

Bristol City Council

Minutes of the Public Safety and Protection Sub-Committee A



17 October 2023 at 10.00 am

Members Present:-

Councillors: Amal Ali (Chair), Marley Bennett, Richard Eddy, Sarah Classick and Heather Mack

Officers in Attendance:-

Lynne Harvey (Legal Advisor) and Carl Knights (Licensing Policy Advisor)

1 Welcome and Safety Information

The Chair welcomed everyone to the meeting.

2 Apologies for Absence

None received.

3 Declarations of Interest

None received.

4 Minutes of the Previous Meeting

RESOLVED: The minutes of the previous meeting on 22 August 2023 were agreed as a correct record.

5 Public Forum

None received.

6 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.

7 Exclusion of 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.

8 IA - REPORT OF AN APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE DRIVER LICENCE AND A PRIVATE HIRE VEHICLE LICENCE

The driver was present and submitted personal references which were noted by the committee. PC Quinton, taxi compliance officer, was also present. The Chair led introductions and explained the process.

The Neighbourhood Enforcement Team (NET) officer introduced the report and summarised it for the committee:

- The Committee is asked to consider a renewal application. On 29 May the NET received a complaint about IA conduct, which was recorded on video. This video was circulated to the committee members via email and shows IA being verbally abusive. The NET also received a witness statement from the complainant and her partner.
- They state that on Fishponds Road, IA drove around the corner at speed, resulting in the boyfriend swearing at IA, IA stopping and exiting the vehicle, then approaching the couple and verbally abusing them. They said they feared physical violence.
- They encountered IA again shortly afterwards at a local Tesco and suspected he was following them.
- The Police interviewed IA, who gave a significantly different version of events. IA said that the couple had jaywalked, both swore at him and racially abused him. IA stated that he heard a thud in the vehicle and thought something had been thrown at him. IA said that his family was in the vehicle and did not exit. He was visiting a local butcher.
- The couple have stated that they were very upset by accusations of racism and strongly dispute IA's version of events.
- Statements have been requested from IA's brother and wife. The wife has said that she is unable to provide a statement.
- On 12 June, the NET received another complaint about IA that he and his 3 brothers assaulted someone at a park. IA was interviewed by police with legal representation regarding this incident but was not arrested. The case was dropped due to lack of evidence.
- It is a condition of the licence that BCC should be notified if a driver is interviewed by police, but IA did not do so.
- There is a 2011 historic offence of passing a cyclist too closely. IA has no points on his license.



IA was invited to present his case:

- IA stated that the traffic lights were green as he came around the corner and the couple walked out into the street, so he had to break hard. The couple swore at him.
- IA has experienced this kind of behaviour from customers late at night but was shocked by it being in the middle of the day. He did not get out of the car to escalate the situation. He heard a thud so got out of the car to inspect possible damage. The couple admit in their statement that they were swearing but omitted the racist abuse.
- The NET said that IA should have made a complaint regarding the racism, but he saw it frequently from the public. He also did not know the identity of the couple so no action would have been possible.
- IA has been a taxi driver for a long time with no complaints. It is not an easy job, and he would not want to escalate a situation if it could risk his licence as his family depends on his income.
- He was not aware that he had to notify BCC of the police interview as he was not arrested and there was no further action.
- IA apologised for his language in the video and said this was out of character for him.

The following information was confirmed by questioning:

- IA attended a voluntary interview by police but was not arrested.
- That it is not possible for the Committee to second guess or go behind the actions of the police or courts.
- IA was unable to confirm where his family was seated in his vehicle. It is an 8-seat MPV.
- Committee members stated that from the video evidence, it did not look like there were passengers in IA's vehicle. IA stated it would be difficult to determine from the outside given the low seats, high windows and tint / reflection.
- IA stopped the vehicle in the middle of the carriageway as he believed the vehicle had been struck by an object and he wanted to check for damage. IA stated that he would not have stopped the vehicle in other circumstances.
- IA denied approaching the couple and that the video shows him entering the vehicle after checking for damage.
- PC Quinton confirmed that IA has no offences on record and is virtually unknown to police.
- The pedestrians were already part way across the road when IA took the corner in his vehicle. They were in the process of crossing when IA arrived and had right of way. IA should have let them cross without intervention but admitted braking hard and sounding his horn.

The applicant was invited to sum up, then left the room with the licensing officer while the panel deliberated, then returned to hear the decision.

The Panel decided to adjourn the hearing as they could not determine without the other witnesses present.

9 JT - REPORT TO DETERMINE WHETHER ACTION SHOULD BE TAKEN AGAINST THE HOLDER OF A HACKNEY CARRIAGE DRIVER LICENCE



Item was deferred.

10 VS - APPLICATION TO RENEW A PRIVATE HIRE VEHICLE LICENCE

This item was withdrawn.

11 OY - REPORT TO DETERMINE WHETHER ACTION BE TAKEN AGAINST A PRIVATE HIRE DRIVER LICENCE

This application was heard in absence at the request of the driver.

The Neighbourhood Enforcement Team (NET) Officer introduced the report and summarised it for the committee.

- OY was granted a Private Hire Driver's licence in January 2015 and holds a Private Hire Vehicle licence until June 2024.
- The NET received an email from a member of public alleging that OY had been involved in a collision with cyclist.
- OY was waiting outside the Bristol Royal Infirmary (BRI), performed a U-turn and struck a cyclist. The cyclist underwent a medical check at the hospital and was then discharged. OY admitted the collision but said the cyclist had experienced no injuries and that he had offered to pay the repair cost of the bicycle.
- The cyclist was complimentary about OY's conduct during and after the incident. CCTV showed the collision and that OY stayed with the cyclist for around 15 minutes.
- Taxi Compliance Officer PC Quinton has checked the record of this incident, which was recorded but with little information. The following incidents were also on the police record:
 - March 2023 collision with cyclist, driving without due care and attention, 5 points on licence and £293 fine.
 - May 2021 speeding 53mph in a 40mph limit, nominated a resident in the Netherlands as the driver.
 - September 2021 speeding 33mph in a 20mph limit, nominated a resident in the Netherlands as the driver.
 - January 2023 contravened no entry sign, issued warning letter.
 - September 2021 close pass of cyclist, alleged driving without due care or attention, issued warning letter.
- The two nominated drivers in the Netherlands are not Private Hire licenced drivers. This is a breach of conditions and risk to the public.
- Uber was contacted for job records and confirmed that OY was working at the time of the offences.

The following information was confirmed via questioning:



- That OY has received the paperwork for this hearing and has chosen for the case to be heard in absence rather than wait for a rescheduled date.
- PC Quinton is aware of several cases being investigated where private hire drivers have falsely nominated other drivers to escape prosecution.
- That the BRI incident and the March 2023 incidents were separate, but both involved striking a cyclist.
- The statement from the BRI cyclist was obtained verbally by the NET Officer.

DECISION

The driver's Private Hire Driver and Private Hire Vehicle licences are revoked.

Meeting ended at 12.00 pm

CHAIR _____

