



Agenda Item No: 4 (m)

Bristol City Council
Minutes of the Public Safety and Protection
Committee (Sub-Committee A)
Tuesday 28 April 2015 at 10 am

Members

(P) Councillor Tincknell (Chair), (P) Councillor Langley, (A) Councillor Leaman,
(P) Councillor Jethwa

Officers in attendance:-

Wayne Jones Licensing Enforcement Officer, Carl Knights Licensing Team Leader,
Ashley Clark Regulatory Lawyer, Steve Gregory Democratic Services

1 Apologies for absence

Apologies were received from Councillor Leaman.

2 Declarations of interest

None declared

3 Public forum

None received

4 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 committee rules relating to the moving of motions and the rules of debate (CMR 10 and 11) be suspended for agenda items 6,7,8,11,12,13 (excluding agenda item 9).

5 Conviction of a Private Hire Driver's Licence – KA (Agenda item no. 6)

The Committee was asked to consider whether any action was required as a result of a court conviction for not transporting a blind/visually impaired customer in accordance with current regulations, since the grant of a private hire driver's licence as detailed in the exempt report.

KA and associated representatives emphasised the following points in defence of the proposed action –

- The customer had a dog but it did not have the formal markings that guide dogs were supposed to wear eg, high viz vest and harness;
- As a result of this KA contacted the Controller and was advised that no notification had been given that the customer was a blind/visually impaired person or that a guide dog would be present and so he was sent immediately to another job leaving the customer at that point;
- KA had been employed for three years and no complaints had been received about any other incidents in that time;
- KA accepted that a serious mistake had been made but that the Controller was also partly to blame as records were held about which customers were disabled and should have advised KA accordingly;
- KA had expressed regret about the incident and confirmed that he would never knowingly leave a disabled customer unattended;
- KA explained he had pleaded guilty to the offence because he had been advised to by his lawyer but was now appealing against the decision of the court as he felt he had been given the wrong advice;
- KA had attended equality training but it was felt that the focus had been too much on awareness rather than a more practical course emphasising the needs of blind/visually impaired people;
- KA confirmed that he would strongly welcome the opportunity to attend a better blind/visually impaired related training course to improve service to customers;
- The Committee was advised that in respect of animals being carried the driver had discretion over whether or not to carry them, the exception being a registered disabled guide dog which was clearly marked as such. On this occasion the dog had not been clearly identified and the advice from the Controller to move on to the next job had played a pivotal role in what happened.

Having considered all the evidence before them the Committee -

Resolved –

- (i) That the KA's private hire driver's licence not be revoked;**
- (ii) That KA must check directly with any customer their status and not assume a customer was not blind or visually impaired;**
- (iii) That KA must remain aware of his duty to protect vulnerable people which included blind/visually impaired people;**
- (iv) That KA attends bespoke training in respect of blind/visually impaired people. The training to be arranged within two weeks of the date of this meeting and the Licensing Team be formally informed that this had been done.**

6 Application for the renewal of a Private Hire Driver's Licence – MG (Agenda item no. 7)

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

The Licensing Officer advised Members that the Applicant would not be able to attend the Meeting and requested a deferment of consideration for this application.

Resolved - that consideration of this application be deferred until a future meeting of the Committee.

7 Application for the Grant of a Hackney Carriage Driver's Licence - JM (Agenda item no. 8)

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

The Committee was asked to consider the granting of a Hackney Carriage Driver's Licence to a former Hackney Carriage Driver who had been formally cautioned two sexual offences, as detailed in the exempt report.

JM, and associated representatives in support of the Application, emphasised that he was very sorry for what had happened and that the subsequent upset, shame and pressures put on the family would ensure that this would never happen again. It was confirmed that JM

had since attended a Change Course run by the Avon & Somerset constabulary as a condition of the formal caution to discourage re-offending. It was strongly confirmed that the Course had achieved a positive and significant impact on JM.

The Committee was also informed by a representative of JM that there had been only one formal caution and not two as illustrated in the exempt report and that this could be verified by contacting the appropriate Police Officer.

Having considered all the evidence before them the Committee -

Resolved - that consideration of the Application be adjourned pending confirmation of the number of formal cautions that JM had been given with regard to the two cases referred to in the exempt report and that a further report be brought back to the next appropriate meeting of the PSP Committee.

8 Application for the Grant of Street Trading Consent at lower end of Park Street next to College Green and City Hall building Bristol – Fresh Range (Agenda item no. 9)

(Held in open session)

The Committee noted that the Applicant had applied to sell the following goods:

- 1 - Fresh cheese, deli products, fish and seafood, fruit, meat and poultry, dairy, eggs, salad and herbs, vegetables;
- 2 - Store cupboard items such as confectionery, cereals, chocolate, cooking ingredients and sauces, crisps, snacks, nuts, seeds, flour and home baking products, jams, honeys and spreads, rice, pasta, noodles and pulses, tins and cans;
- 3 - Household products;
- 4 - Ready meals, fresh and frozen;
- 5 - Bakery products - breads, pastries, cakes;
- 6 - Drinks, juices, tea, coffee, water, ales and ciders;

Opening hours would be 0700 to 2200 Monday to Saturday and 0900 to 2200 Sunday.

Further details in respect of consultation, letters of support/objection and dimensions/location/operation of the business unit were as detailed in the Committee report and Appendices.

The Committee asked detailed questions about how the business would operate and arising from the ensuing discussion -

Resolved - that the Application be not granted for the following reasons –

(i) The location was not suitable having regard to the requirement to reinforce the pavement, difficulty with parking and access to the site, congestion due to van deliveries, being too close to nearby bus stops with associated public safety implications;

(ii) The dimensions of the business unit were considered too large particularly having regard to the operation of the existing coffee vendor business already on the site.

(Councillor Jethwa left the meeting at this point)

9 Application for the Grant of a Private Hire Vehicle Licence seeking departure from Bristol City Council Policy – AS (Agenda item no. 11)

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

(An inspection of the vehicle was carried out by the Committee Members prior to consideration of the Application)

The Committee was advised that on 13 March 2015 the vehicle underwent the Council's mechanical condition/roadworthiness and cosmetic test and had passed the mechanical aspect of the required tests but failed the cosmetic aspect due to the vehicle having tinted windows in the rear windscreen and rear passenger windows with only 22% of light being transmitted through the tinted windows against the required 70%. In addition the rear bench seat in the vehicle, designed for three passengers, measured 45 inches at its widest point. This provided a width of 15 inches per passenger at the widest point. Members were advised that the Council's Private Hire Vehicle Specification with regard to the width of seats within a vehicle sets a minimum of 16 inches per passenger at the widest point.

AS emphasised the following points in support of the request for departure from Council Policy –

- The vehicle was purchased from Japan so was not fully aware of the amount of tinting in the windows;

- A full commitment was given to change the tinted windows to comply with Council Policy as soon as possible;
- At the time of purchase was not aware of the amount of light that was required to be let through ie, 70%;
- There was an urgent need to operate the vehicle as finance had been borrowed and it was essential that money was earned from the vehicle as soon as possible.

Having considered all the evidence before them the Committee -

Resolved - that the Application to depart from Council Policy be refused as the 22% light transmission through the tinted windows in the rear windscreen and rear passenger windows was a long way from the required 70% with consequent significant risk to public safety.

10 Application for the Grant of a Private Hire Vehicle Licence Seeking departure from Bristol City Council – YH (Agenda item no. 12)

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

(An inspection of the vehicle was carried out by the Committee Members prior to consideration of the Application)

The Committee was advised that on 12 March 2015 the vehicle underwent the Council’s mechanical condition/roadworthiness and cosmetic test and had passed the mechanical aspect of the required tests but failed the cosmetic aspect due to the vehicle having tinted windows in the rear windscreen and rear passenger windows.

YH and a representative emphasised the following points in support of the request for departure from Council Policy –

- The business was seeking to improve its status by using higher specification vehicles and employing good quality local drivers;
- It was understood that executive vehicles would be exempt from the tinted window policy and not realised that it would apply in this particular case as other operators appeared to use the same vehicles and were exempted;
- Removing the tinted windows would be costly, uneconomic and would devalue the vehicle;
- Safety would not be compromised as full details of all customers were kept and the vehicle hire did not pick up passengers from the streets.

The Committee was advised that for a vehicle to be exempted a specific Executive Vehicle Licence was required and this depended on the specification and overall quality of the vehicle. A same or similar model might be significantly different in terms of what it offered to the customer.

Having considered all the evidence before them the Committee -

Resolved - that the Application to depart from Council Policy be refused as the tinted windows in the rear windscreen and rear passenger windows were very dark and reflective with consequent significant risk to public safety.

11 Application for the Grant of a Private Hire Operator's Licence – TP (Agenda item no. 13)

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

The Committee was advised that -

The Applicant had applied for the grant of a PHO Licence on 23 September 2014. A licence was issued but was not valid as it was issued incorrectly. The Application had been submitted in the name of a limited company but the PHO licence was issued to Mr T P-H, a director of the company. As the licence did not correspond with the application submitted it was not valid.

Prior to a licence being issued which did correspond with the application submitted information was received from the Metropolitan Police that Mr T P-H had been convicted on 18 September 2014 for not holding a valid PHO licence and PHD licence after being stopped during an operation at Heathrow Airport.

A further application for PHO licence was submitted on 10 December 2014 due to information about the convictions being absent from the original Application.

Having considered all the evidence before them the Committee -

Resolved – That the Application for a PHO Licence be granted.

12 Application for the Grant of a Private Hire Drivers Licence – TP (Agenda item no. 13A)

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

The Committee was advised that -

The Applicant had applied for the grant of a new PHD licence on 16 October 2014. The Committee acknowledged that it would need to depart from its policy if it granted the PHD licence.

Having considered all the evidence before them the Committee -

Resolved –

That the Application for a PHD Licence be granted subject to the following fit and proper tests -

- (a) Driving Standards Agency driving test;**
- (b) Gold Standard Taxi Driver Training Programme;**
- (c) Knowledge Test;**
- (d) Group 2 Medical Examination Report;**
- (e) DVLA Mandate.**

CHAIR

(The meeting ended at 4.45 pm)