously) – that the application made by SS for the renewal of his Private Hire Driver's Licence be refused as he is no longer considered to be a fit and proper person to hold such a licence.**

### **Date of Next Meeting**

The next meeting is scheduled for 10.00 am on Tuesday 7<sup>th</sup> March 2023.

The meeting ended at 2.55 pm.

**Chair** \_\_\_\_\_

