

BRISTOL CITY COUNCIL

**MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A
HELD ON 23RD APRIL 2013 AT 10.00 A.M.**

A Councillor Fi Hance
P Councillor Alf Havvock
P Councillor Brenda Hugill
P Councillor Jay Jethwa

PSP

208.4/13 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Hance.

PSP

209.4/13 DECLARATIONS OF INTEREST

Councillor Jethwa stated that in relation to Agenda Item No. 7, she knows Mr S but has had no contact with him concerning this case.

PSP

210.4/13 PUBLIC FORUM

Nothing was received.

PSP

**211.4/13 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

212.4/13 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

213.4/13 REPORT OF THE CONVICTION OF A PRIVATE HIRE DRIVER – YMA

(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 whether any action is necessary in respect of the Private Hire Driver's Licence.

MYA was in attendance.

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

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

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

- He admitted the offence - it was not a booked job
- He has been a Private Hire Driver for 6 to 7 years and has never picked up an un-booked fare before
- At the time of the offence he was having problems with his parents - they live in Somalia and had been forced to leave Mogadishu because of fighting and he had been unable to contact them for 3 to 4 weeks - he was not therefore aware of doing right or wrong
- Although he picked up the passengers for money he like to help

people

- He summed up his case; he has a wife and two daughters to support; he has never claimed benefits and does not want to; he accepts it was a mistake and will never do it again; he explained that following the prosecution he received 6 points and his insurance premium had doubled as a result; he requested leniency from the Committee

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 the Private Hire Driver's License held by MYA be suspended for a period of three months.

PSP

214.4/13 REPORT OF THE CONVICTION OF A PRIVATE HIRE DRIVER – 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. 7) considering whether any action is necessary in respect of the Private Hire Driver's Licence.

RA was in attendance, accompanied by Mr S.

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

RA was not able to produce his DVLA License. The Licensing Officer stated that the Licensing Office holds a copy of his License from August 2012 which has no points on it. RA stated his License now has six points on it from the offences in question.

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

RA put his case and answered questions highlighting the following:

- He usually starts work at 1.00 am
- On the night of the offence there were a lot of noisy and drunk mostly young people around
- He was approached by an older couple who asked to be taken to the Tunnells Club; it was raining and he felt sorry for them so he picked them up
- He has been a taxi driver for 30 years and has committed no other offences
- He had insurance but was not covered for plying for hire
- He is a family man with six children and has financial commitments
- This is the only work he can do and if he lost his license he would be unable to support his family; he does not want to have claim benefits

Mr S made a statement on behalf of RA - he has known RA all of his life; RA has worked for him for 25 years; RA is a good person and well behaved; he was in the wrong place at the wrong time and tried to be helpful; he admitted the offence; he has already been punished for what he did; any loss of his license would cause him great difficulties.

RA summed up his case highlighting that he had a wife and 6 kids to support and was responsible for providing everything; driving was his livelihood, he had been driving since 1982, he explained he could not do anything else, he was a proud man and could not claim benefits

The Representative of the Service Director, Legal and Democratic Services provided policy advice.

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 - (i) that the Private Hire Driver's License held by RA be suspended for a period of three months; and

(ii) that RA be required to produce his DVLA License at the Licensing Office within 2 weeks.

PSP

215.4/13 REPORT OF THE CONVICTION OF A PRIVATE HIRE DRIVER – MY

(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 whether any action is necessary in respect of the Private Hire Driver's Licence.

MY was in attendance.

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

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

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

- He has been a taxi driver since 1987
- He picked up the passengers and took them to St Thomas Street; they looked desperate and it was raining

- He made a mistake and has been fined and received six penalties points on his License; he has committed no other offences
- He has been in this country for 49 years; he is 62 ½ years old and would like to be allowed to carry driving a taxi until he is 64 years old when he plans to retire; he has family commitments
- He normally works from 4.00 pm until 11.00 pm Sundays to Thursdays, and 5.00 pm until 2.30 am Fridays and Saturdays
- He summed up his case; it was raining, they looked desperate, I had a job to do, I felt sorry for them

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 the Private Hire Driver's License held by MY be suspended for a period of three months

PSP

216.4/13

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

(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.

MAG was in attendance, accompanied by NP.

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

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

The Representative of the Service Director, Legal and Democratic Services provided Policy advice.

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

- He considers himself to be a fit and proper person who is not a risk to the public; he concedes that he was a hothead when he was younger
- He has four children who are all well brought up and have been or are going to university
- He made a silly mistake; he was asked to a favour and take someone to Cardiff. and agreed to it; he was stopped by the Police and was unaware that his passenger had a bag of drugs; the passenger was arrested at the same time tried to say that they were his (MAG's) drugs but this was later shown to be a lie; at his trial he was advised to plead guilty or risk a prison sentence if he denied the charge; his employers stopped him doing the school runs but left him with the rest of his work; he thought that his employers would advise BCC of the conviction – he was not trying to hide the offence
- He was initially arrested in April but not charged until September; the passenger changed his initial statement later admitting the offence and pleading guilty in court; he does not have a copy of the passenger's statement admitting the offence

Members expressed concerns that they do not have a copy of the passenger's statement admitting the offence.

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 case be adjourned until the Meeting on 2nd July 2013 to enable MAG to obtain a copy of the passenger's statement admitting the offence.

PSP

217.4/13

APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE – MAQ

(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.

MAQ was in attendance.

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

The Licensing Officer introduced the report and summarised it for everyone. Referring to the letter dated 7th March 2013 from MAQ, she stated that his uncle is the named operator of the taxi company he refers to as managing.

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

- He has always been known by the same name – the other versions must relate to misspellings of it
- The taxi company mentioned in his letter dated 7th March 2013 is a family business with his uncle as the named operator, but he has managed the company for the last five years; he has introduced meters in all of the cars to prevent overcharging and introduced a complaints procedure
- He is the first point of contact in the company and has frequent contact with Enforcement Officers and members of the public,

some of whom can be drunk and/or difficult

- The 2010 conviction relates to a race incident in 2008; a group of 10 to 15 people came to his house and threatened him and his family because they were the first Asian family in the area; he hit one of them and broke his nose – it was considered to have been excessive force
- He comes from a good family; his father worked all of his life; he is now the oldest in his family; his sisters suffer from Williams Syndrome and one has died; his brother is disabled; they live in two houses combined into one as they are a big family, 4 sisters and 6 brothers
- He has been on an anger management course under the supervision of his Probation Officer
- He needs a Private Hire Driver's License so that he can fulfill his duties as a manager of the company
- He summed up his case, stating that he was 22 at the time, is now a reformed character

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 the conviction of 2010 not stand as a bar to MAQ being granted a Private Hire Driver's License subject to him passing all of the elements of the fit and proper test.

FOR INFORMATION ITEM

PSP

218.4/13 DATE OF NEXT MEETING

RESOLVED - that the date of the next meeting is to be advised.

(The meeting ended at 2.20 pm.)

CHAIR

BRISTOL CITY COUNCIL

**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 23rd APRIL 2013 AT 10.00 AM**

PSP 213.4/13

Agenda Item No: 6

Agenda title**REPORT OF THE CONVICTION OF A PRIVATE HIRE DRIVER – YMA****Finding of Facts**

MYA was found guilty of unlawfully plying for hire and having no insurance.

Decision

That the Private Hire Driver's License held by MYA be suspended for a period of three months pursuant to s.61(1) LG9MP)A 1976.

Reasons for Decision

Members of the Sub-Committee were mindful of their overriding responsibility to protect members of the public and therefore the Council was entitled to expect high standards of conduct from those whom it licensed. The Council has a duty to ensure so far as possible that those licensed to drive private hire vehicles are suitable persons to do so in that they are, amongst other things, safe drivers with good driving records and honest.

Members first considered the conviction of having no insurance, which in accordance with the Council's policy was classed as a major traffic offence, which recommended a period at least 6 months free of conviction. Although MYA pleaded guilty to the offence, he had clearly put members of the public at risk through not having the required insurance and the Members took a grave view of such offences and had a responsibility to ensure the safety of the public.

Members considered the conviction for unlawfully plying for hire, which in accordance with the Council's policy is considered a serious matter when deciding whether the applicant is to be treated as a fit and proper person to hold a licence and when considering the impact of such conduct on an existing license. The members took into consideration that YMA pleaded guilty to the offences and was fined and received 6 points. Plying for hire and having no

insurance were considered to be serious offences. The Members carefully considered the representations made by the applicant but decided not to exercise their discretion and depart from the Council's policy. The Applicant had not presented any exceptional circumstances for the Members to depart from the Council's policy. The Members took into consideration that MYA said that it was his first offence and that he had financial commitments and a young family to support. Members also took into consideration that MYA was concerned about his parents welfare in Somalia. However, the Members were mindful of the responsibility it was charged with to protect members of the public and the interests of those drivers who are lawfully entitled to ply for hire. The Members considered that notwithstanding the representations of MYA why he should be treated with leniency action was necessary to deter those drivers who unlawfully ply for hire thus preventing Hackney Carriage Drivers earning a legitimate income and putting members of the public at risk was a necessary and proportionate response in the circumstances.

The Members were not satisfied that MYA was a fit and proper person to hold Private Hire Drivers Licence and decided that a three month suspension was appropriate in the circumstances.

Chair's Signature

BRISTOL CITY COUNCIL

MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 23rd APRIL 2013 AT 10.00 AM

PSP 214.4/13

Agenda Item No: 7

Agenda title**REPORT OF THE CONVICTION OF A PRIVATE HIRE DRIVER – RA****Finding of Facts**

RA was found guilty of unlawfully plying for hire and having no insurance.

Decision

That the Private Hire Driver's License held by RA be suspended for a period of three months pursuant to s.61(1) LG9MP)A 1976.

That RA be required to produce his DVLA License at the Licensing Office with 2 weeks.

Reasons for Decision

Members of the Sub-Committee were mindful of their overriding responsibility to protect members of the public and therefore the Council was entitled to expect high standards of conduct from those whom it licensed. The Council has a duty to ensure so far as possible that those licensed to drive private hire vehicles are suitable persons to do so in that they are, amongst other things, safe drivers with good driving records and honest.

Members first considered the conviction of having no insurance, which in accordance with the Council's policy was classed as a major traffic offence, which recommended a period at least 6 months free of conviction. Although RA pleaded guilty to the offence, he had clearly put members of the public at risk through not having the required insurance and the Members took a grave view of such offences and had a responsibility to ensure the safety of the public.

Members considered the conviction for unlawfully plying for hire, which in accordance with the Council's policy is considered a serious matter when deciding whether the applicant is to be treated as a fit and proper person to hold a licence and when considering the impact of such conduct on an existing

license. The members took into consideration that RA pleaded guilty to the offences and was fined and received 6 points. Plying for hire and having no insurance were considered to be serious offences. The Members carefully considered the representations made by the applicant but decided not to exercise their discretion and depart from the Council's policy. The Applicant had not presented any exceptional circumstances for the Members to depart from the Council's policy. The Members took into consideration that RA said that it was his first offence and that he had financial commitments and a family to support. Members also took into consideration that RA had been a driver for over 30 years and that this was his first offence. However, the Members were mindful of the responsibility it was charged with to protect members of the public and the interests of those drivers who are lawfully entitled to ply for hire. The Members considered that notwithstanding the representations of RA action was necessary to deter those drivers who unlawfully ply for hire thus preventing Hackney Carriage Drivers earning a legitimate income and putting members of the public at risk was a necessary and proportionate response in the circumstances.

The Members were not satisfied that RA was a fit and proper person to hold Private Hire Drivers Licence and decided that a three month suspension was appropriate in the circumstances.

Members also required RA to produce his DVLA License at the Licensing Office with 2 weeks as he was not able to produce it at the Meeting.

Chair's Signature

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 23rd APRIL 2013 AT 10.00 AM****PSP 215.4/13****Agenda Item No: 8****Agenda title****REPORT OF THE CONVICTION OF A PRIVATE HIRE DRIVER – MY****Finding of Facts**

MY was found guilty of unlawfully plying for hire and having no insurance.

Decision

That the Private Hire Driver's License held by MY be suspended for a period of three months pursuant to s.61(1) LG9MP)A 1976.

Reasons for Decision

Members of the Sub-Committee were mindful of their overriding responsibility to protect members of the public and therefore the Council was entitled to expect high standards of conduct from those whom it licensed. The Council has a duty to ensure so far as possible that those licensed to drive private hire vehicles are suitable persons to do so in that they are, amongst other things, safe drivers with good driving records and honest.

Members first considered the conviction of having no insurance, which in accordance with the Council's policy was classed as a major traffic offence, which recommended a period at least 6 months free of conviction. Although MY pleaded guilty to the offence, he had clearly put members of the public at risk through not having the required insurance and the Members took a grave view of such offences and had a responsibility to ensure the safety of the public.

Members considered the conviction for unlawfully plying for hire, which in accordance with the Council's policy is considered a serious matter when deciding whether the applicant is to be treated as a fit and proper person to hold a licence and when considering the impact of such conduct on an existing license. The members took into consideration that MY pleaded guilty to the

offences and was fined and received 6 points. Plying for hire and having no insurance were considered to be serious offences. The Members carefully considered the representations made by the applicant but decided not to exercise their discretion and depart from the Council's policy. The Applicant had not presented any exceptional circumstances for the Members to depart from the Council's policy. The Members took into consideration that MY was a driver since 1987 and had committed no other offences. However, the Members were mindful of the responsibility it was charged with to protect members of the public and the interests of those drivers who are lawfully entitled to ply for hire. The Members considered that notwithstanding the representations of MY members considered actions was necessary to deter those drivers who unlawfully ply for hire thus preventing Hackney Carriage Drivers earning a legitimate income and putting members of the public at risk was a necessary and proportionate response in the circumstances.

The Members were not satisfied that MY was a fit and proper person to hold Private Hire Drivers Licence and decided that a three month suspension was appropriate in the circumstances.

Chair's Signature

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 23rd APRIL 2013 AT 10.00 AM****PSP 216.4/13****Agenda Item No: 9****Agenda title****REPORT OF THE CONVICTION OF A PRIVATE HIRE DRIVER – MAG****Finding of Facts**

MAG was found guilty of possessing with intent to supply a controlled drug at Bristol Crown Court on 6th March 2013.

Decision

That the case be adjourned until the Meeting on 2nd July 2013 to enable MAG to obtain a copy of the passenger's statement admitting the offence.

Reasons for Decision

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

Members noted the advice from the Representative of the Service Director, Legal and Democratic Services that whilst they could not go behind the conviction, they could take in account the circumstances of the offence. They noted that MAG had stated that the passenger had admitted the offence and pleaded guilty in court. They noted however that MAG does not have a copy of the passenger's statement admitting the offence and therefore they have not had sight of the statement, nor do they have any confirmatory evidence of the details of trial of the passenger. They considered that the availability of the statement was important in enabling MAG to support his case and in allowing them to assess whether or not he is a fit and proper person.

They therefore decided that the case be adjourned until the Meeting on 2nd July 2013 to enable MAG to obtain a copy of the passenger's statement admitting the offence.

Chair's Signature

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 23rd APRIL 2013 AT 10.00 AM****PSP 217.4/13****Agenda Item No: 10****Agenda title****APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE –
MAQ****Finding of Facts**

MAQ has been convicted of a number of offences including Wounding/Inflicting grievous bodily harm at Bristol Crown Court on 27th August 2010.

Decision

That the convictions of 2010 should not stand as a bar to MAQ being granted a Private Hire Driver's License subject to him passing all of the elements of the fit and proper test pursuant to s.51(1) LG9MP)A 1976..

Reasons for Decision

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

Members noted that he has been running the family business for a number of years and has gained experience in dealing with difficult members of the public. They also noted his family circumstances and that he completed an anger management course. They were persuaded that he is reformed character.

They therefore decided that the conviction of 2010 not be held as a bar to MAQ being granted a Private Hire Driver's License subject to him passing all of the elements of the fit and proper test.

Chair's Signature