

BRISTOL CITY COUNCIL

MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B
HELD ON 26TH MARCH 2013 AT 10.00 AM.

A Councillor Chris Davies
P Councillor Mike Langley
A Councillor Tim Leaman
P Councillor David Morris (in the Chair)

PSP

194.3/13 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Davies and Leaman.

PSP

195.3/13 DECLARATIONS OF INTEREST

There were none.

PSP

196.3/13 PUBLIC FORUM

A Public Forum Statement was received from Councillor Steve Comer relating to agenda Item No. 10 - RA. Councillor Guy Poultney presented the Statement on behalf Councillor Comer. Members took the Statement into account when they considered Agenda Item No. 10. A copy of the Statement is contained in the Minute Book.

PSP

**197.3/13 CONSIDERATION OF THE SUSPENSION OF COMMITTEE
PROCEDURE RULES (CMR 10 AND 11) 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 Rules relating to the moving of motions and the rules of debate (CMR 10 and

11) be suspended for the duration of the meeting.

PSP

198.3/13 EXCLUSION OF PRESS AND PUBLIC

RESOLVED - that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended.

PSP

199.3/13 APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE LICENCE SEEKING DEPARTURE FROM BRISTOL CITY COUNCIL POLICY - MR

(Exempt paragraph 3 - Information relating to a person's financial or business affairs)

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (Agenda Item No. 6) considering an application for the grant of a Private Hire Vehicle (PHV) licence which seeks departure from the Council policy.

MR was in attendance.

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

Members inspected the vehicle presented by MR.

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

MR produced his DVLA License, put his case and answered questions highlighting the following:

- The car has been for private use and has not been used as a taxi
- He had been unable to renew the plate when it expired due to

the death of his father and the consequent funeral expenses

- He had previously kept the vehicle plated so that once he acquired a Private Hire Driver's License he could use it as a taxi
- He stated that he has always kept the vehicle well maintained and serviced regularly
- He stated that passenger safety and comfort would always be priority and that he would move the sound system presently housed in the boot should the vehicle be licensed
- He summed up his case

The Licensing Officer confirmed that MR has passed all of the parts of the fit and proper test and been granted a Private Hire Driver's License.

The Representative of the Service Director, Legal and Democratic Services advised Members that their Policy need not be applied rigidly and they can depart from it in specific cases without undermining it. However the onus is on the applicant to persuade them to depart from the Policy. The age limit is to prevent high mileage and/or poorly maintained vehicles being used as taxis. They may also take account of green issues.

It was noted that the rear seats in the vehicle could not be used for passengers if the vehicle were licensed.

All parties and the representatives of the Director of Neighbourhoods and City Development left the room.

Details of the Committee's findings and reasons for the decision are set out in Appendix 1.

All parties and the representatives of the Director of Neighbourhoods and City Development returned to the room to hear the decision of the Committee.

RESOLVED - that MR be granted a Private Hire Vehicle License for vehicle registration number GU56 HYL.

THE FOLLOWING ITEM WAS CONSIDERED IN OPEN (NON EXEMPT) SESSION

PSP

200.3/13

APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE LICENCE

(Exempt paragraph 3 - Information relating to a person's financial or business affairs)

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (agenda item no. 7) considering an application for the grant of a Hackney Carriage Licence.

The proprietor of the company (JP) was in attendance accompanied by his father (TP).

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

The Licensing Officer introduced the report and summarised it for everyone. She confirmed that Tuk Tuks cannot comply with certain aspects of the Hackney Carriage Vehicle Specification.

JP put his case and answered questions highlighting the following:

- He considers this to be an exciting concept
- The key principles that underpin the concept include reducing traffic congestion and improving air quality
- The service would be aimed at short distance commuters with low costs and convenience major selling points
- The aim is to have a fleet of 10 Tuk Tuks operating mainly in the North West areas of the City; the fares would undercut both bus fares and conventional taxi fares for short journeys
- Environmental issues are important as well as safety; the vehicles are safe and would travel relatively slowly
- Although not wheelchair accessible the vehicles are aimed at people who would have otherwise have driven their cars; wheelchair users will still be able to use conventional Hackney

Carriages so the service will not impact detrimentally on wheelchair users

- He wants to work with the Council and is willing to accept any reasonable conditions attached to a license if it were granted
- He has chosen to apply for a Hackney Carriage Vehicle License as he wants the vehicles to be able to ply for hire as well as accept pre-bookings; he would also expect the Tuk Tuks to be able to use taxi stands if they wanted to, although he would expect the Tuk Tuks to be working most of the time
- He would expect the Tuk Tuks to work from 6.00 am until 8.00 pm 7 days per week; they would not therefore compete with conventional taxis for evening and night work
- The vehicles are built in China and would be fitted with doors, roof, insulation and a heating system along with required safety equipment including a fire extinguisher and roll bar, and tested to ensure roadworthiness; the range of the vehicles is 250 kms, although most journeys would only be 2 to 3 kms; although 3 passengers could be accommodated it is likely that the passenger number would be limited to 2
- Although the vehicles would not be tested to the same levels as conventional taxis they would comply with VOSA's Motorcycle Single Approval Scheme which ensure that the vehicles are designed and constructed to modern safety and environment standards for use on UK roads
- The vehicles would have meters fitted that are calibrated to lower fares than the maximum allowed; they may also negotiate fares; the pricing mechanism would encourage short journeys
- There would not be a problem with weight in the vehicles as they are designed to carry up to 400kgs
- Once people become aware of the service and its fares, the amount of people using it will increase and he considers that a fleet of 10 Tuk Tuks would result in reduction of 300 cars per day on the streets of Bristol; he considers that the introduction of a fleet of electrically powered Tuk Tuks will be successful and will enhance Bristol's reputation as a Green City

- His plans would mean the creation of 10 new jobs for drivers of the Tuk Tuks; all would be trained and achieve the Gold Standard; he would have no objection to a cap being put on the number of licensed Tuk Tuks
- There are many issues to be resolved before the service becomes operative including whether or not to keep the vehicles in one place or allow drivers to take them home; he is conscious of keeping costs down; the first step is to obtain a license; this is an application in principle; he confirmed that he would be able to obtain the required insurance for the vehicles
- He summed up his case - it would be a great service for the City; it would be aimed at short distance commuters and would have environmental benefits; he is fully committed to ensuring a safe service for the public; he understands the hurdles that have to be cleared; he does not consider that granting a license would undermine the Council's Policy; requests that Members do not say No to his application today

Concerns about these vehicles not being wheelchair accessible were noted; there were also concerns about the safety of the vehicles and that the safety of the public is a prime concern for Members; it was also noted that as there was no vehicle to inspect they were not able to address their concerns about the comfort and convenience for passengers; and it was noted that VOSA are responsible for the testing of all vehicles on the roads in the UK.

They noted that this does not constitute an application as it does not relate to a specific vehicle; it constitutes a request to recommend a departure in Policy to the Full Committee if the Sub Committee considers that there is any merit in the request. They also noted that the implications of supporting this request and any subsequent granting of an application would result in up to 10 vehicles (and possibly more) being licensed. If any subsequent application were granted, it would be such a substantial departure from the Policy as to constitute a change to the Policy, as the vehicles do not meet the required Specification in a number of significant ways and there would be a number of these vehicles licensed to operate as Hackney Carriages.

All parties and the representatives of the Director of

Neighbourhoods and City Development left the room.

Details of the Committee's findings and reasons for the decision are set out in Appendix 2.

All parties and the representatives of the Director of Neighbourhoods and City Development returned to the room to hear the decision of the Committee.

RESOLVED - that the request to recommend a departure in Policy be refused.

PSP

201.3/13

EXCLUSION OF PRESS AND PUBLIC

RESOLVED - that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended.

PSP

202.3/13

APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE - MAAA

(Exempt paragraph 3 - Information relating to a person's financial or business affairs)

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (agenda item no. 8) considering an application for the grant of a Private Hire Driver (PHD) licence.

MAAA was not in attendance. Members also noted that MAAA had not attended the Meeting on 12th February 2013.

The Licensing Officer introduced the report and summarised it for everyone. She explained that apart from the letter at appendix B there has no other responses from MAAA.

All parties and the representatives of the Director of Neighbourhoods and City Development left the room.

Details of the Committee's findings and reasons for the decision are set out in Appendix 3.

All parties and the representatives of the Director of Neighbourhoods and City Development returned to the room to hear the decision of the Committee.

RESOLVED - that Officers be delegated to grant a Private Hire Driver's License to MAAA once he passes the Essential Skills Test and Knowledge Test, and completes a further Enhanced CRB Check.

PSP

203.3/13

REPORT OF A CONVICTION RECEIVED BY THE HOLDER OF A PRIVATE HIRE DRIVER LICENCE - TA

(Exempt paragraph 3 - Information relating to a person's financial or business affairs)

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (Agenda Item No. 9) determining if any action is required as a result of a conviction received by the holder of a Private Hire Driver (PHD) licence.

TA was in attendance, accompanied by MS and his wife's cousin.

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

The Licensing Officer introduced the report and summarised it for everyone. She confirmed that TA did not disclose the conviction until after his appeal had failed.

MS put TA's case on his behalf highlighting the following:

- He confirmed TA does not require an interpreter
- The offence related to an incident with his wife who he has been married to for 16 years
- His wife has been in and out of hospital with mental health problems; when she is in hospital, he has to look after their 5 children; she is a very difficult person to live with

- The incident happened when TA's mother had been visiting from Pakistan and was to return home
- His wife had not been getting on with his mother and had been leaning over him shouting at him; TA had got up the keys in his hand accidentally hit her face and caused an injury; two other people were in the room at the time; he was going to take his mother to his cousin's house
- His wife called the Police 10 years after the incident and claimed that TA beat her up
- MS has known TA for 40 years and considers him he very trustworthy; TA has worked for one company for a number of years
- TA does not want to lose his license because of the impact it would have on his family
- TA was advised not to disclose the conviction on his application form by someone in the Licensing Office
- TA's wife wants him to come back to her but he is prevented by a Restraining Order from contacting her
- He summed up the case for TA

TA tabled references which are contained in the Minute Book.

TA's wife's cousin stated TA was found not guilty of hitting TA with a mop, but found guilty of hitting her with a key. He added that she had gone to her mother's house before 'phoning the Police and her brother had persuaded her to 'phone the Police.

TA confirmed that in court his wife had testified that he hit her in the face with keys.

The Licensing Officer stated TA had been required to carry out 100 hours unpaid work as part of his sentence. Costs had also been awarded to the Constabulary.

All parties and the representatives of the Director of

Neighbourhoods and City Development left the room.

Details of the Committee's findings and reasons for the decision are set out in Appendix 4.

All parties and the representatives of the Director of Neighbourhoods and City Development returned to the room to hear the decision of the Committee.

RESOLVED - that the Private Hire Driver's License held by TA be suspended for a period of two months.

PSP

204.3/13

REPORT OF AN APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE - RA

(Exempt paragraph 3 - Information relating to a person's financial or business affairs)

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (agenda item no. 10) considering an application for the grant of a Private Hire Driver (PHD) licence.

RA was in attendance, accompanied by a colleague.

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

The Licensing Officer introduced the report and summarised it for everyone. She advised that RA still has to pass a number of elements of the fit and proper tests.

RA put his case and answered questions highlighting the following:

- He deeply regrets the incident; he has never been involved in any other incident; he has suffered a lot because of it; the incident happened after he was beaten up at his house
- The same people who beat him up stopped and threatened one of his colleagues
- They went to the Police Station and were advised to obtain the vehicle registration number; they went to the office to get the

number; there had been no intent to cause trouble but a door was damaged

He summed up his case

All parties and the representatives of the Director of Neighbourhoods and City Development left the room.

Details of the Committee's findings and reasons for the decision are set out in Appendix 5.

All parties and the representatives of the Director of Neighbourhoods and City Development returned to the room to hear the decision of the Committee.

RESOLVED - that Officers be delegated to grant a Private Hire Driver's License to RA once he passes the remaining fit and proper tests.

PSP

205.3/13 APPLICATION FOR A PRIVATE HIRE DRIVER LICENCE - AWN
(Exempt paragraph 3 - Information relating to a person's financial or business affairs)

It was noted that this item has been removed from the Agenda.

PSP

206.3/13 APPLICATION FOR A PRIVATE HIRE DRIVER LICENCE – ET-N
(Exempt paragraph 3 - Information relating to a person's financial or business affairs)

It was noted that this report should be entitled Application for a Private Hire Driver's License – ET-N

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

The Licensing Officer introduced the report and summarised it for everyone. She confirmed the change in title of the report. In response to a question concerning the mention of false job reference on the form completed by ET-N, she confirmed that this matter had been dealt with by the Licensing Manager.

The Representative of the Service Director, legal and Democratic Services advised Members that they cannot consider whether or not ET-N is guilty of the offence under investigation; he is an innocent man. They need to consider the risks involved in this case.

ET-N put his case and answered questions highlighting the following:

- He has been a taxi driver since 2004 and has had no other problems
- He is a structural engineer by profession and drives taxis to earn extra money; his wife is currently disabled and cannot work
- He made a mistake but would plead mitigating circumstances in relation to the allegation of illegally plying for hire
- He considers himself a fit and proper person
- He summed up his case

All parties and the representatives of the Director of Neighbourhoods and City Development left the room.

Details of the Committee's findings and reasons for the decision are set out in Appendix 6.

All parties and the representatives of the Director of Neighbourhoods and City Development returned to the room to hear the decision of the Committee.

RESOLVED - that ET-N be granted a Private Hire Driver's License.

INFORMATION ITEM

PSP

207.3/13 DATE OF NEXT MEETING

RESOLVED - that the next meeting be held on Tuesday 23rd April 2013 at 10.00 a.m. and will be a meeting of Sub-Committee A.

(The meeting ended at 4.10 pm)

CHAIR

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 26TH MARCH 2013 AT 10.00 AM****PSP 199.3/13****Agenda Item No: 6****Agenda title****APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE LICENCE
SEEKING DEPARTURE FROM BRISTOL CITY COUNCIL POLICY – MR****Decision**

That MR be granted a Private Hire Vehicle License for vehicle registration number GU56 HYL.

Reasons for Decision

Members considered very carefully all of the written and verbal evidence presented to them. They also noted the condition of the vehicle when they inspected it.

They noted that the vehicle had been previously licensed; they noted that the vehicle was in very good condition, has been well maintained and has a large boot. Members therefore decided to depart from their Policy, in this instance, and grant a Private Hire Vehicle License.

Chair's Signature

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 26TH MARCH 2013 AT 10.00 AM****PSP 200.3/13****Agenda Item No: 7****Agenda title****APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE LICENSE****Decision**

That the request to recommend a departure in Policy be refused.

Reasons for Decision

Members considered very carefully all of the written and verbal evidence presented to them.

Members had great concerns about these vehicles not being wheelchair accessible. They also had concerns about the safety of the vehicles and noted that their overriding responsibility is the safety of the public. They also had concerns about passenger comfort and convenience.

They noted that this does not constitute an application as it does not relate to a specific vehicle; it constitutes a request to recommend a substantial departure in Policy to the Full Committee if the Sub Committee considers that there is any merit in the request. They also noted that the implications of supporting this request and any subsequent granting of an application would result in up to 10 vehicles (and possibly more) being licensed. If any subsequent application were granted, it would be such a substantial departure from the Policy as to constitute a change to the Policy, as the vehicles do not meet the required Specification in a number of significant ways and there would be a number of these vehicles licensed to operate as Hackney Carriages.

Taking all of this into account, Members decided there was not any merit in the request and therefore decided that the request to recommend a departure from the Policy be refused.

Chair's Signature

BRISTOL CITY COUNCIL

MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 26TH MARCH 2013 AT 10.00 AM

PSP 202.3/13

Agenda Item No: 8

Agenda title**APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE –
MAAA****Findings of Fact**MAAA accepted a Caution on 6th April 2008.**Decision**

That Officers be delegated to grant a Private Hire Driver's License to MAAA once he passes the Essential Skills Test and Knowledge Test, and completes a further Enhanced CRB Check.

Reasons for Decision

Members considered very carefully all of the written and verbal evidence presented to them.

Members noted that the time that has elapsed since the issue of the Caution. They did not consider that the Caution should be a bar to him being granted a license and therefore agreed that Officers be delegated to grant a Private Hire Driver's License to MAAA once he passes the Essential Skills Test and Knowledge Test, and completes a further Enhanced CRB Check.

Chair's Signature

BRISTOL CITY COUNCIL

**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 26TH MARCH 2013 AT 10.00 AM**

PSP 203.3/13

Agenda Item No: 9

Agenda title

**REPORT OF A CONVICTION RECEIVED BY THE HOLDER OF A PRIVATE
HIRE DRIVER LICENCE – TA**

Findings of Fact

TA was convicted by North Avon Magistrates Court on 8th August 2012.

Decision

That the Private Hire Driver's License held by TA be suspended for a period of two months.

Reasons for Decision

Members considered very carefully all of the written and verbal evidence presented to them.

Members noted the offence and the penalty imposed by the Court. They also noted that TA had not disclosed the offence to the Licensing Office until his appeal failed.

Members therefore decided that the License held by TA should be suspended for a period of two months.

Chair's Signature

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 26TH MARCH 2013 AT 10.00 AM****PSP 204.3/13****Agenda Item No: 10****Agenda title****REPORT OF AN APPLICATION FOR THE GRANT OF A PRIVATE HIRE
DRIVER LICENCE – RA****Findings of Fact**RA was convicted by Bristol Magistrates on 4th August 2010.**Decision**

That Officers be delegated to grant a Private Hire Driver's License to RA once he passes the remaining fit and proper tests.

Reasons for Decision

Members considered very carefully all of the written and verbal evidence presented to them.

Members noted the details of the offence, the time that has elapsed since the conviction and that RA has not been in any other trouble since then. They considered that the conviction should not be a bar to the application proceeding and delegated Officers to grant a Private Hire Driver's License to RA once he passes the remaining fit and proper tests.

Chair's Signature

BRISTOL CITY COUNCIL

**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 26TH MARCH 2013 AT 10.00 AM**

PSP 206.3/13

Agenda Item No: 12

Agenda title

APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE – ET-N

Findings of Fact

ET in under investigation for illegally plying for hire.

Decision

That ET-N be granted a Private Hire Driver's License.

Reasons for Decision

Members considered very carefully all of the written and verbal evidence presented to them.

Members noted that ET-N has been a taxi driver since 2004 without any other known problems. Noting that the investigation would take its course and the risks to the public involved in the case are low, Members agreed that ET-N be granted a Private Hire Driver's License as he is considered a fit and proper person to hold such a license.

Chair's Signature