



Agenda Item No: 4 (i)

Bristol City Council Minutes of the Public Safety and Protection Committee

Tuesday 10 March 2015 at 10.00am

Members Present:-

Councillor Lovell (Chair), Councillor Pearce, Councillor Morris

Officers in Attendance:-

Allison Taylor, Carl Knights, Elaine Kale

1. Apologies for Absence

None received.

2. Declarations of Interest

None.

3. Public Forum

None.

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, 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.

5. Report of an application for the renewal of a Hackney carriage Driver (HCD) licence.

The Sub-Committee noted that the applicant was represented by a Solicitor.

The Licensing Officer made the following comments:-

- When submitting his application, the applicant declared that he had a conditional caution for the offence of 'solicit another for the purpose of obtaining their sexual services as a prostitute in a street/public space';
- There had been no complaints recorded on the applicant's file;
- Reference was made the Council's policy on indecency offences and it was noted that such offences were particularly seriously treated with a period of between 5 and 15 years conviction free since the offence generally required before a licence could be granted.

The applicant's legal representative made the following comments:-

- It was accepted that the policy was clear on such convictions and that a significant abstinence from such activities would potentially warrant a grant of a renewal licence. He wished to persuade members that they could depart from this position;
- He understood that safety of the public was the overriding consideration for members but that there was some discretion if the incident was isolated and there were sufficient mitigating circumstances;
- The offence took place in April 2013 and since then there had been no other offences;
- The applicant was married with four children and at the time of the incident there had been a separation from his wife and he had been living with various friends over an 8 month period. He had been a taxi driver since 1993 and a Hackney Cab driver since 2004 without incident;
- He had also been experiencing money problems from credit card bills;
- At the time of the incident, he had been parked outside a 24 hour shop and was approached from the car window by a female initially asking for a cigarette and then asking whether the applicant wanted 'business'. He agreed and on driving off spotted the CID and dropped the female off further along the road. On attending, the Police arrested him and he was offered and accepted a conditional caution and attended a change programme rehabilitation course;
- The applicant recognised what he did and would ensure it never happened again.

The applicant added that this was the first time he had acted in this way and had no other job or qualifications. He was extremely apologetic and wished to be able to make a living.

The Sub-Committee's Legal Advisor stated that the Sub-committee was not bound by previous similar cases as it treated the circumstances of each application on its own merits.

There was no sum up.

RESOLVED - that the application to renew be refused for the following reasons:-

- **The Sub-Committee noted that this was an isolated incident but the circumstances of a marriage breakdown, debt and the applicant dropping off the female and therefore not proceeding with the service were insufficient to mitigate the offence and permit departure from the policy. By reason of the conditional caution for an offence of section 51A Sexual Offences Act 2003, the applicant was not a fit and proper person to hold a hackney carriage driver's licence and this was reasonable cause to refuse to renew the licence pursuant to section 61 (1) (b) local Government (Miscellaneous Provisions) Act 1976.**

The Sub-Committee noted that the door was still open to re-apply but would expect a longer period being conviction free before reapplication.

CHAIR

(The meeting ended at ???pm)