

**Bristol City Council**

**Minutes of a Meeting of the  
Public Safety and Protection Sub-Committee A  
held on 29<sup>th</sup> July 2014 at 11.00 am**

P Councillor Jay Jethwa (part)  
P Councillor Mike Langley  
A Councillor Tim Leaman  
P Councillor Estella Tincknell (in the Chair)

**PSP**

**50.7/14 Apologies for Absence and Substitutions**

Apologies were received from Councillor Leaman.

**PSP**

**51.7/14 Declarations of Interest**

None were received.

**PSP**

**52.7/14 Public Forum**

A statement was received from the NTA and a copy of the statement is contained in the Minute Book.

**PSP**

**53.7/14 Consideration of the Suspension of Committee Procedure Rules (CMR 10 and 11) Relating to the Moving of Motions and Rules and 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**

**54.7/14 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 1 of Schedule 12A to the Act, as amended.**

**PSP**

**55.7/14**

**Application for the Grant of a Private Hire Vehicle Licence - SHM (Agenda Item No. 6)**

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

To consider an application for the grant of a Private Hire Vehicle Licence.

SHM was in attendance and his vehicle was parked outside.

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

The Licensing Officer introduced the report and summarised it for everyone. In particular she explained that SHM was asking the Committee to make an exception to its Policy on the Licensing of Private Hire Vehicles - the vehicle is beyond the age limit when a Private Hire Vehicle Licence would normally be granted.

SHM put his case and answered questions highlighting the following:

- He bought the vehicle without being aware of the Policy; it has low mileage (26k miles) and a full service history; it has been used for the transport of disabled children
- He does not want to do Hackney Carriage work, but instead executive type hire
- The vehicle has not passed the required cosmetic test but has a current MOT Certificate

The Members of the Committee went outside to inspect the vehicle.

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

The details of the Committee's findings and reasons for the decision are set out below.

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

Members noted that should they decide to grant an exception to their Policy they must be satisfied that the exception is justified.

Members noted that the vehicle is in very good condition and considered that it would be suitable for the type of work the applicant wants to use it for. They therefore agreed to make an exception their Policy and grant a licence subject to the vehicle passing the required cosmetic test.

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

**Resolved - that SHM be granted a Private Hire Vehicle Licence for LN09 0YW subject to the vehicle passing the required cosmetic test.**

**PSP**

**56.7/14**

**Application for the Grant of a Hackney Carriage Driver's Licence and a Private Hire Driver's Licence - AI** (Agenda Item No. 7)

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

To consider whether to grant a Hackney Carriage Driver's Licence and Private Hire Driver's Licence.

AI 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. In particular she summarised the reasons for this matter being brought before Members – a Disclosure and Barring Check revealed that AI received a Caution on 12<sup>th</sup> July 2012 for soliciting a prostitute in a street/public place.

AI put his case and answered questions highlighting the following:

- He drew the Committee's attention to the letter he submitted
- He was working as a Hackney Carriage Driver with his light on when he was flagged down by a woman; he thought it was a genuine fare but he was subsequently stopped by the Police and told that she was a prostitute
- He regrets accepting the Caution; he was given general advice by a solicitor but then found out it was too late for the Caution to be revoked
- He confirmed that he had been on the Change Course
- He summed up his case

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

The details of the Committee's findings and reasons for the decision are set out below.

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

Members noted that should they decide to grant an exception to their Policy they must be satisfied that the exception is justified.

Members noted that they could not go behind the Caution. However, having heard the version of events put by AI, they did not consider that they could come to a conclusion about the incident without hearing the Police version of events.

They therefore decided to adjourn the case pending receipt of the Police version of events so that they are able to come a conclusion about the case. AI should make a written request to the Police under Data Protection for the release of all the paperwork relating to his case. The Committee can then reconvene and come to a conclusion.

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

**Resolved - that the case be adjourned pending receipt of the Police version of events so that the Committee can come a conclusion about the case; AI should make a written request to the Police under Data Protection for the release of all the paperwork relating to his case; the Committee can then reconvene and come to a conclusion.**

**PSP**

**57.7/14**

**Renewal of a Private Hire Driver's Licence - JS** (Agenda Item No. 8)

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

To consider whether to renew a Private Hire Driver's Licence.

JS was in attendance, accompanied by his father.

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

The Licensing Officer introduced the report and summarised it for everyone. It was noted that paragraph 3 should be removed from the report. In particular she summarised the reasons for this matter being brought before Members – a Disclosure and Barring Check revealed that JS received a Caution on 6<sup>th</sup> January 2014 for soliciting a prostitute in a street/public place.

JS put his case and answered questions, assisted by his father, highlighting the following:

- He is really embarrassed by the incident and deeply regrets it; he did not realise the seriousness of the situation
- He pleaded not guilty and has not been on the Change Course
- The circumstances of the offence were that he was going through a bad patch; it was at 02.00; he picked up a woman from the street on Fishponds Road; then he changed his mind and dropped her off in Greenbank; he did not charge her a fare; the Police pulled him over 10 minutes after the drop off; they took a statement but did not believe his story
- He summed up his case

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

The details of the Committee's findings and reasons for the decision are set out below.

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

Members noted their Policy and the circumstances of the offence. They noted that this was quite a recent offence and they were not convinced that he is fit and proper person to hold a Private Hire Driver's Licence. Members therefore decide to refuse the application.

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

**Resolved - that the application from JS for a Private Hire Driver's Licence be refused as he has not convinced the Council that he is a fit and proper person to hold such a licence.**

(Councillor Jethwa left the Meeting at the end of this item.)

**PSP  
58.7/14**

**Application for the Grant of a Private Hire Driver's Licence - ABK (Agenda Item No. 9)**

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

To consider whether to grant a Private Hire Driver's Licence.

ABK 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. In particular she summarised the reasons for this matter being brought before Members – a Disclosure and Barring Check revealed that ABK received a Caution on 3<sup>rd</sup> December 2012 for

soliciting a prostitute in a street/public place. A DVLA check revealed an offence coded MS90 (failure to give information as to the identity of a driver, etc).

ABK put his case and answered questions highlighting the following:

- He drew the Committee's attention to the two letters he submitted explaining the circumstances of each offence
- The soliciting offence took place during the night; he was talking to a woman who seemed to be interested in him; the Police were watching him and arrested him; he accepted a Caution
- He has been on the Change Course and found it very useful - he has learnt from it
- He has apologised to his family and girlfriend
- The MS90 offence was down to his lack of organisation
- He has learnt from both offences
- His girlfriend would have attended today but she is at work
- He summed up his case

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

The details of the Committee's findings and reasons for the decision are set out below.

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

Members noted that should they decide to grant an exception to their Policy they must be satisfied that the exception is justified.

Members noted that the soliciting offence was an isolated offence, the mitigating circumstances, that he has attended a Change Course, that the offence was nearly 20 months ago and that he received a Caution not a Conviction.

It was noted that MS90 is a Minor traffic Offence and that he pleaded guilty.

Members therefore agreed to make an exception to their Policy and grant a Private Hire Driver's Licence to ABK as he has convinced them that he is a fit and proper person to hold such a licence.

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

**Resolved - that a Private Hire Driver's Licence be granted to ABK as he has convinced the Council that he is a fit and proper person to hold such a licence.**

#### **Date of Next Meeting**

**Resolved – that the next meeting will be held on 2nd September at 10.00 am and may be a meeting of the Full Committee followed by a Meeting of Sub Committee B.**

(The meeting ended at 1.45 pm.)

CHAIR