

Bristol City Council

**Minutes of a Meeting of the
Public Safety and Protection Sub-Committee A
held on 1st July 2014 at 11.00 am**

A Councillor Jay Jethwa
P Councillor Mike Langley
A Councillor Tim Leaman
P Councillor David Morris (for Cllr Jethwa)
P Councillor Estella Tincknell

**PSP
25.7/14 Election of Chair and Vice Chair**

Resolved - that Councillor Tincknell be elected Chair and Councillor Langley be elected Vice Chair for the Municipal Year 2014/15.

**PSP
26.7/14 Apologies for Absence and Substitutions**

Apologies were received from Councillor Jethwa, substitute Councillor Morris, and Councillor Leaman.

**PSP
27.7/14 Declarations of Interest**

Referring to Agenda Item No. 11, Councillor Tincknell stated that she lives near the proposed site but has no knowledge of the applicant.

**PSP
28.7/14 Sub-Committee Terms of Reference**

Resolved - that the Terms of Reference agreed at the Annual Meeting of the Public Safety and Protection Committee held on 1st July 2014 be noted.

**PSP
29.7/14 Public Forum**

Nothing was received.

PSP
30.7/14

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
31.7/14

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
32.7/14

Application for the Grant of a Private Hire Driver's Licence - MB (Agenda Item No. 8)

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

To consider an application for the grant of a Private Hire Driver's Licence.

MB 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. In particular she summarised the reasons for this matter being brought before Members – MB has asked to be exempted from taking the Knowledge Test because the nature of the work he will be undertaking.

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

- His primary responsibility is to run the company's office, however he sometimes has to move cars between locations and/or take cars to be refuelled
- The company only does pre-planned work, usually long distances, for instance to and/or from London
- He has a good knowledge of Bristol and the surrounding areas
- He has no intention of being a taxi driver; his job is to run the company and attract new clients
- The company is a high end executive which only takes specialist bookings
- His father is frequently out of the country on business
- If MB left the company he offered to surrender his badge but it was noted that this is not enforceable
- 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 company is a high end business which only does specific journeys over pre-planned routes. Members noted that many of the journeys MB would be undertaking would be passenger free and only involve delivering and collecting licensed vehicles. Members were satisfied that, taking this case on its merits, that this was a case where they could depart from their policy, given the unique reasons for the request. They therefore agreed to allow an exception in this case.

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

Resolved - (i) that MB be granted an exemption from being required to take the Knowledge Test; and

(ii) that Officers be delegated to issue a Private Hire Driver's Licence to MB subject to him passing the other parts of the fit and proper test.

**PSP
33.7/14**

Conviction of a Private Hire Driver - RAC (Agenda Item No. 9)
(Exempt paragraph 3 – Information relating to person's financial or business affairs)

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

RAC was in attendance accompanied by wife.

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 – RAC was convicted on 3rd April 2014 of unlawfully plying for hire and having no insurance.

RAC confirmed that he does not require an interpreter.

RAC put his case and answered questions, assisted by his wife, highlighting the following:

- He is very sorry for what he has done and has not worked for 3 months
- He is very hard working and had no knowledge of English before he came to this country
- Before he was a taxi driver he worked in a restaurant
- He accepts that at his trial he lied and is very sorry for doing that

- He has never driven dangerously and is not a danger to the public
- He realised he had broken the law when he was asked for a receipt and told the passengers that they did not have to pay him
- He will not break the law again and wants a second chance
- He confirmed that he had read the Conditions on the back of his Licence
- 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 RAC has already been unable to work as a taxi driver for 3 months. They also noted that RAC was very sorry for the offences and demonstrated a very remorseful attitude. They therefore agreed to make an exception to their Policy and renew his licence.

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

Resolved - that RAC be granted a renewal of his Private Hire Driver's Licence as he is a fit and proper person to hold such a Licence.

**PSP
34.7/14**

Application for the Grant of a Hackney Carriage Driver's Licence - LH (Agenda Item No. 10)

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

business affairs)

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

LH was in attendance accompanied by son.

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 – LH has requested an exemption from being required to undertake the Knowledge Test and the DSA Test.

LH put his case and answered questions, assisted by his son, highlighting the following:

- He travelled to Pakistan to deal with a land dispute and whilst there, became very ill and had to extend his stay as he was not fit to travel. Upon his return to the UK he had an operation and has been recovering. He is now much better, Had he been in the UK, he could have simply renewed his licence but now, because of the time elapsed and changes in legislation, he must reapply and take all the tests again,
- He has been a taxi driver for 35 years and has also run a taxi company
- He considers that he has sufficient local knowledge to not be required to take the Knowledge Test. He pointed that that because he was unable to renew or forgot to renew his badge does not mean he had forgotten everything he knew previously During his 35 year career as a driver.
- He has a good record of driving and considers that he does not need to take the DSA Test
- Although he passed a medical test in May 2014, he still has to take the exercise or other functional test
- He only intends to work 3 to 4 hours per day during the day

- 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 had LH not been out of the country he would not have been required to appear before the Committee. They also noted that he has been a taxi driver for 35 years and has an exemplary record. It was also noted that he has taken the previous version of the Gold Standard. They therefore agreed to allow LH to have an exemption from being required to undertake the Knowledge Test and the DSA Test. They noted that he must still pass the exercise or other functional test.

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

Resolved - (i) that LH be exempted from being required to undertake the Knowledge Test and the DSA Test; and

(ii) that Officers be delegated to issue a Hackney Carriage Driver's Licence to LH subject to him passing the exercise or other functional test.

The following was considered in Open (Non Exempt) Session

PSP

35.7/14

**Application for the Grant of Street Trading Consent at Plaza Outside St Johns Court, Whiteladies Road, Bristol, BS8 2QY
Applicant: Mr Patrick Grant-Sturgis
Proposed trading name: Roasted Rituals Coffee**

To determine an application for the grant of a Street Trading Consent.

PG-S was in attendance accompanied by his wife.

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

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

PG-S and his wife put their case and answered questions highlighting the following:

- It is an independent company launched in 2012
- Their coffee is sourced ethically and sustainably; they are passionate about coffee and committed to quality; they have met a number of the farmers who supply them and they have worked in trade for a long time
- They want to sell fresh coffee to their customers including speciality varieties
- They live locally and like the pitch
- Although Whiteladies Road has a lot of coffee outlets this is their primary product and they will be selling filtered coffee and roasted beans which can also be pre-ordered; their coffee is picked by hand and packaged by hand; their beans come from a number of different countries
- They roast their coffee at a premises in Hengrove where they pay rent and rates
- They sell coffee to restaurants and other outlets, although not to any in Whiteladies Road; they also trade online
- They will provide litter and the cups will be degradable
- They have hygiene facilities on the van have recently been awarded 4 out of 5 for hygiene; it was confirmed that they have passed Environmental Health Level 1
- They summed up their 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 considered that the applicants are suitable – they have long experience in the trade. They noted that they will be selling a unique product. They also noted that they addressed the concerns raised by objectors. They therefore agreed to grant a Consent.

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

Resolved - that Patrick Grant-Sturgis be granted a Street Trading Consent to trade at Plaza Outside St John's Court, Whiteladies Road - Monday to Friday 08.00 to 16.00, subject to the Conditions at Appendix A of the report.

Date of Next Meeting

Resolved – that the next meeting will be held on Tuesday 15th July 2014 at 10.00 am and is likely to be a meeting Sub Committee B.

(The meeting ended at 2.20 pm.)

CHAIR