

BRISTOL CITY COUNCIL

**MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B
HELD ON 3rd DECEMBER 2013 AT 10.00 A.M.**

P Councillor Fi Hance (Chair)
P Councillor Jeff Lovell
A Councillor David Morris
P Councillor Ron Stone

PSP

84.12/13 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Morris.

PSP

85.12/13 DECLARATIONS OF INTEREST

No further declarations were received.

PSP

86.12/13 PUBLIC FORUM

Nothing was received.

PSP

**87.12/13 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

88.12/13 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act as amended by the Local Government (Access to Information) (Variation) Order 2006.

PSP

89.12/13

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

(Exempt paragraph 3 – Information relating to 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 Driver’s (PHD) licence.

NGM 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. She drew attention to the Policy and in particular the parts relating to offences involving drugs or violence.

NGM put his case and answered questions highlighting the following:

- Referring to the Battery Offence, he was on a night out in Bristol and was intoxicated; two people were rowing and he intervened; he gave and received verbal abuse; he was kicked on the shin and had lifted his leg at the other person to protect himself; he was then arrested
- He pleaded not guilty hoping that there would be CCTV images to support his version of event, but there were no CCTV images; he was then advised to plead guilty
- He has wanted to be a taxi driver since he was 16; his father

is a taxi driver; he is aware of the responsibilities towards the safety of the public and dealing with passengers in pressurised situations accordingly; he has a good knowledge of Bristol and has been offered work as a chauffeur; (he tabled 2 references); he is aware of the different regulations relating to hackney carriage and private hire drivers licences

- Regarding the offensive weapon conviction, it happened when he was young and scared, especially when walking home during the hours of darkness; he had no intention of using it; he was doing his GCSE's at John Cabot College at the time
- 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 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 Officers be delegated to issue a Private Hire Driver's Licence to NGM once he has passed all of the parts of the fit and proper person test - but for a shorter period than normal; the period to be determined by Officers.

PSP

90.12/13

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

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

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (Agenda Item No. 7) for the grant of a Private Hire Driver (PHD) Licences.

HSB was in attendance, accompanied by his wife AK.

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

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

HSB and AK put his case and answered questions highlighting the following:

- He had an accident and was not considered to have been insured; he collided with another vehicle when doing only 26 mph; the vehicle was rented and as far as he was concerned it was insured
- The court cases were expensive and they had employed an expert witness to prove that he was doing less than 30 mph and had not fallen asleep
- The overloading incident occurred when a number of people - he does not know how, perhaps 6 - got into his car, threatened him and made him drive them down the road; he was stopped by the Police; a similar incident happened previously when he was attacked and his car damaged
- To avoid incidents like this, he no longer works nights
- Returning to the traffic accident, he had changed lanes but the car pulled to the left and hit a parked car; he considers a fault with the car to have caused the accident; the Police and Ambulance attended; the Police did not seize the car to check it at the time
- He appealed against the sentence and although the appeal was dismissed meaning the disqualification stood although the sentence was varied - the fine was reduced and he was not required to take a test
- No mention was made in court by HSB's solicitor of the Council's tests in relation to him no longer being required to take another driving test before his DVLA Licence was restored
- They summed up his case

The Representative of the Service Director, Legal and Democratic Services reminded everyone that the Committee cannot go behind any convictions.

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 application for a Private Hire Driver's Licence made by HSB be refused as he not convinced the Council that he is a fit and proper person to hold such a licence.

PSP

91.12/13

APPLICATION FOR THE RENEWAL OF A HACKNEY CARRIAGE DRIVER LICENCE - MW

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

The Sub-Committee considered an exempt report of the Director of Neighbourhoods (Agenda Item No. 8) relating to the application for the renewal of a Hackney Carriage Driver's Licence.

MW 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.

MW put his case and answered questions highlighting the following:

- He suffered a TIA on 3rd March 2013 and was taken to Exeter

Hospital

- He was advised to not work for 3 months
- He saw Dr Phillips in August who, although he considered him to be a low risk, was mindful of the Council's Policy
- He described the attack and the tests he had taken since; he has stopped smoking and will be on medication for the rest of his life

It was noted that the DVLA can exercise discretion but the issue has not been referred to 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 application by for the renewal of a Hackney Carriage Driver's Licence be refused.

INFORMATION ITEM

PSP

92.12/13 DATE OF NEXT MEETING

RESOLVED - that the next meeting be held on Tuesday 7th January 2014 at 10.00 a.m. and is likely to be a meeting of Sub-Committee A.

(The meeting ended at 12.50 pm.)

CHAIR

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 3rd DECEMBER 2013 AT 10.00 AM****PSP 89.12/13****Agenda Item No. 6****Agenda title****APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE -
NGM****Finding of Facts**

NGM has convictions relating to Assault, Possessing cannabis, Possessing an offensive weapon and Battery.

Decision

That Officers be delegated to issue a Private Hire Driver's Licence to NGM once he has passed all of the parts of the fit and proper person test – but for a shorter period than normal; the period to be determined by Officers.

Reasons for Decision

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

They noted that the first two convictions relate to offences when he was a juvenile and the circumstances of the incidents. The third conviction relates to an incident when he intervened between two other people and was an isolated occurrence. They noted that he had been honest with them and had accepted responsibility for his actions.

They consider that there is a low risk of him offending again and that the convictions should not be a bar to him being issued with a licence, provided he passes all of the parts of the fit and proper person test.

They therefore decided to make an exception to their Policy in this case and that Officers be delegated to issue a Private Hire Driver's Licence to NGM once he has passed all of the parts of the fit and proper person test – but for a shorter period than normal; the period to be determined by Officers.

Chair's Signature

BRISTOL CITY COUNCIL**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 3rd DECEMBER 2013 AT 10.00 AM****PSP 90.12/13****Agenda Item No: 7****Agenda title****APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE -
HSB****Finding of Facts**

HSB has convictions for the Overload of passengers, Driving without due care and attention and Using an uninsured vehicle.

Decision

That the application for a Private Hire Driver's Licence made by HSB be refused as he not convinced the Council that he is a fit and proper person to hold such a licence.

Reasons for Decision

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

They noted that they could not go behind any of the convictions. They did not accept the comments made by the Judge in Court that a momentary lapse in concentration should be sufficient reason for them to make an exception to their Policy. They had concerns about him allowing his car to be overloaded with passengers. They did not consider that they heard enough evidence to persuade them to make an exception to their Policy in this case. They do not consider HSB to be a fit and proper person to hold a Private Hire Driver's Licence so his application was refused.

Chair's Signature

BRISTOL CITY COUNCIL

**MINUTES OF MEETING
OF THE PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B
HELD ON 3rd DECEMBER 2013 AT 10.00 AM**

PSP 91.12/13

Agenda Item No: 8

Agenda title

APPLICATION FOR THE RENEWAL OF A HACKNEY CARRIAGE DRIVER LICENCE - MW

Finding of Facts

MW suffered a TIA on 3rd March 2013 and in accordance with the Council's Policy is prevented from driving a taxi for a period of one year.

Decision

That application by for the renewal of a Hackney Carriage Driver's Licence be refused.

Reasons for Decision

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

Noting their Policy and the medical evidence presented to them, Members did not consider that they could make an exception to their Policy in this case. The application for renewal was therefore refused.

Chair's Signature