



Agenda Item No:4

Bristol City Council

Minutes of the Public Safety and Protection Committee (Sub-Committee A)

Tuesday 13 October 2015 at 10.00am

Members

(P) Councillor Eileen Means, (P) Councillor Claire Hiscott, (P) Councillor Hance.

Officers in attendance:-

Kate Burnham-Davies (Regulatory Lawyer), Carl Knights (Senior Licensing Officer), Allison Taylor (Democratic Services Officer)

1. Apologies for Absence

There were none.

2. Declarations of interest

There were no declarations of interest.

3. Public Forum

It was noted that no Public Forum items had been received.

4. Minutes – PSP Sub-Committee A – Tuesday 9th August 2015

Resolved – that the minutes of the above meeting be approved as a correct record and signed by the Chair.

5. Consideration of the Suspension of Committee Procedure Rules (CMR10 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 all subsequent Agenda Items.

Exclusion of the Press and Public

Resolved – that under Section 11A (4) of the Local Government Act 1972, the public be excluded for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act, as amended.

6. Mr Piush Tailor – expired hackney carriage 46.

The Committee agreed to adjourn this item.

7. Application for the grant of a street trading consent at pavement area outside of car park, Redcliffe Street, Bristol.

It was noted that Councillor Shah was in attendance to support the applicant.

The Chair made introductions and outlined the procedure.

The Licensing Officer summarised the report. The Sub-Committee noted that the objections were summarised in Appendix D.

The applicant made the following comments:-

- He wished to operate on the pavement area outside the car park on Redcliffe Street between 07:00 and 15:00 hours Monday to Saturday selling falafel, hummus, kidney beans and vine leaves. He wished to sell healthy foods and not the usual burgers and chicken;
- He would leave his trailer by the fences at 4/5am and tow it back at 5/6pm. He would leave his car in the car park near the trailer.

At this point, it became clear that the images provided were not the trailer the applicant planned to use.

On reconvening after an adjournment, the Sub-Committee resolved to adjourn the hearing to the next meeting on 17 November so that a decision could be made based on sight of the images of the trailer to be used.

Resolved – that the application be adjourned to the meeting on 17 November 2015.

8. Exclusion of the Press and Public.

Resolved - that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the consideration of the following item, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 Part I of Schedule 12A to the Act (as amended).

9. Report of an application for the grant of a private hire driver licence. – CC

The Chair made introductions and outlined the procedure.

The Licensing Officer summarised the report. The Sub-Committee noted that it needed to be content that the applicant was a fit and proper person to depart from their policy based on the facts of the application.

The applicant made the following comments :-

- He had been offered a job as a chauffeur with some bodyguard work also. There would be very little work in the Bristol area. 80 % of work would be around central London, as well as Birmingham and Manchester;
- He had no interest in being a taxi driver in Bristol and therefore had no need to take the knowledge test.

The Sub-Committee's legal advisor stated that granting the Private Hire Driver licence with the exemption from the knowledge test would, in effect, allow the applicant to become a PH driver. She asked whether the applicant could provide an assurance that he would not do this, though it was understood that such an assurance was not enforceable. The applicant was happy to provide that assurance.

The parties withdrew from the room.

Resolved - the Sub-Committee was satisfied that the applicant was a fit and proper person and therefore agreed to depart from the policy, subject to the applicant's assurance that his work would be primarily outside of Bristol.

Reasons :-

- The Sub-Committee was satisfied, after hearing from the applicant, that the work he would be undertaking would be chauffeur work primarily outside of Bristol;
- They noted the assurance given that he had no intention of working as a PH driver in Bristol.

10. Report of an application for the grant of a private hire driver licence – VR.

The Chair made introductions and outlined the procedure.

The Licensing Officer summarised the report. The Sub-Committee noted that it needed to be content that the applicant was a fit and proper person to depart from their policy based on the facts of the application.

The applicant made the following comments:-

- The applicant had been working since January 2015 as a chauffeur for a private individual;
- He had no short term plans to leave this job but had long term plans to run his own business offering a premium service.

The Sub-Committee's legal advisor stated that granting the Private Hire Driver licence with the exemption from the knowledge test would, in effect, allow the applicant to become a PH driver. She asked whether the applicant could provide an assurance that he would not do this as part of his longer term plans, though it was understood that such an assurance was not enforceable. The applicant was happy to provide that assurance.

The parties withdrew from the room.

Resolved - the Sub-Committee was satisfied that the applicant was a fit and proper person and therefore agreed to depart from the policy, subject to the applicant's assurance that any future plans he had for his business would not take place in Bristol.

Reasons :-

- The Sub-Committee was satisfied that the applicant was currently working for a private individual as a chauffeur primarily outside of Bristol;
- They noted the assurance given that he had no intention of working as a PH driver in Bristol as part of his long term business plans.

11. Report of an application for the grant of a private hire driver licence – ARB.

The Chair made introductions and outlined the procedure.

The Licensing Officer summarised the report. The Sub-Committee noted that it needed to be content that the applicant was a fit and proper person to depart from their policy based on the facts of the application.

The applicant made the following comments:-

- The applicant had sat the knowledge test 3 times, and had failed by one point on the last occasion;
- He wished to highlight some mistakes in the test which he believed had cost him his pass;
- He had been awarded 2 marks on review. The Licensing Policy Officer confirmed that there was no additional mark when an answer previously marked as correct was identified by the applicant as being factually incorrect ie. the answer itself was wrong. In such cases the question was altered on the test to be factually correct but no additional mark was credited. There could only ever be one mark awarded per question in the test;
- He wished to query the question 'Bloomfield Road can be found primarily in which district ?' the answers were ' Brislington, St Annes, Broomhill and Knowle. The correct answer was Brislington but he had answered Broomhill. He argued that part of Bloomfield Road could be found in Broomhill;
- He also queried question 6 regarding the shortest route to a particular destination as a roundabout had now been changed into signals. The Licensing Policy Officer confirmed that the routes he had given were not the shortest routes and the test's correct answer was the shortest route;
- The Licensing Policy Officer confirmed that the 2002 policy on knowledge tests fails being referred to Committee would not be applied and that the applicant was entitled to retake his test.

The parties withdrew from the room.

Resolved - The Sub-Committee was not satisfied that the applicant was a fit and proper person without successfully completing the knowledge test and therefore refused to depart from their policy.

Reasons:-

- With respect to Question 6, the maps had been checked on Google for the quickest route and this was the answer expected in the test. The Sub-committee could not make a judgement further on that;
- With respect to Question 10, Bloomfield Road was very close to Broomhill but was in fact in the wider Brislington area. This question had therefore been incorrectly answered. The Sub-Committee did however accept that the question was somewhat ambiguous;
- The Sub-Committee appreciated the applicant must be disappointed but recommended taking the test again as soon as possible.

12. Date of Next Meeting

It was noted that the next meeting would be a meeting of Sub-Committee B at 10am on Tuesday 17 November 2015.

(The meeting ended at 2.50pm)

CHAIR