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



13th February 2024 at 10.00 am

### Members Present:

Councillors Amal Ali (Chair), Richard Eddy, Sarah Classick, Heather Mack

### Officers in Attendance:

Lynne Harvey - Legal Advisor, Carl Knights – Policy Advisor, Alison Wright - Neighbourhood Enforcement Team and Allison Taylor - Democratic Services Officer.

### 1. Welcome and Safety Information

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

### 2. Apologies for Absence

None.

### 3. Declarations of Interest

None.

### 4. 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. Application for the renewal of a Private Hire Driver Licence and whether action should be taken on a Private Hire vehicle Licence.

The Licensee was in attendance, accompanied by his legal representative.

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

The Driver's legal representative reported that he had not seen Witness 3's Statement and it was noted that he was the Witness 3's legal advisor in other matters. It was agreed that the Statement be made available to the legal representative and it would be for him to determine whether he was conflicted out of questioning the witness.

The Committee then heard from 3 witnesses in turn who were attending remotely to make their statements and the following points arose from questions from the Committee and IA's legal representative:-

### Witness 1. (OG)

1. OG regretted the use of the middle finger but the witness believed IA had put him & CB's safety at risk and he had done nothing else that would have warranted the driver getting out of the taxi and coming right up to their faces;
2. OG categorically denied using racist language;
3. The sun was shining through the van and to the best of his knowledge there was nobody else in it;
4. When he & CB had stepped out into the road, facing towards Stapleton Road, they could see for 50m and there were no vehicles on the road and then a horn was suddenly heard. They had needed to jog across the rest of the crossing to avoid a collision. IA had then passed them until stopping 2/3m away;
5. They were not in arms reach of the van in order to have touched it;
6. IA had not touched them;
7. If there were blinds in the van they were not drawn down as they could not be seen;
8. IA had come up to them and said, 'why are you swearing at me fucking cunts?'. OG had not said at any point in the altercation 'you bloody Paki';
9. OG had not claimed that IA was following them but he was unsure of IA's intentions when they saw the van again so was not sure if IA was innocently going on his way or following them;
10. He and CB were apprehensive after what had happened to them.

### Witness 2 – (CB)

1. CB & OG had looked right and there were no cars so and then the van came suddenly and beeped so she could only assume that that IA was speeding;
2. OG's showing the middle finger was the only reaction they had made and it did not warrant IA's reaction and she did not agree with any of IA's account after that;
3. There was no racist language and it was not in her vocabulary to use such language. She was studying to be in the Police force and using such language would have a terrible impact on her future career;



4. CB had had her full attention on IA when he was up close to them and she had then looked at the car. It was a very sunny day and she could see through the car and there were no shadows or movement to suggest that there was anybody else in the van;
5. It was her understanding that it was permitted to cross on a designated crossing area if it was clear even if the light was red;
6. IA had not touched either of them but she had needed to put her arm between IA and OG which demonstrated how close IA had got. It lasted 15/20 seconds but it was not a minor incident;
7. OG & CB had decided not to pursue the incident through the Police but instead to report it to the Licensing Authority so that there was a record of it;
8. CB disagreed that IA's wife, brother and 2 children were in the van. The sun was shining through and it was very clear that there was no movement, shadows or faces and that the backseats were visible. It was not her perception as she had video and picture proof.

At this point the Committee viewed the video footage of the van. IA's legal representative then left the meeting due to his conflict with Witness 3 and IA remained to hear the statement and to question as necessary. Witness 3 was contacted in advance to inform him of the identity of IA's legal representative but that he would not be in attendance.

### **Witness 3 – (AH)**

1. IA's brother was with him when he was attacked and had blocked his right of way;
2. AH had no other evidence above the assault that IA was not a fit and proper person for PHD licensing purposes;
3. IA's dad ran the shop AH had worked in and there had not been an issue with him;
4. AH had no need to poach customers from this shop to his own as he had his Facebook page to attract business;
5. AH confirmed that he had not developed good relationships with IA's dad's customers, that he had not started to poach customers from his dad and that he had not concocted stories. He confirmed that he had opened a shop two doors down from IA's dad's shop;
6. AH confirmed that he had reported the incident to the Police but it had not been progressed due to insufficient evidence;
7. AH confirmed that since he had been assaulted, he had developed depression and not been able to think properly;
8. AH stated that he had every right to open a shop near IA's dad's shop.

IA's legal representative put the case for the Licensee highlighting the following:

1. IA had no involvement in anything AH had said took place. It had all been made up by AH;
2. IA had gone to the Police voluntarily and he had not been asked to account for his time on the day of the incident. He had never had any issues with the Police;
3. On 29 May 2023 IA had been driving with his family in the van and as he turned the bend a couple were crossing on green lights and as they crossed OG showed the middle finger and started swearing and he heard a bang on his vehicle so he got out to take a look. OG & CB then gave more abuse and said it was a 20mph speed limit and IA replied it was a 30mph speed limit;
4. There was some debate as to whether crossing on a pedestrian crossing when the lights were green was an offence;
5. IA confirmed that he had brought the vehicle to a stop and blew his horn to let OG & CB cross and the Committee noted that this did not correspond with IA's previous account which stated that he



had stopped after they crossed;

6. The Committee were told that IA had learned his lesson and in the future he would stop and let pedestrians pass. It was the spur of the moment and an act of road rage. He would also ignore racist comments despite the fact that he dealt with racist comments all the time with taxi customers;
7. IA had driven taxis for 15 years without incident and there had been no incident since May 23;
8. Taxi drivers worked all hours and served the community and it was the only job available to IA.

## **Decision and Reasons**

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

The Members noted their Policy.

## **Decision**

- That IA's application for a Private Hire Driver ("PHD") Licence be refused on the ground contained in section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, namely "any other reasonable cause" in that IA could no longer satisfy the Council that he was a "fit and proper person" to hold a PHD Licence
- That no action be taken in respect of IA's Private Hire Vehicle ("PHV") Licence.

## **Reasons**

This hearing was deferred from 17 October 2023 when the Committee was asked to consider IA's applications to renew both his PHD and PHV licences. The applications had been placed before the committee for determination because IA had been the subject of two separate unrelated complaints concerning incidents that allegedly occurred on 29 and 30 May 2023.

IA attended the first meeting and put forward his version of events but as none of the complainants were able to attend and IA had made serious allegations of racial abuse against the first complainants, the Committee did not feel able to make findings of fact without all parties being given the opportunity to present oral evidence which would be subject to scrutiny.

### **First Complaint – 29 May 2023**

The basis of the first complaint was that on Monday **29 May 2023** on Fishponds Road, the two complainants were using a pedestrian crossing. Although the lights were red, they considered it safe to cross. As they were close to the pavement, they stated that IA had driven around the corner at speed and blew his horn at the couple as they crossed the road. The complainant motioned to IA to slow down and her boyfriend gave IA the middle finger.

It was then alleged that IA stopped his vehicle in the middle of the road to alight the vehicle and approach the couple in an abusive and confrontational manner. They said they felt like they were preventing a physical altercation from ensuing when IA got up close to them, repeatedly called them 'cunts' and 'fucking idiots'. IA then got back into his vehicle and drove off down Stapleton Road. When the complainants got to the Tesco superstore roundabout near Muller Road they saw IA again in his vehicle whereby he must have turned back on Stapleton Road. They were concerned he was following them but he drove back off in the opposite direction.



It was reported that IA attended the council offices on 23 August 2023 for an informal Interview which was not under caution as there was no intention to prosecute. However, the interview was recorded.

IA's version of events differed significantly from that of the complainants. He said that he was driving down Fishponds Road with his family in the vehicle. As he came around the bend, the lights were green but there was a couple crossing the road so he had to slam on his brakes and sound his horn to make them aware. He then contended that he got out of the vehicle to check it as he thought the complainants had thrown something at it. He then alleged that he was subjected to a torrent of racial abuse. He said his brother, wife and two children were in the vehicle and the brother has provided a statement to support IA's version of events. The wife had not provided a statement despite being requested to do so by the Neighbourhood Enforcement Team ("NET"), but on the eve of today's hearing, a further statement in support of IA's version of events, which was purported to have been written by his wife, was produced by IA's legal representative.

At interview, IA denied swearing and calling names, but when showed the video clip of him calling the complainant's 'cunts', he admitted it but said it was in response to the alleged racial abuse.

IA's version of events was fed back to the complainants, who were horrified at the racial allegations made by IA and were also adamant that no one else had been present in the vehicle with IA at the time of the incident.

The two complainant's, OG and CB gave oral evidence individually via a video link and were questioned by both the committee and IA's legal representative. Their evidence was consistent with their written statements and they both confirmed that no racist language was used towards IA. It was admitted that OG had shown the finger to IA when he beeped his horn at them and failed to slow down, but this did not justify the aggressive response from IA who did not have to stop his car in the road, get out of his vehicle and persistently use abusive language towards them. IA had come up so close to the complainant's that CB put her arm between IA and her boyfriend because they were both fearful that a physical altercation might ensue. They both confirmed that they said nothing further to IA other than to ask him to get back in his car and question how fast he was going. The only rude gesture that was used was to show the middle finger but there were definitely no racist words used. Both complainant's were also certain that there were no passengers in IA's vehicle at the material time. They were both consistent in their evidence that it was a lovely sunny day and they could see into the vehicle and the back of the head rests. There were no heads, shadows, movement or signs of anyone else in the vehicle. CB said that her main focus was on IA during the altercation as she was trying to protect herself and her boyfriend, but as soon as IA returned to his car, which was about 10 feet from them, she then got her phone out to obtain IA's details as the intention was to report the incident, at which point her main focus was on IA's vehicle.

IA then gave his version of events which was largely consistent with what he had put forward to the NET. He admitted he had used bad language and regretted this, but this was only in response to the racial abuse he had received. He contended that his family was in the vehicle with him, although they did not get out, and that the videos and stills taken did not prove that no one else was in the vehicle due to the tinted windows. He only beeped his horn to let the complainant's know he was there and he slowed down to allow them to cross the road. He thought he was being polite but was subjected to racial abuse. He then explained that racial abuse was something he was subjected to on a regular basis and it was part of the job.

The Committee considered the evidence from the two complainants and IA's version of events which were so far apart from each other that someone was not being truthful.



On a balance of probabilities, the Committee unanimously upheld the complaint against IA as the evidence of the two complainants was considered to be essentially truthful and credible. Both of them accepted that the middle finger was shown to IA which was an offensive thing to do. However, it was considered that the way in which IA conducted himself thereafter was akin to an assault in that he had stopped his vehicle in the middle of the road, got out of it, used abusive language towards them and caused them to be fearful for their safety. The Committee did not believe that the complainant's used any racist language towards IA and nor were they persuaded that there were any other passengers in IA's vehicle. The Committee did not therefore accept IA's version of events and attached no weight to the evidence of his wife and brother. The statement from IA's wife had been produced at the eleventh hour and was written in both the first and second person. There were also extracts from the submissions put forward by IA's legal representative that appeared to have been "cut and pasted" into IA's wife's statement. The Committee were therefore doubtful that the statement was in the witness's own words.

### Second Complaint – 30 May 2023

AH gave oral evidence via live video link and explained that he used to work for IA's family in a Halal butchers shop. He left to work as a taxi driver but a few months later he had opened his own shop which was only a few doors away from his previous employer. IA's family were not happy about this and on the day in question IA and his brothers had cornered him and attacked him. He was beaten up and IA had punched him in the face causing him to bleed and resulting in a bruised eye. IA and his brothers fled the scene after the attack. He called police and rang for an ambulance. The Police arrested IA's brother and an investigation started.

No further action was taken by the Police due to there being no independent witnesses but after the attack AH was fearful of IA and every time they saw each other on the road, IA would always swear at him and use the "F" word.

IA said he made it clear to the police that he was not involved in the assault. He denied that he had even seen AH on the day in question and knew nothing about it. He only found out from his brothers that AH had put his name into the allegation.

He was interviewed by the Police but had not been arrested. It was a voluntary interview. He did not realise he had to tell the Council about the interview as he went to the Police station on a voluntary basis but apologised for this oversight.

The Committee decided that based on the incident that had happened only the day before and the friction between the alleged victim, IA and his family, it was more probable than not that IA was involved in an assault on AH. AH had plainly suffered a facial injury and had reported the assault to the police. Although there were no witnesses to the assault resulting in the Police taking no further action, the committee was entitled to look at the evidence on a lower standard of proof. AH's version of events was considered credible.

IA also breached the conditions of his PHD licence by failing to promptly notify the Council that he was interviewed in respect of an offence. Although the Committee did not consider that IA had attempted to deliberately conceal this information, he should be aware of the conditions attached to his licence and could have been more forthcoming with the NET when they questioned him about the incident. The NET only discovered that IA had been interviewed in respect of the allegation via the Police.

In accordance with the Statutory National standards and the Council's own policy on offending behaviour,



offences (which includes offending behaviour to the satisfaction of the Council) involving violence a licence will not generally be granted until at least 10 years have elapsed.

As a result of these two incidents involving threatening behaviour and violence the Committee could no longer be satisfied that IA was a fit and proper person to hold a PHD licence. IA's application to renew his PHD licence was therefore refused. However, the Committee decided to take no action in respect of IA's PHV licence which would enable him to hire his vehicle to a duly licensed PHD.

The meeting ended at 2.20 pm.

Chair \_\_\_\_\_

